

LAW AND JUSTICE COMMITTEE



Left to right: Bill Brundies, Lorena Gragg, Jo Ann Miller, Nick Costa (Chair), Jim Cook, Karen Page, Fran Fowler (missing: Joe Massaro)

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LAW AND JUSTICE COMMITTEE

The Law and Justice Committee was responsible for oversight and investigation, where necessary, of the following San Bernardino County departments:

- Coroner/Public Administrator/Public Guardian
- District Attorney
- Probation
- Public Defender
- Sheriff

The committee began its term on July 1, 2004 and, at that time, the County organization included the above-named departments. On January 8, 2005 the Board of Supervisors directed reorganization of the Coroner/Public Administrator/Public Guardian Department. The elected Coroner position was dissolved and the Coroner function was assigned directly to the Sheriff, establishing for the first time the position of Sheriff-Coroner. At the same time, the Public Administrator function was assigned to the elected Treasurer-Tax Collector and the Public Guardian-Conservator functions went to the Department of Aging and Adult Services.

For the purpose of continuity through the end of its term, the Law and Justice Committee retained the responsibility of inquiry and investigations of all of those functions.

While all Law and Justice areas were reviewed by the committee, the following reports of findings and recommendations do not include the Probation Department and the Law Office of the Public Defender.

DISTRICT ATTORNEY

GANG UNIT INITIATIVE

BACKGROUND

The District Attorney's Office (DA) represents the interests of the people of San Bernardino County in the criminal justice system, as mandated by State law. Area wise, the County is the largest county in the lower 48 states resulting in the requirement for the DA to be organized into several branch offices to meet the needs of the County's residents.

The District Attorney maintains an organizational structure that includes specialized units to help in protecting the public's safety. These units currently include: Major Crimes, Career Criminal, Special Fraud, Elder Abuse, Truancy, Grand Theft Auto Prosecution, Check Restitution, Public Integrity, Lifer Parole, and Victim Services. Most recently the DA has added a Family Violence Unit.

FINDINGS

Gang violence and gang-related homicides are the #1 crime problem in the County. San Bernardino County has the third largest gang population in California, behind Los Angeles and Orange counties.

The District Attorney has found that the method of "vertical" prosecution by the use of specialized units has yielded the highest conviction rates. Vertical prosecution handles the specialized crimes from start to finish. He has determined a need to develop a unit especially trained to deal with the increasing rate of gang activity and homicides within the County.

There are 287 identified gangs in San Bernardino County as of 2003. These have a total membership of 11,639 members. This number may not be exact as different law enforcement agencies track gang members differently. No standard method exists for counting gang members. Some officials believe that the total is closer to 16,000.

Seventy-five percent (75%) of all gang members are located in the Central Valley region of the County. This region includes the San Bernardino, Colton and Redlands areas. In the City of San Bernardino alone law enforcement has identified 14 Hispanic gangs, 10 Black gangs, four (4) Asian gangs and five (5) White gangs.

The barometer used in measuring levels of gang activity is gang-related homicides. Gang-related homicides in California have increased for the third consecutive year. In 2003, 42 percent of the total San Bernardino County homicides were gang related. San Bernardino County gang-related homicides exceed the State average. Reasons for the increase can be attributed to the following:

- Increase in overall gang population
- Deterioration of gang truces and rising cross-cultural hatred
- Expansion of drug territory
- Arrest of gang leaders, creating power struggles

At the West Valley Detention Center, 21 percent of inmates are gang members awaiting trial or sentencing. Fifty percent (50%) of the inmates at Juvenile Hall are gang members. At the California Youth Authority (CYA), 65 percent are there for gang-related offenses.

The California **S**treet **T**errorism, **E**nforcement and **P**revention Act (**STEP**) of 1988 is located in California Penal Code Section 186.22. STEP is an effective tool used by prosecutors to combat gang violence and gang criminal activity in getting longer sentences for gang members. Through the STEP process a gang is identified, along with its activities, by law enforcement officials. The information is presented to the Court during trial. The gang and its members can be subject to prosecution under the STEP Act. Members of a STEP-qualifying gang can receive enhanced penalties for subsequent criminal gang offenses.

In using STEP enhancement procedures there is an additional burden on the prosecutor in cases where there may be 2-4 defendants. Proving gang enhancements adds several days to an otherwise straightforward trial.

As Deputy DAs become more knowledgeable in using STEP procedures, the more frequently these procedures will be applied to these trials. To date the DA's office has processed approximately 50 County gangs identified under the STEP Act, and had 242 STEP Act criminal filings in 2003.

Presently, a lead Deputy District Attorney (DDA) has been appointed to head the proposed Gang Unit in the central San Bernardino County area. The lead DDA has three prosecutors assigned. There are also three Deputy DAs in Fontana, two Deputy DAs in Rancho Cucamonga and one Deputy DA in Victorville working exclusively on gang-related crime. Gang prosecutors are not supervised by the Central office, but by their present supervision structure.

These Deputy DAs are assigned to prosecute the various levels of gang violence, with the most experienced assigned to prosecute gang-related homicides. The various levels may include, but are not limited to:

- Lower Level: Graffiti, beer runs, injunction violations
- Mid-Level: Auto theft, burglaries, petty theft, carjacking, robberies
- High Level: Murders

The DA needs one additional gang prosecutor at Victorville, along with appropriate staff. Two more prosecutors are needed for the Central and Rancho Cucamonga offices to handle gang-related crimes exclusively.

Additional staff needs to be trained in gang crime prosecution. There has been no formal gang training syllabus available for gang prosecutors. Until recently, all training that was received has been on-the-job training and reading books about gangs. Occasionally, when funds became available, a course offered by the California District Attorney Association's legal training program was attended.

The new lead DDA for Gangs has established an in-house training program. The DDA developed the course material based on years of gang prosecution experience, and instructs the courses. The training is for prosecutors as well as other law enforcement officers. Instruction includes: how to be an expert witness, to write reports, to communicate with victims and their families, to utilize gang enhancement policies, and all things that effect a successful gang prosecution. To successfully prosecute these crimes all law enforcement agencies must be using the same protocol. Training funds are from the department's operational budget.

There is only one gang crime investigator in the Central office and the investigator is shared with the Career Criminal Division. Four more gang investigators are needed. The investigator must identify witnesses or family members that are willing to testify in court or provide information on gang activity. Potential witnesses are frightened and are generally not friendly toward law enforcement. Following the commission of a gang-related incident, police are inundated by calls of activity but can't follow-up on leads and witnesses. The investigator and the gang prosecutor need witnesses in order to prosecute the offenders.

The prosecutor indicated that while gang members might plea bargain non-homicide crimes, they rarely do so when a homicide is the charge. Gang members depend on the intimidation of the witnesses by their gang associates. The District Attorney's proposal for four full-time investigators would mitigate this problem.

Victim Witness Advocates (VWA) have proven to be a valuable tool in prosecution of gang crimes in other counties. They have been successful in working with victims and victims' families in developing confidence to get these witnesses to court. They accompany witnesses to court and perform an essential service in working with those needed to prosecute the case. The introduction of four VWAs to the Gang Unit would enhance successful prosecution.

RECOMMENDATIONS

- 05-118 TAKE IMMEDIATE ACTION TO COMPLETE FORMATION OF A DISTRICT ATTORNEY GANG UNIT.
- 05-119 FUND AND SCHEDULE PROSECUTORS TO ATTEND GANG-RELATED COURSES OFFERED BY THE CALIFORNIA DISTRICT ATTORNEY ASSOCIATION'S LEGAL TRAINING PROGRAM.
- 05-120 ADD OR REASSIGN SUFFICIENT PROSECUTORS, INVESTIGATORS, VICTIM WITNESS ADVOCATES AND CLERICAL/ADMINISTRATIVE STAFF TO THE GANG UNIT.
- 05-121 RECOMMEND THAT ALL GANG PROSECUTORS BE TRAINED IN THE USE OF STEP ACT PROCEDURES.
- 05-122 SCHEDULE ALL DEPUTY DISTRICT ATTORNEYS TO ATTEND MANDATORY IN-HOUSE GANG-RELATED LEGAL TRAINING.

SAN BERNARDINO COUNTYWIDE GANGS AND DRUGS TASK FORCE STRATEGIC PLAN

BACKGROUND

Gangs and gang related activity are the number one crime problem in San Bernardino County. In order to address this issue, the County has organized the San Bernardino Countywide Gangs and Drugs Task Force (GDTF). The membership of the GDTF includes the highest levels of law enforcement agencies, District Attorney's office, State and County community corrections agencies (probation and parole), all levels of education, business, health and welfare, and community based organizations. In 2004, the GDTF completed a two year research study of the County's gang problem and among the conclusions was the development of a Strategic Plan to unify the efforts of all County assets in dealing with the gang issue.

Members of the Grand Jury conducted an inquiry into the status and planned activation of the Strategic Plan by attending GDTF meetings and interviewing the coordinator of the Strategic Plan.

FINDINGS

Prior to formation of the Task Force there were efforts by individual organizations throughout the County to combat gang violence but there was little coordination. There has been a 70 percent increase in gang homicides and no uniform countywide policy to deal with the problem. It was also found that there are numerous community-based services for high-risk children, but none (underlined for emphasis) developed for "gang kids". These children are witnesses to violent gang crime and there is no intervention for this trauma. This is a major loophole.

The Strategic Plan is a work in progress whose goal is "*to reduce the level of gang violence in San Bernardino County*". Officials of the GDTF have expressed optimism that county agencies and everyone involved in the GDTF will use the Strategic Plan and implement the recommendations. If this plan is accepted and implemented, gang crime will go down.

The Plan addresses each of the three divisions of the County: High Desert, West Valley, and Central Valley, where the highest level of gang activity exists. There are six operational factors that are the focus in each of the geographical areas: suppression, intervention, prevention, performance measures, resources and media campaign.

The Strategic Plan will be a non-binding operational agreement for the County departments. Although the Strategic Plan is not considered to be binding on the Board of Supervisors (BOS), the Board is in a position to champion the cause of the Strategic Plan and encourage County agencies to adopt it.

A draft of the completed Strategic Plan is expected soon. The plan will be presented to the executive committee of the GDTF. With approval, the plan will then be presented to the Advisory Committee; then a presentation can be made to the Steering Committee. If the Strategic Plan is approved at this level, the Board of Supervisors will then be in a position to embrace it and offer support and funds.

The Countywide Gangs and Drugs Task Force took the lead in the development of the Strategic Plan. A member of the Probation Department has been the principal author and coordinator of the preliminary draft. This has been accomplished as an additional duty to the officer's normal job responsibilities. Following the anticipated approval of the Strategic Plan, permanent positions will be needed to focus on plan implementation. It has been suggested that the Probation Department support a coordinator position and the Sheriff's Department supply an analyst.

On May 3, 2005, the Board of Supervisors officially declared war on the gangs by approving more than \$4.8 million to the County's Law and Justice Group. This is a welcomed asset to the suppression and prosecution efforts already begun by the Sheriff, District Attorney and Public Defender. Further, the Probation Department will now have the assets to work with partner agencies throughout the County to carry out the intervention and prevention factors that are proposed in the Strategic Plan. This balanced approach of prevention, intervention, suppression is essential to the success of the Strategic Plan.

This acknowledgement of the seriousness of the County's gang problem by the Board of Supervisors at this time is a first step to winning this declared war on gangs. This is not a short-term effort, as one battle or major assault seldom wins wars. Permanent annual budget funding earmarked to these agencies, is needed to sustain a drive that will reduce and ultimately rid the County of this street terrorism that has plagued our communities. The Strategic Plan is the blueprint for that to occur.

COMMENDATION

THE GRAND JURY COMMENDS THE BOARD OF SUPERVISORS ON THEIR ACKNOWLEDGEMENT OF THE SERIOUSNESS AND SUPPORT IN FIGHTING THE GANG PROBLEM IN SAN BERNARDINO COUNTY. THIS IS A POSITIVE STEP TOWARD REDUCING THE COUNTY'S NUMBER ONE CRIMINAL ACTIVITY AND SIMULTANEOUSLY IMPROVING THE IMAGE OF SAN BERNARDINO COUNTY.

RECOMMENDATION

05-123 THE BOARD OF SUPERVISORS ACKNOWLEDGE AND SUPPORT THE STRATEGIC PLAN OF THE SAN BERNARDINO COUNTYWIDE GANGS AND DRUGS TASK FORCE WITH THE FULL WEIGHT OF THEIR POSITIONS.

PUBLIC GUARDIAN AND PUBLIC ADMINISTRATOR

CUSTODY OF FIREARMS

BACKGROUND

The Public Administrator and the Public Guardian/Conservator take possession of estate properties under the direction of the California Probate Code and/or by order of the Superior Court. The Public Guardian is granted conservatorship of those individuals unable to care for their personal needs or who are severely impaired by a mental disorder. The Public Administrator provides administration of the estates of decedents who were residents of San Bernardino County.

Prior to January 8, 2005 the method for taking possession of an estate's firearms, when found, was the same for both Public Guardian and Public Administrator. There was no written policy on handling, securing or storing firearms. Since January 8, 2005 each department has developed a new policy in this regard.

FINDINGS

The Public Administrator has established a policy that no firearms be reintroduced into the community, whenever possible. It is also the policy of the PA that no staff member is to touch or move any firearm found during the estate inventory. Local law enforcement is called to the site to unload and take custody of the firearm. Law enforcement provides a receipt and, in most instances, the firearm will be destroyed within 30 days. If there is an occasion when the ownership of the firearm requires transfer or must be sold as an asset of the estate, the Public Administrator will retain custody of the firearm. The unloaded firearm is then secured in a safe at the Public Administrator's office.

The policy for the Public Guardian includes firearms, ammunition and explosives. The staff is not certified to handle these items when found during a property search. First, the Deputy Public Guardian must determine if the item is in a safe position. If the position is deemed unstable, the item is removed and positioned in a safe manner, pointing away from anyone in the vicinity. Law enforcement is called to confirm the safety of the gun and unload if necessary. Law enforcement then removes ammunition and explosives found at the site. Law enforcement provides receipts for any items removed from the property. Photographs are taken of any items removed by law enforcement and firearms secured by the Public Guardian staff members.

The Public Guardian secures the trigger of the unloaded firearm with a guard and places it in the trunk of the department vehicle. The firearm is then transported to the Public Guardian warehouse for storage in the gun safe. The warehouse has no security cameras and is not connected to any alarm system. The ownership of the firearm is then determined and an appraisal form is sent to the Probate Referee for appraisal. Any firearm with an appraised value under \$300 is destroyed by law enforcement, with approval from the Court. Disposition of firearms valued over \$300 is discussed with the Public Guardian supervisor.

Firearms can pose a public safety threat. It is the opinion of law enforcement that only personnel trained in the handling of firearms should take custody. Every measure should be taken to safeguard the retrieval and retention of firearms to ensure that no firearm is mishandled. All weapons retrieved from an estate should be secured in the property room of the law enforcement agency that has jurisdiction. The importance of safekeeping any type weapon should be paramount.

RECOMMENDATIONS

- 05-124 REQUIRE THAT ONLY LAW ENFORCEMENT PERSONNEL HANDLE AND TAKE CUSTODY OF ALL FIREARMS, AMMUNITION AND EXPLOSIVES FOUND AT ESTATES BY PUBLIC GUARDIAN AND PUBLIC ADMINISTRATOR PERSONNEL.

- 05-125 FORMULATE A POLICY THAT WOULD SECURE ALL FIREARMS, AMMUNITION AND EXPLOSIVES FOUND BY PUBLIC GUARDIAN AND PUBLIC ADMINISTRATOR PERSONNEL, IN THE PROPERTY ROOM OF LOCAL LAW ENFORCEMENT AGENCY.

PUBLIC GUARDIAN-CONSERVATOR

BACKGROUND

The Public Guardian-Conservator is a County position appointed by the Board of Supervisors. The Public Guardian is then authorized by the Superior Court to act as a conservator for those persons who are not able to manage their own affairs (conservatee).

The Public Guardian takes possession of personal properties as part of the fiduciary responsibilities. These responsibilities are regulated and detailed in the California Probate Code and Welfare and Institutions Code as well as the Superior Court. The Public Guardian is entrusted with the personal and real property of the conservatee until such time these properties are transferred or sold at the behest of the Superior Court. Personal property is stored in the departmental warehouse in San Bernardino.

In January 2005 the Director of the Department of Aging and Adult Services (DAAS) was appointed the Public Guardian-Conservator. DAAS will maintain all properties currently stored in the warehouse. This warehouse is shared by the estate properties under the jurisdiction of the Public Guardian as well as the Public Administrator.

Members of the Grand Jury visited the warehouse in September of 2004 and again in March of 2005.

FINDINGS

When an individual is placed on conservatorship, the residence of the individual is entered and reviewed. Any valuables that can be transported easily such as cash, deeds of trust and jewelry, are inventoried and taken to the Public Guardian's department and placed in one of two safes. There are always two Deputy Public Guardians present to ensure double custody. The rest of the possessions are also inventoried and photographed. The warehouse attendants are then sent to the residence to photograph, pack and transport the remaining property to the warehouse. There are no digital cameras available in the warehouse and the attendants must borrow one from a Deputy Sheriff each time it is needed. The use of the camera is limited to when it is available from the Deputy Sheriff.

The warehouse has no security cameras or County alarm system in use. Upon entering, a bell rings. All guests are required to sign an entry log.

There is no division in the warehouse separating the Public Guardian and the Public Administrator properties. The estates are stored in "lots". The personal property in these "lots" is stacked on the concrete floor. No uniform boxes are used. The property "lots" are divided by clear plastic sheets, cardboard or Masonite, with no standard size.

The personal estate items are stacked higher than the dividers. The department has recognized that these properties could become commingled as property lots are moved or during an earthquake.

Property lots are now identified only with the conservatee's identification number taped on the various items in the lot. The Public Guardian indicated a bar code system would be more efficient to identify and track the individual items in each "lot", but this plan has not been implemented.

The inventory sheets are kept in the warehouse office. There is no software program used to track the conservatee's property. Policy requires inventory sheets must always have two signatures (initials) to follow the double custody rule. A random check of inventory sheets during both warehouse visits by the Grand Jury showed only one signature instead of the required two.

Personal documents and papers with sentimental value are retained in the warehouse indefinitely. These papers are kept in boxes. Paintings are placed in plastic bags. Personal and sentimental items will eventually be sent to the Archive Room of the Feldheim Library in San Bernardino. There is no archival storage of items in the warehouse such as photos, documents, cards or paintings. There are no archival quality storage containers in use.

There are no restroom facilities or sink available in the warehouse. The attendant or visitors must use the portable toilet outside in the back or walk to the other end of the warehouse complex. When an attendant is working alone, the warehouse must be locked up at every break.

The Public Guardian stores estate vehicles in a parking lot across the street from the Coroner's office. The lot is enclosed with a chain link fence and locked gates. There is no other security and there have been reports of vandalism and theft. Not all the vehicles are operable. The Public Guardian indicated a water spigot in the parking lot would allow the vehicles to be washed before auction.

In November of 2003 a Capital Improvement Program request was written by the Coroner/Public Administrator/Public Guardian Department and approved by the department head. The request would address the current storage problems in the warehouse and provide for better protection of properties entrusted to the department. The request has been approved, but no funding has been provided. The problems in the warehouse have been addressed by prior Grand Juries, with little change.

RECOMMENDATIONS

05-126 PROVIDE A DIGITAL CAMERA(S) FOR USE BY THE PUBLIC GUARDIAN WAREHOUSE ATTENDANTS.

- 05-127 DIVIDE THE WAREHOUSE TO CREATE TWO DISTINCT AREAS; ONE FOR PUBLIC GUARDIAN AND ONE FOR PUBLIC ADMINISTRATOR.
- 05-128 ACQUIRE COMPUTER TRACKING SOFTWARE FOR WAREHOUSE INVENTORY MANAGEMENT.
- 05-129 UTILIZE A BAR CODE SYSTEM TO ENSURE TRACKING OF ESTATE PROPERTY.
- 05-130 STORE PROPERTY LOTS ON PALLETS, IN UNIFORM SIZE CONTAINERS. UTILIZE STANDARD SIZE PORTABLE PARTITIONS TO DIVIDE PROPERTY "LOTS".
- 05-131 ENFORCE THE POLICY OF TWO SIGNATURES ON EVERY INVENTORY AND LOG SHEET.
- 05-132 STORE PRINTED MATERIALS, PHOTOS AND PAINTINGS IN ARCHIVAL QUALITY BOXES.
- 05-133 INSTALL RESTROOM FACILITIES IN THE PUBLIC GUARDIAN WAREHOUSE FACILITY.
- 05-134 INSTALL A WATER SPIGOT FOR USE AT THE VEHICLE PARKING LOT.

SHERIFF

CORONER DIVISION

BACKGROUND

The Coroner investigates the cause and manner of circumstances pertaining to deaths within the jurisdiction of the Coroner's office. The Coroner oversees the Medical Examiners who determine the medical cause of death. This department also identifies the deceased, secures personal properties and notifies next of kin. The central Coroner department complex in San Bernardino was built in 1988.

The Grand Jury conducted interviews and visited the Morgue in the fall of 2004, prior to the merger of the Coroner's Office with the Sheriff's Department. An additional investigation was also conducted after the January 2005 merger.

FINDINGS

The office is authorized ten (10) Deputy Coroner Investigator positions; nine are filled. There are actually only seven investigators working cases, since one of the ten positions is a training officer and the other is a new hire. Consequently, supervisors are doing the work of investigators and upper management is filling-in for supervision. In 1986, with a caseload of 5,600, there were 18-21 Deputy Coroner Investigators, each handling an average of 250-300 cases per year. In 2004 there were 9,400 cases, with an average caseload of 940. According to the Coroner's department, death investigations are increasing at a rate of three and one-half to four percent (3-1/2-4%) per year. In March 2005 the request for four more Deputy Coroner Investigators, one Medical Transcriber and one Medical Examiner was approved by the Board of Supervisors. This will bring staffing of Deputy Coroner Investigators to 1986 levels, but the average caseload will be higher at 670 cases per investigator.

The capacity of the main Coroner's facility when built was 64 bodies. The bodies are kept on gurneys in moveable trays in the refrigeration room. The gurneys are designed for one body. Due to space limitations, two bodies often share one gurney. The Desert Division is used as an overflow holding area that has a capacity of 10 bodies. Victims of homicide, trauma and suicide are all brought to the main facility.

The average number of bodies in the main facility is 75-85 bodies. This number can increase to over 100 on a holiday weekend. Body parts are also stored with the Coroner and count the same as a body. The average time for processing a body can take 72 hours, as in the case of a homicide. The length of stay is determined case by case.

The refrigeration room is kept at 38 degrees. All bodies are kept in this room before and after the autopsy. There are three sets of racks, each able to hold four trays. These are secured to the wall, are not portable and are difficult to clean. There is no method to secure remains on the trays, nor are there straps to secure the trays on the racks. All other trays are placed on gurneys with wheels. On the day of the Grand Jury's visit most trays held two bodies. The empty trays were stored in the parking lot. The bodies are placed two to a tray in anticipation of the weekend when more trays are needed. During very busy times occupied gurneys are temporarily placed in the hallway as an overflow area.

The refrigeration room often has to keep remains for weeks or months and there is visible decomposition. There is no freezer unit. There is a significant odor in this room. The negative airflow system is charcoal-based and has not been retrofitted since it was first installed more than 15 years ago. It is inadequate for the space and amount of cases handled in the Morgue. The air conditioning system in the medical examiner/autopsy area of the Morgue is unreliable and ineffective. There are only two technicians in the area that have the expertise to service the equipment. Parts are difficult to replace and there are constant repairs. The area reaches temperatures of over 80 degrees. A recent assessment of the system determined the air conditioning unit should be replaced.

In October 2005 the office space now occupied by the staffs of the Public Guardian and the Public Administrator will be vacant. The Coroner's Department has determined that the office space will accommodate a refrigerator with the capacity of 89 bodies and a freezer unit that holds 25 bodies. In the event of a disaster, the Coroner depends on mutual aid agreements to provide space for medical examinations and bodies. The agreement with the former Norton Air Force Base provides space, but no refrigeration capability. The Coroner's office has plans to purchase a refrigeration truck with a capacity of 12 bodies and an examination area. The addition of a refrigerator, a freezer unit and a truck will satisfy current and future requirements for refrigerator space and mitigate the needs during a catastrophic event.

The X-ray room is used for dental as well as body x-rays. The bodies are brought in on gurneys and then transferred, still in the body bag, to the x-ray table. There is no drain in the room for cleaning purposes. Body fluid spills may occur during the transfer process. The body bags are stained with body fluids, and one was torn due to the size of the body. There is only one adult size body bag. There are also extra durable body bags used for recovery, but are much more costly. The drain in the refrigerator room has never worked as it is clogged with concrete that was placed there during construction.

Cleaning is done everyday. The cleaning is done by Coroner's office personnel, often the Supervising Deputy Coroner and an autopsy assistant. The area is cleaned all through the day and sanitized at the end of the shift. Work release inmates are used, only under supervision, to wash windows, walls and the office area. The use of the inmates is not on a regular basis due to security concerns. A County Facilities Management worker buffs the floors every morning.

The Coroner's office has an Indigent Burial Coordinator. This person works to contact family members to claim a body. There is no State or County mandate as to how long a body should be kept, but the Coroner has a policy of a 30-day holding period once notification of next-of-kin has been made. Since the merger with the Sheriff's Department in January, this policy is strictly enforced. The remains of identified but unclaimed bodies are cremated and stored in a County operated warehouse. After accumulation of cremated remains, they will be buried. No unidentified bodies are ever cremated. Jane and John Does are buried intact. These bodies must remain at the Morgue until identification or burial. This process can take up to two years.

The Coroner contracts out the body removal services. The contract was approved from July 2003 to July 2005. The December 2003 contract monitoring site visit report, filed by the Coroner's staff analyst, detailed several contract violations by the contracted service provider: no business license, no conditional use permit for the office space, no workman's compensation insurance, no auto insurance, unreasonable delay from dispatch to on-scene, a 75% deficiency in staffing, employees that had not been submitted for background checks and those who had failed the checks. In February 2004 an unauthorized (failed background check) contract employee was still transporting for San Bernardino County, in direct violation of the contract. In the March 2004 contract monitoring site visit report, the contractor had obtained all necessary insurance, but contracted staffing levels were at a "66% deficiency".

The body removal services contractor was visited again by the Coroner's office in August and November of 2004. There were deficiencies in staffing and vehicle requirements. The contractor indicated that San Bernardino County's background check and selection process was much too harsh and it was difficult to fill the vacant positions. The contractor dispatches out of Riverside, which makes the wait time for transport unacceptable.

The contract approved in July 2003 allowed the Coroner to bring back to the Board of Supervisors a plan for in-house body transport services at the end of the contract. The Coroner's office is conducting an analysis on the benefits of contract services, in-house service or a combination of both.

The Deputy Coroner Investigators are provided cars, digital cameras, cell phones and pagers. At the scene of an investigation, the investigator takes photos and makes a written report. The investigator must remain at the scene until transport arrives, which can often take hours. The report does not reach the Coroner's office until the investigator returns and manually inputs the report into a database. The pathologist needs the Deputy Coroner's report in order to make decisions on body assessment and cause of death.

RECOMMENDATIONS

05-135 INCREASE STAFFING LEVELS IN THE CORONER'S OFFICE TO REFLECT THE NEEDS OF THE COUNTY IN 2005.

- 05-136 INSTALL A NEW REFRIGERATOR UNIT WITH A CAPACITY OF 89 BODIES IN THE CORONER'S OFFICE SPACE VACATED BY THE STAFF OF THE PUBLIC GUARDIAN AND PUBLIC ADMINISTRATOR.
- 05-137 INSTALL A FREEZER UNIT WITH A CAPACITY OF 25 BODIES.
- 05-138 REPLACE THE RACKS IN THE EXISTING REFRIGERATOR ROOM WITH STAINLESS STEEL PORTABLE RACKS. THE RACKS MUST BE EASILY MOVED FOR CLEANING AND STACK FOUR TRAYS FOR OPTIMUM CAPACITY.
- 05-139 RETROFIT THE NEGATIVE AIR FLOW SYSTEM WITH A MORE EFFECTIVE UNIT TO HELP DIMINISH THE ODOR IN THE MORGUE.
- 05-140 REPLACE THE EXISTING AIR CONDITIONING UNIT IN THE MEDICAL EXAMINER/AUTOPSY AREA WITH A COST AND POWER EFFICIENT UNIT THAT MEETS THE REQUIREMENTS OF THE SPACE.
- 05-141 INSTALL A DRAIN IN THE X-RAY ROOM FOR BETTER CLEANING. REMOVE CONCRETE AND REPAIR THE EXISTING DRAIN IN THE REFRIGERATOR ROOM.
- 05-142 RETAIN A CLEANING SERVICE FOR THE MORGUE. TO FREE ON-SITE PERSONNEL FOR THEIR JOB DUTIES.
- 05-143 DEVELOP AN ALTERNATIVE TO THE EXISTING CONTRACTED BODY REMOVAL SERVICES, EITHER IN-HOUSE OR A COMBINATION, WITH LOCAL CONTRACTORS.
- 05-144 PROVIDE EACH DEPUTY CORONER INVESTIGATOR WITH A WIRELESS READY LAPTOP FOR IMMEDIATE ELECTRONIC TRANSMITTAL OF REPORTS BACK TO THE CORONER'S OFFICE.

DETENTION AND CORRECTIONS FACILITIES

BACKGROUND

Detention and corrections centers in San Bernardino County consist of the Central Detention Center housing about 600 Federal prisoners and 300 or more pre-sentenced inmates; the Glen Helen Rehabilitation Center which houses up to 1,450 sentenced and pre-sentenced inmates; and the West Valley Detention Center that can hold up to 3,200 inmates who are awaiting sentencing or on appeal.

Each detention/corrections center is unique in the type of inmates housed and length of time spent. The Central Detention Center (CDC) receives funding from the Federal government to house Federal inmates and the funding also helps to place the remaining 300 from overflow at that facility. Without this funding, this facility would not remain open.

The Glen Helen Rehabilitation Center (GHRC) houses pre-sentenced and sentenced inmates that stay no longer than one year. GHRC provides all the inmates that work throughout the County and at other detention centers.

All arrested persons are taken to the West Valley Detention Center (WVDC) where they are booked and evaluated. The average stay is 29 days, but those on appeal can remain there much longer.

FINDINGS

All three detention/corrections centers maintain their capacity to the limit allowed by law. At the time of the Grand Jury visits to these facilities, all were slightly under capacity. To keep occupancy to the legal level, WVDC releases most misdemeanor inmates on a site and release, and some light felons are also released on bail to keep the occupancy to the legal level. However, the Sheriff's daily population statistics indicate a trend of overcrowding, resulting in the need for additional jails. A snapshot picture of the jail population on Tuesday, March 29, 2005 showed the following:

	<u>Population</u>	<u>Capacity</u>	<u>Average Daily Population</u>
West Valley Detention Center	3,464	3,072	3,258
Glen Helen Rehabilitation Center	1,266	1,068	1,314
Central Detention Center	906	742	956

(Source of data: San Bernardino County Administrative Office and Sheriff's Department)

GHRC maintains its legal occupancy by allowing up to a three-day maximum early release or transferring inmates to another county on outstanding warrants. There are very strict requirements for these releases.

The access road into GHRC is Institution Road. During flooding conditions, this road is out of service to both Sheriff's personnel and the public. Since June 2004, Institution Road was closed to traffic due to flooding for 16 days. Ten of those days, three types of helicopters from the Sheriff's Aviation units were used to transport staff in and out of the facility. The costs incurred ranged from \$350 to \$1,000 per hour.

With input from the Sheriff's Department, the County Public Works Department has prepared and submitted plans to make Institution Road an all-weather access road. A pre-disaster mitigation grant application for \$3 million has been submitted to FEMA for this project. Since this grant is competitive with other requests nationwide, approval is not assured.

The Central Detention Center (CDC) houses overflow of regular population inmates from GHRC and WVDC. CDC keeps their occupancy limit at the amount allowed by law. There will also be approximately 300 Federal inmates housed at the newly purchased Adelanto prison facility, leaving about 200 to 250 empty spaces for additional inmates at Adelanto. Based on the Grand Jury visits and statistics provided by the Sheriff, more jail space is needed.

All facilities are impeccably maintained. All food is prepared by inmates in each facility. The bakery at the Glen Helen facility provides the baked goods for all of the facilities, including the juvenile detention centers.

All of the privileges accorded by law are met at each detention center.

RECOMMENDATIONS

- 05-145 CONTINUE TO PURSUE FUNDING AND RESOLUTION FOR THE REPAIR OF INSTITUTION ROAD, WHICH INCLUDES ACQUIRING EASEMENT OF THE PROPERTY INVOLVED WITH THE CITY OF SAN BERNARDINO.
- 05-146 EXPLORE MORE EFFECTIVE MODES OF TRANSPORTING PERSONNEL TO AND FROM GLEN HELEN REHABILITATION CENTER DURING INCLEMENT WEATHER, OTHER THAN SHERIFF'S HELICOPTER, I.E. AMPHIBIOUS VEHICLES OR SURPLUS MILITARY VEHICLES.

SCIENTIFIC INVESTIGATIONS DIVISION

BACKGROUND

Grand Jurors visited the Scientific Investigations Division in order to review the Sheriff's process for gathering, retaining, maintaining and disposing of evidence. This inquiry was conducted as a result of reported past irregularities in the handling and disposition of confiscated firearms and items of evidence. The Scientific Investigations Division consists of three units: Cal-ID, Evidence/Property, and Crime Lab. The Crime

Lab includes four sections: Crime Scene Investigations (CSI), Firearms/Trace, Forensic Biology Unit, and the Alcohol/Narcotics Unit.

In addition to the main Property/Evidence Unit on Lena Road in San Bernardino, there are 15 other Property/Evidence locations throughout the County. All these remote locations use the Property Evidence Tracking System (PETS) to control and maintain evidence. Indications are that the PETS is working well and meeting the current needs of the Sheriff's Department.

FINDINGS

The staff of the Scientific Investigations Division consists of approximately 100 employees, with 35 of those working in the Cal ID unit. The Property and Evidence units are now maintained by the Property Evidence Tracking System (PETS) and all of the property/evidence is tracked in the computer. The Property Evidence Tracking System has been in place since the antiquated card catalog system was in use. What is left of the card system is filed in a secure property room. The property and evidence held in remote areas has the same tracking system.

The property and evidence indoor storage areas are highly secured and are divided by areas: furniture, computers, automobiles, bicycles, weapons, money, drugs and others. There is also an evidence room where property remains indefinitely if related to a homicide. This room contains all types of property and evidence. Vehicles are housed in an open, semi-secure area. Access is very limited to a handful of people. While access to these vehicles is limited during the day, security of evidence in this type of storage can be compromised.

The following was found regarding property and evidence disposition:

1. All weapons are disposed of and melted down at a facility located in Rancho Cucamonga. The weapons are under the direct control of the Sheriff's Department through the entire process.
2. All monies are deposited in an interest bearing account unless held at the request of law enforcement. At the end of the fiscal year, these funds are returned to the General Fund if they cannot be returned to the lawful owner; a Court order is required.
3. All drugs, unless specifically held at the request of law enforcement, are destroyed after one year and one month after seizure.
4. Vehicles and other equipment, i.e., computers, bicycles, furniture, are turned over to an independent auction company to sell. The procedure, check and balances were observed by Grand Jury members and found to be a sound practice.

The Crime Lab is housed at the same facility. It is a very sophisticated state-of-the-art crime investigation unit. The unit performs all of the DNA tracking for both San Bernardino and Riverside counties. The increasing demands on the use of DNA in solving crimes have placed a tremendous burden on the DNA investigators. The Crime Lab must now prioritize which cases they will work on. A goal of the unit is to respond to all cases without restriction. Fingerprint comparisons, drug and alcohol testing, forensics and crime scene investigations are also conducted there. There is a definite need for expansion of workspace, equipment and investigators. There is only one garage in which to examine vehicles. The Forensics Department is housed in a portable trailer.

These divisions have employees working in very limited space. The CSI unit has been offered additional services and equipment, but cannot hire additional personnel due to the lack of space. The CSI unit is a model throughout the State, and is a very impressive unit.

RECOMMENDATIONS

- 05-147 EXPLORE EXISTING AND ADDITIONAL PROPERTIES TO PROVIDE PERMANENT AND EXPANDED HOUSING, UNDER ONE ROOF, FOR UNITS OF THE SHERIFF'S SCIENTIFIC INVESTIGATIONS DIVISION, ESPECIALLY STORAGE OF VEHICLES HELD FOR EVIDENCE RETRIEVAL, TO PREVENT TAMPERING WITH OR COMPROMISING OF EVIDENCE.
- 05-148 EXPAND THE OPERATION OF THE CRIME LAB TO INCLUDE ACQUISITION OF MORE WORKSPACE, LAB EQUIPMENT AND INVESTIGATORS.