

# LAW AND JUSTICE COMMITTEE



Victor G. Edinburgh, Chair



Norma M. Bancale



Peggy M. Bautista



Ronald C. Fletcher



Debra S. Gray



Sarah L. Harrison



Sandra L. Munson



Michael J.D.R. Wilson



Jack R. Woods



## LAW AND JUSTICE COMMITTEE

The Law and Justice Committee completed interviews and investigations on specific areas within the following departments:

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

Subcommittees were formed to investigate the areas of each department that were proposing or undergoing change that were significant in nature. These investigations were as noted:

- Proposed merger of the Coroner and Sheriff's departments.
- Overcrowded housing conditions at Central Juvenile Hall and the construction of a "Tent City Annex" to accommodate the overflow detainees.
- Building of additional juvenile facilities, one adjacent to the West Valley Detention Center in Rancho Cucamonga, and another proposed in the High Desert area.
- Establishment of a Hate Crimes Suppression Unit by the District Attorney.
- Proposed structural changes at the Sheriff's Communications Division Valley Control Center.
- Courthouse Security Administration

Subcommittees investigated and conducted interviews in other areas of the Sheriff's Department, but there were no recommendations for the following:

- Basic Training Academy
- West Valley Detention Center
- Contracts with Cities for Law Enforcement
- Volunteer Programs

The subcommittee team efforts did result in the following final reports and recommendations.

# **DISTRICT ATTORNEY**

## **HATE CRIMES SUPPRESSION UNIT**

### **BACKGROUND**

The 2001-2002 San Bernardino County Grand Jury became aware in October of a recently formed Hate Crimes Suppression Unit in the District Attorney's office. After the September 11, 2001 terrorist attack the Federal Bureau of Investigation reported 153 hate crimes nationally. The State Attorney General's office stated 236 hate incidents have been reported in six major California law enforcement jurisdictions from September 11 to September 30, 2001.

Hate crimes are defined as crimes motivated by bias against a victim based on his or her actual or perceived race, religion, sexual orientation, gender, ethnicity, national origin or disability.

Hate incidents are similarly motivated, but lack the elements of damage to property, harm or the immediate threats of harm or violence.

California Penal Code Sections 422.6(c), 422.7, etc., Penal Code 11411(a), (b), (c), (d), 11412, 11413, Civil Statutes sections 51 and 52 and Federal laws 18 U.S.C. Section 241, and various other laws are on the books to prosecute perpetrators of hate crimes. The Grand Jury uncovered information that 15 hate crimes had occurred in San Bernardino County and were referred to the District Attorney's office for prosecution before September 11, 2001.

The goal of the 2001-2002 Grand Jury was to investigate the planning, implementation and operation of the Hate Crimes Suppression Unit in the District Attorney's office. Questions were submitted to the District Attorney's office to update the Grand Jury on the status and operation of the Hate Crimes Unit. A video was shown to the Grand Jury by the District Attorney describing various forms of hate crimes committed by several groups engaged in hate crimes activities.

### **FINDINGS**

A Deputy District Attorney coordinates the Hate Crimes Unit in the D.A.'s office. The goal of this unit is to target the problem of hate crimes in the County.

Grant monies do not fund the Hate Crimes Unit because grant funds for the abolition of this type of crime are currently non-existent at the county, state or federal levels. Funding was obtained by reorganizing various personnel within the District Attorney's office.

The County Board of Supervisors does not fund the Hate Crimes Unit.

Three individuals are assigned specifically to the Hate Crimes Unit: an attorney, an investigator and a part-time secretary.

Hate Crimes and the Anti-Terrorist units are a concern within the communities of San Bernardino County. Hate Crimes are not given priority for funding by the County Board of Supervisors.

The Hate Crimes Unit incorporates anti-terrorism into its functions. The September 11<sup>th</sup> terrorist attack prompted this decision. To date, the Anti-Terrorism Unit function has been assigned to the CAO's office and the operation of this specific unit has been spread to various other County departments.

Data from the D.A.'s office reflects the filing of 18 hate crimes cases in San Bernardino County since the unit's inception in July 2001.

Hate crimes are prosecuted under specialized Penal Code sections, as noted above. Initially, a crime must be perpetrated against a victim. If the perpetrator of a hate crime is convicted of a felony, enhancement of punishment is added to the sentence.

There are many applicable California laws where criminal statutes have become elements of hate crime prosecution. There are federal laws and civil statutes that provide for prosecution of perpetrators of hate crimes. According to the District Attorney, hate crimes are under-reported by members of minority groups in San Bernardino County, as well as throughout the nation. Many minority members have a distrust of law enforcement and, historically, have felt that nothing will or can be done by the authorities.

The District Attorney's office has established this unit's goals and objectives to provide the public with information about the unit and to prosecute all perpetrators who commit hate crimes. Many law enforcement agencies use Peace Officer Standards Training (POST) to train their officers, and hate crime familiarity is a part of that training. The D.A. Hate Crimes Coordinator is developing a Hate Crimes manual and has operated this unit in a timely and expeditious manner. The coordinator, who started the Hate Crimes Unit, is diligently handling all hate crimes in the County.

The District Attorney's office reports that hate crimes are a state of mind of a perpetrator. This analysis of why someone would commit a hate crime is complex and creates differences in interpretation of Penal and Civil Codes referred to in crimes against

victims of color, ethnicity, religion, etc. Each agency reports hate crimes differently. Regional protocol for all law enforcement offices is a goal the D.A.'s office is striving to reach. The D.A.'s office is working with schools and community groups to alert the public to hate crimes.

## **RECOMMENDATIONS**

- 02-94 MAKE THE BOARD OF SUPERVISORS AWARE THAT THE DATA/STATISTICS SHOW AN INCREASE OF HATE CRIMES IN SAN BERNARDINO COUNTY.
- 02-95 DEVELOP A PUBLIC AWARENESS PROGRAM TO EDUCATE THE PUBLIC.
- 02-96 BUDGET THE HATE CRIMES UNIT OF THE DISTRICT ATTORNEY'S OFFICE THROUGH THE GENERAL FUND.
- 02-97 DEVELOP SPECIFIC INFORMATION BY THE HATE CRIMES UNIT IN ITS INTERPRETATION OF THE DIFFERENCE BETWEEN HATE INCIDENTS AND HATE CRIMES.
- 02-98 ENCOURAGE THE STATE AND FEDERAL LEGISLATORS TO WRITE SPECIFIC LAWS TO REDUCE CONFLICTING INTERPRETIVE AREAS OF HATE CRIMES OR HATE INCIDENTS.
- 02-99 DEVELOP AND IMPLEMENT INNOVATIVE STRATEGIES DESIGNED TO PREVENT AND REDUCE THE SPREAD OF HATE CRIMES AND HATE MOTIVATED INCIDENTS WITHIN THE COMMUNITY.
- 02-100 DEVELOP A PLAN TO INCORPORATE COMMUNITY LEADERS, NEIGHBORS, SCHOOLS, COLLEGES AND UNIVERSITIES TO BECOME A PART OF THE PREVENTION STRATEGIES WITH THE DISTRICT ATTORNEY'S OFFICE.
- 02-101 COMPILE STATISTICS RELATED TO ETHNICITY, RELIGION, GENDER, DISABILITY AND ANY OTHER DATA THAT COULD ASSIST IN ANALYZING INCIDENTS CONNECTED TO HATE CRIMES AND HATE INCIDENTS.

# **PROBATION DEPARTMENT**

## **CENTRAL JUVENILE HALL**

### **BACKGROUND**

The Probation Department has the responsibility to maintain physical control of youth rendered a judgment by the court system.

The following source material contains the controlling document/s for detainee/juvenile care. The Minimum Standards for Juvenile Facilities are located in Articles 1-12, of Division 1, Board of Corrections (BOC) Chapter 1, Subchapter 5, California Code of Regulations (CCR) Title 15 and CCR, Title 24. If a juvenile hall facility cannot meet these standards, the facility will be found unsuitable to house minors.

### **FINDINGS**

The first buildings constructed for this facility were in the 1950's, and they are currently used as housing units for the detainees. Overcrowded living conditions have created buildings that are in need of maintenance and upgrading.

From 1992 through 1998 the detainee population at Central Juvenile Hall (CJH) has grown nine percent (9%) each year. In 1999 through 2000, the population increased by 32 percent. The overall increase from 1992 to 2000 was 145 percent.

The Tent Housing Annex is one element of the department's overall Emergency Suitability Plan. It was conceived in response to concerns by the State Board of Corrections. Central Juvenile Hall has a rated capacity of 281 detainees. An overcrowded condition reached a peak in October 2000, with 605 detainees.

The BOC approved the Emergency Suitability Plan for the Tent Housing Annex on January 18, 2001.

The term "Tent Housing Annex" was adopted by the Probation Department to describe the construction of six wood-framed buildings that are intended to house juvenile detainees in a non-permanent building complex. An agreement was reached with the developer to have construction completed by September 2001.

The building construction was not completed in the agreed upon time period. When construction was completed, the County was required to expend an additional \$60,000 for retrofitting of the heating and air conditioning system.

The County Architecture and Engineering Department was unable to foresee all the ramifications/answers to the County's first venture into the contracted building and supervision of a tent structure.

This annex facility is the first project of its kind for juveniles in the nation. Each tent structure measures 18 x 72 feet. The structures have wooden floors. The sides are ten feet high. Five feet of the wall is wood, with the remaining five feet made of canvas. The ceilings are not solid but made of wire mesh.

The Suitability Plan called for ten bunk beds, three picnic tables, one storage cabinet, one desk and one chair for staff. Each tent has two doors, (which remain unlocked), and eight windows (four on each side), with roll up and tie coverings. There are 120 detainees assigned in the tent structures. The structures will remain in existence until adequate housing has been constructed, not later than March 31, 2003.

The staff-to-detainee ratio is currently 1:8 during day hours and 1:12 during night hours. The staffing levels of the Probation Department are above the standards established by the BOC of 1:10 day hours and 1:30 during night hours.

Camp Heart Bar, located in the San Bernardino Mountains, is another rehabilitation facility occupied by detainees of the Probation Department. There are 22 detainees at this site.

The following data displays the number of assaults on Probation Corrections Officers by detainees at CJH covering the time period January 1, 2000 through August 31, 2001. This data is contained in the Crowding Assessment Report of the BOC dated January 8, 2001. The information is required to be submitted by each overcrowded juvenile detention center, under Section 1343, Title 15 (CCR). The report is required to be submitted every 30 days to the BOC whenever overcrowded conditions are evident in a detention facility.

### ASSAULT ON STAFF MODEL

<b>YEAR 2000</b>		<b>No. of Assaults</b>	<b>YEAR 2001</b>		<b>No. of Assaults</b>
Year one tracking	JANUARY	0	Year two tracking	JANUARY	1
	FEBRUARY	1		FEBRUARY	1
	MARCH	0		MARCH	0
	APRIL	1		APRIL	2
	MAY	2		MAY	2
	JUNE	1		JUNE	2
	JULY	0		JULY	0
	AUGUST	1		AUGUST	1
	SEPTEMBER	1			
	OCTOBER	3			
	NOVEMBER	0			
	DECEMBER	1			
Total assaults Year One		11	Partial Second Year Tracking		9

The following pattern depicts the CJH facilities reportable incidences of detainee behavior. This data pertains to January through December 2000.

Suicides	0
Suicide Attempts	24
Escapes	0
Escape Attempts	3
Use of Restraints	111
Use of Force	151
Self-Inflicted Injuries	52

The process of placement of detainees out of the area is noted. This is in part due to a lack of specific facilities and personnel in the County. Currently the department is in the process of developing facilities to enable displaced detainees to be housed in the County.

The CJH kitchen and dining hall are antiquated.

The general appearance of the grounds indicates that the CJH grounds are not well maintained.

The CJH superintendent indicated these issues need attention due to lack of funds.



The issue of funding was addressed, and budget research has indicated that sufficient funds have not been allocated to the Probation Department to keep CJH in proper repair. From 1989 to 2000, the Probation Department budget reports show that the Board of Supervisors (BOS) has not provided adequate funding.

According to a budget report from the Probation Department, administrators have received approximately 33 percent of their monies from outside funding sources to run existing programs at CJH.

## **RECOMMENDATIONS**

- 02-102      INSTITUTE A NEW STRUCTURED PLAN COVERING POPULATION PROJECTIONS AND NEEDS ASSESSMENT FOR 10, 15 AND 20-YEAR INTERVALS.
- 02-103      ENCOURAGE THE BOARD OF SUPERVISORS TO PROVIDE SUFFICIENT FUNDING TO MEET THE HOUSING NEEDS OF THE DETAINEES.
- 02-104      REMODEL THE DINING FACILITY AT CENTRAL JUVENILE HALL.
- 02-105      CREATE A PROGRAM FOR THE DETAINEES TO BECOME INVOLVED IN THE UPKEEP OF THE GROUNDS.
- 02-106      LOCATE DETAINEES HOUSED OUTSIDE THE COUNTY AND STATE TO RETURN TO SAN BERNARDINO COUNTY.
- 02-107      ESTABLISH A SECTION WITHIN THE PROBATION DEPARTMENT TO SEEK OUT ALL AVAILABLE GRANT MONIES.
- 02-108      CONSULT THE COUNTY ARCHITECTURE AND ENGINEERING DEPARTMENT REGARDING THE DESIGN OF PROBATION FACILITIES.

# **PUBLIC ADMINISTRATOR/CORONER/ PUBLIC GUARDIAN**

## **BACKGROUND**

San Bernardino County voters elect the Public Administrator/Coroner/Public Guardian, commonly referred to as the "Coroner". The current Coroner was first elected in 1982 and has been re-elected to four additional terms.

The Coroner oversees the Medical Examiners who perform autopsies and determine cause of death. The Coroner investigates the findings to clarify all circumstances surrounding or pertaining to the death. This department also has the duty for identification of the deceased, and to contact the next of kin.

The Public Administrator is required by law to take charge of the property of persons who have died when no executor or administrator has been appointed.

The Public Administrator manages the estates of the deceased until families assume responsibility. If no family member claims the estate, the property goes to public auction.

The Public Guardian, by Court appointment, acts as conservator of any individuals found to be gravely disabled. The Public Guardian arranges for custodial care of the ill and elderly in nursing homes, and administers the estates of the gravely disabled or other incompetent persons. He also coordinates legal or social services on their behalf.

The 1995-1996 Grand Jury recommended the appointment of a blue ribbon committee to explore the advisability of consolidating the office of the Public Administrator/Coroner under the Sheriff's Department. The committee was appointed in January 2001 and consisted of executive staff from both agencies, in addition to representatives from County Human Resources and County Counsel.

Major issues explored by the committee included: facilities, vehicle acquisition and maintenance, computers and data automation, communications, staffing levels, employee classifications, use of forensic laboratory and other technical services.

The issue of consolidation of the Coroner and Sheriff Departments surfaced in 2000-2001 when the Grand Jury addressed the possibility of any future merging of the Coroner's office with the Sheriff's Department. The Coroner informed that Grand Jury that such a merger was not being considered.

However, the Sheriff and the Coroner brought a merger proposal to the Board of Supervisors in 2002. The Board did not approve the merger.

The possibility of separating the Public Administrator, Public Guardian and/or Conservator functions from the Coroner had been an issue in the past and was considered by staff relative to a merger. All parties seemed to agree that reconsideration of this issue might be appropriate.

## **FINDINGS**

Several meetings were held with the Public Administrator/Coroner/Public Guardian. A request was made for the mission statement for the three agencies, and was received. Although the three agencies are separate and serve different public needs, all the mission statements were the same. These mission statements were not individualized to reflect the differences of services provided.

The main Coroner building is approximately 15 years old. Due to the population growth of the County, the space is no longer adequate to meet the demands of the department.

On a tour of the autopsy area, supplies were observed stacked 3-4 boxes high. This area was identified as the microscope room, which doubled as the specimen pick-up room.

Staff identified the refrigerated storage unit that houses the deceased as too small. Bodies are kept in the storage unit until the next of kin are found or until all avenues to find them are exhausted. During our visit we were told the cold storage unit was close to capacity.

The Coroner has numerous vacant positions. The Coroner assured the Grand Jury that he is attempting to hire staff, and the available jobs were posted on the Internet. A review of the Coroner's website has shown only an availability for a registered nurse. No other jobs had been posted, to our knowledge, although vacancies still exist. A report indicates the Coroner has 76 authorized positions, with 65 of those positions filled (January 2001). Nine contract positions were authorized, with six filled; 13 Public Service Employee positions, with one filled. Two Extra Help positions were not filled. This totals 100 authorized positions, with only 72 filled.

The Public Administrator/Guardian/Coroner has a warehouse where the estates (furnishings, personal belongings) are stored in "Lots".

The 1999-2000 Grand Jury recommended a computer program to link personal property by "Lot" numbers. At that time the department utilized a manual system to account for personal property in the warehouse. The Coroner's response was that this is a common practice in many Public Administrator and Public Guardian jurisdictions throughout the state.

The 1999-2000 Grand Jury also recommended two storekeepers sign Estate Property Inventory sheets. The Coroner agreed and assured the 2001-2002 Grand Jury that both storekeepers sign these forms to verify the recording of inventories received. Two employees were not available at the warehouse. Currently one employee is retired and one employee is off on disability. Although another employee had been hired, the employee was not present during our visit on March 5, 2002.

The warehouse storage area is crowded. Estate properties of the deceased are brought to the warehouse and kept until a disposition is decided or the next of kin is found. Individual storage areas are separated by cardboard dividers, which can fall out and do not allow for adequate separation of "Lots". The estate property stored in this area is of some value. There was no camera in the warehouse to provide for security. This type of storage does not protect the valued interests of the inventoried estates managed by the staff.

The Coroner stores hundreds of legal records of deceased persons in the warehouse. When questioned on the disposal of these records, the response was that they are kept indefinitely. No computer database is available to store those records currently stored in boxes in the warehouse.

The Coroner identified a need for a bar code system to categorize the deceased and their property. The present system requires the tagging of the deceased, listing of their property by hand in an inventory, and the signature of two employees to verify the accuracy of the inventory. This need has been addressed for several years.

The use of a bar code system for the Coroner, similar to one used by the Sheriff was researched. On a visit to the Sheriff's Forensic Science Lab the Grand Jury was advised the Sheriff's bar code system was old and barely meeting their needs.

A request was made to the warehouse employee for his policy and procedure manual. He indicated there is no policy or procedure manual and there has not been one for as long as he has worked this area.

An employee was asked to explain how he keeps the inventory records and what is required. The signatures of two warehouse employees are required. An ink stamp format is used. This inked area is to be dated and signed. Inventories for properties were noted to have no stamp, a stamp with no signature, no date, or a date six months after the property was received. Many inventory sheets had only one signature.

The warehouse has a large safe that is used for personal property of value (i.e., handguns and rifles). The warehouse employee holds the combination. In the past this storage safe has been a significant problem.

Inventory sheets for firearms were reviewed and many problems were noted. Firearms were recorded with the name of the deceased, serial number, type of firearm, and date received. The disposition column of this firearm record had written "Picked-up". There was no signature of the person the gun was given to nor was there a signature of the employee that released the property. Several entries had written "taken to Glen Helen for destruction." Again, no signature, receipt or badge number.

The estate property held in the warehouse is kept until all means of identifying next of kin are exhausted. The property is then auctioned. The property auction of the "Lot" is posted on the bulletin board in the warehouse and at the Coroner's office to alert the public. No notices were posted on the Coroner's Internet website.

There are repeat groups of people who buy this estate property. On some occasions they will give the office a stamped self-addressed envelope and identify items of interest, with a request to be notified.

The Coroner recently entered into a contract with Doctor's Hospital Medical Center of Montclair and Loma Linda University Medical Center to allow first year interns/residents to use the Coroner's facility for clinical observation, to commence March 1, 2002.

## **RECOMMENDATIONS**

- 02-109      REWRITE MISSION STATEMENTS FOR EACH DEPARTMENT/FUNCTION UNDER THE CORONER'S JURISDICTION, TO REFER SPECIFICALLY TO THAT DEPARTMENT.
- 02-110      REVIEW AND UPDATE THE POLICY AND PROCEDURES MANUALS FOR THE PUBLIC ADMINISTRATOR/CORONER/PUBLIC GUARDIAN-CONSERVATOR.
- 02-111      CREATE A POLICIES AND PROCEDURES MANUAL FOR THE WAREHOUSE.
- 02-112      FILL ALL VACANT POSITIONS.
- 02-113      HIRE ADDITIONAL WAREHOUSE STAFF TO PROVIDE TWO PERSONS ON SITE.
- 02-114      ACQUIRE A COMPUTER SYSTEM FOR WAREHOUSE CONTROL RECORDS.

- 02-115 ACQUIRE A BAR CODING SYSTEM FOR ESTATE INVENTORY CONTROL AND A DIGITAL IMAGING SYSTEM FOR CASE FILE STORAGE.
- 02-116 DEVELOP A PLAN TO EXPAND THE CORONER'S FACILITIES.
- 02-117 CONSTRUCT A LARGER COLD STORAGE FOR THE DECEASED.
- 02-118 INCREASE WAREHOUSE STORAGE SPACE FOR ESTATE PROPERTY.
- 02-119 PROVIDE SECURITY CAMERAS FOR THE WAREHOUSE.
- 02-120 POST THE AUCTION DATES ON THE CORONER'S INTERNET WEBSITE.
- 02-121 ESTABLISH A POLICY TO PREVENT PREFERENTIAL TREATMENT TO FREQUENT BUYERS OF ESTATE PROPERTY.

# **PUBLIC DEFENDER**

## **BACKGROUND**

The Public Defender has the responsibility of representing the indigent population of San Bernardino County in court cases. The department has a \$16 million annual budget, which is primarily used for personnel. The current Public Defender has held this position for two years.

The office of the Public Defender handles 50,000 cases per year and has 13 offices throughout the County. The three main regional offices are Central, Desert and West End Divisions.

The 2001-2002 Grand Jury visited four Public Defender's offices: San Bernardino, Barstow, Rancho Cucamonga and Fontana.

## **FINDINGS**

During an overview presentation by the Public Defender's department, it became apparent that it was in need of assistance to more effectively manage the operation and efficiency of this office.

The Public Defender handles approximately 75-80 percent of the total criminal cases in the County. For the remainder of tried cases, counsel is either contracted out or appointed (15 percent) or retained (five percent); yet the Public Defender has far fewer staff than the District Attorney.

From discussions with the Public Defender, it was learned that national caseload standards dictate that if an attorney is handling only felony cases, the attorney should have no more than 150 cases per year. For misdemeanor cases, the standards call for more than 400 cases per year.

Attorneys in the Public Defender's department are commonly carrying caseloads of more than three times the national standard for felony cases, and double that of the national standard for misdemeanor cases.

The new Public Defender requested a management audit, which was completed in March 2002.

The Public Defender directly supervises the chief deputies who head the three divisional offices, and the Chief of Administration. All senior management functions, i.e., budgeting, personnel, communications, policy-setting and day-to-day operations are handled by the Public Defender and the Chief of Administration. This leaves the Public Defender in charge of virtually all of the details of management functions. There are no full-time managers whose sole responsibility is to oversee and organize financial, human resources, support staff, and training functions.

At the time of our visit there was no written organizational plan that would outline the goals, job descriptions, policies and procedures/protocol for governing the management of this department.

Some chief deputies and individual attorneys have been free to define their own job responsibilities and, to an extent, choose their own authority due to an unclear policy and procedures manual. In fact, there have been incidences of new personnel being hired without the knowledge or approval of the Public Defender.

The Public Defender and his management staff do not meet on a regularly scheduled basis.

Due to lack of storage space, the total spent by all offices of the Public Defender for off-site file storage is \$70,000 per year.

#### CENTRAL OFFICE

In the Central office there is a shortage of County vehicles. The ratio of cars to investigators is one car for every three investigators. There is no means of communication for investigators out in the field. They have no cell phones or radios.

The carpeting in the Central office needs replacement.

#### RANCHO CUCAMONGA OFFICE

The rented building currently being used for the Public Defender's Juvenile Division in Rancho Cucamonga is too small for the department's needs. Rent on the building is \$2,134.00 a month. It is located one block away from the Public Defender's office.

It was learned that there is an opportunity to obtain some much needed office and storage space within the courthouse facility. Office space formerly occupied by the Law Library is currently vacant. Currently, four investigators are doubled-up in two offices. This office spends \$477.00 per month for off-site file storage. During the Grand Jury's visit we observed boxes of files lined up in the hallway, which is a potential safety hazard.



A Chief Deputy Public Defender has looked into the issue of how much additional space is needed, the feasibility of utilizing the old Law Library space, and what could be relocated. His written report, dated March 22, 2002, was submitted to the County Administrative Office. As of the date of this report no response had been received.

Upon the Grand Jury's visit to this office it was noted that their photocopy machine was out of order. When questioned about this we were informed that there have been several attempts to repair it, but it is now beyond repair and is non-functional.

This office has one full-time Spanish-speaking employee one day a week on staff to assist with Hispanic clients. There are no Asian interpreters.

#### BARSTOW OFFICE

Lack of office and storage space was observed. The front receptionist cannot always see the front desk due to the location of the telephone. To use the telephone, her back must face the front reception desk. This is a safety concern as sometimes irate clients enter the office. If the receptionist is on the phone and such a person enters, she may not notice.

One attorney at this office is still working out of an old storage closet and there is no door. This means there is no privacy for the client or attorney while conducting consultations and daily business.

One investigator works out of a small room that contains the library, employee break room and meeting room. Crowding is an issue here.

Old files and documents are removed from the Public Defender's offices, loaded onto trucks and stored at local rented storage units.

#### FONTANA OFFICE

The Fontana office appeared to be well organized. One Chief Deputy Public Defender supervises this office, the Chino office and the Rancho Cucamonga office.

It was learned that additional attorneys are needed in this office. The felony caseload is nearly the same as the Rancho Cucamonga office, but Fontana attorneys are handling this caseload with one-third the number of attorneys that Rancho Cucamonga has.

**TOTAL FELONY CASES**

**October 1, 2001 – March 1, 2002**

FONTANA

910

RANCHO CUCAMONGA

955

**March 1, 2002 – March 21, 2002**

FONTANA

183

RANCHO CUCAMONGA

192

**TOTAL ATTORNEYS**

FONTANA

10

RANCHO CUCAMONGA

15.5

**RECOMMENDATIONS**

- 02-122 DEVELOP AND IMPLEMENT A DETAILED POLICIES AND PROCEDURES MANUAL TO INCLUDE JOB DESCRIPTIONS AND DUTIES FOR EVERY POSITION WITHIN THE PUBLIC DEFENDER'S DEPARTMENT.
- 02-123 HAVE AN ANNUAL REVIEW OF THE POLICY AND PROCEDURES MANUAL.
- 02-124 CREATE AN ASSISTANT PUBLIC DEFENDER POSITION TO OVERSEE FISCAL MATTERS, HUMAN RESOURCES, TRAINING AND CLERICAL STAFF.
- 02-125 PROVIDE INVESTIGATORS IN THE CENTRAL OFFICE WITH CAR DISPATCH RADIOS OR CELL PHONES.
- 02-126 REPLACE THE WORN CARPETING IN THE CENTRAL OFFICE.
- 02-127 APPROVE AND PROCEED WITH THE ACQUISITION OF THE OLD LAW LIBRARY SPACE AT THE RANCHO CUCAMONGA COURTHOUSE.
- 02-128 PROVIDE A NEW PHOTOCOPYING MACHINE FOR THE RANCHO CUCAMONGA OFFICE.

- 02-129 PROVIDE FOREIGN LANGUAGE INTERPRETING AT THE RANCHO CUCAMONGA OFFICE.
- 02-130 EXPAND OFFICE SPACE AT THE BARSTOW PUBLIC DEFENDER'S OFFICE.
- 02-131 INSTALL A DOOR IN THE STORAGE SPACE THAT IS CURRENTLY BEING USED BY ONE ATTORNEY AS AN OFFICE TO PROVIDE FOR PRIVACY.
- 02-132 RELOCATE THE TELEPHONE AT THE FRONT RECEPTION AREA IN THE BARSTOW PUBLIC DEFENDER'S OFFICE.
- 02-133 INCREASE THE NUMBER OF ATTORNEYS WITHIN THE OFFICE OF THE PUBLIC DEFENDER.

# **SHERIFF'S DEPARTMENT**

## **COMMUNICATIONS DIVISION**

### **VALLEY CONTROL CENTER**

#### **BACKGROUND**

In 1972 the State mandated that a 9-1-1 emergency telephone number system be implemented statewide. The public would be able to call this basic number for any type of emergency. San Bernardino County's 9-1-1 emergency telephone system became operational on July 7, 1984.

In 1987 the dispatch responsibilities for individual Sheriff's stations were consolidated into what is referred to as a "centralized communications" center. All of the Sheriff's dispatchers for West Valley and mountain regions were brought together into one central location, which is the Valley Control Center (VCC) located in the city of Rialto. The dispatchers were informed this was going to be a temporary location until a more suitable facility was found.

In the beginning there were two primary radio frequencies monitored around the clock. Twenty-four (24) full-time employees, who worked primarily on Sheriff's traffic, manned the frequencies. There were two to three call takers per shift. Today there are currently six primary channels monitored around the clock and manned by 71 full-time positions with at least five call takers per shift. Twelve (12) full-time positions are currently vacant. Sheriff dispatching duties include all dispatching for the following contract areas: the cities of Rancho Cucamonga, Yucaipa, Highland, Loma Linda, Grand Terrace and Chino Hills; the West Valley unincorporated areas of Upland, Montclair, Chino, San Bernardino and Fontana; and the mountain communities of Big Bear Lake, Crestline, Lake Arrowhead, Twin Peaks, Sugarloaf and Green Valley Lake. The VCC also provides dispatching for several County agencies such as Court Services Division (formerly the Marshal's Office), the District Attorney's Office, Welfare Fraud, Probation (Adult and Juvenile), Code Enforcement, and Chaffey and San Bernardino Valley Colleges.

The County's population has tripled and the demands of 9-1-1 calls have increased. The VCC is the primary dispatching facility for the County. It serves as a Public Safety Answering Point (PSAP) for all the police agencies and fire stations within the County. This means that the VCC is the backup in the event of failure, staffing concerns, or a major disaster, etc.

San Bernardino County has stopped construction work on County facilities but has allowed the Sheriff's Department to continue with plans to renovate the Valley Control Center. The completion date for the current expansion of this building was expected to be November 2002. Since no construction is being done at this date, the actual completion date is unknown.

## **FINDINGS**

Monthly this facility handles over 50,000 telephone calls, 30,000 law enforcement calls, and 10,000 emergency 9-1-1 calls. Larger consoles for the dispatchers to house additional required equipment will be needed to handle the workload and future needs increases.

Construction for the improvement of the VCC has not begun at this writing. Present plans call for an expansion in the dispatcher work area without including areas devoted to employee morale such as a lunchroom, lounge, locker space or even additional secured parking.

Part of the current parking spaces are used by office trailers for County Fire Department and Sheriff's Dispatch Center and storage trailers that hold supplies for the facility (such as paper, cleaning and restroom supplies, training files and filing cabinets). Many employees park outside the gates or across the street.

Persons are currently admitted to the building by pressing an intercom button located on a support brace near the driveway. There is no visual aid for staff inside to determine who and how many are being admitted. After a supervisor inside the building talks to the person pressing the button, they must step outside to open the vehicle gates. There is no separate sidewalk gate that personnel may utilize for access.

Emergency communications is a highly specialized field. There are a total of 71 full-time positions (twelve of which are vacant) and extra-help positions, all monitored by six supervisors. The supervisors currently control personnel at a 15:1 ratio. The salary difference between being a Dispatcher I and a Dispatcher II is about two dollars an hour. Yet Dispatcher II's are required to run 10-20 patrol units, Court Services deputies (members from all the other agencies noted above), and are required to run warrants as well. Dispatcher I's handle a smaller workload. Presently, one dispatcher is responsible for Highland, Loma Linda, Grand Terrace and San Bernardino. Eventually these cities will require more dispatchers. There is no available space to bring in the needed additional personnel and equipment.

Background investigations on applicants for dispatcher positions reveal numerous problems. Risky financial situations and recent drug use disqualify applicants.

Background investigations have eliminated the polygraph test as a requirement unless there is something in a candidate's background information that warrants one, (if they think the applicant is lying).

Dispatchers are being lost to other County jobs that have better benefits or to other agencies in Pomona and Riverside that pay more. Dispatchers also leave for better working conditions that exist at places such as the Fontana Police Department with its workout room and employee lockers and available lounge.

Currently, new employees are trained "on-the-job" or side-by-side with a veteran employee. Because of the complexity of the job, training takes approximately four-months.

## **RECOMMENDATIONS**

- 02-134 EXPAND AND RENOVATE THE EXISTING VALLEY CONTROL CENTER TO ACCOMMODATE PRESENT AND FUTURE NEEDS FOR SHERIFF'S DISPATCH AND THE 9-1-1.
- 02-135 INCLUDE IN THE VALLEY CONTROL CENTER EXPANSION, PLANS FOR A TRAINING ROOM, A CONFERENCE/QUIET ROOM, SUPERVISORS OFFICES AND BREAK-ROOM WITH A KITCHEN.
- 02-136 ESTABLISH A COMPLETION DATE FOR THE RENOVATION OF THE VALLEY CONTROL CENTER.
- 02-137 UTILIZE THE COUNTY-OWNED VACANT LAND LYING WEST OF THE VALLEY CONTROL CENTER FOR ADDITIONAL PARKING SPACES.
- 02-138 INSTALL A VIDEO CAMERA FOR THE REMOTE CONTROLLED GATE.
- 02-139 FILL THE VACANT POSITIONS AT THE VALLEY CONTROL CENTER AS SOON AS POSSIBLE.
- 02-140 CONSOLIDATE THE DISPATCHER I DUTIES AND DISPATCHER II DUTIES TO A DISTINCT "DISPATCHER" GROUP. (E.G., THE FIRE DEPARTMENT HAS COMBINED THEIR DISPATCHER POSITIONS AND IT WORKS WELL).
- 02-141 REDUCE THE RATIO OF DISPATCHERS AND OTHER PERSONNEL TO SUPERVISOR TO LESS THAN 15:1.

# **COURTHOUSE SECURITY**

## **BACKGROUND**

The 2001-2002 Grand Jury initiated an investigation of the security measures that are in place around the San Bernardino County Courthouse and County Government Center in San Bernardino. This investigation determined whether the private security forces that are charged with the security of those facilities are providing a safe environment.

Thousands of people are daily engaged in business activities before the County Board of Supervisors, visiting the numerous County departments, making Court appearances before Superior Court judges, or paying traffic tickets, etc. Moreover, the Sheriff's Department buses transport detainees to and from detention centers located throughout the County for court appearances. Many of the prisoners are housed temporarily during the day within the Courthouse jail on the fourth floor.

## **FINDINGS**

The Sheriff's Office of Safety and Security provided the Grand Jury with an in-depth look into the policies and procedures of the private security forces responsible for providing Courthouse and County Government Center security.

There are two private security companies in contract operations with the County. The private security company that has responsibility for all County courthouses is called Guardsmark. This company is hired and monitored by the State of California for courts in Victorville, Morongo Valley, San Bernardino, Rancho Cucamonga and wherever Superior Courts are housed in the County court system.

The other security company, Pinkerton Inc., is contracted by the County to handle security and patrol duty in and around the County Government Center, the Rialto Behavioral Health Center, Hall of Records and all other County buildings.

Pinkerton competed through the County's Request for Proposal process with seven other security companies for the contract. The Sheriff's Department stated that the Pinkerton guard appearance of white shirts, no beards, and higher training standards factored into their receiving the contract.

All guards are hired on an "at will" basis, therefore negating the necessity for formal probation. "At will" means a guard can be fired without cause.

The Pinkerton guards do not have first aid or CPR training, except for the supervisors. This provision is a contractual agreement, and the County Purchasing Department has opted not to disallow this contract agreement with Pinkerton.

All new guard applicants are drug tested prior to hiring. After being hired the guards are not randomly tested, but can be tested for cause. Usually, this results in termination of their employment.

Pinkerton guards are paid \$10.00 per hour, and the turnover rate at the Government Center is zero. However, at the Rialto Behavioral Health Center, where guards are posted outside the building, the turnover rate is 50 percent.

The Sheriff's Department and Pinkerton both affirm that public relations are the number one attribute for a guard. The guards are not trained in the use of pepper spray nor do they carry firearms due to the dangers of County and Pinkerton liability. The guards are trained in "use of force" and taught not to get into fights, but to write down names, descriptions, vehicle license plate numbers, which allow the Sheriff's Department to investigate. The Sheriff's Safety Officer meets with Pinkerton staff members each Friday at the Government Center.

An armed Sheriff's deputy is used as a roving guard for the Government Center and assists with ongoing training for the Pinkerton security guards. The availability of the deputy's firearm would assist Pinkerton guards if necessary.

There are no armed guards in the County Hall of Records, Rialto Behavioral Health Center or other County buildings unless a court is located there.

A Pinkerton captain provides direct supervision over guards at the Government Center and the Hall of Records. In the event there are crisis situations at the Hall of Records, the Pinkerton captain located on site, calls the San Bernardino City Police Department for assistance.

At the County building in Rancho Cucamonga, the guards have noted that visitors' parking is small. Fights in the parking lot over parking spaces are common. There is a big lot next to the Rancho Cucamonga Courthouse.

There are plans for two more security guards. One will be stationed at the Rancho Cucamonga site and the other at the County Government Center.

The Sheriff's Office of County Safety and Security maintains records of workplace incidents of violence and threats. In 2001 there were 58 workplace threats. That figure has doubled between January through April, 2002.



The largest number of threats comes from within the Transitional Assistance Program and Children's Services. The Sheriff's Department investigates these threats and takes security measures to protect the victims. The office also communicates with all County sites through email, newsletters and fliers on safety issue tips and alerts of possible security issues.

The Sheriff's Supervisor of Safety also noted that the Sheriff's Department also assists Pinkerton with their security tasks, utilizing a process called Emergency Developing Need Assistance (EDNA). EDNA maintains supervisor alertness to security situations.

Lastly, the Pinkerton guards are not required to handle parking tickets. A hearing officer located in Rialto, handles the ticket arbitration process. When a person receives a parking lot ticket and desires to arbitrate its issuance, the following is necessary: (1) call the hearing officer and leave the concern; (2) mediate that concern with the hearing officer; or (3) the ticket must be taken to court for final adjudication.

Tickets in the Courthouse and Government Center parking areas cost \$13.50, compared to a \$30.00 ticket issued at the Arrowhead Regional Medical Center (ARMC).

The Sheriff's Safety Officer indicates that he is satisfied with Pinkerton Security Guard service.

Since the Sheriff's Department is not in direct supervision of the Guardsmark Company, a look into their operations may shed some light as to their security responsibilities and functions.

The Guardsmark guards manage the Courthouse x-ray machines that screen incoming visitors. In the event that an item of a serious nature, i.e., gun, knife, bomb, comes into view on the machine, a Sheriff's deputy is alerted to the situation.

It is noted in a situation described by the Sheriff's Office of Safety and Security that there would be no one to assist, other than calling the Sheriff's Department, the San Bernardino City Police Department, or make a 9-1-1 call. The Sheriff's Department is requesting three (3) additional deputies for the courthouse. There is no assurance that the main Courthouse will receive the presence of all three deputies if this request is approved.

To oversee the unforeseen security problems throughout all the County buildings, a comprehensive Facility Security Assessment manual has been compiled. The manual provides a security assessment on many County buildings. It was indicated by the Sheriff's Safety and Security Office that there are 575 buildings within this County and that it will take approximately 26 years to complete all the security assessments.

## **RECOMMENDATIONS**

- 02-142      INITIATE A MEMORANDUM OF UNDERSTANDING AGREEMENT WITH THE STATE OF CALIFORNIA TO HAVE DIRECT SUPERVISION AND MANAGEMENT OVER THE GUARDSMARK GUARDS.
  
- 02-143      AUTHORIZE THE SHERIFF'S DEPARTMENT TO CONDUCT BACKGROUND CHECKS ON PINKERTON SECURITY GUARDS.
  
- 02-144      REQUIRE ALL SECURITY GUARDS TO BE CERTIFIED IN FIRST AID AND CPR DURING THEIR TRAINING AND MAINTAIN CERTIFICATION.
  
- 02-145      REQUIRE SHERIFF'S TRAINING ACTIVITIES BE IN WRITTEN CURRICULUM FORM. REVIEW AND EVALUATE ANNUALLY.
  
- 02-146      PROVIDE A ROVING DEPUTY SHERIFF TO ENHANCE ADDED SECURITY MEASURES AT THE TRANSITIONAL ASSISTANCE PROGRAM FOR A MORE RAPID RESPONSE TIME BY AN ARMED LAW ENFORCEMENT OFFICER.