

LAW AND JUSTICE COMMITTEE

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LAW AND JUSTICE COMMITTEE

The Law and Justice Committee completed a busy and productive year. More than 53 interviews were conducted, and over 36 visitations reports were written. Moreover, the following departments were investigated:

District Attorney
Gang Unit Enforcement &
San Bernardino Movement Against Street Hoodlums (SMASH)
Major Accident Investigation Team (MAIT)
Probation
Public Defender
Sheriff/Coroner
Sheriff's Academy
Sheriff's Communication System
Sheriff's Scientific Investigations Division

Additionally, the following jail facilities were inspected:

West Valley Detention Center	Big Bear Sheriff's Station
Central Detention Center	Twin Peaks Station
Adelanto Detention Center	Barstow Sheriff's Station
Glen Helen Rehabilitation Center	Colorado River Station
Victorville Sheriff's Station	Juvenile Detention Center (Apple Valley)

Visitation reports were written on each of the above facilities and incorporated in a matrix form for clarity and brevity. Final reports with recommendations were completed on two of the larger facilities; West Valley Detention Center and Central Detention Center. Many of the smaller facilities listed in the matrix have needed more space and more personnel for some time.

Final reports with recommendations were also prepared on the following departments:

Major Accident Investigation Team (MAIT)
Public Defender
Scientific Investigations Division
Sheriff's Academy Training Center
Sheriff/Coroner – Coroner's Division
SMASH/Gang Unit

The committee wishes to thank all department heads for their cooperation during our term. Their full support made our efforts worthwhile.

What follows are the combined results of the Law & Justice Committee.

PUBLIC DEFENDER

BACKGROUND

All persons accused of a crime are entitled to a defense; this is provided in the Constitution of the United States of America. Anyone not having the financial means to hire an attorney will be assigned one by the court. The County Public Defenders office has the responsibility of representing indigent clients. The office provides defense services to both adults and juveniles accused of felonies, misdemeanors and violations of probation. In cases where the possibility of a conflict may exist between a client and a Public Defender the court contracts these cases to outside law firms through Request for Proposal (RFP) process.

FINDINGS

The Public Defender currently has 116 Deputy Public Defender positions, all of which are filled at this time. In comparison to the District Attorney's caseload, the Public Defender's office is currently handling 78% of the number of cases the District Attorney's office handles with only 51% of the trial lawyer staffing. In 2007, the San Bernardino County Deputy Public Defenders' average caseload was 560, whereas the San Bernardino Deputy District Attorneys handled an average of 352. San Bernardino County Deputy Public Defenders' average caseload also was much higher than neighboring counties with Orange County handling an average of 352 and Riverside 335.

The Department of Justice National Advisory Commission recommends 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 200 assigned juvenile cases per attorney per year.

San Bernardino County has 5.5% of California's population and only 1.3% of the State Bar membership and has no law schools. Attorneys are most often recruited from outside the county. Counties in Arizona with similar problems recruiting and retaining highly qualified personnel have documented the advantages of initiating a loan repayment program. The average law student graduates with \$83,000 in student loans. A loan repayment program would put monies aside to help new attorneys with their student loans. This program would help the County recruit and retain qualified attorneys, saving time and money by reducing the need for more frequent hiring and providing a significant amount of new-hire training. The cost of this program would be approximately \$5,250 annually per attorney qualifying for this program. Riverside County has recently instituted a loan repayment program that is viewed favorably.

The Public Defender's Office also operates with a lower percentage of investigators than the District Attorney's office. Supervising investigators are responsible for both management and non-management level duties taking them away

from their primary job. By creating a second tier of investigators, workload could be delegated so that the Supervising Investigators could focus more on management responsibilities. A tier system of investigators is currently in place in Orange, Riverside, Los Angeles and San Diego Counties.

RECOMMENDATIONS

- 08-26 Increase the number of Deputy Public Defenders to align with the Department of Justice's caseload standards.

- 08-27 Institute a loan repayment program to support the recruitment and retention of qualified personnel.

- 08-28 Increase the Public Defenders investigative staff, creating a Level II investigator position.

SHERIFF-CORONER

CORONER DIVISION

BACKGROUND

The 2002-2003 Grand Jury's report on the Coroner's function found that the main county facility in San Bernardino was in an unacceptable condition. Bodies were stacked three or four high and an extremely bad odor existed throughout. In January 2005, the Coroner function merged into the Sheriff's Department and the Sheriff became the Sheriff/Coroner. Under the strong leadership of the Board of Supervisors, community leaders, and the County Administrative Officer, the Sheriff/Coroner Department developed a plan to improve the Coroner function. The 2006-2007 County Grand Jury report found that progress had been made, implementing plans that the Board of Supervisors approved in February 2006.

Those plans included:

Seven additional deputy coroner investigators for a total of 21

Five additional autopsy assistants for a total of eight

\$3.5 million to remodel the morgue in San Bernardino

Two service specialist positions

One new pathologist and two part-time pathologists

In February 2007, the Board of Supervisors approved the relocation and remodel of the High Desert Coroner's facility.

FINDINGS

The Coroner's subcommittee met with the Captain and his key assistants and toured the facilities in San Bernardino and Apple Valley. Both were clean and well organized. There was adequate refrigeration/freezer storage capacity and the autopsy stations in San Bernardino facility were in good condition. In 2006, the Coroner reviewed 9,566 reportable deaths and performed 744 autopsies. In 2008, projections indicate that 11,500 reportable deaths will be reviewed with over 1,200 autopsies. These projections show a significant increase in Coroner activity. Over the next two to three years, there will be an increased need for morgue personnel. The Coroner projects that an additional four coroner investigators, two additional autopsy assistants, and one supervisor will be needed.

All autopsies are performed at the San Bernardino facility where the staff is dedicated to creating an atmosphere where relatives and friends of the deceased are

treated with dignity and respect. The Coroner utilizes the Riverside County Coroner for any officer involved shooting deaths, jail deaths, or other high-risk autopsies.

There are significant security issues at both facilities. The High Desert facility needs a perimeter fence to secure the entire property, as it is located in a business area where traffic is able to use the driveway as a shortcut to another street. In addition, there are no outside cameras to survey the area to protect Coroner equipment and personnel. The San Bernardino facility needs a more enhanced security system that will provide a video camera, alarm and keyless entry system that will provide comprehensive protection for all equipment, evidence, and decedents at the facility. This additional security at both facilities may cost between \$90,000 and \$111,000.

The San Bernardino morgue needs a new x-ray machine. This piece of analogue equipment is used daily for autopsies and was purchased in 1996 at a cost of \$40,000. The cost to replace the existing x-ray bulb is \$14,000; a new machine with basic capabilities would cost \$100,000, and a new digital system with enhanced capabilities and portability would cost \$225,000.

With the remodel of the Coroner's facility in San Bernardino and the increase in the number of pathologists, the Coroner is now in a position to obtain certification from the National Association of Medical Examiners. This certification will help attract qualified personnel and lend greater credibility to testimony that the medical examiner must give in legal proceedings. The cost of this certification is \$3,000.

San Bernardino County is the largest county in the continental United States covering an area of over 20,160 square miles with a population exceeding two million. Four major traffic arteries cross the county. The Sheriff's Department has five deputy sheriffs who are also trained and qualified as deputy coroners. These deputies are located in Baker, Barstow and Needles. The demands on these five deputy sheriffs to cover this large area are significant. There is also a need for a new full-time deputy coroner position in Needles, which is currently served by a part-time employee. In 2007, 254 death investigations were conducted in the Colorado River Basin area.

The Coroner contracts with four outside firms to transport bodies from outlying areas of the county. These are not county employees. While economical, this procedure could expose the county to potential legal risks. These providers need to be closely monitored and controlled.

COMMENDATION

The 2007-2008 Grand Jury commends the Board of Supervisors, the County Administrative Officer, and the Sheriff/Coroner for their hard work and diligence in bringing the Coroner function to a high standard of excellence.

RECOMMENDATIONS

08-29 Appropriate funds for needed x-ray equipment and security systems.

- 08-30 Add five deputy sheriff's, cross-trained as deputy coroners.
- 08-31 Reinstatement of the position of a full-time deputy coroner position in Needles.
- 08-32 Obtain certification by the National Association of Medical Examiners.
- 08-33 Increase morgue staffing during the next two or three years as demands increase.

JAIL FACILITIES

JAIL MATRIX

JAIL	ZIP CODE	ADDRESS	PHONE	COMMENTS
Adelanto Detention Center	92301	9428 Commerce Way, Adelanto	760-530-9300	This is a well run, Type II** facility with 706 beds and is self-sufficient. Staff includes a full-time nurse. There are plans to expand. Budgeted to include 2,074 beds by 2010. All areas clean, well staffed and safe.
Barstow Station	92311	220 E. Mountain View, Barstow	760-256-3531	Built in 1950s but in excellent condition and well maintained.
Big Bear Station	92315	477 Summit Blvd, Big Bear Lake	909-866-0100	This is an old Type I* facility. It has 24 beds, is very clean and well maintained.
Central Detention Center	92415	630 E. Rialto Ave, San Bernardino	909-386-0969	See report on Page 37.
Colorado River Station	92363	1111 Bailey Avenue, Needles	760-326-9200	Neat, clean, well maintained. Thirty beds.
Glen Helen Rehabilitation Center	92407	18000 W. Institution Road, San Bernardino	909-473-3616	Facility is extremely well run, very clean and orderly. This facility was built in 1962, with the women's facility added in 1988. Hallways and grounds are immaculate; physical plant in very good condition.
Juvenile Detention Center	92301	21101 Dale Evans Parkway, Apple Valley	760-961-6711	Clean, orderly, and well maintained.
Twin Peaks Station	92391	26010 Highway 189, Twin Peaks	909-336-0600	No longer a functioning jail - it housed prisoners for very limited period of time. There are no beds. It is clean and well maintained.
Victorville Station	92392	14200 Amargosa Road, Victorville	760-341-3911	Clean and well maintained. There are 80 beds.
West Valley Detention Center	91739	9500 Etiwanda Ave, Rancho Cucamonga	909-463-5000	See report on Page 39.

* Type I facility - Can only hold prisoners a maximum of 96 hours

** Type II facility - Has a medical facility and can hold prisoners for an unlimited number of years

CENTRAL DETENTION CENTER

BACKGROUND

Central Detention Center (CDC) opened in 1971 and was the main county jail for over 20 years. Overcrowding in the 1980's resulted in the building of the West Valley Detention Center (WVDC), which opened in 1991. CDC closed for a few years due to budgetary constraints, but eventually reopened in 1994 when the Sheriff negotiated a contract with the U.S. Marshal's Service to house federal prisoners. Since 1994, CDC has been the primary booking facility for the police and sheriff's stations operating in the East valley area.

FINDINGS

This Class II facility (has a medical facility and can hold prisoners for an unlimited number of years) averages between 70 and 80 bookings per day. It presently houses about 890-1000 prisoners and has a bed capacity of 1049. Female inmates number about 170. Of this total number of prisoners, there are about 350 federal inmates and it is the hub for the Federal Marshal's Service. The county receives about \$80 per day to handle federal prisoners. Normal bookings cost about \$58. When an undocumented alien is booked, the file is flagged, but there is no Immigration and Customs Enforcement agent on site. They do have a gang recognition expert on duty and the members of specific gangs are kept apart.

A staff of 7 sergeants, 54 deputies, 20 Correctional Specialists, and 39 other civilian employees handles the prison population. Excessive overtime is a constant concern. The average range of overtime in a pay period was 1800 to 1990 hours. Recently, because of cutbacks, this figure is now about 800 to 900 hours per pay period. Adding additional deputies would further reduce the reliance on overtime.

The interior of the facility is linear style with long rows of cells. It is difficult to see inmates at times, and compared to the more modern WVDC, it is more labor-intensive for the guards who have to do the majority of their work by moving from one location to another just to open cells, climbing stairs to reach the upper tier. There are a total of 70 cameras mounted in the building but none are located in the cells or other areas that demand a modicum of privacy.

Serious problems such as fights and/or assaults on staff are rare. The staff reportedly maintains a non-confrontational approach towards the inmates. There is generally no yelling and/or pushing an inmate and this has had a quieting effect on the jail population.

There are several programs/classes offered at CDC. They have classes to obtain the GED, cooking classes, supply classes, health classes, etc. A nurse is on duty 24/7 but no doctor. Any inmate with a significant medical problem is sent to WVDC.

In the past year, CDC has not had any suicides or attempted suicides, no escapes and only one assault on staff.

Present staffing of deputies is 54. About 10 years ago, a study recommended a staffing of 77 deputies. The need for additional deputies is apparent. The 2008-2009 budget calls for 1 sergeant and 13 additional deputies for Central Detention Center.

RECOMMENDATIONS

08-34 Add additional deputies to bring the staffing to an acceptable and manageable number.

WEST VALLEY DETENTION CENTER

BACKGROUND

The West Valley Detention Center (WVDC) opened in 1991 and is a modern facility that offers state of the art services in medical, culinary, support, transportation and housing. It is the largest low-rise detention center in California and is recognized world wide as a flagship facility. The complex covers over 20 acres and presently houses approximately 3,000 inmates. This includes about 400 female inmates. The number of female inmates is on the increase in this facility, as well as most other jail facilities. WVDC is the primary booking facility for San Bernardino County and averages about 5,000 bookings per month. About 500 employees are used to manage and control the inmates during their stay. Approximately 180 sworn deputies are on 12-hour shifts each day to accommodate all security aspects of the operation.

FINDINGS

Although there are 3,000 beds at WVDC, the facility is not overcrowded. When overcrowding becomes a concern, there are a few programs in place to alleviate this. Own Recognizance (OR) or bail releases are used on a daily basis. Inmates can be transported to other county facilities, such as Central Detention Center, Glen Helen Rehabilitation Center, and Adelanto Detention Center. Moreover, WVDC routinely initiates a Cite Release Program, whereby they book and release inmates whose bail is \$500,000 or less and their arrest was for non-violent felonies. This bail amount changes depending on jail population, and it is set by the Deputy Chief of Jails. On average, 400 inmates per month are transported from WVDC to other facilities.

About 18 months ago, working with Immigration and Customs Enforcement (ICE), WVDC started a program to check citizenship on all new inmates. If an inmate is determined to be an illegal immigrant, that person's file is flagged and when they have completed their sentence, they are turned over to immigration authorities at the ICE office in San Bernardino. There are between 200-300 flagged files at any given time.

The most pressing problem this facility faces is inmate medical problems. The number of medical problems plaguing inmates has increased dramatically in the past few years. In February 2008, there were 1,210 physician appointments, 4,400 nursing appointments, and 250 inmates were transported off site for specialized medical care. A year ago, there were about 950 to 1,000 inmates seeking medical care each month. There is currently 167 health care staff, which includes doctors, nurses, assistants, etc.

The medical department at WVDC is impressive. The ratio of medical staff to inmates ensures high quality medical care for the inmates. They have the capability of handling inmates with AIDS, inmates on dialysis, and those with cancer. Three to five deputies can be off the premises at any given time, accompanying inmates to local hospitals for highly specialized treatment. This is both expensive and time consuming.

Inmates that commit a crime at Patton State Hospital are transported to WVDC to await the disposition of charges. Their stay at WVDC can run into months or even years.

Deaths occur mainly through normal causes, but occasionally by inmate violence. The last death resulting from violence was about one year ago. Suicide threats are not uncommon, and are taken very seriously by the staff. Separation from the general population is immediate and a “suicide watch” is implemented. Inmates are checked at 15-minute intervals. There are cameras on them allowing for constant surveillance. Most suicide-watch cases last a day or two and then the inmate is released back into the general population, usually at the request of the inmate.

Staffing is a constant concern at WVDC. The facility is short about eight deputies on a daily basis. Excessive overtime is paid because of the staffing deficiency. The average amount of overtime during a pay period was 6,000 hours, but has lowered to 3,300 hours per pay period. Overtime is voluntary and the deputies request overtime by signing up ahead of time.

West Valley Detention Center is located in a rather remote area far removed from public transportation. When an inmate is released from custody, there is no provision made to assist in getting transportation. Inmates are released on a 24-hour basis. If released late at night or early in the morning, they are allowed to wait in the lobby until daylight. A non-profit organization called “Restorative Justice Group” recently contacted WVDC and started a program during evening hours whereby they assist released inmates who do not have financial resources. The group provides travel assistance and travel vouchers. Health care staff insures that the inmates with mental health issues get transportation. Without the involvement of Restorative Justice, there would be no means to assist a homeless inmate.

RECOMMENDATIONS

- 08-35 Hire additional deputies to bring the staffing to an acceptable number.
- 08-36 Implement a responsive release policy, initiated by the sheriff’s department, with a stronger role in release assistance.

MAJOR ACCIDENT INVESTIGATION TEAM (M.A.I.T.)

BACKGROUND

The Sheriff's Major Accident Investigation Team (M.A.I.T) is one of the Sheriff's specialty investigation services. The M.A.I.T. team investigates some of the fatal traffic accidents that occur in the various contract cities, and some of the injury traffic accidents involving Sheriff's personnel and equipment. Accidents that occur in other jurisdictions are investigated by the law enforcement agency that is responsible for enforcement in that particular area.

FINDINGS

M.A.I.T was called to duty 5 times (less than 20% of incidents) in 2007. There were 26 fatal accidents with 27 persons killed in Region II, not including Big Bear City, the Morongo Valley, or Needles. Statistics for Region I, which encompasses the San Bernardino-Chino-Ontario valley areas, were not available. Due to the problem of deputies being dispatched from so many places, reports are sometimes not completed in a timely manner.

Region I M.A.I.T. covers the contract cities below Cajon Pass, and Region II handles all of the contract cities from Cajon Pass to the Colorado River. In unincorporated areas, the California Highway Patrol (CHP) will investigate traffic accidents. The CHP also assists the M.A.I.T. when semi-tractor trailers need an inspection.

Each individual station commander selects deputies for appointment to M.A.I.T.. There is no testing procedure, and no minimum standards are required, except for training that any deputy can receive through courses approved by the California Commission for Peace Officer Standards and Training (POST). Since there is no county funding of M.A.I.T., and since any funding is dependent upon what each city can afford, the training level available to the deputies is not uniform, not advanced, and there is no continuing education requirement. Region I and Region II do not train together.

Training for M.A.I.T personnel consists of the attendance of the Basic 40-hour class, the 40-hour class for skid marks (primarily the physics of sliding objects), and an 80-hour class that addresses advanced time-distance math, and an introduction to physics such as conservation of momentum and energy. Beyond these classes, there are reconstruction classes that range from 40 to 80 hours. These classes, however do not certify, or accredit an investigator as an Accident Reconstructionist; that can be done only by Accreditation Committee for Traffic Accident Reconstruction (ACTAR). There are also Special Problems In Accident Reconstruction classes, Auto-Pedestrian Crash classes, Articulated Vehicle classes, as well as other classes. M.A.I.T personnel have not attended these specialized classes except for one Hesperia detective who is not ACTAR accredited.

ACTAR is an organization that was founded at the behest of the Federal Department Of Transportation (D.O.T.). D.O.T wanted to standardize, and create minimum performance standards for people who work as Accident Reconstructionists. ACTAR is comprised of police agencies, universities, engineering groups, and research scientists who have created a matrix by which Accident Reconstructionists can be accredited. The matrix consists of a six-page application, which must meet review standards, and a two-part, eight-hour test in which a candidate demonstrates his/her abilities. The San Bernardino County Sheriff has no accident investigator currently accredited by ACTAR.

The Sheriff's department has no mission statement for its M.A.I.T. division, and they have no multidisciplinary approach to investigations. The Los Angeles Sheriff uses Bio-Mechanists, and the California Highway Patrol uses highway engineers and automotive component experts, in addition to accredited Reconstructionists.

Los Angeles Sheriff operates county wide out of a centralized location. The San Bernardino Sheriff's M.A.I.T. deputies are dispatched from either their regular duties, or from home if off duty. There are no uniform software used by the various offices, and it is not uncommon for two deputies to arrive on the scene who are not familiar with the equipment used by the other deputy. There are no joint training exercises, and Region I and Region II M.A.I.T do not communicate with one another.

A problem faced by supervisory personnel is the transitory nature of M.A.I.T. service. Just when the supervisors get a deputy to the point that he/she is proficient at the job, they are either transferred, or promoted. The budget does not allow for the continual specialized training of personnel. ACTAR requires a minimum of 80 hours of continuing education. The ACTAR person then either submits the proof of training, or must face re-testing. M.A.I.T has no training budget for continuing education, and has no requirement for it.

The federal government has mandated that all passenger vehicles have an Event Data Recorder (EDR), a "Black Box", after 2012, and many have had it since 1994. This device allows an investigator to plug a Crash Data Recorder (CDR) into the car's wiring system, to determine the speed, engine speed, and condition of the brakes and seat belt. The Sheriff has some of the equipment at some stations, but they do not have any of the later modules needed to use their equipment on newer vehicles. No deputies have attended the technician or analyst courses.

Due to the rapid technological developments in automobiles and accident reconstruction, several of the update classes each year must be taken by personnel. Also mandated by the federal government, is a vehicle part called an Electronic Stability Control (ESC). This reduces rollover accidents. This device, however, makes specific marks on the roadway, and an investigator must account for its use in determining a vehicle's speed. No M.A.I.T. deputy has been ACTAR trained on this new automotive development.

Articulated vehicles (semi-tractor trailer rigs) require their own accident reconstruction physics and investigation. No M.A.I.T. deputy has been ACTAR trained in articulated vehicle crashes.

M.A.I.T. does have some technical equipment, which is used to make precision measurements of accident scenes. This equipment can also be used to make very precise, scale drawings of other crime scenes. The problem is that the equipment is not consistent from station to station as the software for each piece of equipment is different.

RECOMMENDATIONS

- 08-37 Increase training and educational opportunities for M.A.I.T. personnel for the purpose of achieving ACTAR certification.
- 08-38 Standardize equipment, training, and software throughout the county.
- 08-39 Fund continuing education for M.A.I.T. personnel.
- 08-40 Encourage ACTAR certification for all M.A.I.T. personnel.
- 08-41 Provide M.A.I.T. investigators with multi-disciplinary specialists to consult on fatal accident investigations.
- 08-42 Use technical equipment and mapmaking skills to assist other divisions.

REGIONAL GANG UNIT/SAN BERNARDINO COUNTY MOVEMENT AGAINST STREET HOODLUMS

BACKGROUND

SMASH (San Bernardino County Movement Against Street Hoodlums) Regional Gang Unit

The San Bernardino County Sheriff's Department's Regional Gang Unit consists of two Gang Enforcement Teams. These teams operate as a countywide gang suppression effort. Each team consists of four Sheriff's Deputies, one Sheriff's Corporal, one Sheriff's Sergeant, one Probation Officer and one California Highway Patrol Officer.

The teams' focus is on identifying existing and newly emerging street gangs and gang members, tracking criminal gang activities, and assisting in the prosecution of gang members. Aside from their daily operations, the teams are actively involved in assisting the Department's Homicide Division and allied agencies with gang related homicides and shootings.

The County's revitalization of S.M.A.S.H. and aggressive gang suppression efforts by the San Bernardino County Sheriff's Department and local law enforcement agencies has resulted in an increased number of identified gangs and gang members. Currently, there are 719 identified active gangs and 16,000 identified active gang members in San Bernardino County.

S.M.A.S.H. is a joint effort by local, state and federal law enforcement agencies to suppress criminal gang activity in San Bernardino County. S.M.A.S.H. operations target gang members that participate in criminal activities and whom have active arrest warrants and are currently on parole or probation status. Although emphasis of S.M.A.S.H. is on criminal gang activity, arrests do not reflect solely gang related crimes.

Law enforcement participation in S.M.A.S.H. has increased considerably, averaging approximately 100 sworn officers per operation.

S.M.A.S.H. conducts approximately one to three operations monthly, alternating between the valley and the desert areas.

FINDINGS

The SMASH/Regional Gang Unit is under the command of the Sheriff's Deputy Chief in charge of the Specialized Operations Division. The Special Enforcement Division is under the direction of a Sheriff's Captain. Deputies assigned to SMASH/Gang are hand picked and must meet stringent guidelines. New members undergo a comprehensive 40-hour training course, which includes gang histories, profiles and current updates on gangs. SMASH/Gang deputies are also members of the S.W.A.T.

(Special Weapons Assault Tactics) Team. Each police department in the County has an MOU (Memorandum of Understanding) with the Sheriff's Department to provide police personnel to SMASH. This report deals primarily with gang enforcement in the Desert Region under Sheriff's control.

The Sheriff's Special Enforcement Division Desert Regional Gang Enforcement Team – SMASH consists of one probation officer, one California Highway Patrol Officer and six sheriff's deputies. The team is headquartered at the Adelanto Police Department. The Victorville Police Department gang team has nine officers, the Apple Valley Police Department has two officers assigned to SMASH, and the Hesperia Police Department has two officers assigned to SMASH.

San Bernardino County has been described by the SMASH/Gang Unit commander as being a "turf-free zone" for organized Los Angeles gangs. Since there are no declared "turfs" to defend, Los Angeles gangs who are enemies engage in cooperative criminal ventures in San Bernardino County.

According to the Desert Team commander and a highly qualified probation officer gang expert and team member, there are currently 66 gangs with about 2,100 members in the Desert Region. The increasing population of gang members has been attributed to members escaping injunctions in the Los Angeles area, HUD Section 8 and other affordable housing, anonymity, and African American gang members being forced out of areas by growing Hispanic gangs.

African American and Hispanic gangs are criminal enterprises controlled by "shot-callers" in California prisons. Northern California Hispanic gangs ("Nortenos") are controlled by the Nuestra Familia prison gang, designated by the number 14 (14th letter of the alphabet, "N") and the color red. Southern California Hispanic gangs ("Surenos") are controlled by the Mexican Mafia prison gang, designated by the number 13 (13th letter of the alphabet, "M") and the color blue. Gang members are identified by letter and number tattoos, and number of dots indicating a member's rank. The cutoff area is Bakersfield. MS-13 is a separate gang. Unsettled gang members in the desert areas are called "Black Rags" and wear the colors red, white and blue. White supremacist gangs are controlled by the Aryan Brotherhood (AB), which consists of the "Nazi Low-Riders" (NLR). The most active white prison gang is the "Public Enemy #1" (PEN-1) or USA's gang.

The chain of command in gangs is strictly enforced. The chain of command runs from the prison shot-callers to county gangs, to city gangs and area gangs. All proceeds from drug dealing and other crimes are taxed by gang leaders.

Initiation into gangs often requires a new member to be physically beaten by existing gang members. Initiation can also include committing a serious crime, up to and including murder. There are gang members in training called the "Pee Wee's," who are 9 to 12 years of age. Female members are called the "Queens," who are initiated by having sex with all members. Female members who contract the AIDS virus are required to have sex with rival gang members, which is called the "HIV War." Gang graffiti is a deadly

serious form of establishing territories, communicating threats, and challenges between gangs and members.

The City of Victorville contracts with the San Bernardino County Sheriff's Department for police department law enforcement services, as do the cities of Adelanto, Apple Valley and Hesperia. Each city funds a SMASH/gang unit.

According to the Victorville Police commander, the unique rise in the number of gang members was caused by the housing boom of the past few years, wherein families with young males and some gang members left gang-infested areas of Los Angeles County for more affordable housing in the Victor Valley and to escape the dangers of gang violence. Once they settled, many of the young males were encouraged by local gang members to join their gangs. Hybrid gangs were formed consisting of both Crip and Blood members, and various Hispanic gangs did the same. Multi-racial gangs were also formed. In a recent robbery/murder that occurred at the 7/11 store in Apple Valley, the crimes were committed by a Crip gang member and a Blood gang member.

The Victorville Police department has the largest SMASH/gang unit consisting of a sergeant, a corporal and five deputies. The Desert Regional SMASH/gang unit of seven deputies is located at the Adelanto Police Department under the command of a Sheriff's Sergeant. The regional unit covers Victor Valley, Barstow and the unincorporated areas. When area sweeps are conducted, County probation officers are assigned to accompany the unit.

Deputies assigned to SMASH/gang unit are well-trained and committed to their duties. Two deputies are on-call for field deputies who suspect they are dealing with gang members. Once it is determined that a gang member is involved, the gang unit assumes responsibility for the case. Many of the cases against gang members involve criminal conspiracy to commit crimes. SMASH/gang unit members attend shift change briefings regularly and conduct in-service training with field deputies. Field deputies are well aware of local gang activity, and the Victorville unit shares information with other area units and the regional unit. SMASH/gang units work together in joint operations throughout the area, which includes the unincorporated areas.

The City of Victorville is committed to combating gang problems in the city and has been very supportive and generous with funding for personnel and equipment. The City recently purchased four surveillance vehicles for the unit. Two additional deputies will soon be added to the unit, along with two probation officers. The cost of cleaning up gang graffiti in Victorville amounts to between \$150,000 and \$200,000 per year.

San Bernardino County requested \$1.6 million in grants from the State for gang-related law enforcement and training grants. The County received about \$700,000. The desert area will receive little, if any, funds from the grants.

There are two Deputy District Attorneys assigned to gang prosecutions in the desert area. They have obtained gang injunctions in Victorville, which resulted in gang

members moving their activities to surrounding cities. The injunctions were then expanded to cover the entire valley. Gang injunctions have proven to have an effective impact on gangs. However, more resources are necessary to obtain time-consuming injunctions. Political interference has proven detrimental to injunction practices which are not approved of by some.

The District Attorney team is doing a good job. Gang conspiracy cases are worked-up against gang members, which has been very effective in prosecutions. However, the team is often overwhelmed with gang prosecutions. The desert area could certainly use additional specialized deputy district attorneys and support staff.

Penal Code Section 186.22 gang enhancement charges are supporting longer jail terms. The code section states that “any person who actively participates in any criminal street gang with knowledge that its members engage in or have engaged in a pattern of criminal gang activity, and who willfully promotes, furthers, or assists in any felonious criminal conduct by members of that gang, shall be punished by imprisonment in a county jail for a period not to exceed one year, or by imprisonment in the state prison for 16 months, or two or three years.”

Penal Code Sections 186.20 through 186.33 is known as the "California Street Terrorism Enforcement and Prevention Act." The Legislature found that “the State of California is in a state of crisis which has been caused by violent street gangs whose members threaten, terrorize, and commit a multitude of crimes against the peaceful citizens of their neighborhoods. These activities, both individually and collectively, present a clear and present danger to public order and safety and are not constitutionally protected. It is the intent of the Legislature in enacting this chapter to seek the eradication of criminal activity by street gangs by focusing upon patterns of criminal gang activity and upon the organized nature of street gangs, which together, are the chief source of terror created by street gangs.”

According the Desert Team commander, a potentially groundbreaking gang enhancement prosecution is currently underway that involves a “Surenos” gang member who allegedly crashed a party, engaged in a fight with a non-gang member, 17 year-old male and lost the fight. The gang member left, enlisted the help of gang members from San Bernardino, Los Angeles and the desert, returned to the party and murdered the 17 year-old with a shotgun.

The City of Victorville area has been exposed to a growing gang problem, which has been responded to by increased gang personnel. The hot spot in the Victor Valley is in the City of Adelanto, wherein the Hispanic “Brown Pride” gang has been growing since 1993. The MS-13 gang is also of growing concern, with between 50 and 100 members in the desert region. “Below Underground” is a desert region hybrid gang recently involved in a double murder at the Victorville Wal-Mart parking lot. There are about 100 members in hybrid gangs. And there are growing hostilities between the Brown Pride gang and African-American gangs.

The Desert Regional Gang Enforcement Team currently occupies a single office at the Adelanto Police Department. Minimal clerical support staff is furnished by Adelanto PD. The Desert Team Commander indicated that there is an urgent need to move the team to a separate facility, with support staff to accommodate the team. The team shares three computers, and they have a limited number of vehicles and equipment. There is a need to upgrade equipment on existing vehicles, and a need for photographic and surveillance equipment. Because of the limitations, both the Valley and Desert Gang Teams are required to share equipment. Some team members use their own cameras and cell phones. Both teams access and input gang information to the California Gangs computer database, and there is a definite need for each member to have a laptop computer. With the exception of the Probation Officer and CHP Officer members, there is no dedicated budget account for overtime.

Ongoing training is needed to maintain gang team members as “gang experts.” All members benefit from membership in the California Gang Investigators Association, and should be able to attend seminars provided by the association.

The SMASH/Regional Gang Unit Commanders, team commanders, gang specialist Probation Officers and gang specialist Deputy District Attorneys agree that additional gang suppression and prosecution personnel, adequate overtime and equipment are needed to catch up with and stay ahead of gang growth and criminal activity, particularly in the Desert Region. Criminal gangs are responsible for the majority of crime in the Desert Region. Combining city Gang/SMASH personnel with regional teams for special operations and more street presence would add to effective suppression efforts.

Criminal gangs create a hostile environment of terrorism throughout any and all areas that they inhabit or prey upon, causing people to live in fear. There is a strong indication that substantially increased gang suppression and prosecution efforts can improve Valley areas and save the Desert by making San Bernardino County undesirable to criminal gangs.

RECOMMENDATIONS

- 08-43 Increase the number of SMASH/Gang Unit personnel to catch up with and stay ahead of gang growth and criminal activity, particularly in the desert region.
- 08-44 Provide a separate strategically located facility and support staff to accommodate the desert regional gang team.
- 08-45 Add SMASH/gang enforcement personnel to the Victorville County Station, the Town of Apple Valley, the City of Adelanto, and the City of Hesperia.
- 08-46 Provide ample overtime to meet regional team needs.

- 08-47 Combine city Gang/SMASH personnel with regional teams for special operations and more street presence.
- 08-48 Add Gang Specialist County Probation Officers to meet regional team needs.
- 08-49 Provide additional vehicles and equipment, and photographic and surveillance equipment as needed.
- 08-50 Provide each gang team member with a laptop computer to access and input gang information to the California Gang Database.
- 08-51 Provide ongoing specialty gang training to team members, along with membership/seminar attendance with the California Gang Investigators Association to maintain “Gang Expert” status.

SCIENTIFIC INVESTIGATIONS DIVISION

BACKGROUND

The Sheriff's Scientific Investigations Division (SID) provides the resources and expertise to investigate crimes committed in San Bernardino County. This division of the Sheriff's Department has become much more visible to the general populace due to the increased DNA publicity and several primetime television shows (CSI). The SID assists investigations in several ways including taking photos, ballistics testing, doing chemical analysis, evidence gathering/monitoring, processing finger prints and processing DNA samples. The SID not only puts the evidence together to put criminals in jail but also helps bring very important closure to victims and their families.

FINDINGS

The Scientific Investigation Division is in serious need of resources if it is expected to catch up and maintain the needs of the county. The problems facing SID are complex. At this time, if the critically needed personnel were provided, there is no space to put them.

The FBI recommends the minimum work area per analyst be 1,000 square feet. In 2005/06 the San Bernardino County SID had 386 square feet per analyst and in 2006/07 had 330 square feet per analyst. The current number is 218 square feet per analyst. Due to the building requirements for a crime lab, purchasing an existing building and retrofitting it would actually cost more than constructing a new building. The longer construction is delayed, the more the cost rises and the larger the case backlog becomes.

San Bernardino County has an area of 20,105 square miles with an estimated population of over 2,000,000 and increasing daily. The county has only 12 Crime Scene Investigators (CSI). Currently, the investigators are divided into three teams of four. Every third week a team is on call 24/7. The teams not on call are busy processing their findings, doing reports and other collateral duties. Burnout is an ongoing concern since the workload is constantly increasing and the backlog continues to grow.

When it became evident there was a need for additional DNA labs, the district US Representative suggested that due to the physical requirement and expense of constructing these labs, funds be given to San Bernardino County to construct a facility that can handle both San Bernardino County and Riverside County DNA analysis requirements. This suggestion was adopted and is currently in effect. The Regional Access Network Board (RAN Board) provided some funding for this collaboration. The RAN Board receives its funds from local police departments and funding is limited. This means that SID is doing the work for two counties with space that is inadequate for one.

DNA profiles are worked by priority. Priority I are cases that the District Attorney has promised to prosecute and are generally already in the trial stage. Priority I cases are

homicides, violent rapes and officer involved shootings. The DNA lab is currently just keeping up with these cases. Priority II cases are those such as burglary and rape that have an identified victim and suspect. There are approximately 1,000 cases on backlog and the number is increasing. The current DNA analysis staff can only perform 240 DNA work ups per year. Priority III cases are the cold cases. Currently, with the present number of analysts and the space needed, cold cases have the lowest priority.

In addition to Crime Scene Investigators and DNA analysts, SID needs Forensic Analysts who, in essence, are training to become DNA Analysts. These positions can be tiered to include DNA Analysts and Forensic Analysts I-III.

RECOMMENDATIONS

- 08-52 Provide additional workspace for the Sheriff's Scientific Investigation Division taking into account the growth of the county.

- 08-53 Increase the number of Crime Scene Investigators from 12 to 24.

- 08-54 Increase the number of DNA/Forensic Analysts from 10 to 20.

TRAINING CENTER / ACADEMY

BACKGROUND

The California Commission on Peace Officer Standards and Training (POST) was established by the Legislature in 1959 to set minimum selection and training standards for California law enforcement.

The San Bernardino County Sheriff's POST certified Regional Law Enforcement Training Center facility and firing range was constructed and established in 1973. The training building contains two classrooms, an assembly courtyard, a physical training room, a supply room, a tactical staff office, locker rooms, restrooms and academy administrative offices. Subsequently, the two classrooms were combined into one large classroom and the firing range was enlarged.

FINDINGS

POST funding comes from the Peace Officers' Training Fund (POTF). The POTF receives monies from the State Penalty Assessment Fund, which in turn receives monies from penalty assessments on criminal and traffic fines. Therefore, the POST program is funded primarily by persons who violate the laws that peace officers are trained to enforce. No tax dollars are used to fund the POST program.

The POST program is voluntary and incentive-based. Participating agencies agree to abide by the standards established by POST. The more than 600 agencies in the POST program are eligible to receive the Commission's services and benefits, such as job-related assessment tools, research into improved officer selection standards, management counseling services, the development of new training courses, reimbursement for training, and quality leadership training programs. POST also awards professional certificates to recognize peace officer achievement and proficiency.

Training programs at the Center include a POST Basic Academy, a Reserve Officer Training unit, an Advanced Officer Training Unit, a Mounted Enforcement Unit, a high school Public Safety Internship Academy, firing range training, a Reserve Firearms Training Unit, a Use of Force Unit, and a yearly program consisting of 24 hours of training updates for existing law enforcement officers. According to Academy Commander, a constant priority is placed on enhancing Use of Force training for safety purposes and to reduce liability exposure to the County.

Basic Academy class sizes average 40 or more officers from all participating law enforcement agencies, with two or three staggered classes being held simultaneously. Law enforcement growth required the addition of portable classrooms remotely located from the training building, and the occupation of the former Verdmont Boys Ranch for the Advanced Officer Training Unit. The academy complex includes additional firing range training facilities, explosive training, scenario, situation and "Simunition"

(simulated use of firearms scenarios) training facilities, and an extensive training area for the Emergency Vehicle Operations Center.

The Training Center qualifies for portions of POST Plan II and Plan III reimbursements, which includes travel, lodging, meals and other expenses incurred by Academy staff. No student tuition is reimbursed by POST. The current cost per student is \$1,160.00. The current operating budget for the Training Center is about \$7 million, with about \$1.6 million in offsets. Approximately \$1 million per year is generated by the Emergency Vehicle Operations Center (EVOC), by training students from agencies throughout Southern California. Approximately \$600,000 per year is generated from a contract with the San Bernardino Community College District, which reimburses student attendance at training courses certified by San Bernardino Valley College.

The complex is widely spread over a number of acres on varying grades and levels of land some distance away from the main training facility. Other than the firing ranges, explosives training ground, scenario-training area and the Emergency Vehicle Operations Center, the Basic Academy and Advanced Officer portable classrooms are unreasonably remote from the main facility.

According to the Academy commander, the training division has only recently been able to bring a recurring mold and mildew problem among the portable classrooms under control. The age and condition of the buildings have also created an ongoing maintenance and repair problem. The Academy commander added that the remoteness of the classrooms inhibit or prohibit the use of shared Training Center staff.

The Training Center's 24-week Basic Academy program consists of 923 hours of training, well beyond POST's basic course academy, which requires a minimum of 664 hours with a curriculum of 43 specific training specifications.

POST has recognized the need for peace officers to have strong values of leadership, ethics and community policing. A strong foundation for officers is needed at entry level. POST designated the Training Center as the lead pilot program in developing the standard for all other basic academy programs in California.

Access to the Training Center was previously restricted to the same access to the Glen Helen Rehabilitation Center from a road connecting to Interstate 215 to the East. A second access road is available and near completion northwest from the Training Center to the Glen Helen Parkway traffic ramps on Interstate 15.

To meet current and future training demands, the Sheriff, his staff, and the Academy commander's assessment of overall training needs requires the construction of a new centralized facility to more effectively meet increasing public safety demands and the public's continued need for the well-trained quality law enforcement. The academy has enjoyed a good reputation for meeting and exceeding POST training standards. The current facilities have been outgrown, which places a strain on maintaining those high

standards. It should be noted that lack of law enforcement training could result in costly lawsuits and judgments that are paid from public funds.

A request was submitted to provide the committee with documentation supporting the assessment and cost analysis for the construction of a centralized training facility. The committee received a detailed proposal, which includes a design narrative, the program, aerial photographs of the site, a site analysis, the existing site, an adjacency study, the site plan, a 3D diagram, perspectives and elevations.

The total proposed program consists of a 93,000 square foot training facility located south of the existing shooting ranges. The facility will include an administration area, basic and advance training areas, and a use of force training area. Proposed parking areas will be located between the training facility and the shooting facilities. The shooting ranges, the practice-training course and the armory will remain. The existing administration and training building will be demolished after the new structure is completed and the area will be used for additional parking. Other major areas of construction will include a retaining wall between the lower parking and upper level shooting ranges to compensate for the 20-foot elevation difference. The wall will be used in part as a “wall of honor” and the focus of the entrance to the facility. The shooting ranges will be lined with a heavy landscape of tall trees and berms along the masonry walls to mitigate noise. The proposed facility addresses the need to be adjacent to the ranges, while maintaining an appropriate environment for classrooms and training. The initial cost estimate for the proposed training center is \$78,801,662, which includes \$37,977,466 for the main building, \$1,269,500 for various outbuildings, \$23,794,364 for building site work, and \$15,760,332 in “soft costs” including permits, design and management. The site work cost includes demolition of the current facility, paving for access roads and parking, plus landscaping and utilities for the site.

RECOMMENDATION

08-55 Construct a 93,000 square foot centralized Sheriff’s Training Academy.