

LAW AND JUSTICE COMMITTEE

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LAW AND JUSTICE COMMITTEE

Introduction

The Law and Justice Committee considers all matters concerning civil and criminal justice, law enforcement and penal institutions:

- County Counsel
- Detention Facilities
- Disaster Preparedness
- District Attorney
- Office of Emergency Services
- Police Departments
- Probation
- Public Defender
- Sheriff-Coroner
- Cities/Municipalities
- School Districts and Community College Districts
- Special Districts

The Committee inspected the following facilities (see attached report):

- Central Detention Center
- Glen Helen Rehabilitation Center
- West Valley Detention Center
- Juvenile Detention Centers located in San Bernardino

Investigations were completed on the following:

- County Coroner/Public Guardian
- District Attorney – Gang Task Force and Hate Crimes Units
- Public Defender’s Office – Indigent Defense
- Sheriff’s Department Crime Lab
- Sheriff’s Internet Fraud Unit
- Sheriff’s Department ICE (Immigration and Customs Enforcement Unit)
- Colton City Police Department – Risk Management
- San Bernardino Police Department – Risk Management
- Contracting Jails – Adelanto and Fontana

An investigation of Indigent Defense Fees resulted in the following report.

DETENTION CENTERS

San Bernardino County Sheriff's Department

CENTRAL DETENTION CENTER

Central Detention Center is located at 630 E. Rialto Avenue, San Bernardino. It averages between 70 and 80 bookings daily, has a capacity of about 1,100, and houses both female and male inmates. There are approximately 500 federal inmates currently housed there, and the county receives approximately \$80.00 per resident, per day from the federal government.

This older facility is linear style, which is more labor intensive because it is difficult to monitor inmates. Guards have to move from one location to another to open cells and climb stairs to the upper tiers. There are cameras mounted all over, except where privacy is required. They have medical staff on duty. All meals are prepared on site.

GLEN HELEN REHABILITATION CENTER

Glen Helen Rehabilitation Center is located at 18000 W. Institution Road, San Bernardino.

The facility was built in 1962 and houses inmates that have been sentenced, and usually stay less than one year.

The goal of this detention center is to return inmates to a productive life. They offer inmates classes in baking, landscaping and printing. The auto shop is currently closed, but it is anticipated it will open again at a later date. All the bakery items for the county detention centers are provided by Glen Helen. All inmates attend classes for continuing education and certificates are issued upon completion of class.

At the time of our visit, there were approximately 250 women and about 350 men. There were also 300 Federal prisoners who are housed in a different area. The capacity at Glen Helen is 1,450. There are 16 deputy sheriffs on duty at any one time, with a crew of specialists to help with the inmates.

This facility is unique in that the inmates are allowed outside on the facility to play baseball, football and basketball. The grounds are maintained by inmates and are a very clean well-kept site.

WEST VALLEY DETENTION CENTER

The West Valley Detention Center is located at 9500 Etiwanda Avenue, Rancho Cucamonga.

West Valley opened in 1991 and offers state of the art services in medical, culinary, transportation and housing. It is the largest low-rise center in California and is recognized as a flagship facility. The complex covers over 20 acres and presently houses over 3,000 inmates. It is the primary booking facility for San Bernardino County and averages about 5,000 bookings per month.

This facility also houses the Immigration and Customs Enforcement (ICE) unit that screens inmates for legal status and deportation holds. It has a large medical facility staffed with doctors and nurses. Some inmates at this unit have severe medical conditions. The medication dispensing system saves a great deal of time for the medical staff.

San Bernardino County Probation Department

JUVENILE DETENTION CENTER – SAN BERNARDINO

This facility is located at 900 E. Gilbert, San Bernardino, and was only one month old when visited. It was built on the property directly behind the old juvenile detention center. This facility houses twice the number of detainees as the old facility, approximately 280 juveniles. The ages of juveniles housed at the facility are between 12 and 18 but has housed juveniles as young as seven. The average stay is around 28 days. Some stay longer because of different circumstances, such as court order, waiting for placement, or being tried in an adult court. They are classified by age, type of offense, sophistication, body size, and gender. They are housed in pods, in a room with two beds. They go to school every day. Food is prepared at the site and brought to their individual pods. Shower and restroom facilities are within the pods.

A juvenile brought to the facility has an orientation where they are calmed down, evaluated, fed and classified. They then have an orientation of up to three days before taken to a pod.

All juveniles housed here are supervised by probation officers. Some juveniles housed at the facility have committed violent or serious crimes.

PUBLIC DEFENDER

Indigent Defense

BACKGROUND

The Constitution of the United States of America entitles all persons accused of a crime to a defense. Anyone not having the financial means to provide themselves with an attorney would be deemed indigent, and have an attorney appointed by the court. The responsibility for this representation falls under the Office of the Public Defender. When a case is referred to the Public Defender a minimal fee is charged. Although these fees are small, in some cases it is still beyond the client's ability to pay. Therefore there are provisions in place for these individuals to obtain a waiver. The fees charged by the County for Indigent Defense are recommended by the Office of the Public Defender and approved by the Superior Court. Once fees are assessed it is the responsibility of the County's Central Collections to collect the fees.

FINDINGS

1. The interaction and co-operation between the Court, Public Defender's Office and Central Collections has created an effective system of collecting indigent defense fees owed the county. After a client's case is resolved the sum of the fines, state fees and indigent defense fees are added together and this sum is collected over a three- to five-year period depending on the client's ability to pay. As fees are collected they are paid out in a specific order:

- (1) Victim's restitution
- (2) State Surcharge
- (3) Fines
- (4) Other Reimbursable Costs

Public Defender fees are in the “other reimbursable costs” and are among the last collected. Central Collections has tracked and reported that their collection rate is 70%-75%. They have several tools in place to collect delinquent accounts including wage garnishment and attachment of the individual’s state tax refund by the Franchise Tax Board.

2. The fees assessed in San Bernardino County for indigent defense

Fee Type	Calendar Year 2008	Calendar Year 2011
Misdemeanor	\$300	\$100
Felony	\$500	\$150
Juvenile	\$500	\$500

The Grand Jury could not find the reason for this change. After a comparison to other counties, it appears that San Bernardino County charges for indigent defense are too low.

Fees charged by some of the other California Counties for Indigent Defense

Los Angeles	\$51 to \$8,265
Lake County	\$100 to \$4,000
Riverside	\$90/hour
Del Norte	\$75/hour
San Luis Obispo	\$65/hour
Madera	\$33.50/hour

RECOMMENDATIONS

- 11-29 Raise indigent defense fees for adults back to \$300 for misdemeanors and \$500 for felonies. (Finding 2)

11-30 Have Central Collections continue to track the effectiveness of the recommended fee increase to support future fee adjustments. (Finding 1)

<u>Responding Agency</u>	<u>Recommendations</u>	<u>Date Due</u>
Public Defender	11-29	September 30, 2011
Central Collections	11-30	September 30, 2011