

LAW AND JUSTICE COMMITTEE



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LAW AND JUSTICE COMMITTEE

The Law and Justice Committee had the responsibility for investigating the following County departments:

- Probation
- Public Defender
- Sheriff-Coroner

The authority for the investigation of these departments is found in the California Penal Code and Government Code.

Final reports and recommendations were made on the following offices and facilities:

- Barstow Sheriff Station and Detention Facility
- Central Court Holding Facility
- Coroner
- ICE Unit at West Valley Detention Center
- Indigent Defense Contracts
- Indigent Defense Fee Collection
- Judicial Benefits
- Probation Department
- Public Defender Department
- Scientific Investigations Unit
- Sheriff's Training Center/Academy

The Sheriff's Inmate Welfare Trust Fund was investigated and was found to be operating properly and legally under the rules set forth by the Penal Code.

The Board of Supervisors hired a new Public Defender during this Grand Jury's term of office. Investigations showed that she is reorganizing this department and introducing some significant cost-saving programs.

INDIGENT DEFENSE

CONTRACTS

BACKGROUND

The San Bernardino Superior Court is no longer a County department. This Grand Jury does not have jurisdiction to make recommendations to the Court or the Judges, who are State employees. The Superior Court, however, still sets the requirements for contract attorneys and awards the contracts for all adult indigent defense attorneys. These contracts are paid with County funds.

Juvenile contracts are paid with funds from the State. The Superior Court, which is a state agency, continues to award the juvenile indigent attorney contracts.

FINDINGS

A state agency is awarding county contracts and spending County funds for the representation of indigent defendants by indigent contract defense attorneys. A possible conflict exists when defense attorneys appear before judges who award the indigent fee contracts. Contract attorneys who appear before those judges can be intimidated.

The San Bernardino Superior Court contract only requires that the contracting attorney have the following legal qualifications:

1. Licensed to practice law in the State of California.
2. The attorney has malpractice insurance.

The contracting attorney determines which sub-contract attorney would actually represent the defendant in each case. There is no requirement for specific experience levels, capabilities or qualifications of a sub-contract attorney to handle different types of crimes or cases (excluding life without possibility of parole or death penalty cases).

At present, there were only four bidders on the four County contracts which are awarded to contract attorneys every three years. Those bids are as follows:

CONTRACT AREA	MISD. COST	FELONY COST
North Desert (Victorville/Barstow)	\$375	\$1045
East Valley (Central/Fontana)	\$375	\$975
West Valley (Chino/ Rancho)	\$400	\$975
East Desert (Joshua Tree)	\$375	\$1150

In the Central Division (San Bernardino), there were 1,295 felony appointments to the contract attorneys during the year 2006. There are approximately 15 sub-contract attorneys who handle the cases in the Central Division.

The charge per defendant is so low Orange County and Los Angeles County attorneys do not bid on the San Bernardino indigent defense attorney contracts.

Since the appointment of a new Public Defender in 2006, there has been a nine percent drop in the number of felony appointments and a 15 percent drop in the number of misdemeanor appointments to contract attorneys. This has reduced the income of contract attorneys and has saved the County over \$700,000.00.

RECOMMENDATIONS

- 07-36 THE BOARD OF SUPERVISORS DIRECT THE COUNTY ADMINISTRATIVE OFFICER TO NEGOTIATE AND AWARD THE CONTRACTS WITH INDIGENT DEFENSE ATTORNEYS.
- 07-37 THE COUNTY ADMINISTRATIVE OFFICER SET STANDARDS TO INSURE THAT EACH CONTRACTING ATTORNEY AND SUB-CONTRACTING ATTORNEY IS QUALIFIED TO HANDLE THE TYPE OF CASE HE/SHE IS APPOINTED TO DEFEND.
- 07-38 THE COUNTY ADMINISTRATIVE OFFICER DESIGNATE A COUNTY DEPARTMENT, POSSIBLY TREASURER/TAX COLLECTOR, TO HANDLE ALL ACCOUNTINGS AND PAYMENTS TO CONTRACTING ATTORNEYS.

INDIGENT DEFENSE

FEE COLLECTION

BACKGROUND

The 2005-2006 Grand Jury recommended (recommendation #06-41) that the Treasurer/Tax Collector proceed with the indigent defense fees collection program. This program was to allow the County to recover attorney fees from those defendants who are not totally indigent. The program was discontinued by the then Presiding Judge. The Treasurer/Tax Collector, in their response (#06-41), indicated that "The County lost \$2 million of possible reimbursement for public defender fees due to Courts not ordering fees as recommended".

FINDINGS

In 2006 the Public Defender and contract attorneys were appointed on the following criminal cases:

<u>Agency</u>	<u>Misdemeanor</u>	<u>Felony</u>
Public Defender	31,338	16,254
Contract Attorneys	2,709	3,808

A pilot program for the collection of indigent defense fees is being developed by the Treasurer/Tax Collector and the Court in the Rancho Courthouse. It is anticipated that this pilot program will be instituted throughout the County after a scheduled meeting with the presiding judge and approval from the judges' executive committee.

The Treasurer/Tax Collector will then be designated as the "Financial Officer" per P.C. 987.81 to collect indigent defense attorney fees.

The pilot program will provide for the court at the arraignment procedure to present to defendant, among other legal notices, a portion advising the process for reimbursement of attorney fees. (This form is still in the development process). The Treasurer/Tax Collector will then process the collection of appropriate reimbursement fees from those defendants who have been determined to be able to pay for any and/or all attorney fees.

The Court will be ordering defendants to pay “the maximum amount” of attorney fees subject to modification by the “Financial Officer” based on the defendant’s ability to pay. The “maximum amount” presently set by the Court is \$500 for misdemeanors and \$800 for felonies.

Present indigent defense contracts between the Court and contract attorneys provide for the following pay schedule to the contract attorney:

Misdemeanors	\$375.00 to \$400.00
Felonies	\$975.00 to \$1150.00

The indigent defense reimbursement program may include both misdemeanor cases and cases in which the defendant is not convicted of a crime or may be phased, one at a time, into the program.

There is no procedure presently in effect for defendants appearing by video arraignment to be ordered to “Central Collections”. The Public Defender has indicated there may be 10,000 arraignments by video in 2008.

The indigent defense reimbursement program will not work without the total cooperation of all judges who handle criminal cases. The Treasurer/Tax Collector has indicated judges who are overloaded with cases often forget to order attorney fees. The County lost \$2 million in 2006 because of the Court’s failure to order attorney fees.

RECOMMENDATIONS

07-39 THE TREASURER/TAX COLLECTOR IMPLEMENT THE INDIGENT DEFENSE FEE COLLECTION PROGRAM COUNTYWIDE.

07-40 THE TREASURER/TAX COLLECTOR WORK WITH THE COURT TO REQUIRE THE COURT BAILIFF TO HAND EACH DEFENDANT A FINANCIAL QUESTIONNAIRE AND A LETTER FROM “CENTRAL COLLECTIONS” NOTIFYING THEM OF THEIR RIGHTS AND ORDERING THEM TO APPEAR IN 20 DAYS TO CENTRAL COLLECTIONS.

07-41 THE TREASURER/TAX COLLECTOR WORK WITH THE COURT TO INCREASE THE “MAXIMUM ATTORNEY FEES” TO:

MISDEMEANORS	\$ 500.00
FELONIES	\$1200.00

- 07-42 THE TREASURER/TAX COLLECTOR WORK WITH THE COURT TO ESTABLISH ATTORNEY FEE REIMBURSEMENT IN MISDEMEANOR CASES AND IN CASES IN WHICH THE DEFENDANT IS ACQUITTED.
- 07-43 THE TREASURER/TAX COLLECTOR WORK WITH THE SHERIFF'S DEPARTMENT AND THE COURT TO INSURE VIDEO ARRAIGNMENT DEFENDANTS BE INCLUDED IN THE INDIGENT DEFENSE COLLECTION PROGRAM AT THE TIME OF THE VIDEO ARRAIGNMENT.
- 07-44 THE TREASURER/TAX COLLECTOR WORK WITH THE COURT TO MODIFY THE ARRAIGNMENT DOCKET SHEET TO REMIND JUDGES TO INCLUDE THE ORDERING OF ATTORNEY FEES IN INDIGENT MISDEMEANOR AND FELONY CASES.

JUDICIAL BENEFITS

BACKGROUND

In 1992 Municipal and Justice Courts in the County were merged. In recognition of the merger, the Board of Supervisors equalized the benefits paid to those County Judges.

In 1997, a second consolidation took place when the State of California enacted the Trial Court Funding Act of 1997 (SB 223) which abolished the Municipal Courts and declared the Municipal Court Judges were, henceforth, Superior Court Judges. **This act also provided that all Judges are employees of the State of California and no longer County employees.**

In 2000, The San Bernardino Board of Supervisors enacted Resolution 2000-190 that allocated \$1.3 million to the Court for costs associated with locally authorized judicial benefits for “eligible” judges, and there were 63 “eligible” judges at that time.

The 2002-2003 Grand Jury questioned why the Board of Supervisors continued to authorize the payment of \$19,371.56 per year to every San Bernardino County Judge since they were now employees of the State of California.

FINDINGS

Superior Court Judges are State employees and their salary is set by the State legislature and paid by the State of California (AB 223, Chapter 850, Statutes of 1997).

Superior Court Judges are appointed by the Governor of California or elected by the residents of the County. The Governor can appoint persons to the San Bernardino Superior Court who are not residents of the County. County “judicial benefits” are not a major factor in the acceptance of an appointment to a judgeship. Many counties offer no judicial benefits.

The County Counsel in two separate legal opinions, one on September 22, 2000, and one on April 21, 2003, questioned whether judges can legally participate in County sponsored benefit programs.

In 2000, 63 “eligible” judges were collecting County benefits. Today, 83 “eligible” judges receive County benefits of \$19,700 per year.

There are presently five judicial vacancies on the San Bernardino County judicial bench and the State of California has authorized 16 additional judicial positions for the County of San Bernardino.

In 1997, the salary of a Superior Court Judge was **\$108,000**. Today, the salary of a Superior Court Judge is **\$171,000**. This is a 63% increase.

The 2003-2004 Grand Jury reported on what other Southern California counties paid judges as judicial benefits. Their findings were as follows:

- Alameda
 - Paid \$1,350 per judge annually for a cafeteria plan. A total cost of \$150,000 for 69 judges.
- Fresno
 - Paid \$1,121.42 per judge for health insurance and \$92.56 for a life insurance policy
- Riverside
 - Paid a car allowance, deferred compensation and life insurance policy.
- San Diego
 - Paid no county benefits for 128 judges.
- Santa Barbara
 - Paid no county benefits for 19 judges.
- Santa Clara
 - Paid for a \$25,000 life insurance policy for 79 judges.
- **San Bernardino**
 - Paid county benefits of \$19,371.56 per judge. A total of \$1,607,839 for 83 judges.

The current San Bernardino County benefit is **\$19,700 per judge. A total of \$1,635,100 for 83 judges.** An expected total of **\$1,950,300 for 99 judges.** (San Bernardino is authorized 16 additional judges).

The cost of living in San Bernardino County is less than many other Southern California counties. For example, the median home prices are substantially less. In March 2007, the median home prices in Southern California counties were as follows:

- | | |
|-------------------------|------------------|
| • Los Angeles | \$540,000 |
| • Orange | \$629,000 |
| • Riverside | \$420,000 |
| • San Diego | \$490,000 |
| • Ventura | \$566,750 |
| • San Bernardino | \$369,000 |
| • So. California | \$505,000 |

The median home prices in San Bernardino County are the lowest in Southern California, yet San Bernardino County pays substantially more in judicial benefits than other Southern California counties.

RECOMMENDATIONS

- 07-45 THE BOARD OF SUPERVISORS DISCONTINUE OR REDUCE THE JUDICIAL BENEFITS PAID TO PRESENTLY APPOINTED OR ELECTED SUPERIOR COURT JUDGES.

- 07-46 THE BOARD OF SUPERVISORS NOT PAY ANY JUDICIAL BENEFITS TO ANY NEW JUDGE APPOINTED OR NEWLY ELECTED AFTER JULY 1, 2007.

PROBATION DEPARTMENT

BACKGROUND

The San Bernardino County Probation Department handles 17,000 to 18,000 adult probationers with approximately 120 to 130 Deputy Probation Officers. The Probation Officer average caseload is 140 probationers.

A Probation Department memorandum dated September 18, 2006, indicated the San Bernardino County Probation Department currently prepares 6,000 pre-sentence probation reports each year for the San Bernardino Superior Court, whereas, Orange County Probation Department prepares approximately 800 pre-sentence probation reports per year.

FINDINGS

The vast majority of these pre-sentence probation reports (hereafter referred to as "probation reports") concern cases in which the defendant, the defense attorney, the District Attorney and the Court have accepted a negotiated plea agreement. These negotiated plea agreements typically resolve most, if not all, issues concerning length of jail sentence, restitution, fines and terms of probation, prior to the matter being referred to the Probation Department for a pre-sentence report.

The probation reports are labor intensive. Each report requires 9-12 hours to complete (3 to 4 reports per deputy per week). Presently 25 Deputy Probation Officers spend their entire time writing pre-sentence probation reports. If 3,000 less probation reports were written per year, 14 Probation Officer IIs and one Supervising Probation Officer could be reassigned to supervision of high risk probationers or to other areas where gaps in service exist.

It normally takes four weeks to complete a probation report and a defendant typically waits in county jail for an additional four weeks after accepting a negotiated plea agreement before being transported by the Sheriff's Department back to Court for sentencing.

P.C. 1203(4) provides that the probation report may be waived by a stipulation of the prosecuting and defense attorneys with the consent of the Court.

Riverside County Adult Probation Department writes approximately 2,000 pre-sentence probation reports each year and only writes reports on the following:

1. Cases that go to trial (90% of all pre-sentence probation reports)
2. Cases in which there is a "Lid" on sentencing, i.e. agreement of not more than a set number of years.
3. Cases in which there is no agreement by the District Attorney's Office and the plea is offered by the Court.

There are no pre-sentence probation reports written on any negotiated pleas other than those listed above.

If there is a negotiated plea in Riverside Court, the Court does a sentencing of the defendant, whether or not a victim is available to testify.

P.C. 1192.6 requires the prosecuting attorney to relay to the Court the circumstances of the offense, the medical expense involved, whether there are prior felonies involved, and the damages to the victim. Riverside Court will sentence the defendant immediately and will order restitution as determined by Financial Services.

Financial Services is a department working for the Court, but funded by Riverside County. It has the responsibility to calculate and collect restitution. If defendants are not in custody they are directed to go to Financial Services immediately. If the defendant is in custody, Financial Services will contact them at the jail. Financial Services personnel get the police report which has the address and name of the victim. (Victim names are not given in sex crime cases). Financial Services then contacts the victim to determine damages, injuries, medical expense and the amount of reimbursement to be made to the victim. Financial Services then determines the amount of the restitution and it becomes a part of the court order.

In many instances the Victim/Witness personnel in the District Attorney's Office can contact the victim to determine the restitution required to be made to the victim. The District Attorney's Office can also run a Criminal Information Identification (CII) report to determine the defendant's criminal background. This is normally done before the preliminary hearing and is available to the Judge for sentencing if a negotiated plea agreement is reached.

The San Bernardino District Attorney's Victim/Witness Program has just requested grant money under P.C. 1382.5 of \$966,813.00.

The San Bernardino Probation Department has suggested the elimination of pre-sentence probation reports on negotiated pleas of:

1. Petty theft with a prior.

2. Vehicle theft where the vehicle is returned with minor damage.
3. Low level burglary.
4. Victimless crimes.
5. Drug cases without a victim.
6. Other low level crimes.

By waiving probation reports on these negotiated pleas, 14 Deputy Probation Officers could be assigned elsewhere to provide greater supervision to high risk offenders that have committed a violent crime or who have a high potential for violating probation.

The Public Defender's office, the District Attorney's office, the Probation Department and the San Bernardino Superior Court have agreed to waive pre-sentence probation reports for drug crimes without a victim. This went into effect March 1, 2007. It is anticipated this will eliminate approximately 1,000 probation reports and will free up approximately five Deputy Probation Officer IIs to perform other duties.

The District Attorney's office has indicated that contacting the victims to determine restitution on damages to victims is the responsibility of the Probation Department. They also indicated that the Probation Department should investigate the criminal background of defendants and not the District Attorney's office. Their primary objection was that this is the way they have done it in the past and they were not "comfortable in waiving Probation reports on any negotiated pleas other than non-violent drug cases." The Public Defender's office and the Probation Department encourage waiving probation reports on other low-level crimes as Orange County and Riverside County have done. The San Bernardino Superior Court has indicated that if the prosecuting attorney and the defense attorney waive a probation report, they will consent to the waiver.

If there was a waiver of probation reports for other low level crimes as listed above, it would eliminate an additional 1,800 probation reports and free up an additional nine Deputy Probation Officer IIs. It is anticipated 1,800 fewer probation reports would have the following effects:

1. Reduce the review of 1,800 probation reports by the defense attorney, the prosecuting attorney and the Judge.
2. Not tying up the following personnel in 1,800 additional court hearings:
 - a. Judge
 - b. Prosecuting attorney

- c. Defense attorney
 - d. Bailiff
 - e. Court reporter
 - f. Court clerk
3. County jail inmates could be released on probation or sentenced to state prison four weeks earlier. (No need to return to court four weeks later for sentencing.)
 4. Fewer inmate movements from county jail to Court for in-custody defendants.
 5. Reduce by 1,800 the number of Court calendared items which will allow the Court to proceed with other hearings.

Freeing up nine (9) additional Deputy Probation Officer IIs and one (1) Supervising Probation Officer, would save the County over \$1,000,000 per year in salaries used solely to write probation reports.

RECOMMENDATIONS

- 07-47 THE DISTRICT ATTORNEY'S OFFICE AND THE PUBLIC DEFENDER'S OFFICE WAIVE PRE-SENTENCE PROBATION REPORTS ON NEGOTIATED PLEAS OF THE FOLLOWING CRIMES:
- a. PETTY THEFT WITH A PRIOR.
 - b. VEHICLE THEFT WHERE THE VEHICLE IS RETURNED WITH MINOR DAMAGE.
 - c. LOW LEVEL BURGLARY.
 - d. VICTIMLESS CRIMES.
 - e. DRUG CASES WITHOUT A VICTIM.
 - f. OTHER LOW LEVEL CRIMES.
- 07-48 THE DISTRICT ATTORNEY'S VICTIM/WITNESS PERSONNEL CONTACT VICTIMS TO DETERMINE REIMBURSABLE EXPENSES AND RESTITUTION WHEN POSSIBLE.

- 07-49 THE TREASURER/TAX COLLECTOR ESTABLISH A FINANCIAL SERVICES DIVISION TO WORK WITH THE COURT TO CALCULATE AND COLLECT RESTITUTION.
- 07-50 THE PROBATION DEPARTMENT REASSIGN DEPUTY PROBATION OFFICERS FREED UP AS A RESULT OF FEWER PROBATION REPORTS, TO PROVIDE GREATER SUPERVISION OF HIGH RISK OFFENDERS. ANY MONEY SAVED BY NOT HIRING DEPUTY PROBATION OFFICERS COULD BE USED TO INCREASE THE NUMBER OF ADDITIONAL DEPUTY DISTRICT ATTORNEYS OR INCREASE PERSONNEL IN THE VICTIM-WITNESS PROGRAM.
- 07-51 THE DISTRICT ATTORNEY AND PUBLIC DEFENDER REQUEST THAT DEFENDANTS IN NEGOTIATED PLEAS BE SENTENCED IMMEDIATELY IN ORDER TO FREE UP JAIL SPACE AND COURT PERSONNEL.

PUBLIC DEFENDER

BACKGROUND

The Constitution provides that all persons accused of a crime be defended. Those defendants who do not have the financial means to hire an attorney will be assigned one by the court. The County Public Defender's (P.D.) office has the responsibility of representing indigent clients. It provides defense services to both adults and juveniles accused of felonies, misdemeanors, and violations of probation.

FINDINGS

The P.D. has started a comprehensive training program. The office is now representing defendants from arraignment to sentencing. The P.D. has reduced the number of cases the public defender has been relieved from representing a defendant because of a conflict of interest. The P.D. has reduced the number of Marsden hearings by 95%. A Marsden hearing is a hearing granted by the Court when a defendant requests that the attorney appointed to represent him or her be removed and another attorney (normally a private attorney) be appointed to represent him or her. The P.D. has recommended waiving pre-sentence probation reports on some negotiated plea cases that have the potential to free up several probation officers to perform other tasks.

The P.D.'s Office currently has 111 Deputy Public Defender positions authorized. Five of those positions are unfunded and three positions are vacant. The P.D. handled over 52,723 cases in 2006, for an average of 512 cases per attorney (52,723 cases divided by 103 attorneys = 512). The P.D. estimates they will handle over 65,000 cases in 2008 for an average caseload of 585 cases per attorney (65,000 cases divided by 111 attorneys = 585).

The Department of Justice's National Advisory Commission adopted a caseload standard of **"no more than 150 assigned felonies per attorney per year, or no more than 400 assigned misdemeanors per attorney per year, or no more than 242 assigned juvenile cases per attorney per year."**

The 2006 caseloads of area public defender's offices are as follows:

County	Felony	Juvenile	Misd.	Total Cases	# of Atty's	Avg Caseload Per Atty	Budget	Cost per Defendant
San Bernardino	16,254	5,131	31,338	52,723	103	512	\$28,862,282	\$547
Orange				77,500	213	360	\$54,865,528	\$708
Riverside (2004/2005)	14,344	3,100	17,959	35,403	131	270	\$26,842,148	\$758

The P.D. is now present for all video arraignments at Adelanto and West Valley Detention Centers. It is estimated there will be 10,000 video arraignments per year in 2008.

As a result of the P.D. having fewer conflict cases and fewer Marsden hearings granted, there has been a nine percent decrease in contract attorney felony cases and a 15 percent decrease in misdemeanor cases. The contract attorneys received average fees of \$975 per defendant. The P.D. cost per defendant is \$547. The reduction in contract attorney cases has saved the County over \$700,000.

Although the Public Defender's office received increased staffing in 2006-2007, the increased number of countywide criminal filings, the decrease in declared conflicts and decreased Marsden hearings has resulted in increasing the P.D. caseload rather than lessening it.

The Public Defender's Office has need for 18 additional Deputy Public Defender positions (an increase to 129 positions). The average caseload would be 504 cases per attorney (65,000 anticipated cases divided by 129 attorneys = 504) which is still higher than the attorney caseload of Riverside County or Orange County.

In 2006, the average caseload per Public Defender investigator was:

COUNTY	NUMBER OF INVESTIGATORS	TOTAL CASES	CASES PER INVESTIGATOR
Orange	79	77,500	981
Riverside	39	35,403	908
San Bernardino	22	52,723	2,396

The Public Defender's office does not have a comprehensive case management system. This system would enable attorneys to access files from the office or the courtroom. It would save clerical staff time, incorporate updated technology and enable multi-department coordination to enhance motion writing, case organization, and staff efficiency.

Because of the increase in caseload and the number of attorney positions, there is a need for eight office assistants, six supervising office assistants, six investigators, and one supervising investigator.

Extremely high attorney caseloads, investigator caseloads, and staff caseloads cause high employee, investigator and attorney turnover which ultimately leads to increased recruitment and training costs.

Although the Public Defender's office will increase its office space in San Bernardino with completion of the 303 building, there is still a shortage of office space in Victorville and Fontana. The Fontana office has 4,000 sq. ft. of space for 23 staff members. Victorville has 5,300 sq. ft. of space for 26 staff members.

RECOMMENDATIONS

- 07-52 THE BOARD OF SUPERVISORS APPROVE FUNDING FOR 18 ADDITIONAL DEPUTY PUBLIC DEFENDERS AND TWO SUPERVISING DEPUTY PUBLIC DEFENDERS.
- 07-53 THE BOARD OF SUPERVISORS APPROVE FUNDING FOR SIX INVESTIGATORS AND ONE SUPERVISING INVESTIGATOR.
- 07-54 THE BOARD OF SUPERVISORS APPROVE FUNDING FOR SIX SUPERVISING OFFICE ASSISTANTS AND EIGHT OFFICE ASSISTANT II'S.
- 07-55 THE PUBLIC DEFENDER DEVELOP AND INITIATE A CASE MANAGEMENT SYSTEM.
- 07-56 THE BOARD OF SUPERVISORS AUTHORIZE ADDITIONAL OFFICE SPACE IN VICTORVILLE AND IN FONTANA FOR PUBLIC DEFENDER USE.

SHERIFF-CORONER

BARSTOW SHERIFF'S STATION AND DETENTION FACILITY

BACKGROUND

The Barstow Sheriff's Station was established in 1890. The present station (a former Barstow City police office and jail) is the oldest in the County and has been in use since the early 1950's. The building also houses courtrooms and offices for the Superior Court.

The jail and booking facility is used by the Sheriff's Department, Barstow Police, California Highway Patrol, Burlington Northern Railway Detectives and, on occasion, Military Police Criminal Intelligence Division investigators from Fort Irwin and the Barstow Marine Corps Logistics Base.

Deputies from this station have patrol jurisdiction over 10,000 square miles, more than half of the total square miles of the County. This area includes Baker, Daggett, Hinkley, Lenwood, Ludlow, Newberry Springs, Sandy Valley, Yermo, Red Mountain and Trona.

Station staffing consists of 71 personnel, including one captain, one lieutenant, five sergeants, four corporal/detectives, six jail deputies, one secretary, three office specialists, five custody specialists, five custody specialist assistants, one automotive and five station officers.

FINDINGS

Prisoner meals are stored in a refrigerator prior to being heated and served. Food is transported from the Glen Helen jail.

A staff of trustees maintains the station and jail. They have a separate dormitory that is too small for the number of inmates. When these trustees have visitation with their families, there is not a visitation room and they use a small, secured patio off the staff conference room.

Inmates are generally held for 36 hours or less before being transported to Adelanto or West Valley facilities, unless they are to appear before the Barstow Superior

Court for arraignment. They are then transported and returned on the day of their next court appearance.

Parking lot facilities are inadequate for Sheriff vehicles and most deputies and employees must park on unsecured streets.

Evidence storage space is seriously inadequate. Firearms are not in lockers. Evidence workers have inadequate space and security in a 6' x 6' room. Drugs and cash are not kept permanently on site, but are periodically transported to the Criminal Services Unit in San Bernardino. Station ammunition is stored on shelves in a 4' x 2' hallway wall locker.

The detectives' office is only 16' x 12' and contains desks and files for the station's several investigators. The adjacent interview room is a former closet and is used as a fingerprint room for applicants for various non-criminal permits.

The station and jail's air conditioning system is inadequate for the severe desert climate. Some holding cells in the women's section are unusable due to chronic plumbing problems, and no fire suppression sprinklers were observed in the cell area or station proper.

Communication between the jail and the adjacent courtrooms is outdated. It usually consists of necessary defendant paperwork being slid under a door from the court to the jail.

Only one deputy is on jail duty per shift, with a Sheriff Correction Specialist. The deputy is responsible for jail security in transferring prisoners to court bailiffs.

Adjacent to the facility is a small city-owned park, purchased from the County for \$1 several years ago. It would be the most cost effective site if the Board of Supervisors ever considered enlarging the station. An evaluation should be done as the condition and age of the facility might necessitate building a new station at another location.

Several new developments and industries, plus the proposed new Indian casino, are scheduled for the area. The Sheriff will then need to develop new staffing and strategies to maintain the high level of law enforcement that citizens now enjoy.

RECOMMENDATIONS

07-57 REMODEL AND EXPAND THE EXISTING BARSTOW JAIL AND SHERIFF'S STATION USING THE VACANT CITY LAND NEXT TO THE FACILITY.

- 07-58 THE BOARD OF SUPERVISORS AUTHORIZES A CAPITAL IMPROVEMENT PLAN TO BUILD AND FINANCE A NEW STATION AND JAIL IN BARSTOW.
- 07-59 THE SHERIFF EVALUATE STAFFING NEEDS FOR THE FACILITY IN BARSTOW.

CENTRAL COURT HOLDING FACILITY

BACKGROUND

The Penal Code requires the Grand Jury investigate the conditions and management of County detention facilities.

The Sheriff's Central Court holding facility is located on the fourth floor of the San Bernardino County Central Courthouse. It is a temporary holding facility for people in custody who are awaiting court appearances. The facility is classified as a "Class II Detention Facility" (pending arraignment during trial and upon sentencing), as prescribed by Title 15 Minimum Jail Standards. Built in 1926, it was originally the only San Bernardino County Jail.

The facility accommodates approximately 120-200 inmates daily. Staff is comprised of six Deputy Sheriffs and one Sheriff Custody Specialist, who work Monday-Friday from 6:00 a.m. to 5:30 p.m.

FINDINGS

Inmates are in waist chains and leg irons when bussed daily from West Valley, Central and Adelanto detention facilities for their court appearances. They are transferred from the bus to a security elevator that only stops on the first and fourth floors. This elevator can only accommodate 3,000 pounds or 13 (1 deputy and 12 inmates per load) and is operated by an inmate trustee.

After arriving at the fourth floor, the leg irons are removed and inmates are placed into separate juvenile, male and female holding cells. Males are further separated until their appearance in court. When their cases are called, they are transferred to the court annex, under guard, through different stairs and security doors.

The holding area and cells are clean considering the age of the facility. It contains a small storeroom and small breakfast and lunch area for the guards. Exterminators are attempting to solve a recurring rodent and flea problem. The cooling system is adequate. There are 24 unoperable floor drains.

The Fire Suppression Pre-Plan Protocol and Emergency Evacuation Plan, coordinated with the San Bernardino City Fire Department, is updated every two years.

According to this plan, there are several exits in and out of holding cells. The plan calls for the majority of inmates to be evacuated through the kitchen stairwell, the stairway behind Departments S-17 and S-18, and the stairway behind Department S-21, plus the Court Annex passageway. It does not explain the evacuation plan if the Court Annex exit is destroyed or closed due to an emergency, or the electricity to the elevators is disrupted.

Considering the age of the facility and the plans to build a new courthouse, major expenditures are not financially feasible.

RECOMMENDATIONS

- 07-60 THE PLUMBING AND DRAIN PROBLEMS IN THE CENTRAL COURTHOUSE HOLDING FACILITY NEED TO BE REPAIRED.
- 07-61 UPDATE THE FIRE SUPPRESSION PLAN AND MODIFY THE EVACUATION PLAN FOR THE COURTHOUSE HOLDING FACILITY.

CORONER DIVISION

BACKGROUND

The 2002/2003 Grand Jury investigated the Coroner's facility. The report found the facility in unacceptable condition. Bodies were stacked three or four high and an extremely bad odor existed throughout the facility, originally built in 1986.

Recommendations were made to increase the size of the Coroner's Facility, remodel it entirely and add additional refrigeration capacity, as well as the additional staff to the Coroner's office.

FINDINGS

Recently, the Board of Supervisors assigned the Coroner's duties to the Sheriff's Department.

In November 2006 remodeling was begun on the entire Coroner's Facility, including the installation of a new roof.

A new and larger refrigeration/freezer system has been installed in addition to the existing refrigeration system. Facility upgrades include the autopsy stations, anthropology room and a facility for pathologists. When finished, the new morgue will hold approximately 170 bodies. Since the merger, the Board of Supervisors has approved 19 new staff positions and when filled, the office will have 51 full-time positions.

The Sheriff is recruiting RN's, ex-officers and paramedics, embalmers, and fire personnel. They will receive four months departmental training and two weeks specialized training. When fully staffed, the Coroner's Office will have three full-time and three part-time pathologists. Additional investigators are needed to identify a backlog of unidentified persons.

The remodeling of the Coroner's Facility is a four-part process. The Grand Jury's visit on April 12, 2007, found stage one of the remodeling almost complete. Final completion is scheduled for September 2007.

The Sheriff's Office requested the Board of Supervisors provide an additional Coroner's facility in the high desert area. This request was approved and an Apple Valley mortuary was obtained and is being remodeled. The Apple Valley facility is a lease with option to buy. The additional facility has given the County two Coroner's facilities to handle the growing population of San Bernardino County.

RECOMMENDATIONS

- 07-62 THE COUNTY PROVIDE ADDITIONAL CORONER INVESTIGATORS FOR THE BACKLOG OF UNIDENTIFIED BODIES.
- 07-63 COMPLETE REMODELING OF THE APPLE VALLEY FACILITY AND HAVE THE REAL ESTATE SERVICES DEPARTMENT INVESTIGATE OPTION TO PURCHASE FACILITY.

IMMIGRATION CUSTOMS ENFORCEMENT (ICE)

BACKGROUND

The Immigration Customs Enforcement (ICE) Unit is administrated by the Sheriff of the County of San Bernardino. Operations began January 2006 at West Valley Detention Center in Rancho Cucamonga only. The mission is to screen all prisoners booked at the facility to determine immigration status. San Bernardino County was the first to initiate the program in California.

FINDINGS

The Unit, consisting of nine specialists and one supervisor, is in operation Monday through Friday, 5:00 a.m. until midnight at the West Valley Detention Center only. The Unit is supervised by the Sheriff's Department.

The specialists must be bilingual and attend ICE training, which is funded by the Federal government. They receive no extra pay or allowance to serve in these positions. They also are required to have a high secret clearance. Only the ICE specialists are authorized access to the computers and files. All operations are monitored by Federal ICE personnel. Adequate office and work space is provided.

RECOMMENDATIONS

- 07-64 EXPAND THE ICE PROGRAM TO INCLUDE ALL SHERIFF'S JAIL BOOKING FACILITIES.

- 07-65 CONSIDER PROVIDING STIPENDS TO ICE SPECIALISTS.

SCIENTIFIC INVESTIGATIONS UNIT

BACKGROUND

The Sheriff's Scientific Investigation Division provides support in the investigation of crimes committed within the County of San Bernardino. Division personnel have been commended for their expertise and assistance in solving crimes. This includes evidence monitoring, crime scene investigation, photos, evidence gathering, ballistics testing, and the analysis and testing of DNA.

FINDINGS

The workspace area is not adequate for the amount of investigative services that the division provides. The FBI recommends that there be 1,000 square feet of space for each analyst, but the current facility has 46 analysts in 15,226 square feet. There are currently only 10 crime scene investigators but more are needed. Evidence is brought to the facility from all Sheriff and police agencies in the County and is stored on site.

One particular concern is the area where evidence vehicles are stored. They are housed outside in an unprotected area and are severely compromised by weather, animals and vandalism. The last two Grand Juries have recommended that something should be done to make the area more secure.

The Sheriff's Department currently supplies all kits for evidence gathering to all law enforcement agencies in San Bernardino County for blood alcohol, sex offense, DNA swabs and blood tubes at no charge.

A digital server is needed that would download and secure all photos. Photos are currently unsecured and some evidence has appeared on websites. This would eliminate the physical storage of all photos, which occupies substantial space.

RECOMMENDATIONS

- 07-66 HIRE ADDITIONAL DNA ANALYSTS AND CRIME SCENE INVESTIGATORS.
- 07-67 PROVIDE AN AREA INSIDE A WAREHOUSE OR INVESTIGATE CONSTRUCTION OF A MORE FEASIBLE WAY TO HOUSE VEHICLES INVOLVED IN CRIMES.

- 07-68 CHARGE LAW ENFORCEMENT AGENCIES A NOMINAL FEE FOR ALL EVIDENCE KITS.
- 07-69 PROVIDE FUNDING FOR A DIGITAL SERVER TO DOWNLOAD AND SECURE ALL PHOTOS.

SHERIFF'S TRAINING CENTER/ACADEMY

BACKGROUND

The 23-week basic Academy training program lasts 920 hours and is considered by California Peace Officer Standards and Training (POST) to be one of the top basic academies in the State. POST has recognized the need for peace officers to have strong values of leadership, ethics, and community policing.

The curriculum and format has been recognized as the standard for all the other basic academy programs in the State. This past year, 121 students completed the basic Academy program.

FINDINGS

The Academy trains recruits for the Sheriff's Department and as well as other police departments.

Class sizes vary from 40 to 70 students. Recruits at the Academy spend 40 hours a week in the training program.

One of the most difficult areas of training is report writing. San Bernardino Community College provides an instructor to assist in educating the recruits in this area. There are four academies conducted each year.

The training center consists of 650 acres on three different sites. Some of the facilities are old, in poor condition and have mold issues that are being resolved. Sewers have to be pumped every day. There is an occasional flooding problem area during heavy rains. Transporting personnel into the grounds by helicopter has been

necessary when flood occurs. An alternative route west of the facility is currently under development and could provide an alternate route.

The Academy offers training in other areas: Advanced Officer Training, Mounted Enforcement, Firearms Training, Motorcycle Training, Driver Training and Advanced Defensive Driving.

RECOMMENDATIONS

- 07-70 DEVELOP AN ALTERNATE, FLOOD FREE ROUTE, INTO THE GROUND OF THE SHERIFF'S TRAINING FACILITY.

- 07-71 REPAIR BUILDINGS THAT ARE IN POOR CONDITION AND REMOVE MOLD.