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# Action Plan for the System

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Final Report of the

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San Joaquin County, California

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Criminal Justice System Evaluation

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*Presented to the  
County Criminal Justice Task Force*

*June, 1995*

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INSTITUTE FOR LAW & POLICY PLANNING

**I L P P.**

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P.O. Box 5137 BERKELEY, CA 94705  
(510) 486-8352

June 7, 1995

Criminal Justice System Task Force  
San Joaquin County  
County Administrator's Office  
222 E. Weber, Room 707  
Stockton, CA 95202

Dear Task Force Member:

The attached final report combines and slightly reorganizes all the material submitted in the first four reports, and includes the awaited changes to the system assessment. It is set up in a binder to allow additional material to be added by you during the implementation process.

For the meeting on June 14th, we would like to review the individual commitments of Task Force members to the 88 recommendations, noting for the record anyone who cannot support the overall program, and anyone's particular recommendations that they are currently unwilling to implement. This discussion should deal with the previously expressed concern that many Task Force members had not expressed their specific views.

The issue of political accountability has proven more complex than the initial discussion, and is "in progress." ILPP plans to include a specific mechanism for achieving political accountability over implementation of the plan in a draft transmittal to the Board of Supervisors. This document will be shared with the Task Force first, in draft form, at the June 28th meeting (which will also be the final meeting ILPP will attend for this contract).

Sincerely yours,



Alan Kalmanoff  
Executive Director

AK/ct

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# CONTENTS

EXECUTIVE SUMMARY.....	<i>i</i>
I. INTRODUCTION.....	1.1
A. Crisis.....	1.1
B. Action.....	1.4
C. Report Outline.....	1.6
II. SYSTEM OVERVIEW.....	2.1
A. Overview.....	2.1
B. Overall System Findings.....	2.5
1. General System Management & Coordination.....	2.5
2. Front-End Efficiency.....	2.9
3. Punishment Philosophy & Sanctioning Options.....	2.9
4. Management Information.....	2.10
C. System Recommendations.....	2.11
III. MANAGING THE RESOURCES: COUNTY GOVERNMENT & INFORMATION SERVICES.....	3.1
A. County Administrator & County Government.....	3.1
B. Financial Management & Fiscal Control.....	3.2
C. Criminal Justice Information & Records (CJIS).....	3.5
1. Introduction.....	3.5
2. Management Information System Description.....	3.6
3. System Utility.....	3.8
4. Sheriff's Office Record Management System (RMS).....	3.12
5. Sheriff's Office Computer-Aided Dispatch (CAD).....	3.15

IV.	MANAGING THE FLOW: LAW ENFORCEMENT & DETENTION .....	4.1
A.	Overview.....	4.1
B.	Scope and Methodology .....	4.1
C.	City / County Law Enforcement Coordination.....	4.3
	1. Arrest & Booking Practices .....	4.3
	2. Crime Analysis.....	4.7
	3. Shared Support Services & Communications .....	4.8
D.	Sheriff's Operations.....	4.9
	1. Field Operations.....	4.9
	2. Support Services, Communications / Dispatch.....	4.16
	3. Managing Calls For Service Workload.....	4.18
	4. Civilianization .....	4.20
	5. Management Structure.....	4.21
	6. Consolidation .....	4.22
	7. Custody Division .....	4.23
	8. Custody Division Staffing & Shift Issues.....	4.24
	9. Sheriff Overtime.....	4.26
V.	MANAGING THE CASE: COURTS, DISTRICT ATTORNEY & PUBLIC DEFENDER.....	5.1
A.	Courts .....	5.1
	1. Municipal Courts.....	5.1
	2. Superior Court.....	5.2
	3. Caseload and Staffing.....	5.3
	4. Court Organization.....	5.5
	5. Court Findings & Recommendations.....	5.7
B.	District Attorney & Public Defender.....	5.16
	1. Discussion.....	5.16
	2. Intake & Charging Findings .....	5.18
	3. Arraignment Findings.....	5.19
	4. Pretrial Hearing Findings.....	5.20
	5. Trial Findings .....	5.22
	6. Organizational Findings.....	5.23
	7. District Attorney & Public Defender Recommendations.....	5.23

VI. MANAGING THE OFFENDER: PROBATION AND ALTERNATIVES.....	6.1
A. Overview.....	6.1
B. Probation.....	6.1
1. Description.....	6.1
2. Workload & Staffing.....	6.4
3. Probation Findings.....	6.5
4. Probation Recommendations.....	6.7
C. Pretrial Services.....	6.10
1. Description.....	6.10
2. Pretrial Services Findings.....	6.12
3. Pretrial Services Recommendations.....	6.14
D. ADAP & Other Substance Abuse Treatment Programs.....	6.16
1. Description.....	6.16
2. ADAP Findings.....	6.19
3. ADAP Recommendations.....	6.19
VII. MANAGING THE SPACE: CRIMINAL JUSTICE FACILITIES.....	7.1
A. Detention Facilities.....	7.1
B. Courts.....	7.7
C. Juvenile Hall.....	7.8
VIII. JUVENILE JUSTICE ASSESSMENT.....	8.1
A. Overview.....	8.1
B. Juvenile Adjudication Process.....	8.2
1. Arrest & Intake.....	8.2
2. Case Adjudication.....	8.4
3. Placement.....	8.6
C. Juvenile Hall (Peterson Hall).....	8.6
D. Findings.....	8.8
E. Recommendation.....	8.12

IX.	ACTION PLAN ANALYSIS.....	9.1
A.	Discussion of Recommendations.....	9.1
B.	Prioritization of Actions.....	9.2
C.	Calculation of Costs & Savings Methodology .....	9.3
	1. Improve Operating Efficiency of the Criminal Justice System ...	9.4
	2. Slow Growth of the Criminal Justice System.....	9.4
D.	Stage One Actions.....	9.7
E.	Stage Two Actions .....	9.21
F.	Stage Three Actions.....	9.37
G.	Stage Four Actions.....	9.43
X.	ACTION PLAN SUMMARY .....	10.1
XI.	COUNTY BUDGET PROJECTIONS & FINANCIAL ANALYSIS.....	11.1
A.	Current County Fiscal Context.....	11.1
B.	Assumptions.....	11.4
	1. Pessimistic Scenario .....	11.6
	2. Optimistic Scenario .....	11.7
C.	Fiscal Impact of ILPP Recommendations .....	11.9
XII.	CRIMINAL JUSTICE FUNDING OPTIONS.....	12.1
A.	Overview .....	12.1
B.	System Condition .....	12.1
C.	Funding Options.....	12.6
	1. Sales Tax.....	12.10
	2. Utility Users Tax.....	12.12
	3. All Other Revenue.....	12.17
D.	Conclusions.....	12.26

APPENDICES

A. CRIMINAL JUSTICE SYSTEM MANAGEMENT INFORMATION LIST ..... A.1

B. COUNTY CRIME COMPARISONS ..... B.1

C. AN EXAMPLE OF CRIMINAL JUSTICE COORDINATION:  
SAN DIEGO COUNTY, CA..... C.1

D. DRUG COURT FUNDING SOURCES ..... D.1

E. NTA NOTIFICATION UNIT REVIEW & MODELS..... E.1

F. STAGE FOUR ACTION DESCRIPTIONS..... F.1

G. COST & IMPACTS OF RECOMMENDATIONS..... G.1

H. INTERVIEWS ..... H.1

I. SELECTED SOURCES ..... I.1

J. DEMAND REPORT CHAPTER II  
CRIME & ARRESTS ..... J.1

K. DEMAND REPORT CHAPTER III  
ADULT DEMAND ANALYSIS..... K.1

L. DEMAND REPORT CHAPTER IV  
JUVENILE DEMAND ANALYSIS ..... L.1

M. DEMAND REPORT CHAPTER V  
COURT DEMAND ANALYSIS..... M.1

N. DEMAND REPORT CHAPTER VI  
BUDGET & STAFFING DEMAND ANALYSIS ..... N.1

O. DEMAND REPORT CHAPTER VII  
FACILITIES DEMAND ANALYSIS..... O.1



# FIGURES & TABLES

## I. INTRODUCTION

FIGURE 1.1	Comparison of County Criminal Justice Costs & State Revenue Losses.....	1.2
TABLE 1.1	Projected County Criminal Budget Shortfall & Required Offsetting Taxes, FY 2002-03.....	1.5

## II. SYSTEM ASSESSMENT OVERVIEW

FIGURE 2.1	Criminal Justice Resources.....	2.1
FIGURE 2.2	Overall Justice System Management Structure.....	2.13

## III. MANAGING THE RESOURCES

## IV. MANAGING THE FLOW

FIGURE 4.1	Sheriff's Patrol Staffing, SUNDAY-TUESDAY Team Shifts.....	4.13
FIGURE 4.2	Sheriff's Patrol Staffing, THURSDAY-SATURDAY Team Shifts.....	4.13
FIGURE 4.3	Sheriff's Patrol Staffing, WEDNESDAY Shifts.....	4.14
TABLE 4.1	Law Enforcement Arrests & Workloads, 1990-93.....	4.5
TABLE 4.2	Overtime in Sheriff's Programs in FY 1993-94.....	4.26
TABLE 4.3	Overtime in Other County Departments.....	4.26
TABLE 4.4	Approved & Actual Overtime Costs, Sheriff's Office, 1992-93 and 1993-94.....	4.27

## V. MANAGING THE CASE

TABLE 5.1	Municipal Court Workload Information, 1990-91 to 1994-95.....	5.4
TABLE 5.2	Superior Court Workload Information, 1991-92 to 1993-94.....	5.5
TABLE 5.3	DA & Public Defender Staffing & Workload, 1990-91 to 1993-94.....	5.18

## VI. MANAGING THE OFFENDER

TABLE 6.1	Probation Workload Information by Function, 1986-87 to 1993-94.....	6.5
TABLE 6.2	Pretrial Services Workload Information, 1987-88 to 1993-94.....	6.10
TABLE 6.3	ADAP Workload Information, 1989-90 to 1993-94.....	6.17

## VII. MANAGING THE SPACE

TABLE 7.1	Current Bed Capacity by Facility, San Joaquin County Detention System.....	7.2
TABLE 7.2	Current Honor Farm Staffing.....	7.3

## VIII. JUVENILE JUSTICE ASSESSMENT

## IX. ACTION PLAN ANALYSIS

## X. ACTION PLAN SUMMARY

## XI. COUNTY BUDGET PROJECTION & FINANCIAL ANALYSIS

FIGURE 11.1	Source of Criminal Justice Funds FY 1994-95.....	11.1
FIGURE 11.2	Law & Justice Expenditures .....	11.2
FIGURE 11.3	General Fund for Other Purposes.....	11.3
FIGURE 11.4	Justice & Other Budgets .....	11.5
FIGURE 11.5	Pessimistic Scenario.....	11.6
FIGURE 11.6	Optimistic Scenario.....	11.7
FIGURE 11.7	Projected County Criminal Justice Budget Shortfall, 2003 .....	11.9
TABLE 11.1	Actual & Projected Revenues, Expenses, & Shortfalls .....	11.8
TABLE 11.2	Projected Criminal Justice Budget Shortfall by FY 2002-03 & Required Offsetting Taxes.....	11.10

## XII. CRIMINAL JUSTICE FUNDING OPTIONS

FIGURE 12.1	Funding Results Using Pessimistic Scenario.....	12.2
FIGURE 12.2	Funding Results Using Pessimistic Scenario.....	12.4
FIGURE 12.3	Potential Funding by Revenue Source .....	12.9
FIGURE 12.5	Potential Funding by Revenue Source .....	12.9
TABLE 12.1	Cash Flow Pessimistic Scenario: No Additional Revenue.....	12.3
TABLE 12.2	Cash Flow Optimistic Scenario: No Additional Revenue .....	12.5
TABLE 12.3	Summary of Funding Sources Impact on Cashflow .....	12.7
TABLE 12.4	Assumptions and Results by Funding Source.....	12.8
TABLE 12.5	Cash Flow Pessimistic Scenario: 5% Sales Tax.....	12.11
TABLE 12.6	Cash Flow Pessimistic Scenario: 2% Utility Users Tax .....	12.13
TABLE 12.7	Cash Flow Pessimistic Scenario: 5% Utility Users Tax.....	12.14
TABLE 12.8	Cash Flow Optimistic Scenario: 2% Utility Users Tax .....	12.16
TABLE 12.9	Cash Flow Pessimistic Scenario: All Other Revenue .....	12.19
TABLE 12.10	Cash Flow Optimistic Scenario: All Other Revenue.....	12.21

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# ABBREVIATIONS

ADAP	Alcohol/Drug Alternative Program
ADRP	Alternative Dispute Resolution Program
AFDC	Aid to Families with Dependent Children
ALS	Average Length of Stay
AMOS	Automated Minor Offense System
CAD	Computer-Aided Dispatch
CAL-ID	California Finger Print Identification
CAL-Photo	California Mug Shots
CAO	County Administrative Office/Officer
CDC	California Department of Corrections
CDCC	Chemical Dependency Counseling Center
CFS	Calls for Service
CHP	California Highway Patrol
CJIS	Criminal Justice Information System
CLETS	California Law Enforcement Telecommunications System
CPS	Child Protective Services
CSA	Community Service Area
CSAC	California State Association of Counties
CSD	Community Service District
CSO	Community Service Officers
CYA	California Youth Authority
DA	District Attorney
DMV	California Department of Motor Vehicles
DOC	California Department of Corrections
DOF	California Department of Finance
DOJ	California Department of Justice
DUI	Driving Under the Influence
DWLS	Driving With a Suspended License
EPD	Escalon Police Department
FTA	Failure to Appear
FTE	Full-Time Equivalent
FY	Fiscal Year
GED	General Equivalency Degree
HVAC	Heating, Ventilation, and Air Conditioning
IS	Information Services
ITAC	Information Technology Advisory Committee
LAFCO	Local Agency Formation Commission
LPD	Lodi Police Department
LRS	Lawyers' Referral Service
MCB	Management Counseling Bureau
MDC	Mobile Digital Computer
MOU	Memorandum of Understanding
MPD	Manteca Police Department
MRET	Manteca-Ripon-Escalon-Tracy
NCC	Net County Cost
OR	Own Recognizance Release
ORR	Office of Revenue Recovery
OSA	Office of Substance Abuse
OT	Overtime

PD	Public Defender
PFM	Public Financial Management
POST	California Peace Officers Standards Training
PSI	Presentence Investigation
PTR	Pretrial Release
PTS	Pretrial Services
PV-WNT	Parole Violator with New Team
RMS	Records Management System
RPD	Ripon Police Department
SANDAG	San Diego Association of Governments
SJSO	San Joaquin County Sheriff's Office
SPD	Stockton Police Department
SPR	Southern Pacific Railroad
SUSD	Stockton Unified School District
TOT	Transient Occupancy Tax
TPD	Tracy Police Department
UCR	Uniform Crime Reports

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# EXECUTIVE SUMMARY

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## EXECUTIVE SUMMARY

San Joaquin County retained the Institute for Law & Policy Planning (ILPP) to "conduct a comprehensive evaluation of the [criminal justice] system" with the primary task of developing "an *action plan* to address the critical present and future needs of the local justice system." The study's motivation arises from a long-standing and continuing erosion of county resources through state budget realignments, resulting in a \$92 million loss to date. Changing attitudes towards how to allocate criminal justice resources also drastically affect San Joaquin's ability to pay not just for criminal justice, but for all its services.

The first of five reports, "Demand on the System" characterized criminal justice in terms of supply and management of resources to meet demand. It showed that the willingness of a community to pay for jail space or additional police officers has a greater impact on the size and nature of a justice system (e.g., more jail space) than does an increase in crime. It noted little recent crime increase while jail population continued to rise, whereas a noticeable increase in juvenile aggravated assault led to no corresponding increase in juvenile hall beds. Also reported was that the current jail population is or could be classified mostly as medium custody, minimum and low-minimum. Non-violent drug and property crime offenders make up half of the adult jail population and violent offenders only 25%; 49% had an underlying drug problem.

Although county justice spending for all agencies (other than the Sheriff's custody operations) is stagnant or declining, Stockton's law enforcement spending is projected to continue to increase. Thus the valve that controls flow *into* the system is opening while the managing valves (courts, jail, etc.) are not. The report concluded that the widening gap between supply and demand is a function of internal conditions (limited options).

In the "System Assessment" and "Improving the System" reports, ILPP found that inadequate management of the system **as a whole** contributes to this gap. While the justice agencies individually are well-run, single agency actions taken in response to immediate crises often had the paradoxical effect of worsening the long-term likelihood of rational system management. Although there have been some attempts at coordination, there is not yet a successful mechanism in place and supported by all decision makers. This element is essential to any long-term, proactive plan.

On the positive side it was noted that the impact of coordination of certain court functions has been substantial, (cutting superior court filings in half), and that budget restrictions have resulted in a more efficient and progressive approach to juvenile justice. As with the adult system, however, there is still inadequate juvenile coordination.

ILPP found that many problems arise from policies and practices that justice agencies can control. **Realigning these to support more effective resource allocation for public safety is entirely feasible.** Yet the agencies of San Joaquin County's criminal justice system will not be able – in the long or even short term – to fill the gap solely through individual program and operational changes. Hence the possibility of an inability to carry out mandated duties or even of county bankruptcy is not far-fetched.

San Joaquin County's leadership and the leadership of its component cities are faced with the unfortunate but undeniable burden of making their criminal justice system somehow work despite the nearly overwhelming barriers to its success. At present the cities play a major role in adding to criminal justice system volume (e.g., half of adult felony arrests are made by the Stockton Police), but have no formal or commensurate role in guiding or paying for it. It is necessary for all of the justice agencies to begin managing the system as a whole.

The following areas in San Joaquin County require system attention:

- general coordination and management,
- punishment philosophy with corresponding jail use and alternative sanctions,
- management information,
- front-end efficiency and screening, and
- duplication of effort.

The "Action Plan" report represented ILPP's efforts to concretize a program of major cost-efficiencies, savings and new revenues. The two objectives of this plan were to avoid a collapse of criminal justice service and to develop a long-term management strategy for adequate levels of service.

ILPP estimates that if all 88 recommendations are implemented the annual "savings" (current and future) are between \$4 million to \$11 million. Unfortunately the possible future savings are not likely to be enough to completely offset the projected budget deficits, or punishing cuts for criminal justice agencies.

ILPP finds that aggressive and innovative support from the cities in the county will be necessary to meet costs over the next ten years.

Even if all efficiency recommendations are implemented and the cities play a major new role in programming light-weight offenders, to simply maintain the current level of minimum service, the criminal justice agencies would appear to require new revenue.

The following are the major recommendations:

### **Highest Priority**

- **Implement a revitalized population and criminal justice management system (adult and juvenile).**
- **Establish a jail and juvenile hall use policy and mission statement.**
- **Design and implement a jail Pre-Processing Intake and Classification Center appropriate to San Joaquin County.**
- **Develop a Family Crisis Intervention Unit which provides intensive pre-screening for juvenile justice.**
- **Implement a public education program on criminal justice system management and costs.**
- **Management tools such as statistical summaries and schedules should be developed.**
- **Institute an additional 1/2% sales tax**
- **Enact a utility tax.**
- **A single senior person in the CAO's office should be designated as the full-time and exclusive justice system coordinator and expert, preferably with a small staff.**

- **Seek legislation, or negotiate an agreement, permitting the reclassification of deputy sheriff positions into correctional positions.**
- **Continue to evaluate the 12-hour shift.**
- **Expand court coordination efforts to include assignment of municipal court judges to handle superior court criminal trials; cross assignment of administrative staff and integration of court administration.**
- **Implement a range of pretrial alternatives to incarceration.**
- **Implement a range of post-sentence sanctions as alternatives to incarceration.**
- **Remodel Honor Farm Barracks H and I and convert to a women's facility. Shift most women to the Honor Farm with a new security fence.**

## **Second Priority**

- Add Juvenile Justice, including Juvenile Hall, to the Criminal Justice Information System.
- Office of Revenue and Recovery access to CJIS.
- Sheriff's pool of screened applicants to fill vacancies.
- Consolidate bailiff, courtroom security, civil process and prisoner transport between jails and courts service functions under the Marshal's Office.
- Establish working committee involving district attorney and law enforcement agencies to ensure arrest reports and supplemental reports are complete and timely submitted.
- Re-negotiate MOU working conditions.
- Eliminate Records and Communications eight hour shifts which include a fourth overlapping shift.
- Reorganize court administration to give the presiding judge a partial workload to allow more time for court administration and coordination.

- Differentiated case management program.
- Eliminate FTA bench warrants in traffic infraction cases.
- Expand video arraignment to Stockton Municipal Court.
- Provide settlement offers to the public defender on all cases where offers can be made at least three to five days before the scheduled preliminary hearing.
- "Day Fine" program.
- Review Pre-Trial Services release criteria.
- Increase drug program (ADAP) capacity by one half-time person.
- Identify areas of probation responsibility that can be handled by clerical staff instead of a probation officer.
- Collect and evaluate pilot supervised release program data.
- Transfer some probation responsibilities to other agencies.
- Supervised Own Recognizance and release programs staffed by probation officers.
- Move all minimum security inmates from Honor Farm to alternative programs.

### **Smaller But Important Recommendations**

- Regular CJIS users' meetings.
- Information Service as technical resource for CJIS decisions.
- Commercial software for simple CJIS data queries.
- County-wide e-mail.
- Sheriff Computer Aided Dispatch system.
- Discontinue dictation of crime reports.
- Reconcile reports submitted against report numbers issued.
- Maintain paper file copies of One-Write reports.
- Change to imaging based file storage.

- Review clerical staffing needs after the report writing system is modified.
- Ad Hoc Crime Analysis Committee.
- Manteca, Tracy, Escalon and Ripon shared communications and data consolidation.
- Re-evaluate operations lieutenants. Assign lieutenants to work weekends and night shifts. Assign community liaison responsibilities to the Captain of Patrol.
- Redesign Sheriff training program.
- Periodic workload and response performance studies of patrol division.
- Adopt procedures for managing Sheriff's calls-for-services workload.
- Community Service Officer.
- Conversion of support positions from sworn to civilian status.
- Better utilize STARS volunteers.
- Eliminate lieutenant or sergeants position in Records and Evidence.
- Eliminate lieutenant or sergeants position in Communications.
- Eliminate Case Management Lieutenant position.
- Review the workload of the four lieutenants assigned to the jail.
- Fifth lieutenant in Jail Division and assign lieutenants to night shifts.
- Felony caseload management program.
- Develop procedures for transfer (cross-assignment) of superior court support staff to assist municipal court staff.
- Review fees and procedures for ordering costs in cases where counsel are appointed.
- Vertical case assignment system for public defender and district attorney.
- Probation officers at courts to perform responsibilities mandated by statute.
- Reduce time needed to complete Presentence reports and hold hearing.
- Limit Violation of Probation warrants for cases involving failure to pay program fees.

- Eliminate temporary employees, and coordinate Pretrial Services, jail classification, and population management unit activities; allow criminal histories and DOJ manual rap sheets in the office; "Chain of custody" for Pretrial Services packets.
- Develop policies and procedures for interviews at the court to minimize time needed to complete packets and to reduce a defendant's pretrial length of stay.
- Coordinate the exchange of information and development of policies to facilitate the transfer of detainees and inmates to drug and residential treatment programs.
- Utilize Honor Farm barracks A, B and C for pretrial and sentenced misdemeanor males and/or females.
- Expand video arraignment.
- Convert unused jail support wing into secure housing unit.

### **To Be Implemented in a Fiscal Emergency**

- City prosecutors in Manteca, Lodi and Tracy handle arraignments in these courts.
- Evaluate need for two attorneys in the Tracy, Lodi and Manteca courts.
- Assign adult supervision cases to bank caseload for monitoring purposes only.
- Limit adult supervision to most serious offenses only.
- Move all pretrial detainees to Honor Farm.
- Direct supervision dormitory housing for future beds.
- Relocate female inmates to fenced facility outside main jail. Build 124-bed Facility with security fence; house general population.
- Construct high security courtroom and support spaces adjacent to jail core area. Move criminal courts to Matthews Road area.

### **Conclusion**

The 88 recommendations are a strategic plan for a leaner and more effective justice system, and the necessary revenues to support it. Taken with the notion of "political accountability," the 88 recommendations provide promise to an otherwise bleak future. From this promise success can evolve.

Success depends on the Board of Supervisors implementing the program through the power of the budget, and the administrative follow through of the County Administrator. Also required are the leadership of the District Attorney, the Presiding Judge, the Sheriff, the seven cities and the business community, speaking as a single voice. Leadership and political will are the main challenges.





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# I. INTRODUCTION

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# I. INTRODUCTION:

## UNDERSTANDING THE ENVIRONMENT

### A. Crisis

In 1991 the California counties' association, County Supervisors' Association of California (CSAC), completed a two-year project entitled, *Jailhouse Blues: Hard Time for County Taxpayers — A Study of the Rising Costs of Incarceration in California*.<sup>1</sup> The report, now four years old, provided a detailed understanding of the forces that drive the complex county criminal justice dynamic. The only change since the time of its publication has been the **worsening** of state and federal financing of local budgets and toughening of criminal sanctions. Here is what the report says about the overall impact of local justice operations on county fiscal health:

"A fiscal cancer eats at the budgets of county governments in California. Just as cancer attacks the human body and its vital organs so does this fiscal cancer assault the financial resources of counties and erode their ability to perform all of their functions....The fiscal cancer, of course, is the enormous outlay required to build and operate county jails in California [and this is just]...the 'tip of the iceberg'." *CSAC Report* (p. 1)

Like cancer there is no absolute cure and no certainty of recovery; this is the reality that San Joaquin County, like all California counties, must face every day.

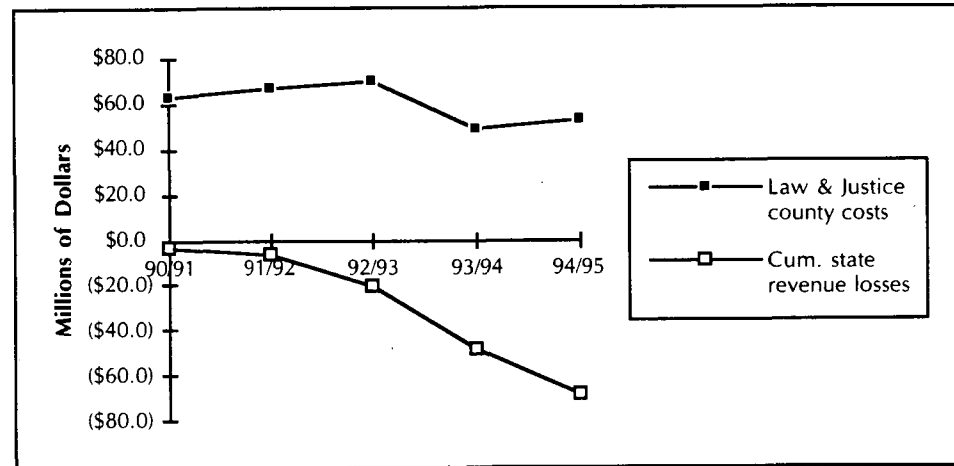
Yet San Joaquin must face still more: As a county with one of the highest welfare caseloads and one of the lowest property tax bases, the winds of state and federal change blow harder on this county than many, possibly any, other in the state.

On the following page is a graphic illustration of the fiscal cancer diagnosed in the CSAC report and played out in San Joaquin County. The black line is how much the county pays for law and justice services; the white line shows how much state funding the county has lost cumulatively from 1990-91 through the county's most conservative estimate of proposed cuts for 1994-95. (Figure 1.1)

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<sup>1</sup> Richard P. Simpson, Sacramento, Calif.: California Counties Foundation (now CSAC), September 25, 1991.

FIGURE 1.1 Comparison of County Criminal Justice Costs and State Revenue Losses



Do not be misled by the dip in criminal justice costs: **costs actually rose in 1993-94** but Proposition 172 revenue allowed the county to reduce its contribution, but this contribution is on the rise while state revenue drops even faster. The trend is obvious: the gap between costs and revenues is growing rapidly. In seeking out this study, the county has realized:

- **The agencies of San Joaquin County's criminal justice system will not – in the long or even short term – fill this gap through individual program and operations actions.**
- **The possibility of bankruptcy or impossibility of carrying out mandated duties is not far-fetched.**

These facts are neither new nor unknown to any leader in San Joaquin County's criminal justice system, and they persist despite substantial efforts by criminal justice officers to respond to budget cuts in the face of rising demands. What can be done when agencies feel that they have already done everything possible and more? The problems seem greater than the sum of the resources that are available to solve them. Below ILPP lists some of the most salient factors which make "crisis" not too strong a word to use for describing the state of criminal justice in San Joaquin County.

- **County criminal justice costs are rising while state supplied revenues are declining at a much faster rate.**

- The state continues to implement so-called revenue sharing or trade off policies, all of which have resulted in net losses to San Joaquin County.
- California and the nation have implemented "tough on crime" criminal sanctioning policies which promise to increase use of jail beds, courtrooms and workloads of all related agencies.
- California is now considering legislation which would allow inmates sentenced to state prison to be housed in county jails for up to 18 months.
- Counties have extremely limited means of obtaining local revenue; San Joaquin County in particular has not been able to earn as much from these sources as other counties because of its demographics and configuration.
- There is no statutorily granted authority, and in fact there are constitutional disincentives, for criminal justice and county government agencies to coordinate with each other in the interest of system balance and efficiency.
- Extreme fiscal pressures imposed on individual agencies has limited their time and resources available to address mutual problems.
- Cities play a major role in adding to criminal justice system volume (e.g., half of adult felony arrests are made by the Stockton Police), but have no formal or commensurate role in guiding or paying for it.

**San Joaquin County's leadership and the leadership of its component cities are faced with the unfortunate but undeniable burden of making their criminal justice system somehow work despite the nearly overwhelming barriers to its success. It may not be fair, but it is fact. The only other option is to admit defeat to a popular constituency who must face an increasingly violent and growing juvenile population.**

To underscore the pervasiveness of criminal justice system management pressures, selected quotes from the *CSAC Report* appear in the margins throughout this report. The aim is to maintain constant vigilance of the complex factors which drive the system and the uncertain environment in which it must be managed.

## B. Action

This study includes ILPP's action plan for San Joaquin County's criminal justice system combining recommendations and logistics.

The next chapter presents ILPP's overview of the criminal justice system with major system-wide recommendations in which all agencies and offices will need to take a leading role.

ILPP estimates that if **all 88 recommendations are implemented the annual and future savings of doing so are likely to range from \$4.8 million to \$12.9 million**; (these figures are order of magnitude only). Subtracting likely costs from savings, **the annual net system cost could be as much as \$3.9 million to \$11.1 million less than at present**, (depending on when certain costs are incurred). Still, the savings possible through comprehensive streamlining of operational efficiencies are not likely to be enough to completely offset the projected budget deficits, or resulting cuts for criminal justice agencies.

To project criminal justice system budgets, ILPP began with two scenarios for the future:

1. The Pessimistic Scenario which assumes the frightening trends of the past few years will continue; and,
2. The Optimistic Scenario which assumes they will somehow magically improve. The Pessimistic Scenario is more likely.

The **Pessimistic** scenario assumes criminal justice agency budgets continue to grow at their current rate, as does revenue. Other county costs stabilize at their FY 1995-96 levels.

The **Optimistic** scenario assumes criminal justice budgets grow but at a lower rate than they have, (i.e., than the pessimistic scenario). The optimistic scenario also assumes other county costs rise only in proportion to county population growth and revenue grows at 3% annually.

In both scenarios, there is the need for additional revenue, shown in Table 1.1 as possible combinations of new taxes.

TABLE 1.1 Projected County Criminal Justice Budget Shortfall and Required Offsetting Taxes, FY 2002-03

Scenario	Definition	FY 02-03 Budget Shortfall	Utility Tax	Sales Tax
<b>Pessimistic</b>	<ul style="list-style-type: none"> <li>• CJ costs continue to rise</li> <li>• Other county costs stabilize at FY 95-96 level</li> <li>• Revenue follows current trend</li> <li>• No recommendations implemented</li> </ul>	\$24 million	5%	1/2%
<b>Optimistic</b>	<ul style="list-style-type: none"> <li>• CJ costs rise at 10% lower rate than pessimistic scenario</li> <li>• Other county costs grow with population</li> <li>• Revenue grows at 3% annually</li> <li>• No recommendations implemented</li> </ul>	\$2.5 million	2%	0%

The trends are obvious: the gap between costs and revenues is growing. In seeking this study the county assumed:

- San Joaquin County's criminal justice system agencies will not, in the long or even short run, fill this gap through individual changes.
- The possibility of not carrying out mandated duties is high.

These facts are clear to leaders in San Joaquin County's criminal justice system, and they persist despite substantial efforts by all justice officers to respond to budget cuts in the face of rising demands.

To address the hypothetical possibility that no actions at all will be taken to minimize criminal justice costs, ILPP has presented an analysis of funding options. **ILPP finds that some form of a tax combined with aggressive and innovative support from the cities in the county, will be necessary to meet costs over the next ten years.**

As part of this project ILPP has met with diverse community and business groups and leaders on many occasions to help educate the public on the criminal justice system. The most important mission of this education program is to clearly connect the services of the county to the costs that must eventually be borne by the taxpayers. Unfortunately the anti-crime fervor of the current political environment fails to provide accurate information about the expenses of providing constitutionally mandated duties. **Even if all efficiency recommendations are implemented, to simply maintain the current level of minimum service, the criminal justice agencies of San Joaquin County require new revenue.** The public can understand this message if the leaders make a commitment to sharing it and to providing the public opportunities for contributing their ideas and questions to the county's evolving management strategy.

The prospect for criminal and juvenile justice effectiveness in San Joaquin County is not altogether negative: this study shows that many problems arise from policies and practices that, together, justice agencies have some control over. Realigning these to support more effective **impact** of resource allocation on public safety is very possible, even within the constraints of a shrinking resource pool.

### C. Report Outline

In addition to the Executive Summary, the final report contains 12 chapters outlined as follows:

1. Introduction
2. System Overview
3. Managing the Resources: County Government & Information Services
4. Managing the Flow: Law Enforcement & Detention
5. Managing the Case: Courts, District Attorney & Public Defender
6. Managing the Offender: Probation & Alternatives

7. Managing the Space: Criminal Justice Facilities
8. Juvenile Justice Assessment
9. Action Plan Analysis
10. Action Plan Summary
11. County Budget Projections & Financial Analysis
12. Criminal Justice Funding Options

The Demand Report is included in the appendices.





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## **II. SYSTEM OVERVIEW**

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## II. SYSTEM OVERVIEW

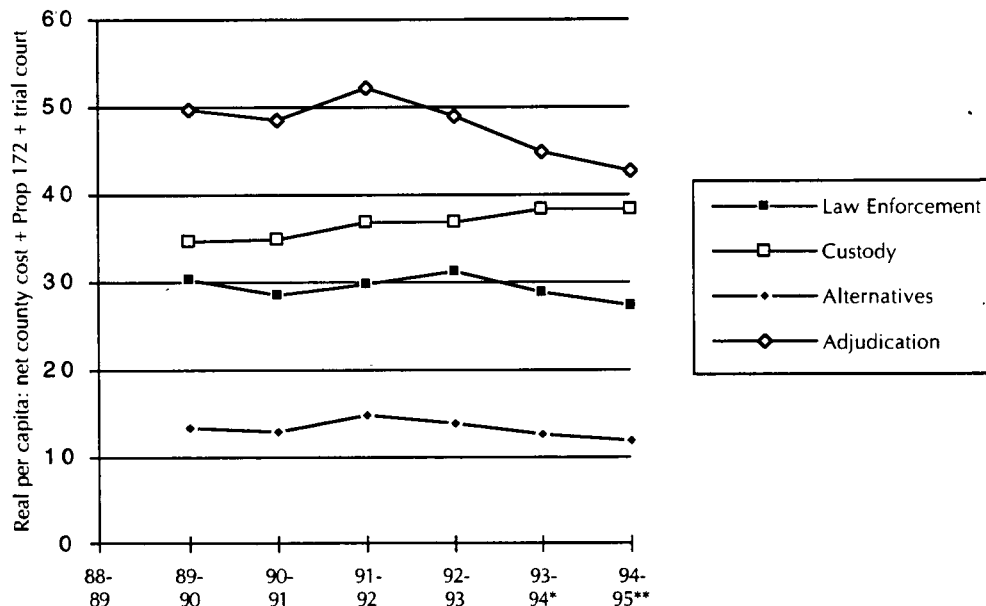
### A. Overview

Even in the best of times, there is one criminal justice organization that rarely receives any funding, staff or mission. This organization is also the first to be accused for any failure or inefficiency in criminal justice, and the accusation is usually true. This organization is also the most crucial to the effectiveness of all the other agencies involved in local criminal justice. Its success not just influences, but often determines, whether all the other agencies can fulfill their duties. This organization is, of course, the SYSTEM itself.

San Joaquin County's system is no exception to the rule: there is no staff or money dedicated to the invisible infrastructure underlying the success or failure of local criminal and juvenile justice.

The decline in real spending for most agencies makes this fact less surprising. Figure 2.1 presents the total of net county cost of criminal justice, including Proposition 172 funding and trial court funding; the latter two are dedicated to the departments' core functions. Omitted are a number of special grant programs. Since FY 1991-92 most functions have suffered a decline in real resources.

FIGURE 2.1 Criminal Justice Resources<sup>1</sup>



<sup>1</sup> Adjudication includes courts, court security, prosecution, and deñense. 113-94 figures "approved" in 1994-95 budget; custody figure estimated.. 1994-95 figures "recommended" and consumer price index estimated.

*"There is probably no public policy area in the United States that is more closely or extensively studied than the justice system."*  
- Jailhouse Blues, p. vi

*"Over the past six years, [San Joaquin County criminal justice] services costs have increased from 62 percent to 67 percent of available general revenues... If historical trends continue, within eight years (1997) non-discretionary services will require 100 percent of general revenues..."*  
- Jailhouse Blues, p. 21

*"The majority of services provided by the county are for residents living within the cities, yet most of the revenues are derived from sources outside the cities."*  
- Jailhouse Blues, p. 8

*“Does a high incarceration rate result in a low crime rate? Does a high crime rate mean that incarceration rates will also be high? For every claim of cause and effect, there seems to be a contradiction. The data appear so inconsistent as to suggest that a decision to send an offender to jail is based on factors beyond an immediate case being tried.”*  
– Jailhouse Blues, p. 14

ILPP has found that no single agency is responsible for the internal problems San Joaquin County has with managing local public safety. All agencies have individually invested significant time adjusting to budget cuts and reorganizing staff and workloads to be more efficient in carrying out their own duties. Several examples have already been cited in the Introduction.

On the other hand, ILPP has found that the part of the criminal justice operation that local leaders do control – in other words, the part that the state’s fiscal abuses are not responsible for – could be significantly improved in terms of gains in both efficiency and effectiveness. How can this be? No agency is the “squeaky wheel,” but there is significant room and resources for improvement even within the fiscal limitations that now exist.

The paradox is resolved by looking to the system “organization” itself. **There are certain essential elements of criminal justice effectiveness that cannot be addressed by any single agency.** Only agencies working as an organized team can realize the possible improvements. Thus the first step of really implementing fundamental change is for all agencies playing a role in the system to recognize its importance to their individual existence.

*“The California Legislature should exercise extreme restraint in the enactment of additional laws that establish new crimes, extend length of sentences and make more sentences mandatory. In addition, any such measures, when proposed as legislation, should contain a “justice system impact statement” which estimates the cost impact of the proposal upon the justice system.”*  
– Jailhouse Blues, p. 31

Second, only a unified system of the elected decision makers can craft rational policies to lobby for at the state level. Because of the structural weakness of the criminal justice system as authorized by the state constitution, and because of the state’s traditional and pervasive approach of ignoring county level consequences of state level actions, an important system function must be to look after its own interests in state government. This is not happening in an organized, San Joaquin County-specific manner. Responses to state cuts are just that, **reactive responses**. San Joaquin County’s need and impending disaster require a systematic, persistent and supported plan of action for state legislation. This is its only opportunity to have an impact on its external environment, but this route cannot be optimized without a strong system group in place.

The following areas in San Joaquin County require system attention:

### **General Coordination and Management**

Effective management groups require leadership, department head participation, worthy issues to meet over, and logistical support to study and carry out supported action.

The many criminal justice management groups that have existed in the county since ILPP's last review have suffered from the lack of one or more of these elements.

### **Punishment Philosophy with Corresponding Sanctions**

Cuts are made to make the bottom line add up. Cuts that are made to support a larger mission of what the local community wants from its justice system are impossible because no such mission exists. The irony for the county is that strong community and system support exists for a wide range of punishment sanctions from jail to electronic home monitoring, yet only the most costly sanction – jail – can rely on continued funding. And because it is costly, a minimum level of beds to keep criminals off the streets is hard to maintain.

A system decision needs to be made that establishes the county's mission for punishment and creates a commitment to achieve this mission. Without a mission and a plan to develop a continuum of punishment options, the immediacy of jail crowding will keep all punishment funds trapped only in high cost, maximum security jail beds that hardly anyone supports. **A mission statement and punishment system need to explicitly distinguish those criminals we must lock up to protect our safety from those who must be punished for breaking the rules in order to avoid punishing the taxpayer by treating all offenders alike.** Criminals we fear ought to be isolated from the community; offenders with whom we are angry may not need the same security approach.

### **Management Information**

San Joaquin County departments provided ILPP with literally thousands of documents to describe agencies, workload and costs. Not a single one of these provided information on the system's health. There is no document which contains the minimum information needed to understand even the magnitude of demand on the system and the resources required to absorb it.

*"Given the predisposition of California voters and most political leaders to incarceration rather than programs of prevention and treatment, as well as the financial crisis confronting these programs, there is little reason to believe that these programs will be financed at a level to reduce the potential for criminal behavior in California."  
– Jailhouse Blues, p. 25*

*"The major problem facing our criminal justice system is the inability to apply sanctions to convicted defendants. This creates a lack of respect for the justice system which leads many defendants to disregard notices to appear in court. Subsequent warrants lead to more failures to appear (FTA) and more warrants."  
– Jailhouse Blues, p. 44*

*"If, on the other hand, members of the justice system at the county level determine jointly to examine [system] questions and begin to get some answers as to what is actually happening in the systems within their own counties, an improved control of the costs of criminal justice might be established."  
– Jailhouse Blues, p. 26*

CJIS contains nearly all of this information, but it is not used to provide a **system** organization with management information. Understanding the problem is the first step to solving it. Reasonable access to complete information would hasten decision making at all system checkpoints.

### Front-End Efficiency

San Joaquin County, like nearly all counties, is configured to spend its resources at the back end of the system process. Pleas happen on the brink of trial. Pretrial release decisions are made long after offender information and eligibility have been objectively assessed. Events occur at the last possible moment. The time between when a release, a plea or other action **can** occur and when it actually **does** occur is a 100% unnecessary expense of time and money. Delays are often the result of insecurities on the part of individual personnel who might make an incorrect release or plea decision. Double and triple checks combined with waiting it out until it seems safe is, however, an insurance policy that the county increasingly cannot afford and typically does not require.

### Duplication of Effort

The one finding pointed out by all interviewees was a sense that there is duplication of effort in processing offenders into and out of the criminal justice system. This local finding finds corroboration in ILPP's observation of the process. Basic offender information and criminal histories are two obvious examples of information that up to five or six agencies independently collect.

*"Until [system] questions are studied and answered, the county justice system will continue to operate seemingly out-of-control in terms of an ongoing general fund budget impact."  
– Jailhouse Blues, p. 26*

None of these problems are unique to San Joaquin County's criminal justice system. In fact, the county would probably rank high in a California county comparison of optimizing the five areas laid out above. San Joaquin's relatively good showing is still not enough to pull it out of a fast deepening pit. At a time when county leaders are working hard to streamline their own operations, more must be done. The next section points out examples and consequences of inefficiencies in the areas of coordination, punishment philosophy, management information, front-end efficiency, and duplication of effort.

## B. Overall System Findings

### 1. General System Management and Coordination

- Executive and Operations Committees, recommended by ILPP as part of a jail population and criminal justice system management system, remained in active existence for less than a year.
- Consequent management committees have lacked clear leadership, dedicated funding, mission statements or strong consensus.
- Committee review of issues has been hindered by a focus on and concern over individual budgets. More attention should be devoted to the impact of system problems on individual agencies.
- Staffing reductions and program changes because of agency budget cuts have not always led to improved system efficiency. Some cuts have actually had the **opposite** effect by increasing pressures on the rest of the system:
  - Closure of Honor Farm beds reduced the lowest cost sanction appropriate for the most common classification of offender. (210 beds of the farm are being phased back into operation.)
  - Custody personnel overtime costs have been exacerbated by the elimination of an attrition pool in the Sheriff's budget.<sup>2</sup>
  - Use of part-time employees in Pretrial Services was apparently a cost cutting decision. Training costs, high turn-over and consequently weakened judicial confidence make it, however, a high cost reality.

*"The "justice system" at the county level is frequently not a system at all, but a collection of separately elected entities, each of which is doing its best to acquit itself of some serious responsibilities. Each separate entity in the system has its own goals and responsibilities, none of which may have any relationship or relevancy to the sound management of the total local justice system, let alone the problem of jail overcrowding."*  
– Jailhouse Blues, p. 25

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<sup>2</sup> The County Administrator's Office indicates that the attrition pool was eliminated for three reasons, including the "virtual absence of attrition" for several years and a pool of previously laid off officers to fill vacancies. The attrition pool, however, was originally created to eliminate overtime costs related to training; the use of laid off deputies as per diem employees was only a temporary measure that ended, upon union agreement, when the Sheriff's Office was able to rehire officers.

*"A cap on its jail means that a county must be on a deliberate path to finance, design and construct additional jail space with all due dispatch. However, construction of needed new space does not necessarily provide the county much respite from a court-ordered cap. This is the case, despite the fact that a county has gone to the substantial expense of constructing and staffing a jail facility which may have been designed to provide some room for growth for at least a few years."  
— Jailhouse Blues, p. 10*

- It has been the DA's policy to file driving with a suspended license (DWLS) charges as infractions instead of misdemeanors. Fines from misdemeanors is a major source of revenue for the courts; the significant difference between fines for infractions and misdemeanors will result in less overall revenue. Although revenue from fines for DWLS went primarily to the state at the time this decision was made, such revenue is expected to revert to the county this year.
- Waiver of PSIs as part of a negotiated plea to alleviate probation workloads may have the effect of increasing workloads down the line as these defendants often fail probation and must have significant work completed by probation as a consequence.<sup>3</sup>
- The crime analysis units of all county law enforcement agencies, except one, have been given a low priority. Many do not now have a unit assigned specific responsibility for the function. Although there is regularly some exchange of crime information at an informal level among detectives and officers, there is no organized county-wide crime analysis system. The ability to coordinate interagency efforts to apprehend offenders and control crime patterns has been virtually eliminated.
- In the absence of system management, the court population capacity order (including the judge assigned to the jail lawsuit) has become the default "manager":
  - A large percentage of pretrial releases occur under authority and mandate of the court cap order. These releases are unsupervised and automatically determined, without the kind of more thorough back-

<sup>3</sup> This increase should be weighed against possible savings in the amount of time pretrial defendants spend in jail. Again, the importance of a strong system management group is required to perform a complete weighing of all the issues and consequences.



ground check required for PTS or the court to make a release decision.<sup>4</sup> Having the court cap force a release is both less efficient and less safe than having PTS and the court exercise their respective authority in effecting one.

- There continues to be no failure to appear (FTA) notification unit to minimize failures to appear in a system where most pretrial releases are unsupervised.<sup>5</sup> There was a brief attempt to notify defendants of court dates, which was discontinued after a brief period of operation.<sup>6</sup> A full evaluation of the potential or limitations of this project was not completed.

*"A local justice system can reflect strong differences among its participants on the conduct of law enforcement, prosecution, defense, incarceration and a variety of other justice policy issues. The very nature of the issues that the system deals with tends to divide and drive it apart rather than draw it together and promote cooperation among its parts."  
– Jailhouse Blues, p. 25*

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<sup>4</sup> Comments regarding jail staff reliance on the judge assigned to the jail lawsuit to make release decisions ranged from none (County Counsel) to special cases only (jail staff). ILPP found the judge was called several times a week for release decisions, including releases to ADAP, despite the fact that the Sheriff has extensive authority to make both pretrial and cap releases and the lack of any provision in the consent order to call the judge for such releases. Because of the number of times the judge is called to make releases, he is no longer required to be part of the rotation for duty judge assignments.

<sup>5</sup> Lack of an FTA notification project was attributed to public defender opposition; the public defender actually opposed personal contact with defendants after appointment of counsel. Such contact was not part of the FTA notification unit proposal.

<sup>6</sup> Observers indicated that the post card notice procedure was in operation for about three months, although the pilot period was set for six months. Discontinuance of the program after results were "not significant" may have been premature without further analysis of the reasons for the unsatisfactory results, such as return of post cards because of invalid addresses.

- There has been a dramatic increase in the average length of stay (ALS) for detainees and defendants released under the court cap. The increase can only be due to longer case disposition times and longer sentences imposed by the courts for several reasons: The 1992 and 1994 tracking studies showed similar patterns for proportion of felonies to misdemeanors, types of serious offenses and warrant arrests. The impact of an FTA effectively doubled the ALS for persons arrested on such warrants. Court cap releases for sentenced defendants are based on net time (two-thirds of imposed sentence), which means defendants can be released after serving only one-third of their sentences. Nevertheless, the ALS for misdemeanor cap releases (pretrial and sentenced) was still 11 days and nearly 24 days for felonies. This is a significant increase over ILPP's review of this data in 1992.
- The high number of FTAs, failure to report and, now, failure to comply (both program participation and payment of program fees) reflect a system that generates its own demand. These lead to increased data entry or case processing for court staff, court time to dispose of warrants, attorney time to review, defend or prosecute, probation time to file violations of probation and reports, and, ultimately, jail time.<sup>8</sup>

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<sup>7</sup> An example of such an instance was bail of \$250,000 for a person arrested for operating a fraudulent smog checking business. Bail in this case was reduced by the judge in charge of the jail lawsuit.

<sup>8</sup> In contrast to fines, which probation can convert to community service where there is documented inability to pay, program fees must either be paid or converted to jail time. Some judges expend considerable effort to work payment problems out, but the general policy is to allow one re-referral before program termination and jail.

## 2. Front-End Efficiency

- The public defender and LRS often has inadequate time to meet with clients to discuss plea possibilities. Limited jail visitation and access attribute significantly to this problem.
- System inefficiencies leading up to and including the preliminary hearing result in unnecessary overtime costs for law enforcement witnesses, who are not called, either because the case settles after the offer is accepted by the defendant or the hearing continued. The Stockton Police Department estimates that it spent \$225,000 in overtime costs last year for officers subpoenaed as witnesses who did not testify.<sup>9</sup>

## 3. Punishment Philosophy and Sanctioning Options

- The proposed drug court needs to be planned and accepted as a way to coordinate system resources. Some contend that this court is superfluous to planned drug diversion programs. ILPP has found that drug courts typically enhance the streamlining and effectiveness of other drug programs.
- Existing alternatives can be more efficiently used and there is a need for additional sentencing options.
- The reduced use of the jail because of booking fees has not similarly occurred at the Juvenile Hall, where law enforcement officers from Stockton and the Sheriff's Office continue to book most of the juveniles they arrest.<sup>10</sup>

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<sup>9</sup> Under Proposition 115, the only witnesses required to appear at the preliminary hearing are law enforcement officers.

<sup>10</sup> ILPP recognizes that there is no booking fee at Juvenile Hall. In a well-managed system, the use of scarce resources, such as the jail or Juvenile Hall, should be based on the most appropriate use. For the jail, the booking fee became a "rationing" tool. Rationing of resources can be achieved, however, without a booking fee, but this concept was never translated into action for Juvenile Hall.

#### 4. Management Information

- Typically, criminal justice agencies do not generate the type of management reports which identify management problems.
- Budget limitations have hindered the development of the statistical component for CJIS users; data regarding caseload handling and dispositions can be obtained through CJIS but programming costs are charged to the agency's budget.
- Criminal justice agencies have chosen to collect data manually on selected areas to avoid programming costs. Such data are generally limited to results and are often incomplete.
- Court management information which would allow for review of efficiency measures in place and planned is not collected. All courts complete reports for the Judicial Council, but these data are of little value for local management and operational purposes.
- Arrest reports are given priority over crime reports in agencies with automated systems. At present, these reports are often inadequate and require much follow-up work by both the DA and probation.
- Notice of expected jail release dates is needed by the Office of Substance Abuse (OSA) and treatment programs: many defendants sentenced to jail time and a residential treatment program are not being transferred at the completion of their sentences even when treatment beds are available.
- It is reported that some strike cases still obtain pretrial release via the court cap order because neither the arresting nor booking officer have adequate information to know whether a given inmate is a "striker" or not.

- Law enforcement citation and release has always been an option, but its use was not increased until the county imposed a booking fee at the jail. The use of the least restrictive sanction has always been an integral component of juvenile justice theory and practice, but the implementation of alternatives to detention at Juvenile Hall and out of state placements did not occur until probation's budget was significantly cut.<sup>11</sup>

### C. System Recommendations

The recommendations are presented in direct response to the major findings of the criminal justice system's overall needs. Discussion of these recommendations will support detailed development of a logistics plan that includes costs, pros and cons, funding if needed, and appropriate timing. **At this point, the mechanics of implementation are less important than the discussion of the core idea.**

- ◆ *Recommendation: Implement a revitalized population and criminal justice management system.*

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**OBJECTIVE: Join all criminal justice system agencies together in a system management plan that can prepare for future problems and manage existing ones.**

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To address most of the issues raised by the system needs assessment, ILPP recommends a more structured criminal justice management system that, in the words of one member of the criminal justice system, provides "guidance, objectives and objectivity, vision and expertise." The available talent, people and resources of the system must incorporate:

- A **mission statement** that acknowledges the mutual need for such a group, its statutory limitations and its universal interests.
- **Executive level participation, leadership and attendance** at every meeting when major policy directions are considered.

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<sup>11</sup> The County Administrator's Office indicates that the driving factors behind this move were changes in federal funding and probation being allowed to keep savings from reductions in placements. Such "savings", however, were used to offset the proposed budget cuts for probation.

- **Standing and ad hoc committees.** The former will address continuing management issues like jail crowding; the latter can be convened to focus on specific efficiency areas like domestic violence policy, FTA backlogs and drug court development. Effective committees are representative ones.
- **Outcome-oriented management information** that emphasizes the results of a program under review and gives group participants an understanding of 'the big picture'.
- **Clear delegation of responsibilities** for staffing system efforts, leading various committees and implementing changes to which the entire group has agreed.
- Explicit involvement of cities' leadership.

### *Structure*

As opposed to the two level system proposed in 1992, ILPP now recommends implementation of a three-tiered criminal justice management system as follows:

- (a) **San Joaquin County Board of Supervisors** to act as the final decision-making body for proposals requiring major capital outlay, approval of budget allocations and coordination of the management committees with other groups, such as the Integrated Criminal Justice Task Force. (The Supervisors should have the active input of the Presiding Judge, District Attorney, Sheriff, a city representative, and a citizen representative of the County's business community.)
- (b) **Executive Policy Committee** to act as the policy-making body composed of the top level staff, both elected and appointed, of the "gatekeeper" agencies. This group would have primary responsibility for making decisions and policy, reviewing and monitoring management activities and providing feedback/regular reports to the Board of Supervisors. The membership of the executive policy committee should be expanded to include the department heads for Health Services and MIS and include the same business community representative noted above.

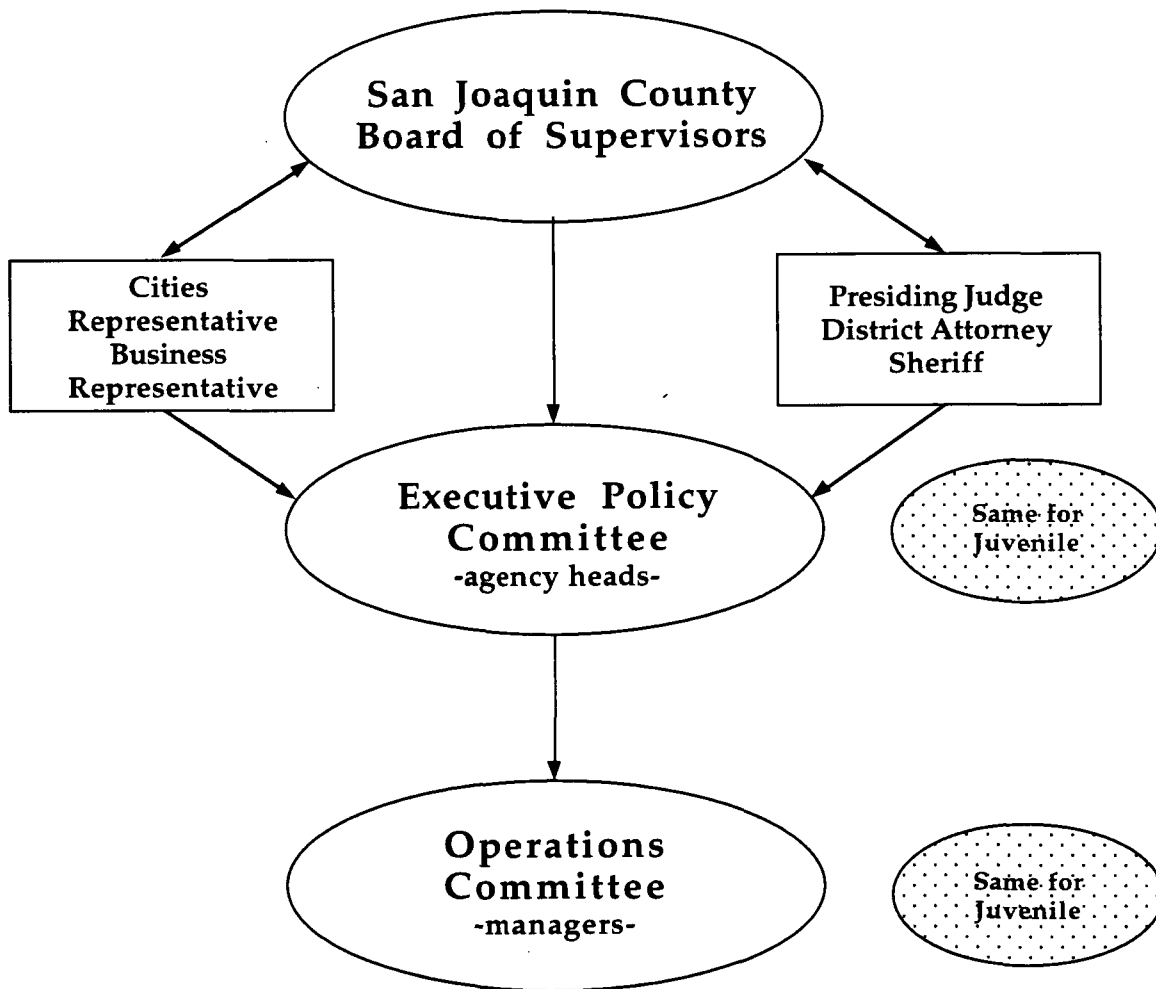
The executive policy committee should have authority to appoint ad hoc committees out of the operations committees and other agency representatives when necessary to

research identified issues. There should be some type of liaison with the juvenile justice system management group, such as a meeting at least once a year or appointment of a liaison person to report to the executive policy committee of juvenile justice system management activities.

- (c) **Operations Committee** to be responsible for data collection, program monitoring, research of identified issues and recommendations to the executive policy committee. The membership of the operations committee should be expanded to include a representative from the local bar association.

*"Of course a once-a-month meeting of a county criminal justice roundtable is unlikely to lead to much in the way of answers to these kinds of questions. It will require staff, most of which might be loaned from the various departments on a project-by-project basis."  
- Jailhouse Blues, p. 26*

FIGURE 2.2 Overall Justice System Management Structure



The above graphic describes a general structure that needs further development in terms of political and administrative accountability.

### *Implementation*

Successful implementation of a more structured criminal justice system requires:

- Clear goals and mission for the whole plan and each tier; The mission statement should include accountability for the system to members of the public, the county and to the criminal justice system itself and rational allocation of system resources in the face of increased demand;
- Strong and decisive leadership within every tier;
- Consensus that system management is a group challenge that requires a balance of system resources and system goals.
- Dedication of resources and staff as necessary to initiate a long-term commitment to efficiency.
- Designation of committee leaders, chosen for commitment to action and the shared criminal justice vision.
- Creation of realistic and specific goals and objectives for meeting the mission. For example, eliminating jail crowding is not realistic; limiting crowding growth to a certain percentage per annum is.
- Establishment of regular schedules for committee meetings.
- Written ground rules for discussion, including recognition of every member as having an equal voice; prohibiting personal attacks; fostering an environment of candor by preventing opinions to be met with retaliatory actions; having clear times allotted to discussion of issues and subsequent action on these issues.
- Establishment of time lines for addressing and resolving identified problems and assignment of individuals or small groups as needed to monitor progress and to report difficulties.



### **Initial Activities**

The first activity of the Executive Committee should be to review ILPP's final action plan and determine its own plan of action for prioritizing, evaluating and implementing suggested improvements. Additionally,

- **Improved exchange of information** among agencies that are required to interact on a regular basis. Interviews by ILPP consultants with criminal justice agency representatives, as well as the comments provided after submission of the system assessment report, demonstrate widespread misperception of individual agency operations and policies. The misperceptions in turn lead to resentment or lack of support for other agencies' mission and goals. As part of this activity, the operations committee should identify what information and how that information will be provided to facilitate the Office of Revenue and Recovery's collection of fines and fees and to coordinate the transfer of defendants into treatment programs through the Office of Substance Abuse and ADAP.
- Development of **county-wide arrest and booking standards** to be used by all law enforcement agencies to minimize bookings at the jail and Juvenile Hall. Several of the law enforcement agencies have obtained the booking policies from the jail and have already limited the number of persons booked at the jail because of the booking fee. These actions can be easily expanded to the development of uniform arrest standards as another tool to limit the use of scarce resources.
- **Establishment of pretrial programs to reduce the FTA rate**, such as supervised OR and an FTA notification unit. The most recent effort at FTA notification was deemed ineffective after a trial period of three to six months, where there was no reduction in the FTA rate. Prior to termination of the program, however, monitoring data should have been analyzed to identify where problems arose that prevented the program from being effective. Data provided by the county only show the number of defendants set for arraign-

*"A [county criminal justice roundtable would] provide a forum for exchange of information on departmental activities that may affect other parts of the justice system."*

*– Jailhouse Blues, p. 25*

*"Why are criminal justice roundtables important? There is a strong, pervasive sense in almost any local criminal justice system that the work and the workload are driven by uncontrollable outside forces. There is frequently the sense that the workload is beyond management and that events happen that must be dealt with on a crisis basis with staffs that are stretched to the breaking point."*

*– Jailhouse Blues, p. 25*

ment, the number who appeared and the FTA rate. There was no information regarding the number of post cards that were returned by the post office as undeliverable or whether the post cards were printed in both English and Spanish. Assuming a high number of post cards were returned as undeliverable, the operations committee could have identified policies or procedures to be implemented at the time of booking to verify addresses prior to an arrestee's release. Such verification would have added 20 to 30 minutes to PTS staff time but would not result in an increased use of jail beds. (Appendix G reviews San Joaquin's efforts to date and provides some detail on possible models.)

- **Review of a drug court program for San Joaquin County.**
- **Review of systematic case processing programs like differentiated case management.**
- **Exchange of information on public safety costs between city and county auditors.**

◆ *Recommendation: Establish a jail use policy and mission statement, developed with the input of all representatives of the criminal justice system and with some public interaction.*

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**OBJECTIVE: Improve protection of public safety by making the distinction between criminals the community should fear versus offenders with whom they should be angry. Make public safety spending more effective by using its limited availability with explicit discretion.**

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Throughout this report ILPP shows that there are several degrees of seriousness in criminal activity and correspondingly a broad range of approaches to effectively combat it. Treating all criminals the same – by locking them up in jail cells, for example – is expensive and ultimately not effective in keeping the really dangerous offender out of the community.

The revolving door of criminal justice with which local communities are so embittered arises from a lack of punishment philosophy and the default treatment of all criminals as one and the same kind. **The less serious, nonviolent offenders who constitute the overwhelming majority of admissions to a jail system, squeeze out or shorten the lengths of stay of the most serious, violent offenders.**

An important primary task of the population management system's executive committee should be to craft a "jail use" policy for meeting the dual goals of community protection and cost efficiency. The elements of this policy should:

- (a) **Examine the overall costs of all available and proposed punishment sanctions**, e.g., jail, electronic home release, drug treatment, supervised probation with programmatic conditions, etc.
  - (b) **Rely on program effectiveness** and have measurements in place for inclusion into a "menu" of many sentencing options.
  - (b) **Be tailored to the criminal population characteristics** of San Joaquin County. A large number of minimum security offenders with a small proportion of extremely dangerous offenders would justify a continuum of sanctions that include maximum security jail space on one end and low cost semi-supervisory programs (e.g., work release) on the other.
  - (c) **Establish clear goals of program usage** that all players – city and county law enforcement agencies, prosecution, defense, courts, county government, probation and program providers, and correctional administration – are aware of.
- ◆ **Recommendation:** *Design and implement a Pre-Processing Intake and Classification Center appropriate to San Joaquin County.*

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**OBJECTIVE:** Optimize use of limited resources by appropriately screening all offenders into the criminal justice system before they are overclassified or have had a costly impact on jail and court resources.

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The Pre-Processing Intake and Classification Center (PPIC) puts a group of key system representatives in a facility like a small trailer **outside** of the jail's sallyport to screen offenders directly into the most appropriate placement – e.g., jail, diversion, pretrial release – at the earliest and most expeditious point possible. The PPIC seeks to weed out those who are threats to public safety from those who are nonviolent nuisances to local values.

**No reports currently accompany most arrestees delivered to the County Jail. (The booking report, which in the case of the Sheriff's deputies is handwritten from notes is not completed until the arrestee is delivered to booking.)** Most importantly, neither the arrest nor crime report will ever accompany most arrestees unless both the Sheriff's office and the SPD adopt a one-write reporting system. Absent such a changeover, the PPIC will be greatly handicapped in making its judgments.

Timely completion of arrest reports is prerequisite to implementation of this recommendation.

All arrestees transported to the jail are escorted by the arresting officer through the PPIC for intake screening and classifications as follows:

- (a) A law enforcement sergeant will quickly review arrests to:
  - identify missing or additionally needed information to strengthen the case,
  - verify the appropriate level and number of charges,
  - determine eligibility for citation release.

The objective at this stage is to strengthen field supervision and to quickly release officers to the field.

- (b) A district attorney's representative will be present to discuss at the next stage the number and level of charges to be filed with the law enforcement supervisor, providing feedback on DA needs and likely action in the case.

The objective is to expedite front-end case processing steps, including earlier filing, diversion and disposition.

- (c) A pretrial release worker should then determine the arrestee's eligibility for release on jail citation, own recog-

nizance, supervised release, electronic monitoring or other program, according to judicially determined criteria. The duty judge should be available for telephone approvals as needed.

- (d) At this point the arrestee should be booked, temporarily held pending collection of additional information, or released pretrial, if a thorough determination of eligibility, including full verification of identity is made.
- (e) A social worker would ideally be available in the PPIC to direct arrestees who will be released to appropriate services and to facilitate arrestee participation with the PPIC diagnostic determination. For example, if an arrestee is booked, immediate needs (and later county concerns) such as dealing with children at home, handling transportation or an abandoned vehicle, and maintaining employment could be aided by the assistance of this worker.

*"More realistic recovery of city cost impacts [on county criminal justice] might have called for a cost recovery system related not just to booking, but to some share of county costs required for housing, feeding, medicating, hospitalizing, trying, prosecuting, defending, transporting and evaluating for sentencing all city-booked prisoners."*

*— Jailhouse Blues, p. 6*

- ◆ **Recommendation:** *Along the lines of the PPIC, develop a Family Crisis Intervention Unit which provides intensive pre-screening for juvenile justice.*

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**OBJECTIVE:** Distinguish between juveniles in need of juvenile justice services versus family social services before juveniles are taken into a costly system and cyclically entrenched in the "justice net." Improve use of limited juvenile justice funds and Juvenile Hall space.

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Operate a 24-hour family crisis intervention unit at the entrance to Juvenile Hall. The unit should function to summon the immediate family or other relevant family/support system members so that significant problems underlying the cause of arrest can be addressed appropriately. This kind of operation has met with success in Sacramento County.

- (a) A conference room or waiting area near the entrance to Juvenile Hall should provide space for a law enforcement officer, probation intake worker, mental health worker, youth, and youth's family to privately address and determine the most appropriate placement option.

- (b) Assess public safety issues first, then need for custody. Mobilize family, volunteer and public resources available. Assess options and resolve, house or refer as appropriate.

◆ **Recommendation:** *Implement a public education program on criminal justice system management and costs.*

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**OBJECTIVE: Facilitate long-term community-wide support and understanding of the costs and services of criminal justice. Provide a means for the public to feel involved and responsible for criminal justice policies.**

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The current Criminal Justice System Task force, with the cooperation of the represented cities and all involve agencies, should sponsor at least one conference (and perhaps on an annual basis) on the issues of managing public safety and criminal justice through a coordinated county-city approach.

While the emphasis of the conference should be the general education of the public on understanding the implications and costs of criminal justice, a secondary goal should be to develop a solid constituency for changes, development, administration, financing, and management of the system.

Specific priorities of the public education conference include:

- (a) The general public should be made more aware of the Criminal Justice System Task Force (and the implemented population management system's Executive Committee), its mission, action plan, and any funding requirements.
- (b) The media should be made equally aware and encouraged to disseminate information about policy choices and their implications, such as the costs, benefits of a full range of intermediate sanctions and alternatives to custody as well as the costs of various other management choices.
- (c) The first conference should involve a presentation and discussion by ILPP and a panel of key officials of the current project's action plan.

- (d) A long-term product of the public education program would ideally include regular information flow that is clear and accessible to the public. Appendix E presents the table of contents of such a report issued annually by the San Diego Association of Governments. The document's depth and comprehensiveness reflects the existence of a longer standing management group, but could be replicated in San Joaquin County in a more informal format such as a one page annual review of criminal justice policy issues and their ramifications for the public.





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# **III. MANAGING THE RESOURCES**

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### III. MANAGING THE RESOURCES: COUNTY GOVERNMENT & INFORMATION SERVICES

In studies of criminal justice, the role of county government is rarely covered. Yet the Board of Supervisors ultimately controls the finances of that portion of criminal justice funded by general purpose revenues. The County Administrator is responsible for managing this budget and reviewing agency budget requests. To this extent, county government plays a crucial role in the overall local justice system. City governments, though not directly reviewed in this study, are therefore equally important as they have control over police budgets and general policy. And like all the other players in the system, city and county governments have only limited authority and can be most effective only through coordination, cooperation and responsibility sharing with all the other offices.

*"There is no overall strategy in California for dealing with [chronic criminal justice management] problems other than the building of more jails and prisons."*

*- Jailhouse Blues, p. 1*

#### A. County Administrator and County Government

The **Board of Supervisors** makes the final decisions on the allocation of Proposition 172 and county discretionary funds, both for operating expenses and capital purchases, and bears ultimate responsibility for efficient operation of the county government. In this role it also makes or approves all major policy decisions other than those mandated by government at higher levels or by the courts.

*"Nearly half or 46.3 percent of all county plant acquisition expenditures between 1984-85 and 1989-90 went to jail construction."*

*- Jailhouse Blues, p. 1*

The **County Administrator** is not part of the criminal justice system *per se*, but is charged with the prudent fiscal management of all county programs in general. The CAO prepares the budgets which allocate county funds among criminal justice (by far the largest consumer, excluding categorical state and federal grants for health and welfare) and all other county activities. Some activities are state-mandated and others are entirely discretionary.

**Information Services** operates the county's computer network. CJIS resides on that network and is the primary repository of criminal justice data and mode of data transmission among all county departments.

The **Office of Revenue Recovery** is the county's collection agency. About two-thirds of the revenue is overdue court fines and payments for alternative sentencing programs.

## B. Financial Management and Fiscal Control

If justice costs continue to rise and the state continues to withhold tax revenues from the counties, the San Joaquin County criminal justice system will face a problem it has not faced before: **There will not be enough money to carry out its mandated duties.**

*"Public protection costs have been growing at 14.2 % per year while the county revenues to pay for them have been growing at 11.6 %. That alone would seem to be a structural fiscal problem of sufficient magnitude to generate the close immediate attention of policy makers in the administration, Legislature, courts and county government."*

*– Jailhouse Blues, p. 3*

The crisis facing San Joaquin County is a fiscal crisis, yet there is no effective mechanism for fiscal control. The structure of the justice system in California and the U. S. generally is fragmented, devised to administer justice to individuals and thereby implicitly downgrading concern for operating efficiency. This limits unified control of criminal justice system operations and expenditures. In times of growth and prosperity counties have been able to make the system work through voluntary compliance, but when operations need to be sharply curtailed cooperation is difficult to attain. A single central authority, whether through formal structure or a strong personality, is a well-established way to make the unpleasant decisions.

Although in theory the central county government is responsible for fiscal management, it has not been fully put to the test. Departmental heads request each year's budget allocation, and the CAO, after discussions with them, makes the final recommendation to the Board of Supervisors. The CAO's recommendations extend down to the level of adding or deleting individual staff positions, but the CAO does not control a department's operations other than through fiscal limitations.

*"San Joaquin County provides an excellent example of how the construction and operation of jails can distort and dominate a county's revenue resources. In March 1989, voters rejected Measure A, which would have increased the local sales tax by a half-cent to finance jail facilities. It failed 49.4 percent to 50.6 percent."*

*– Jailhouse Blues, p. 20*

While the CAO has only persuasive power, the Board of Supervisors is the official governing body and must authorize budgets, including any increase in the overall level of expenditures. The Board can override the recommendations of the CAO in setting the original budget and can make supplemental appropriations during the year if it is persuaded to do so.

It is not clear how far the Board can go in establishing firmer fiscal control over the criminal justice departments, or how successful it might be in eliciting their voluntary cooperation in times of extreme stress. The Sheriff and the District Attorney are, along with the Board members, the most prominent elected officials in the county, and they have traditionally been granted a high degree of autonomy in establishing their own departmental budgets. That is not to say that there are never disagreements with the CAO, but disagreements are always

settled by negotiation. The office must maintain enough expertise about particular agencies to weigh the pros and cons of all possible cuts and appropriations.

The Public Defender, the Chief Probation Officer, and the court administrators have somewhat less independent authority since they are appointed, though the latter two are appointed by the judges who are themselves independently elected. The Public Defender has a potentially powerful weapon: while the defense of indigents is mandated, the office of Public Defender is not, and many – generally smaller – counties do not have one. If resources are lacking, the Public Defender can refuse to accept cases, and the county must then retain a court-appointed private counsel at higher cost. That possibility, however, has not gotten the defender's office all of its budget requests.

The County does have some real power at one stage: the Auditor-Controller has the duty of monitoring each department's monthly expenditures by "object item"<sup>1</sup>, informing them if they are overspending, and refusing to issue checks for amounts beyond that authorized. (The Auditor-Controller can negotiate with the department as to which of the requested expenditures will be denied, but is required by federal law to pay wages for hours actually worked, whether regular or overtime.)

Complicating the management issue are state mandates to provide service, including a Proposition 172 requirement for "maintenance of effort" at the pre-Prop 172 level. Serious disagreements would probably end up in court with the opposing parties being defendants against the county, the state against the county, the county against the state, or different county departments against each other. On its face, this creates external disincentives to coordinated management.

The Board of Supervisors and the CAO, though separate budget units, are best viewed as a team since they work closely together. The Board has 16 employees: 5 board members, each with an assistant, and 6 secretaries or clerks. The CAO has presently 9 in all: the CAO, 5 assistants and deputies, a public information officer, and 2 clerical employees; the total is down from 12 in 1990. Thus, there are among the Board and CAO's office just 5 senior technical staff to monitor not

*"One can appreciate the current fiscal anxiety in San Joaquin County when the price of a new jail is fully realized. In order to make a jail financing strategy work, it was necessary to go back to an already tight budget and strip out yet another \$4 million from 57 departments largely by denying them the opportunity to fill vacancies - most of which are critically needed. The ultimate irony, of course, is that all this effort is undertaken for a jail facility that is 800 beds under projected 1995 need."*

*- Jailhouse Blues, p. 21*

*"As the workload from city bookings has grown, the growth in city redevelopment agencies, the incorporation of ...new cities and the annexation of unincorporated territory by cities throughout the 1980's has riddled county tax bases and diminished county financial ability to manage this city-generated workload."*

*- Jailhouse Blues, p. 8*

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<sup>1</sup> Major expense categories such as Personnel, Services and Supplies, etc.

only criminal justice but all other county activities. The responsibilities of one of the five include the courts, the court-assigned counsel, and the marshal, while another of them deals with all the other criminal justice agencies. In other words, fiscal management of criminal justice is further fragmented.

*"Counties may never see jail budgets decline to the relative share of county expenditures that they required in mid-1970s."  
– Jailhouse Blues, p. 23*

The CAO is mandated to exercise fiscal control over the departments which provide services, yet it lacks the tools to implement and enforce its decisions. There are no resources in this office to develop the expertise in depth which would allow devising or evaluating alternative system approaches. Political power also counts for a great deal in budgetary allocations, but the CAO is an office without strong public backing since, besides being unelected, it has primarily technical duties which do not generate much public awareness or support. (These are structural weaknesses in the system and should not be taken as personal criticisms of the CAO or his staff.)

In short, fiscal management of criminal justice in San Joaquin County is structured to work under ideal conditions, when times are good and cooperation among agencies is easily come by. There is no management mechanism to compel coordination. Past practice has established a tradition of having the CAO's office exercise even less authority than the little it does possess. The Board of Supervisors is inclined to go along with the elected department heads as well. The cities – Stockton in particular, as it is the seat of over half the serious crime in the county – neither participate in nor are subject to fiscal control of the system.

*"Central direction and management of a local justice system is difficult at best, and interdepartmental problems can be overlooked and never identified and solved."  
– Jailhouse Blues, p. 26*

A major problem for the system is exacerbated for the function – general government – which must allocate resources for all agencies: there is no "system" expert. Expertise for particular agencies in San Joaquin is present in the leadership of these agencies, but how can an office like the CAO withstand budget cuts in its own office and still maintain adequate expertise to review and assimilate the budgets of all the other agencies?

- ◆ **Recommendation:** *A single senior person in the CAO's office should be designated as the full-time and exclusive justice system coordinator and expert, preferably with a small staff. That person would not dictate operations to the departments but would be responsible for monitoring the balance of resources among them and, in cooperation with the Task Force, for calling and convening both policy-level and working meetings to improve system coordination.*

The options that follow are the kinds of proposals such a coordinator would have responsibility for reviewing. They are listed to show the level of ideas that the CAO's office can consider in exploring innovative ideas for reinventing the level and expertise of its role in criminal justice:

- **Privatization.** Soliciting bids for Superior Court security from the Sheriff, the Marshal, and private security firms; selection of the lowest responsive bidder.
- **Civilianization.** Establishment of a civilian-headed Department of Corrections to run the jail. Alternative: operating the jail as a joint powers venture between the county and the city of Stockton (perhaps other cities as well).
- **Administration.** Gradually increasing the responsibilities of the Criminal Justice Task Force (or other body), first to reviewing the budgets of all departments and later to establishing system wide priorities and allocating departmental budgets subject to a fixed total. Ultimately city police as well as county departments should be covered.

*"One of the most important recommendations of this study is the retention of booking fees established under SB 2557. They are good public policy, and they may serve to improve city police selectivity in booking decisions. There is already sufficient anecdotal and statistical evidence that booking fees are a fiscal disincentive to at-will dropping off of city-apprehended offenders at the county jail."*  
– Jailhouse Blues, p. 28

## C. Criminal Justice Information and Records (CJIS)

### 1. Introduction

The maintenance of records and the transmission of information are essential tasks in the criminal justice system. The information required by a large criminal justice system is staggering both in its volume and in its variety and complexity, and only a very rough sketch can be made here. Each incident must be recorded and related to others and to individuals; each suspect must be followed through arrest, detention, and adjudication. Information on any particular case must be accurate and available, often instantaneously.

Several important issues arise: access to some or all portions of the data, the ability to search or manipulate it, control of data entry privileges, and manual inquiry vs. automatic updating of end users. How those issues will be resolved will depend on the particular system as there is no universally applicable way to assign access and modification privileges.

Beyond case data there is a requirement for system management information. The analysis of case data yields statistics such as the numbers and types of jail inmates, average and extreme case processing times, and employee schedules and workloads. Some of the num-

*"Amend the state constitution to permit adoption of general obligation bonds for jail construction by simple majority vote. The two-thirds vote now required for approval of general obligation bonds should be reduced to a simple majority vote for jail construction. The use of general obligation bonds for jail construction makes good sense."*  
– Jailhouse Blues, p. 28

bers must be transmitted to the California Law Enforcement Information Center or the Judicial Council for statewide compilation and, ultimately, policy decisions. Management information is also used to raise the efficiency and productivity of the various criminal justice agencies.

There is also information with management implications across two or more agencies. Some important examples would be: the impact of felony case processing times on jail population; court hearings scheduling to minimize idle time for police and attorneys; comparative drop or reduction rates for arrests and filings in different jurisdictions; ALS by charge and release mode; and rates of failure to appear or probation violation.

## 2. Management Information System Description

San Joaquin County's adult criminal justice activities are heavily automated. Juvenile delinquency data, including the Juvenile Hall, is not part of the county's data system.<sup>2</sup> ILPP worked with hard-copy data from the Hall and encountered the expected problems: incomplete or inaccurate information, inconsistent data format, missing files. There was no dispute of the contention that Juvenile Hall could be better and more efficiently managed if it were computerized.

The primary information network is the county's CJIS, maintained by the Information Services Department. It is a relational database system, developed by San Joaquin and two other counties over the last decade. All of the justice departments keep their records on it and can access, with some limitations, data entered by the other departments. Connection can be made, by those with authorization, to the statewide California Law Enforcement Telecommunications System (CLETS) criminal justice network. The city police departments also have read-only access to CJIS. One county agency that does not is the Office of Revenue Recovery even though it collects a large volume of overdue fines and fees for the courts and the Sheriff's Department.

Attached to CJIS is the Automated Minor Offense System (AMOS) for traffic infractions. The volume of cases handled through AMOS is very large since traffic filings far outnumber all other matters combined. Several interviewees commented that the linkage of the two

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<sup>2</sup> Juvenile Probation (not the Hall) has its own system, described as obsolete and inadequate by interviewees.

systems was less than ideal. One feared that the volume of AMOS data might overload the system's storage capacity, especially since there is no purge protocol for old unanswered traffic citations. There is also a problem in making case identifiers between the systems correspond.

The Sheriff maintains three independent systems: computer-aided dispatch (CAD), a records management system (RMS), and a network of 5 large desktop computers called SONIC to which are connected all of the department's 200 or so dumb terminals. Records management is used for preparing the UCR reports to the Department of Justice (DOJ) and for keeping track of calls for service. Because it is internal and uses commercial software it is much less expensive to adapt to new uses than CJIS.

The IS department had a minimal role in the development, acquisition, and approval of CAD or RMS. Technical support for these systems is provided by the Sheriff's Department. Although the Sheriff's systems are interconnected and can download some information from CJIS, the interconnections are not totally satisfactory. As a consequence there is much redundant entry into the systems.

The Stockton Police Department maintains its own interconnected CAD and records management systems. It has inquiry-only access to the county's CJIS with one exception: some traffic citations are entered directly by the traffic officer onto hand-held computers, and that information can be extracted and transferred without rekeying to the AMOS system. The department has a direct line to CLETS but is also connected through the Sheriff's Department. Stockton's CAD also connects to the county's old CJIS system for warrant flags. (It does not receive the actual warrant information by that path, just an indicator that it exists. Warrant details are accessed through the sheriff's terminals.)

Booking information is entered by the Stockton police on their system and reentered manually at the jail. The city and county CADs do not interconnect; if a suspect is fleeing between jurisdictions, for example, contact is made by radio. The department is on the statewide CAL-ID and CAL-Photo networks (fingerprints and mug shots).

Incident reports are stored as optical images or magnetic data; the city wants to avoid the use of paper altogether. Back records are being microfilmed, and that project should be done by 1996. Physical evidence must be retained in its original form, but the department is about to introduce bar coding to maintain the inventory.



Tracy police have a similar but smaller system, their own interconnected CAD and RMS, used also to compile UCR data. They will by late spring 1995 have made the transition to PC-based report writing. The department has CJIS terminals through which they can acquire some county data, especially probation and court data and warrant information. They are unable to access the Sheriff's CAD or RMS systems, which would be useful. The IS CJIS terminal is their gateway to CLETS.<sup>3</sup> At present they are not connected to CAL-Photo or CAL-ID, but expect to be linked in the next year. (They do have a digital fingerprint scanner.) CJIS is not interconnected to their own system, so any transfer of information must be done by manual reentry.

Even though it would probably save money, Tracy police are unenthusiastic about a county-wide communications and dispatch network because of the lack of local control. However, the Tracy Municipal Court is experimenting with video arraignment.

### 3. System Utility

ILPP surveyed a number of system users throughout the agencies to determine how well the system was working and how it could be improved. The county users were in general happy with CJIS: they got the information they wanted and were able to improve case handling considerably. The entry of routine data has been greatly facilitated. Users were also appreciative of Information Services' attention to their needs (but see below).

Some specific needs were noted by more than one respondent. The principal complaint was that IS did not have the money to hire the people they needed to continue system improvements. CJIS development costs outran the budget, and there was not enough money to implement all of the statistical and management information that had been originally called for. There are also new management issues requiring some research such as the impact of the "three-strikes" law, but only IS personnel are authorized to make the data queries that would provide the information. The improvements are on the list of problems to be solved but await the necessary resources; as a result, improvement is slow.

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<sup>3</sup> They have a sheriff's terminal also for CLETS access, but it doesn't work as well as IS and they don't use it even though it is accessible at all times while CJIS is shut down for a short time around 4 AM every day.

While CJIS is an effective data transmission system, it does not allow informal communications. No county-wide electronic mail or fax system is available to facilitate cooperative interactions among prosecutors, defenders, and judges during case processing.

A problem of information transfer not directly attributable to CJIS occurs at the courts, especially the smaller municipal courts: the hectic pace of arraignments makes it impossible to enter court proceedings directly. Courtroom clerks must work after court closes and on off days to input the information. While they are not backlogged, there may be a delay of up to 2 days before the information is available on CJIS.

During the development of CJIS, an executive committee comprising the user department heads met regularly to determine system priorities. It has not met for many months since development was completed. A user committee also met to discuss specific needs. Its meetings, too, have become much less frequent. Many users expressed a wish to reconvene that committee, to review the status of the priorities and explore new issues. The involvement of the police departments would be especially valuable (and is desired by them) as they had little input on the original system design.

As noted, IS was not highly involved in the development or acquisition of the Sheriff's AD and RMS systems. Elected department heads have been successful in initiating the acquisition, and obtaining funding for data systems. An interview source, however, asserted that the IS department was often not involved in the design and planning of these systems. Ordinarily a central data processing department is responsible for the technical oversight of all data systems in a jurisdiction. Poorly integrated systems inevitably are the consequence of inadequate central control over the technologically complex projects. Many of the problems with RMS and CAD are the consequence of poor system design, non-performing software and inadequate hardware.

A new Information Technology Advisory Committee (ITAC) has been formed with the objective of eliminating problems created in the past by criminal justice system departments acquiring new technology independently. However, ITAC will not achieve its objective in overseeing data system development without adequate number and level

of staff to provide essential cost/benefit and system needs analyses. As noted earlier, IS staff cannot keep up with programming requirements of existing systems. The decision to cut technical support staffing needs to be re-examined. It is equally important that the Board of Supervisors support staff recommendations on technical matters.<sup>4</sup>

San Joaquin County is more fortunate than many other jurisdictions of its size in that it has a single county-wide CJIS. (Some counties have as many as three, each jealously guarded by its proprietor, with serious limitations on data exchange.) On the other hand, the fact that CJIS was developed by the county and a few others means that the costs are not spread over as wide a base as is a commercial system, and that there is limited funding for system maintenance and modification.

Some of the users who were interviewed maintain that money saved by incorporating their manual files into CJIS would pay for programming costs. The county booking system offers an example, all persons arrested by city police agencies without jail facilities are first booked in a city booking area. All of the information recorded during the city booking is handwritten again on a county form when the prisoner is delivered to the jail. If the cities enter their booking information on CJIS, the information is handwritten would be transferred electronically to the county booking point prior to delivery of the prisoner. This system enhancement may become even more useful when the state's automated photo and fingerprint systems are fully operational later this year.

ILPP has found that even with a fragmented information system, a mechanism such as a users' committee, meeting regularly and maintaining a cooperative atmosphere, goes a long way to solve interagency problems and to improve employee satisfaction with the system. San Joaquin County does not now capture that benefit by rigorously promoting users' meetings and by developing better understanding among department heads over major system changes or enhancements.

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<sup>4</sup> One intriguing user comment was that commercially available utility programs would allow user departments to query the database without having to resort to IS analysts, who could in turn devote their efforts to system maintenance and modifications.

Overall findings are:

- CJIS, used by all county justice departments for adult offenders, is generally satisfactory in terms of facilitating case handling and eliminating duplicate entry within the county offices.
  - It is of less use in generating management information, especially system (interdepartmental) management.
  - Access to CJIS by city police is limited. They cannot input data, so booking information gathered by the cities must be reentered onto the county system.
  - Although Information Services tries to respond to user needs it does not have the resources to implement needed system improvements.
  - The CJIS executive committee is inactive. The users' committee is very nearly inactive despite the expressed desire of many users to reestablish meetings and exchange information.
- 
- ◆ **Recommendation:** *Users' meetings should be reconvened on a regular basis. Membership should be inclusive rather than exclusive, extending at least to the city police. Leadership should probably **not** be vested in IS as it is not a user.*
  - ◆ **Recommendation:** *IS should be involved as a technical resource in any future decisions on system additions or replacements.*
  - ◆ **Recommendation:** *A county-wide e-mail system should be set up.*
  - ◆ **Recommendation:** *Juvenile justice, including the juvenile hall, should be added to CJIS.*
  - ◆ **Recommendation:** *The Office of Revenue Recovery should receive inquiry access.*
  - ◆ **Recommendation:** *After extensive consultation with users as to their needs, management tools such as statistical summaries and schedules should be developed, perhaps by contract personnel if IS does not have staff available.*
  - ◆ **Recommendation:** *To the extent available, commercial software which allows simple queries of the data should be obtained for user departments.*

#### 4. Sheriff's Department Record Management System (RMS)

The Sheriff Department's crime and incident reporting procedure is seriously flawed.

Arrest, crime and incident reports are dictated on the officers' personal tape recorders for subsequent transcription, review, approval, and distribution (to detectives, prosecutors, probation, courts etc.). All of the alphanumeric report information including a narrative description of the event and statements by victims and witnesses is subsequently entered into the RMS system by clerks. The data entry workload is prioritized. Arrest reports have top priority. Crime reports are next, followed by incident reports.

There is a chronic backlog of crime reports to be entered into the system. This is due in part to an attrition problem created by clerks leaving for better paying correctional officer positions. Several vacancies currently exist in the Records unit. At the time of this study priority crime reports were sitting in Records for five days before being entered into the system.

Work schedule arrangements in this unit also are based on 10 hour shifts. A work day lasting 10 hours is undesirable due to the tedious nature of key entry tasks. Some adverse consequences on productivity are inevitable.

The overload on the RMS system has been aggravated by a new policy requiring deputies to dictate an incident report on every dispatch assignment even though no action was taken by the responding deputy. Examples of these reports include: reports of fights or shots fired which cannot be verified because everyone is gone on arrival of the officer; minor disputes that have been settled by the time officers arrive; or noisy parties which quiet down at the request of the deputy. These dictated incident reports duplicate information that should be captured and organized into management reports by the CAD system. Based on interview reports it appears that lax compliance with reporting criteria in the field degraded the CAD system's ability to accurately collect information desired by management. **This duplicate data entry policy increased the workload on records clerks entering data into RMS by 34%.** An equivalent increase in the amount of time deputies devote to reporting is another outcome of the policy.

The following summary illustrates the gravity of the major RMS problems:

- The department's system does not provide officers an opportunity to edit their own reports for transcription errors. Transposed numbers, for example, often occur in a transcript as well as incorrectly recorded words due to poor enunciation or failure to spell out proper names.
- Correcting an error requires the submission of a supplementary report.
- Supervisory review is inconvenient and catches only the more obvious discrepancies. Field sergeants must devote as much as three or four hours of their shift time in the station, reviewing reports displayed on a monitor screen. The sergeants' review is, reportedly, often perfunctory because they are looking at the work of deputies who are not on the team they supervise. Examining the reports on the monitor is awkward due to the data being formatted onto screen displays which don't scroll backwards. The act of review often occurs long after the submission of the dictated tapes when the deputy is no longer on duty. As a consequence of this review system, reports with problem-creating errors enter the distribution system.

There are additional serious problems. (1) The indexing of reports is delayed by workload factors and some geo-coding glitches. Clerks as a consequence cannot locate reports for victims seeking to purchase copies several days after the event. (2) There is no system for reconciling Incident and Crime Report numbers, issued by the CAD system, with reports being turned in on dictation tapes. The department can't determine in a timely manner whether reports are being turned in promptly, or who is responsible if reports have been lost in the system. (3) The slow report distribution system creates costly processing delays for prosecutors, pre-trial release evaluators, follow-up investigators and other users.

Attempts to expedite report processing have not worked well. A Case Management unit, staffed by sergeants and headed by a lieutenant, helped slightly. The review unit staffing costs were excessive and it could not be continued in the face of a need for more street supervision of patrol deputies. In any event, report review by supervisors in the field would be the least expensive way to eliminate many of the existing problems.

The poor appearance of some handwritten reports is often one of the justifications for installing a report dictation system. The computer generated reports are, in fact, very attractive in appearance. Vendors also represent the systems as time savers. Unfortunately, these representations are incorrect insofar as the patrol environment is concerned. The inefficiency is evident because, even though field deputies currently dictate reports, they do so from their **handwritten reference notes which they subsequently should retain**. In addition to dictating their arrest reports they also **handwrite the same information on the booking reports** when they deliver prisoners to the County Jail. In the most efficient reporting system, often referred to as the "One-Write" system, field notes are directly handwritten onto the crime report form during the deputies' preliminary investigation. Deputies with poor cursive handwriting are trained to use block letters in narratives.

The "one write" report can be reviewed and approved by a supervisor in the field immediately after it is completed by the deputy. Reports completed at the end of a shift may be reviewed and approved by either the outgoing supervisor or the new incoming supervisor before the officer signs out at the end of the workday. Subsequent distribution of photocopied and faxed copies of reports can occur within a matter of hours instead of days.

Because the existing reporting system is so troubled and expensive in its system impact, the department should consider abandoning it in favor of the "one write" system. Pending the availability of funding for an imaging system some short term file storage capacity would be needed. The data entry workload would be dramatically reduced because only those data elements necessary for statistical reporting and crime analysis purposes need to be keyed into the computer systems from the handwritten "one-write" reports.

The Management Counseling Bureau of the Commission on Peace Officer Standards and Training (POST) continues to recommend the "one write" system as the most efficient field report writing system. The "one write" system, coupled with truly state of the art imaging storage systems, represents the most foolproof report writing system for police agencies.

This section refers only to the more immediate problems for the Sheriff's department. Report errors and delays in distributing reports to other users such as the District Attorney, Probation Departments, etc. indirectly impact the jail population and adversely impact orderly work processes for all users of the report. Although difficult to quantify, it is clear that report delays and errors add unnecessary costs to criminal justice processes.

- ◆ **Recommendation:** *Discontinue the dictation of crime reports by deputies in the field. Instead of making written notes, the information gathered by a deputy making a preliminary investigation should be hand-written directly onto a report form suitable for duplicating and/or faxing. Report review and approval by supervisors will occur in the field. Indexing, crime analysis data, Uniform Crime Report data, etc. will continue to be entered into RMS from file copies of the One-Write reports.*
- ◆ **Recommendation:** *Reconcile, on a daily basis, reports submitted by deputies against report numbers issued.*
- ◆ **Recommendation:** *Maintain file copies of One-Write reports in paper file storage pending the availability of funding for an computer imaging file system.*
- ◆ **Recommendation:** *Begin planning for a changeover to a file storage system based on imaging technology.*
- ◆ **Recommendation:** *Review clerical staffing needs after the report writing system is modified. The need for data entry clerks will be substantially reduced.*

## 5. Sheriff's Office Computer-Aided Dispatch (CAD)

The Sheriff's Department dispatch center has a three year old CAD system which was never completed. According to department interviewees, the county paid \$200,000 in 1988-89 for consulting help in designing a two phase implementation plan. The first phase, acquisition and installation of a basic computer and custom consoles, was completed in 1992. The second uncompleted phase, which was to make the system fully operational, would require additional computer storage capacity, software enhancements, mobile digital computers (MDC) in the patrol vehicles, and a new transmission frequency. All of the foregoing should be completed, if the principal justifications for acquiring the CAD system are to be realized, i. e., improved management control based on data provided by MDC equipped patrol vehicles; increased officer safety (as a consequence of reduced



voice channel congestion and improved access to want/warrant files; and more efficient record keeping on dispatch incidents which do not require a crime report. The CAD system, as it now operates, is less functional than IBM machine dispatch card systems in vogue 45 years ago.

Currently the department is setting up a proprietary CAD software program from the Tiburon Company. The program is designed to generate management reports based on data captured by the CAD system. Examples of useful reports include: patrol activity by officer and location; the geographic and temporal distribution of calls-for-service; response time averages by hour of day and day of week (organized by dispatch priority), etc.

Many problems will remain in the CAD system even though the new software may perform as advertised. The output will have limited validity. In the absence of MDCs in patrol vehicles, time elements are often recorded with gross inaccuracy. There will be an excessive number of incidents thrown into exception reports due to time reporting errors and location reporting problems with the Geo File.

ILPP recommendations in this report concerning management downsizing and civilianization will provide very substantial salary savings. Eliminating one deputy positions represents a salary savings of over \$55,000 per year (third year deputy plus benefits). The elimination of four management positions results in approximate salary savings of a quarter million dollars annually. For a relatively small **one time** investment, the CAD system could be made fully functional, **including Mobile Digital Computers in patrol vehicles**. The important considerations justifying prompt action on this recommendation include: greater deputy safety, improved response capability, improved management decisions based on sound data, as well as more cost-effective and efficient field operations.

- ◆ *Recommendation: Use salary savings achieved by implementing ILPP's downsizing and civilianization recommendation to complete a CAD system with full MDC and management reporting capabilities.*

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# **IV. MANAGING THE FLOW**

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## IV. MANAGING THE FLOW: LAW ENFORCEMENT AND DETENTION

### A. Overview

This chapter reviews law enforcement services in San Joaquin County. ILPP's focus has been to locate opportunities for reducing overall city/county law enforcement costs without compromising the ability of law enforcement departments and personnel to perform their primary public safety duties: preserving the peace, apprehending criminals, responding to citizens calls for service, securely incarcerating persons arrested or convicted of serious crimes, and serving the courts. In order to facilitate a system-wide analysis, ILPP selected major areas of law enforcement expenditure in San Joaquin County for investigation. Briefly stated those areas include: (1) standardization and coordination of city/county arrest and booking practices; (2) city/county communication systems and crime fighting strategies; (3) managerial structure in the Sheriff's Office; (4) efficiency of shift schedules; and (5) substitution of civilians and part-time employees for positions and duties which do not require the costs or authority of a peace officer.

### B. Scope and Methodology

The Sheriff's Department is by far the largest of the county justice agencies, and the one most dependent on local funding. It has two major and one smaller areas of responsibility with different and not entirely concordant missions. The **law enforcement** function is the same as that of police, to respond to crimes and to arrest offenders and put them into jail. **Jail management** (the Detention Division, which has over 50 percent of the departmental budget) performs the functions of intake and release of both pretrial and sentenced inmates mainly through court authorization, although the Division has significant discretion to make release decisions in some cases.

Law enforcement and detention are funded through the county general fund and Proposition 172. In addition, the jail charges a per-inmate booking fee of \$125 to each city police agency except Lodi, with which there is a special agreement.<sup>1</sup> While the booking fee may

*"Booking fees are related just to the booking process, the 'tip of the iceberg' as far as ... justice system costs are concerned."*

*— Jailhouse Blues, p. 6*

<sup>1</sup> Lodi has its own jail in which it temporarily holds county prisoners at no fee. Because it can do much of its pretrial processing and release locally, it also books far fewer inmates into the county jail than either Tracy or Manteca even though they are somewhat smaller cities.

be perceived by some as primarily a revenue-generating device for the county, it also serves to ration the demand for jail beds by making them no longer free to the police agencies.

The Sheriff's third function is **prisoner transport and courtroom security** at the Superior Court. The Marshal's office performs very similar functions for the municipal courts. Both departments' court services are funded primarily, but not entirely, by fees charged to the courts, and some of the fees eventually come out of the General Fund.

*"According to the California Department of Justice, Bureau of Criminal Statistics, 75% of all arrests are made by city police."  
- Jailhouse Blues, p. 6*

The cities of Stockton, Lodi, Tracy, Manteca, Ripon, and Escalon have police departments, each roughly proportional to the city's size. A special division of the Sheriff's Office provides police services to Lathrop under contract. The Stockton Police make about half of the felony arrests and more than a third of the misdemeanor arrests in the county. The California Highway Patrol (CHP) makes about half of all driving under the influence (DUI) arrests though relatively few arrests for other offenses. Several small agencies such as the state police, Stockton Unified School District, and the Southern Pacific Railroad also make a handful of arrests annually. Police departments are financed by their respective jurisdictions, primarily through locally-raised taxes, and consume roughly half the net city budgets (net of functional revenues).<sup>2</sup>

Besides patrolling and arresting, law enforcement agencies have three other important functions pertinent to system management and impact: communications and dispatch (e.g. receiving calls for service and sending officers in response), crime analysis (proactive detection of criminal activity, forensics, and criminal investigation), and information management (maintenance and communication of records).

(Outside of the police, the cities have smaller crime prevention programs but no other significant criminal justice functions.)

Managers of major organizational units in the city police and Sheriff's Office were interviewed by ILPP concerning matters covered in this law enforcement section. Management information documents were analyzed and on-site observations of facilities and operations were made throughout the study period. Representatives of city police departments were also interviewed by ILPP. The assessments which follow do not attempt to address operations or systems which ap-

<sup>2</sup> Net city expenditures are lower than the cities' general funds; as a percentage of general funds, police expenditures range from 31% (Lodi, Ripon) to 51% (Escalon) (Manteca data missing).

pear to be functioning at or above acceptable levels. As a consequence many departmental successes in crisis management are ignored. Some aspects of law enforcement operations were not highlighted in this review.

## C. City / County Law Enforcement Coordination

Coordination between city and county law enforcement agencies are a major issue in San Joaquin County. Improved standardization and coordination of law enforcement practice could improve both the efficiency and the efficacy of criminal justice services. The county-wide coordination issues addressed in this section include; the impact of police arrest and booking practices on county adult and juvenile holding facilities; the exchange of crime analysis information among the various law enforcement jurisdictions in the county and shared communications services.

### 1. Arrest and Booking Practices

Each city law enforcement agency exercises discretion in the implementation of arrest and booking policies and requirements. Differences or variations in city to city arrest and booking practices are largely a function of differences in local attitudes towards offenders and crime. For example, in situations involving non-violent minor offenses, police select from a variety of arrest options. Police may: (1) cite the arrestee into court and release the person in the field; (2) transport the arrestee to the police station, where fingerprints and a photo are taken, issue a citation into court and release the person; (3) hold the prisoner for delivery to court, if the city agency operates a jail; or (4) transport the arrestee to the county jail for booking and incarceration (juveniles are transported to the French Camp Juvenile Hall facility).

Arrest and booking practices are also influenced by an individual police agency's access to jail or holding facilities. For example, the Stockton Police Department does not operate a jail. Adult prisoners who are not cite released must be transported to the county jail for booking and incarceration. In these cases the city pays a substantial booking fee to the County (to be raised to \$125 per booking beginning July, 1995). This substantial county booking fee tends to encourage the use of arrest alternatives. The Escalon and Ripon Police Departments, which also do not maintain jails, likewise depend on citation release both in the field and police stations, to reduce the number of unnecessary jail bookings.

*"More police officers on the beat mean more city bookings into the jail."  
- Jailhouse Blues, p. 6*

*"By any measure, the effect of city law enforcement activity upon jail populations is profound. According to the State Controller, city law enforcement budgets grew from slightly under \$2 billion in 1983-84 to \$3.4 billion in 1989-90, a 58 percent growth rate."  
- Jailhouse Blues, p. 6*

In both the adult and the juvenile county detention facilities, it is not unusual for inmates, delivered by city police, to be released immediately by detention personnel. This occurs when the jail population reaches capacity and the arrestees are minor offenders meeting certain criteria. Not all cities have been proactive when the jail capacity has been reached and in some instances unnecessarily transport prisoners to the county jail where they are subsequently released by jail personnel. The City of Tracy, on the other hand, has recognized the futility of transporting minor offenders when the jail cap has been reached. Arrestees who could be released by jail personnel under the cap order are cited released when locally booked by the police officers.

There are apparent differences in some of the local department's juvenile arrest policies. For example, the Tracy Police Department delivers only one out of every six juveniles to the Juvenile Probation Department while in the City of Lodi, the department turns four of every six juvenile arrestees over to Juvenile probation (see footnote).<sup>3</sup>

Table 4.1 shows the arrests, by level, for the police departments in each of the county's larger cities, and the total staffing.<sup>4</sup> (Numbers for the Sheriff exclude custody and court services.)

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<sup>3</sup> Source: State of California's Department of Justice 1993 summary of local police department juvenile arrest statistics. The data for these summaries are submitted by the local departments.

<sup>4</sup> Juvenile misdemeanor arrests include status offenses, virtually all of which were made by Lodi and Tracy after 1991. Staffing includes both sworn and civilian personnel, though none of the latter make arrests, since total staffing data was more readily available. The ratio of sworn to total staff ranged from 2/3 to 3/4 in the Sheriff's Department and the police of Lodi, Manteca, and Stockton. Lathrop arrests and staffing are included with the Sheriff.

TABLE 4.1 Law Enforcement Arrests and Workloads, 1990-93

	Arrests	Felony	Total Arrests			Staff	Arrests per Staff			
			Misdem	Juv. Fel	Juv. Misd		Fel per	Misd per	JuvF per	JuvM per
<b>SJSO</b>	1990	1636	3572	252	401	280	5.84	12.75	0.90	1.43
	1991	1608	3944	285	340	286	5.62	13.79	1.00	1.19
	1992	1545	3020	321	254	266	5.81	11.35	1.21	0.95
	1993	1594	1946	414	327	242	6.58	8.03	1.71	1.35
<b>Increase</b>	1990-93	-3%	-46%	64%	-18%	-13%				
<b>Lodi</b>	1990	804	2966	168	629	103	7.81	28.80	1.63	6.11
	1991	749	3223	200	510	105	7.13	30.70	1.90	4.86
	1992	833	3014	154	440	105	7.93	28.70	1.47	4.19
	1993	955	3061	209	436	105	9.10	29.15	1.99	4.15
<b>Increase</b>	1990-93	19%	-3%	24%	-31%	2%				
<b>Manteca</b>	1990	485	1370	98	192					
	1991	514	1119	173	182					
	1992	586	1105	102	163					
	1993	574	1057	131	137	67	8.57	15.78	1.96	2.04
<b>Increase</b>	1990-93	18%	-23%	34%	-29%					
<b>Stockton</b>	1990	4146	7805	892	1276	411	10.09	18.99	2.17	3.10
	1991	3966	7353	1013	895	441	8.99	16.67	2.30	2.03
	1992	4418	8763	1036	1115	475	9.30	18.45	2.18	2.35
	1993	4089	7373	1120	1160	502	8.15	14.69	2.23	2.31
<b>Increase</b>	1990-93	-1%	-6%	26%	-9%	22%				
<b>Tracy</b>	1990	297	1145	89	340					
	1991	360	976	161	476					
	1992	411	1164	163	481					
	1993	462	1190	144	467	68	6.79	17.50	2.12	6.87
<b>Increase</b>	1990-93	56%	4%	62%	37%					
<b>All Other</b>	1990	400	3604	131	162					
	1991	401	3282	410	823					
	1992	426	2757	387	691					
	1993	513	2865	308	538					
<b>Increase</b>	1990-93	28%	-21%	135%	232%					

There are two types of difference among the jurisdictions: increases (or decreases) in the patrol force, and an emphasis on felony or misdemeanor arrests. (The arrests per officer are intended as an indicator of trends over time rather than as a comparison among jurisdictions since both the departmental organization and the working conditions are different. For example, the Sheriff's deputies patrol thinly populated areas and will not be able to make arrests as often as city police.)

The Sheriff, as a county officer, has been subject to fiscal limitations. Sheriff's patrol staffing has decreased. Cities are a little better off. Lodi has kept its force essentially constant, and Stockton has added officers. Historical data was not made available for Tracy and Manteca.

*"Why is the trend in arrests going up (or down)? Does the trend reflect an actual increase in crime rate or is it a result of new policies by justice agencies?"*

*- Jailhouse Blues, p. 26*

In all jurisdictions the pattern of arrests was similar: a shift to relatively more felony arrests by 1993. In most cases the number of misdemeanor arrests actually fell despite population growth. Lodi makes a large number of misdemeanor arrests, possibly because they can process them in the city jail without booking at the county.

*"Jail operating costs were the fastest growth component within public protection expenses at an increase of 110 percent."  
- Jailhouse Blues, p. 1*

*"Booking fees do not begin to cover county costs for offenders as they are processed through the justice system."  
- Jailhouse Blues, p. 28*

Jail operation is very expensive. The decision to operate a local jail involves intensive analysis of costs and benefits, e.g. booking fees, transportation, jail staffing, facilities and liability. The City of Lodi operates its own jail which is staffed around the clock, seven days a week. Manteca operates a jail only on week days and closes it down for week-ends. In both Lodi and Manteca prisoners can be held pending either the posting of bail or transport to the local court for arraignment. After a court appearance the prisoner becomes the county's responsibility and no booking fee is charged to the city.

There is some redundant processing involved in the booking practices of those cities which do not operate jails. For example, duplication occurs in fingerprinting and photographing first time offenders who are arrested on more serious offenses. These prisoners are again fingerprinted and photographed by county jail personnel.

The county's dependence on booking fees to defray jail operation costs is a source of friction between city police departments and the Sheriff's Office. These fees might be reduced and the county jail booking workload eased if local agencies could enter arrest data into CJIS. Current policies regarding CJIS input access are largely based on quality control concerns. It is clear, however, that much of the data eventually ending up in CJIS is also being entered into local data systems. Even more important to streamlining the booking process is the state Department of Justice plan to have two new electronic transmission systems for fingerprinting and photographs. The new state systems will facilitate the transfer of fingerprints and photographs between agencies so that when two agencies book the same prisoner only one set of photos and fingerprints need be taken. The policies restricting CJIS arrest data entry by local police and agency identification practices should be re-evaluated when the state systems are directly accessible by all local agencies.

It is a given, that local agency arrest policy can affect jail population in the absence of suitable alternatives to incarceration. It appears, however, that cite and release practices in most cities minimize the impact of their arrests mostly on the **overnight** county jail population.



The keys to controlling the growth in jail population are: (1) accelerating the decision to release those who will in any event be released; (2) increasing the number and capacity of alternative forms of holding and sanctions; and (3) expanding the criteria for the release of non-violent and non-dangerous offenders. These options are addressed in other sections of the report.

*"New jails have become a self fulfilling prophecy: as each new cell is completed (and double-bunked), so shall it be filled."  
- Jailhouse Blues, p. 10*

## 2. Crime Analysis

With the advent of improved computer and communication technology crime analysis has become a very practical and highly effective law enforcement tool. The mobility of criminals between neighboring jurisdictions makes the systematic exchange of crime information essential. Unfortunately, in the Sheriffs Department and some city law enforcement agencies the staffing of crime analysis units has been given a low priority. Many do not now have a unit assigned specific responsibility for the function. Although there is regularly some exchange of crime information at an informal level among detectives and officers, there is no organized county-wide crime analysis system.

The Stockton Police Department has, in the past, distributed multiple copies of a daily crime analysis bulletin to other local law enforcement agencies. The bulletin incorporated information submitted by other participating agencies. The SPD recently discontinued the daily printing of several hundred copies of the bulletin for distribution to other agencies. Prior to the economy move the SPD informed bulletin recipients of the changed policy and offered to continue distribution of single copies which could be duplicated and distributed by individual agencies. There were, reportedly, no formal responses to the letter describing the new policy. The bulletin is useful to both investigators and officers assigned to street duty. Agencies receiving the sheet from the Stockton Police Department should duplicate and distribute copies **to all detectives and sworn field personnel.**

The critical issue at the heart of this assessment is a need for all county law enforcement agencies to actively pursue development of a county-wide crime analysis system which will receive input from participating agencies to maximize usefulness to all. Important to the achievement of this objective is the assignment, in each agency, of a specific individual or unit to the crime analysis function.

- ◆ **Recommendation:** Each law enforcement Agency head should appoint a representative to an Ad Hoc Crime Analysis Committee. The Stockton Police Department which has an operational crime analysis unit that publishes and distributes a crime analysis bulletin could initially take the lead role in committee formation. The committee objectives would include: (1) addressing county-wide crime analysis needs, e.g. county wide participation in the distribution of daily crime bulletin, development or coordination of departmental databases of known offenders and vehicles; (2) reaching an agreement on a lead agency for the foregoing systems; (3) creating a formal group of individuals or units from each San Joaquin County law enforcement agency responsible for: (1) local collection and dissemination of crime analysis information, e.g. the submission, to a lead agency, of descriptors of vehicles, offenders, crimes and incidents of interest.

### 3. Shared Support Services and Communications

Area-wide communication centers for the dispatch of emergency services offer the promise of substantial economies of scale. There are a number of such centers operating around the state with varying degrees of reported success. The desirability of a county-wide dispatch facility was discussed with city police representatives in San Joaquin County. Responses reflected a disinterest in an area-wide facility operated by the Sheriff's Office. On the other hand, there was some interest in consolidating south county city dispatch facilities and two cities have been negotiating toward this end.

The low level of interest manifested in most interviews can be attributed to a concern over the potential loss of management control. Most agencies are comfortable with the service being provided by their current communication managers and technicians, although they do not have comparative knowledge or management information to evaluate overall performance.

In spite of the foregoing attitudes, the cost/benefit arguments supporting the regional communications concept remain strong. It is in the public interest to pursue an option which can improve public safety response time, standardize management information related to safety services and result in substantial cost savings over the long haul.

To be successful, a regional center must keep its users satisfied. A basic requirement for user satisfaction is the selection of a communications manager who is responsive to the legitimate needs of all users. This can be best accomplished by making the manager subordinate to a Board comprised of users. The Board should select the manager and be empowered to replace an unsatisfactory manager.

- ◆ **Recommendation:** *The Cities of Manteca, Tracy, Escalon and Ripon should formulate planning objectives for shared communications and data consolidation, assign responsibility to appropriate staff personnel to develop plans to upgrade data exchange and achieve the economies of scale possible through consolidated and coordinated communications.*

## D. Sheriff's Operations

The assessments that follow identify numerous practices in the San Joaquin County Sheriff's Office which, if modified, would reduce the county's criminal justice budget. Targeted areas include: Sheriff's Office patrol operations; support services; management and organizational arrangements; court services; information systems; and certain aspects of jail operations and training.

### 1. Field Operations

The county is divided into three geographical areas, each commanded by a lieutenant who acts as the departmental liaison with the assigned area. A fourth geographical area, policed by the Sheriff, is the City of Lathrop which contracts for services. A lieutenant is in charge of the Lathrop force. A fifth lieutenant supervises two sergeants who supervise several small field units. The sixth lieutenant supervises one sergeant.

On all nights of the week and around the clock on weekends, the highest ranking officer on duty in the county is a sergeant. The absence of mid-management level presence in field operations at nights and weekends is the consequence of organizational arrangements and a program designed to improve relations between the department and county residents. Lieutenants, who could otherwise be assigned night-time and weekend responsibility for operations have been re-assigned as day-time district commanders. The duties of the district lieutenants, as explained in interviews, are to assume functions normally performed by the patrol captain. Formal daily activity reports are not submitted by the district commanders and there is no evaluation plan for the program.

The liability exposure of the department is substantially increased during night and weekend shifts. At these times the department has three supervisors of equal rank (sergeants) operating in separate geographical sectors. Each functions autonomously in a geographical district and is responsible to a different absentee lieutenant (lieutenants may be recalled from home, if a sergeant feels that the gravity of a situation requires a manager's presence).

**Organizational recommendations in the ILPP report are based on the assumption that all authorized ranked positions are filled. Some proposals obviously should await the return of commanders and an objective evaluation of the district commander concept.**

A unique feature of the law enforcement task is the **cyclical nature** of the demand for police services. In field operations the ebb and flow of workload follows consistent patterns each day of the week. For example, in most jurisdictions, the volume of CFS on a Friday or Saturday evening greatly exceeds the total of such calls on a Monday, Tuesday or Wednesday night. Because of these workload considerations, an extremely important aspect of police management is the scheduling of patrol shifts so that they correspond to the CFS patterns.

In San Joaquin County, deputy sheriffs assigned to the patrol function work four days a week on 10 hour shifts (4-10 plan). Days off are arranged so that all deputies have one week-end day off (either Saturday or Sunday). In order to assign a weekend day off to every patrol deputy, it becomes necessary to have **all** deputies working shifts on Wednesday, a day with less demand than Friday or Saturday. From the viewpoint of deputies, this arrangement is a highly prized benefit, which allows them to enjoy a day off; from the perspective of management this is a highly inefficient and very expensive system.

**The "common workday, 10 hour shift plan" requires that the entire patrol force be used in working shifts on Wednesdays.** In reality the entire patrol force cannot be productively employed on a day which is no busier than most other days of the week. Under the existing shift arrangement half of the deputies working on Wednesdays are theoretically assigned to training. (Each half of the patrol force is assigned to the training day on alternating Wednesdays. The training day is ordinarily devoted to training or make-work assignments if no training is available, e.g. officers double up in patrol vehicles. During periods when the department has a number of vacant authorized positions, some of the training day deputies are assigned to jobs that otherwise would be filled on Wednesday by officers receiving overtime pay.<sup>5</sup>

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<sup>5</sup> The assignment of training officers to patrol units was verified from daily assignment rosters for Wednesdays

**Both the training and overtime assignments on Wednesdays are inherently inefficient.** In the case of training, both the attention span of deputies and quality of the presentation are extremely difficult to maintain over 10 hour training periods. The number of hours each deputy actually spends in training or on training day overtime assignments is problematic. For example overtime assignments to courtroom service may only last 7 or 8 hours at the most while the deputy is being paid for 10 hours of duty.

In reviewing the deputy training program for the most recent year (February, 1994 to January, 1995) it was observed that there was no training provided on many of the training days. During four of the months, training was scheduled **on only one of the four available Wednesdays**. In four other months, training was scheduled **on only two days each month**. There was some form of training on three of the four training days during the remaining four months of the year. It should be noted, however, that the length of the scheduled training ranged from two and a half to nine hours. Most of the training sessions consisted of range practice, weaponless defense and the use of the baton.<sup>6</sup>

The department pays each deputies' salary for approximately **245 training hours annually**. This fact can be placed in a critical context by comparing the department's program with the State of California's high training standards for salaried full-time police officers set by the Peace Officers Standards and Training (POST) office. The State requirement for keeping police officers conversant with changes in the Penal Code, new state computerized file systems, etc., is 24 hours every two years, **the equivalent of 12 hours per year**. (The POST mandated minimum training requirement is "24 hours every two years". The above reference to 12 hours per year was made to draw a comparison between the number of annual hours made available by the department for training. The POST training requirement can be satisfied at any time over a two year period. There are also departmental training needs to be considered, but the total hours involved should be limited to mandated or fully justified needs.)

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<sup>6</sup> Description of training program based on the San Joaquin County Sheriff Department document "Training Courses 1994" Pg. 3.6 para 4

There were, at the time of this writing, 96 patrol deputies assigned to work on the common workday (deputies in other units assigned to this shift pattern are not included in the projections of potential dollar savings). One half of the deputies on duty in patrol are nominally assigned to training for 10 hours on each Wednesday. The annual cost of the workday set aside for training **which is not required by state standard amounts to \$607,962.**<sup>7</sup>

All law enforcement agencies in the state agree to comply with the standards established by POST. In return POST provides partial salary reimbursement to local law enforcement agencies for basic recruit training. Per-diem and travel reimbursement is available for specialized training.

Based on interviews with trainers and ILPP observation of training day programs in several out-of-county agencies it appears that much of the training time available under 4/10 shift plans is not productively used.

The foregoing critique addresses only one problematic aspect of the existing 4/10 patrol shift plan. In a tightly managed department the patrol deputies, shifts should closely match the temporal distribution of workload. **The department's patrol shifts do not favorably compare with other shift options in their congruence with the workload pattern.**

In past years, tax revenues, subventions and a moderate workload permitted the acceptance by the Board of Supervisors, CAO and Sheriff of inefficient working arrangements which were considered beneficial by rank and file deputies. The inevitable growth in workload and impending fiscal crisis in the county, however, requires a thorough understanding of just how costly the 4/10 shift plan is, and a consideration of alternatives.<sup>8</sup>

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7 This figure is calculated by multiplying; the 48 officers assigned to a training day each Wednesday, times their salary and benefits daily rate of \$271.80 (\$13,046.40), times 49 training days in a year (\$639,273.60). The number of training days in this equation is based on an average of three weeks annual vacation for all deputies. The total cost was adjusted downward to account for the 12 hours of required POST training (12 times the hourly rate including benefits of \$27.18, equals \$326.16. (This figure when multiplied by the 96 patrol deputies receiving training is \$31,311.36.)

8 The department reported that, as a savings, the overtime that would have been paid out if training deputies had not been assigned to court services. If overtime savings are factored into the summary of training costs the total would be reduced by approximately 15%.

Figures 4.1 - 4.3 show how the 4/10 staffing plan affects distribution of officers over different periods of the week. The staffing level from Sunday to Thursday (Figure 4.1) and the level on Thursday to Saturday (Figure 3.2), typically the period with the most activity, are the same. Staffing on Wednesdays is significantly higher (Figure 4.3).

FIGURE 4.1 Sheriff's Patrol Staffing, SUNDAY-TUESDAY Team Shifts

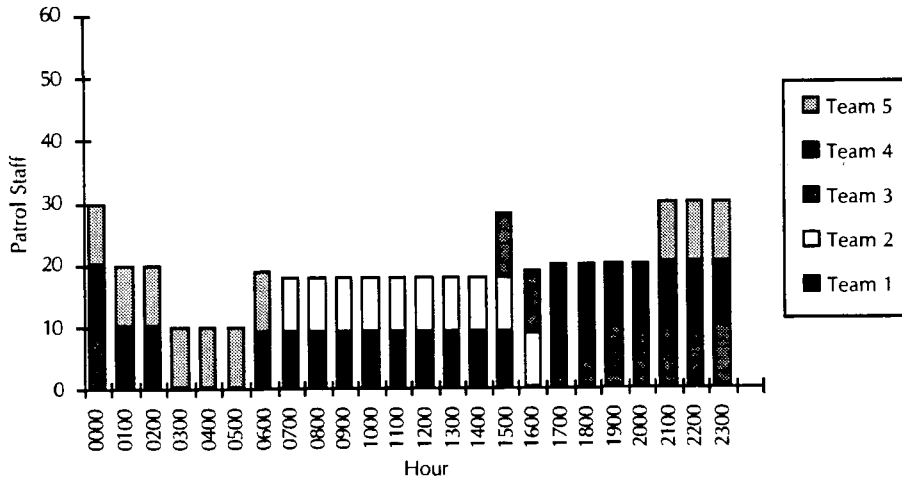


FIGURE 4.2 Sheriff's Patrol Staffing, THURSDAY-SATURDAY Team Shifts

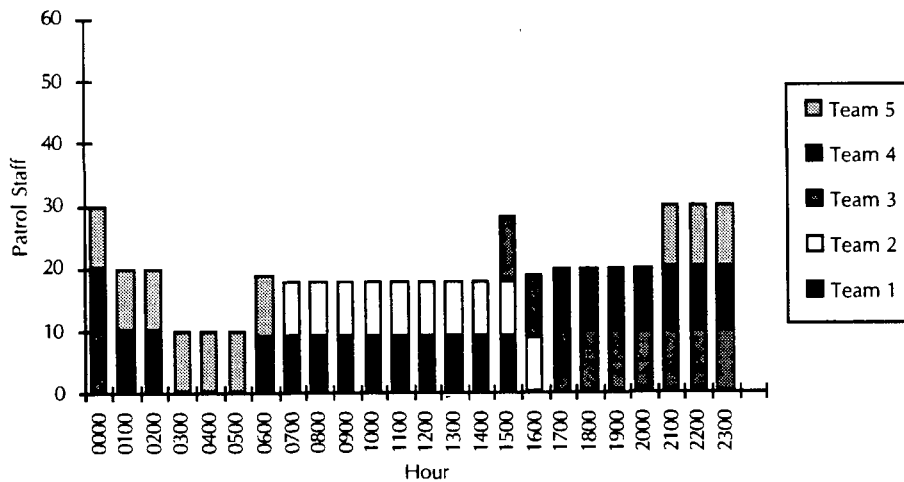
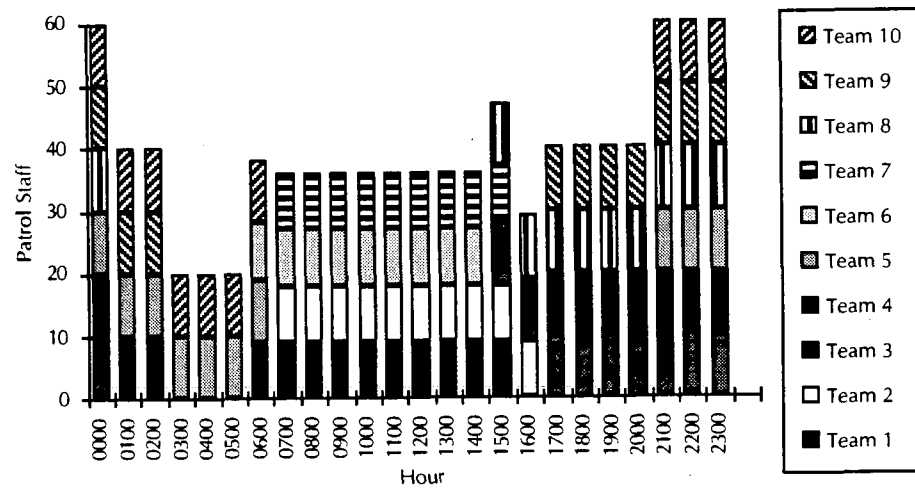


FIGURE 4.3 Sheriff's Patrol Staffing, WEDNESDAY Shifts



An eight hour shift, with days-off staggered throughout the week, can be most efficiently correlated with service demand. A well-designed eight-hour shift plan operating with fewer deputies, would provide a response capability that matches or exceeds current performance in San Joaquin County.

A manager in the Stockton Police department, which employs the same patrol shift plan as the Sheriff's Office, estimated that a change from their 4/10 plan to an eight-hour shift plan would permit a 12% reduction in patrol officer positions. This is a very conservative estimate. In addition to a reduction in the numbers of officers assigned to patrol, the eight hour shifts permit significant budget savings in fleet operations, overtime and training costs.

A Hughes, Heiss & Associates analysis of patrol staffing in the Sheriff's Office commissioned by the County in 1990, reached more startling conclusions regarding the relative merits of eight hour and ten hour shift plans. At that time the department had 24 patrol beats including the newly incorporated City of Lathrop. One hundred and twelve (112) deputies worked the beats on 10-hour shifts. (Currently, Lathrop is independently policed under a contract with the Sheriff's Office and the number of beat assignments has been reduced to 19 which are serviced by 96 deputies.) **While the 1990 study concluded that patrol personnel could be reduced by 22 employees (20%) if the department adopted the eight hour shift plan, staffing has not significantly changed since that time.**



The controversial Hughes, Heiss and Associates study essentially presented the pros and cons of the various shift plans available to the San Joaquin County's Sheriffs Department. Missing was a unified discussion of the weight to be afforded the various advantages and disadvantages, and critics of the report argue that some of the arithmetic involved was flawed. In any event, budget constraints in San Joaquin County are now the over-riding consideration. **Because cost factors are paramount, the county must consider the magnitude of potential savings.** A 20 percent reduction in the current number of deputies assigned to patrol would mean the elimination of 19 deputies positions. Translated into dollars, adoption of the eight-hour shift in the patrol unit could result in **savings each budget year of \$ 844,937 (salaries only) or \$1,074,153 (salaries and benefits).**

A more exact estimate of the attainable savings may fall between the lowest and highest predictions of manpower reductions. The bottom line is that very significant savings are achievable. Senior consultants in the Management Counseling Bureau of POST concur with the premises on which the above analysis rests.

Of equal importance to type and arrangement of agency shift plan, are the manner in which deputies are deployed both timewise and geographically. Precise measurement of the relative efficiency of alternative relief points in shift arrangements requires a sophisticated study. The study data must be accurate and cover relevant aspects of patrol performance. Some of the necessary elements would include the time records of all CFS (received, dispatched, completed) and data on priority, location, type of incident, and disposition. At the present time the Sheriffs Department does not have the capacity to provide this information.

The department has worked to adjust its patrol deployment. It is severely handicapped, however, by limitations of the 4/10-common workday plan and flawed workload data. (The department refers to its shift arrangements as the "10-10-10" plan") When the CAD system is adequately programmed, management will be able to accurately measure the impact of its staffing and deployment strategies.

Current efforts to study the relationship between shift deployment and service demands are skewed by the department's practice of combining deputy initiated activity with CFS totals. The purpose of a workload study is to determine when deputies should be on duty to provide a prompt response to citizen calls for help. After patrol deputies are deployed according to CFS needs, a true workload study provides measurements of consumed time which enable management to

judge whether officers have an appropriate amount of time available to perform directed patrol tasks. This information, in turn enable management to come up with a fully justified statement of staffing needs in the patrol unit.

The inclusion of deputy initiated activity in a study of service demand causes the study process to become a self-fulfilling prophecy. In other words, the more officers assigned to a shift, the more the workload is increased. As a consequence when the department measures activity on a Wednesday it appears to be approximately as busy as Saturday, what is actually happening is the department adds six and often more officers to the patrol force on most Wednesday training days. These officers, of course try to be busy and they randomly make security checks, issue citations, etc. all of which is duly included in measurements of service demand.

- ◆ **Recommendation:** *Re-evaluate the role of all operations lieutenants and assign lieutenants to work weekends and night shifts. Consider assigning community liaison responsibilities to the Captain of Patrol. The foregoing re-assignments should be coordinated with ILPP recommendations concerning other unit lieutenants who have a small number of subordinates reporting to them.*
- ◆ **Recommendation:** *The County should re-negotiate working conditions in the MOU so that more efficient and economical shift schedules can be achieved in the Patrol, Records and Communications units of the Sheriff Department.*
- L **Recommendation:** *The training program should be redesigned and limited to courses that are mandated or fully justified by deficiencies in deputy performance or emerging operational requirements.*

## 2. Support Services, Communications / Dispatch

Dispatchers in San Joaquin County work a modified 10/10/8 shift plan. Currently, there are six dispatcher vacancies. Under a full complement, 35 employees (including supervisors) are cross-trained for assignments to the complaint, dispatch, and jail safety control posts. Except for an occasional aberration in scheduling, the 10-hour shift teams all work on Wednesdays which is also considered a training day. The POST recommended training standard for full-time dispatchers is twenty (20) hours per year. Because of the overload in people, dispatchers are encouraged to take vacation days off on Wednesdays.

As in the case of the patrol 4/10 shift plan, the dispatcher's 10-hour shift arrangement is primarily an employee benefit which provides alternating three and four sequential days off. It is a costly benefit, particularly when there are vacant positions which must be filled by employees receiving time-and-a-half overtime pay. The vacancies which currently occur in the jail safety control positions, for example, are often being filled by off-duty deputies who receive a **daily overtime rate of \$321** for a ten-hour shift.

The jail control console (JCC) is designed for around the clock operation by two employees. Console features include video and audio communication with the various jail locations being monitored and audio alarms triggered by the personal safety devices carried by jail personnel. Each JCC operator is separated by a waist high, right angled extension in the middle of the console which delineates the posts and requires a post operator to walk several steps around it to operate door controls, etc. at the other post. No electrical wiring or electronic equipment is installed in the separator.

The assignments are very undemanding and it is not unusual to observe, during the middle of the workday, one of the two assigned personnel either reading or resting. Eliminating the separator between the two posts would facilitate operation by a single employee during low activity periods in the jail.

There is a clear divergence of opinion between ILPP consultants and Sheriff Department managers regarding operation of the JCC. From the perspective of the department, personnel safety considerations require that two JCC operators be on duty at all times to deal with any emergency eventuality in the County Jail.

It is ILPP's position that keeping all employees productive is a management responsibility which becomes increasingly important during budgetary crises. There is a need to strike a balance between staffing for any safety eventuality, and the need to productively utilize personnel.<sup>9</sup> There are a number of ways in which this can be accomplished. Communications staff could be scheduled so that there will be a trained JCC operator on duty in the communications section whenever only one person is assigned to the JCC. The ideal candidates for this cross-training and support role are the supervisors, in-

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<sup>9</sup> The internal security in the jail was strengthened by the creation of two around the clock security posts, after an assault injured a jail employee in mid-1993. Since the initial incident, which occurred shortly after the new jail was opened, there has only been one prisoner/deputy assault incident reported 1994 and 1995.

asmuch as they should be in the JCC room whenever an emergency situation develops. Another alternative would be to assign a fully trained communications dispatcher to the second backup post position with responsibilities for taking telephone reports, updating the geo-file, assisting the primary complaint operator, etc.

In these support tasks a straight eight-hour shift plan could eliminate the need to fill existing vacancies and largely reduce overtime requirements. The Communication Center in Santa Clara County is an example of a large operation which assigns its dispatchers to eight-hour shifts (15 dispatchers, 7 AM to 3 PM; 15 dispatchers, 3 PM to 11 PM; 12 dispatchers, 11 PM to 7 AM and one dispatcher 7 PM to 3 AM overlap).

- ◆ **Recommendation:** *Abandon the existing shift arrangements in Records and Communications for eight hour shifts which include a fourth overlapping shift.*
- ◆ **Recommendation:** *Modify the physical arrangements of the JCC to facilitate operation of all controls by one person during periods of low activity. Make scheduling arrangements which will always have at least one trained JCC operator on-duty in the communications unit to operate the second JCC post during the jail emergencies.*
- ◆ **Recommendation:** *Conduct periodic workload studies to monitor the impact of deployment and shift arrangements on response performance in the patrol division.*

### 3. Managing Calls For Service Workload

It is the current policy in the Sheriffs Department to dispatch a deputy to contact complainants on all requests for service. Some exceptions occur due to the presence of a light duty deputy who occasionally will take a report over the telephone. The fiscal and personnel constraints facing most large agencies have prompted them to formalize the taking of telephone reports of minor incidents which do not require the presence of a deputy at the scene. Neighborhood nuisance reports and theft reports made for insurance purposes are examples of the type of complaints which can be satisfactorily recorded over the telephone. Often the reporting citizens prefer to make such reports by telephone rather than wait for the arrival of a deputy. A formal policy arrangement for managing incoming CFS can reduce the number of field deputies required to meet a law enforcement agencies response time objectives. The Sheriff's Office should expand its existing policies to apply more response options when requests for service are made.

◆ **Recommendation:** *The Sheriff's Office should formally adopt the following procedures and techniques for managing the calls-for-services workload:*<sup>10</sup>

1. Use civilian aides, e.g. community service officers who are assigned low priority CFS which require only routine reports.
2. Establish CFS priorities which identify categories of calls requiring the immediate dispatch of a deputy and the categories in which dispatch can be delayed for specified periods.
3. Establish a telephone reporting system which can handle all incidents in specified categories (e.g. auto theft, larceny from auto).
4. Analyze the CFS workload to identify
  - a. Low-priority services (e.g. escorts, errand services) that may be reduced or completely eliminated
  - b. Services that are best handled by other community resources, (e.g. utility problems, civil matters)
5. Establish call-back procedures on nuisances such as barking dogs and loud parties. A complaint operator in communications telephones the offender warning of impending police action unless the nuisance is abated.
6. Set up follow-up appointments to deal with such neighborhood problems as abandoned vehicles and loitering. These appointments should be set during quiet activity periods whenever possible.

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<sup>10</sup> The department's CAD system currently prioritizes calls. Furthermore, the Sheriff Department currently has one full-time employee, situated in a location remote from the Communications unit, who has several responsibilities including taking telephone reports. Callers wishing to make a telephone report are transferred by complaint operators to the employee whenever he is on-duty and available. The ILPP recommendation envisions a program which makes telephone reporting an expanded and promoted, readily available, option staffed by the complaint operators.

#### 4. Civilianization

The Sheriff's job classification and assignment policies have preserved full time deputy sheriff positions by not taking advantage of less costly staffing options. Changes in departmental job classification policies are critically needed, however, in order to adjust to declining County revenues.

There are many tasks in the department, being performed by deputy sheriffs, which do not require peace officer training or authority. Examples include ordering tows and standing by damaged or recovered stolen vehicles, picking up found property and the taking of minor reports. CSO's are commonly employed by many law enforcement agencies for these and similar tasks. The differential in CSO and sworn officer salaries and benefits, in some city salary systems, ranges from 15 to 20%. By using CSO's and managing the CFS workload it is possible to greatly **improve the deputies ability to respond promptly to high priority CFS.**

The department uses very few part-time employees (only one at the time of this report, according to interviewees). Court Services provides examples of tasks which part-time employees can perform more economically. The Marshal's Department, which uses a large pool of part-time employees, has eliminated the outlay of money for court services overtime.

- ◆ *Recommendation: Establish the classification of Community Service Officer. Initially, staffing two such positions in patrol would be appropriate considering the volume of CFS. If these employees worked eight hour shifts their hours of employment could be restricted to the day and swing shifts.*
- ◆ *Recommendation: Develop a pool of part-time employees for temporary assignments, e.g. dispatch, clerical. Expand the current practice of using one part-time dispatch employee into a program utilizing more part-timers in various clerical assignments.*
- ◆ *Recommendation: Analyze those support positions now filled by sworn officers or correctional officers to determine if the following criteria are essential elements of the duties: (1) peace officer or correctional officer status, (2) the full range of training required of a peace officers. In all cases where the listed criteria are not essential elements, reclassify the position to civilian status. Examples include Tower post in the jail, certain posts in the booking area.*

The Task Force Report on Jail Staffing, June 28, 1994 noted the need for additional analysis of the job classification issue and proposed a follow-up study. The prospect of impending budget cuts requires that the proposed follow-up study, which has been postponed, be scheduled as soon as possible. The study should also examine opportunities to civilianize law enforcement positions as noted in the ILPP report.

## 5. Management Structure

Police authorities ranging from O.W. Wilson in *Police Administration* to those contributing to publications of the International City Managers Association agree that police managers and supervisors should have a reasonable span of control, neither too large or too small. With some allowances for unique complexities and top managers, those texts advocate a minimum of six and maximum of nine subordinates. This time-tested standard is still valid today. The validity of the standard, when applied to middle managers, has been confirmed many times in desk audits of workload by ILPP law enforcement consultants.<sup>11</sup>

Law enforcement management arrangements are largely based on tradition. For example, the military structure, employed in most departments, is often set up without due regard to the position's workload. In the Sheriff's Office there are organizational units in which one middle manager oversees only one or two supervisors. In some of these situations the principal responsibility of the overseer is often limited to relaying information back and forth between the workers and higher authority. Exceptions to the standard may be appropriate in highly complex and demanding assignments.

The elimination of managerial/supervisory positions and the substitution of civilians into jobs currently performed by sworn peace officers is best accomplished when vacancies occur through attrition. In private industry, corporate solutions are often more traumatic to employees and involve draconian measures such as demotion or layoffs. The Sheriff Department has significantly reduced the number

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<sup>11</sup> The department has submitted a reference to a mutual aid agreement and common practice in other agencies in which the recommended ratio for mid-level managers is one for every three supervisors. All industry standards including those referenced in the ILPP report are really, at best, guidelines subject to refinement in real life situations.

of authorized lieutenant positions in recent years. In 1986 the department had 22 lieutenants. Currently the department has 13 lieutenants, not including one assigned to the City of Lathrop. The latest organizational charts show some lieutenants in command of fewer than three sergeants.

- ◆ *Recommendation: Eliminate either the lieutenant or sergeants position in Records and Evidence.*
- ◆ *Recommendation: Eliminate either the lieutenant or sergeants position in Communications.*
- ◆ *Recommendation: Transfer the functions under the Case Management Lieutenant to more appropriate units and eliminate the Case Management lieutenants position.*
- ◆ *Recommendation: The workload of the four lieutenants assigned to the jail should be reviewed. The use of activity reports and/or desk audits is recommended. This review should be preliminary to the consolidation and reorganization of their duties as outlined in a plan developed by the Jail Captain.*
- ◆ *Recommendation: Authorize a fifth lieutenant to the Jail Division and assign lieutenants to night shifts as outlined in the jail reorganization plan being developed by the Jail Captain.*

## 6. Consolidation

One of the more promising candidates for functional consolidation in the county is Court Services. Both the Sheriff's Office and Marshal's Department provide bailiff, security, prisoner transport and civil process services. The Sheriff serves civil process in the Stockton area while the Marshal serves civil process in the areas where the outlying municipal courts are located. The Sheriff provides bailiff, security and prisoner transport services to the superior courts and the Marshal does the same in all municipal courts.

The court service units in each department have operating policies which differ in significant respects. Except for two civilian process servers, all Sheriff's employees providing court services are full-time deputy sheriffs. The Marshal's workload is shared by 16 part-time and 27 full-time deputy marshals. The part-timers are fully-trained retired law enforcement personnel who perform multiple tasks as assigned, e.g. service of civil process, bailiff duties, prisoner transport, security. The Marshal's shift arrangements are flexible and effi-



cient. His department generates virtually no overtime and the salary/benefit package for deputy marshals and part-time employees is substantially below costs in the Sheriff's Office (currently the salary disparity between full-time employees is reportedly 16%).

The Municipal and Superior Court judges oversee court support functions. Historically, when circumstances demanded change, the judges have shifted the delivery of court support services from one agency to another. In terms of flexibility and economy of operation the Marshal's service is superior to that being provided by the Sheriff's Department.

- ◆ **Recommendation:** Consolidate the following Superior and Municipal Court service functions under the Marshal's Office: bailiff, courtroom security, civil process and prisoner transport between jails and courts.

## 7. Custody Division

In November, 1992 there were 692 male and 105 female inmates in the main jail and 457 in the Honor Farm. By July of 1993 the counts were 677 (male and female combined) at the new jail and 282 at the Honor Farm, a decrease of nearly 300 inmates. There was a comparable decrease in bookings between the two months (from 2,226 to 1,906). Since that low point the jail population has grown to about 1,200, though bookings have stayed in the 1,900 to 2,000 range. It appears that bookings in 1994 were slightly below those of 1993.<sup>12</sup>

During the 1992 to 1994 period the size of the Custody Division fluctuated; it fell from 295 to 270 and then rose again. At the beginning of that period extra staff were added and trained in anticipation of opening the new jail. The lower level was originally thought adequate, but unanticipated problems with jail operation and the gradual introduction of double-bunking led to the request for a staffing increase to 285 in the 1994-95 fiscal year.

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<sup>12</sup> The Sheriff's Department prepares several sets of population and bookings data. ILPP found some errors and inconsistencies in the data, which were subsequently corrected. Since there may be more errors, small differences from year to year could be insignificant or misleading.

Besides the changes in the number of beds, the new facility is built on an operating principle which is significantly different from the old style and demands a period of adjustment by correctional officers. Because of the dramatic change in the work environment with the opening of the new facility and closing of the old in December 1992, and subsequent closing of many Honor Farm beds, it is difficult to make a meaningful comparison of the workload across that time period.

### 8. Custody Division Staffing and Shift Issues

*"Between 1984-85 and 1989-90, the cost of operating California county jails increased an average of 22 percent per year, while county general purpose revenues to pay these costs annually increased only 11.6 percent."  
- Jailhouse Blues, p. 1*

The 1994-95 budget provides for two hundred and fifteen operational level custody personnel. Nearly 78% of these positions are designated for deputy sheriffs, the remainder are designated as correctional officer positions. The county views the use of deputies in the jail as a transitional arrangement and is committed to fully staffing the County Jail with correctional officers.

Attainment of this objective can not be achieved in the foreseeable future due to a statutory prohibition against reclassifying deputies assigned to the jail as correctional officers. The effect of the law is to require that all vacancies occurring in the law enforcement units be filled by deputies currently assigned to the jail. Unfortunately, the attrition rate of deputies assigned to law enforcement functions will be very low. The recommendation of reclassification of positions, now filled by deputies, into civilian positions will further reduce opportunities to transfer deputies out of the jail into law enforcement units. It is clear that the assimilation of jail deputies into law enforcement operations, will take many years due to these circumstances. In larger law enforcement agencies the pool of younger officers, available for assignment to patrol, is continuously filled though attrition.

In the Sheriff's Office, however, the average age of field deputies, who must perform periodically strenuous duties, will increase with the passage of time. Those moving from the jail to vacant law enforcement assignments in the department will tend to be older deputies as there has been a trend, on the part of younger deputies assigned to the Jail, to seek and obtain law enforcement positions with the other departments. Injury problems will also increase with significant costs to the department.

Most deputies assigned to the jail would prefer assignments to law enforcement duties. Deputies receive a higher salary for performing the same duties as correctional officers. The foregoing circumstances are not healthy for morale and operational efficiency. The remedial options, available to the county, are limited. It seems clear that the

only course of action, outside of doing nothing, involves reclassifying the custody deputies as correctional officers. This option could be accomplished either through negotiation, or unilaterally through the passage of legislation repealing the existing legal impediment. Fairness concerns suggest that the reclassification plan should provide that salaries of deputies reclassified would be "Y" rated, i.e. remain static until correctional salaries reach the current salary received by Jail deputies.

The 12-hour shift arrangement for jail personnel is disliked by management. It is perceived as lacking in flexibility and physically demanding on personnel. Officers working the shift like the extended days off afforded by the plan and would resist imposition of any work schedule that eliminated the extended time off periods. Some managers believe that the long hours result in more workdays being lost to sickness and injury. There is no data basis available to analyze the shift's impact on absenteeism and, in any event, study of the problem should wait until existing vacancies in authorized positions are filled.

It should be noted that the jail can be operated with the same number of employees working 8-hour shifts. To make the 8-hour shift cover the posts now covered by the 12-hour shift, it would be necessary to pay for four hours of extra work each two week period as is currently done under the 12-hour shift plan. The 8-hour shift plan is easier to schedule advantageously around peak prisoner movement and lock down times. This option should be considered if it becomes clear that 12-hour shifts are causing an excessive amount of absenteeism.

- ◆ *Recommendation: Seek legislation, or negotiate an agreement, permitting the reclassification of deputy sheriff positions into correctional positions.*
- ◆ *Recommendation: Continue to evaluate the 12-hour shift. Set up a data collection system that permits continuous monitoring of time lost to sickness, injury, workman's compensation cases. In the event the current shift plan clearly contributes to absenteeism, and the posts cannot be adjusted to take maximum advantage of low activity periods in jail activity, the shift arrangement should be re-negotiated to permit trials of alternatives.*

## 9. Sheriff Overtime

Employees are paid a premium for overtime work, and the costs of those fringe benefits which are linked to wages will increase concurrently. Tables 4.1 and 4.2 show regular salaries, overtime, and extra help (excluding contractual extra help) for all of the Sheriff's budget units and for a number of other large programs, both in criminal justice and in other county departments. The department uses overtime significantly more than the other departments and makes proportionately much less use of extra help.

TABLE 4.2 Overtime in Sheriff's Programs in FY 1993-94

Unit	Regular salaries	Overtime	OT as % of regular time	Extra help	EH:OT
STC training	\$0	\$60,660	0%	\$0	0.0
Boating	\$0	\$0	0%	\$0	#N/A
Patrol	\$5,508,101	\$243,345	4%	\$6,229	0.0
Communications	\$1,128,817	\$233,529	21%	\$0	0.0
Detectives	\$1,438,814	\$173,150	12%	\$0	0.0
Records/evidence	\$1,508,663	\$38,819	3%	\$23,452	0.6
Court services	\$709,999	\$228,944	32%	\$0	0.0
Civil	\$375,110	\$12,303	3%	\$6,812	0.6
Coroner	\$124,284	\$6,403	5%	\$0	0.0
Admin/support	\$1,099,863	\$17,363	2%	\$0	0.0
Lathrop	\$592,292	\$52,527	9%	\$0	0.0
Custody	\$10,337,298	\$1,724,019	17%	\$325,031	0.2
Work program	\$318,758	\$270	0%	\$29,572	109.5

TABLE 4.3 Overtime in Other County Departments

Unit	Regular salaries	Overtime	OT as % of regular time	Extra help	EH:OT
Auditor	\$911,472	\$196	0%	\$6,202	31.6
Info Systems	\$1,997,380	\$5,019	0%	\$9,245	1.8
Assessor	\$2,740,994	\$1,436	0%	\$64,155	44.7
Buildings	\$1,254,180	\$10,719	1%	\$11,016	1.0
District Attorney	\$4,471,419	\$11,955	0%	\$48,669	4.1
Public Defender	\$3,076,306	\$98	0%	\$69,240	706.5
Stockton Muni Ct.	\$2,295,251	\$0	0%	\$77,024	#N/A
Superior Court	\$2,908,332	\$422	0%	\$213,913	506.9
Stockton Marshal	\$695,307	\$0	0%	\$74,870	#N/A
Juv. Probation	\$1,651,188	\$662	0%	\$39,944	60.3
Ad. Probation	\$1,641,146	\$9,139	1%	\$32,913	3.6
Juv. Hall	\$1,772,009	\$17,998	1%	\$280,920	15.6
Road Maint.	\$2,918,815	\$50,800	2%	\$2,550	0.1
Mental Health	\$7,707,633	\$151,458	2%	\$1,315,757	8.7
Public Health	\$7,006,689	\$25,279	0%	\$306,705	12.1
Human Services	\$20,307,450	\$70,934	0%	\$144,095	2.0

Among the Sheriff's programs there are substantial differences. For Court Services, overtime is about a quarter of the salaries. This is surprising since Court Services courtroom security and transportation is an activity which occurs during normal working hours and would be expected to be less subject to unexpected fluctuations or emergency than an activity such as patrol; yet the overtime use shows just the opposite.

Communications also uses a great deal of overtime. Communications is a continuous operation, and staffing needs can be anticipated though there may be high turnover. The shift plan may contribute to use of overtime staff in the Communications division if the length of the shifts causes stress, fatigue, and consequent absenteeism, or fails to match operator availability with workload.

Custody overtime is enormous, larger than the entire budgets of some departments. It was 8 percent of salaries in 1992-93 and 17 percent in 1993-94. Most of the increase may be attributable to growing pains.

Table 4.4 shows overtime pay as adopted in the budget by the Board of Supervisors and as actually expended in 1992-93 and 1993-94. The column "Percent of Approved" would be 100 percent if the expenditures had worked out exactly as anticipated. Not all of the overtime (i.e., Lathrop) was paid for by the county.

TABLE 4.4 Approved and Actual Overtime Costs, Sheriff's Office, 1992-93 and 1993-94

Unit	1992-93			1993-94		
	BOS Approved OT	Actual OT	Percent of Approved OT	BOS Approved OT	Actual OT	Percent of Approved OT
STC training	\$18,492	\$28,559	154.4%	\$28,913	\$60,660	209.8%
Boating	\$37,522	\$32,345	86.2%	# N/A	\$0	# N/A
Patrol	\$276,184	\$327,491	118.6%	\$291,102	\$243,345	83.6%
Communications	\$39,867	\$239,181	599.9%	\$40,000	\$233,529	583.8%
Detectives	\$120,697	\$121,391	100.6%	\$133,997	\$173,150	129.2%
Records/evidence	\$23,489	\$46,988	200.0%	\$23,489	\$38,819	165.3%
Court services	\$272,546	\$308,333	113.1%	\$140,000	\$228,944	163.5%
Civil	\$6,214	\$4,011	64.5%	\$5,006	\$12,303	245.8%
Coroner	\$5,916	\$9,639	162.9%	\$4,997	\$6,403	128.1%
Admin/support	\$10,739	\$19,719	183.6%	\$5,000	\$17,363	347.3%
Lathrop	\$39,499	\$30,485	77.2%	\$40,000	\$52,527	131.3%
Custody	\$600,665	\$769,405	128.1%	\$675,589	\$1,724,019	255.2%
Work program	\$3,210	\$2,441	76.0%	\$1,605	\$270	16.8%
Jail transition*	\$245,423	\$172,956	70.5%	# N/A	\$0	# N/A
Fish & game	\$12,290	\$11,195	91.1%	\$12,290	\$0	0.0%

\*Last year of the jail transition program.

County jail managers have developed strategies to minimize overtime within the constraints presented by the current effective staffing level (182) and facilities design. Pending modification of facilities described in the Detention Facilities section, overtime control will depend on the number of officers filling the authorized jail positions."

- ◆ *Recommendation: Proceed with the development of a pool of screened applicants to immediately fill vacancies in essential positions.*

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# V. MANAGING THE CASE

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## V. MANAGING THE CASE: COURTS, DISTRICT ATTORNEY & PUBLIC DEFENDER

### A. Courts

#### 1. Municipal Courts

There are four municipal courts in San Joaquin County: Stockton, the largest of the municipal courts has seven judges and one traffic commissioner; Lodi, two judges; Tracy, two judges; and one court serving the communities of Manteca, Ripon and Escalon (MRE) with one judge and one commissioner. The courts in Lodi and Stockton each have a court administrator; MRE and Tracy share one administrator. Jury services, summoning and granting excuses or deferments, are provided by the superior court administrator, who is also the jury commissioner for all of the courts.<sup>1</sup>

Each of the municipal courts outside of Stockton has two departments, one that handles primarily criminal matters and one that handles civil and traffic cases. Stockton has five departments to hear criminal matters: Department A is the master calendar department for jury trials, where readiness conferences, scheduled 10 days before trial are also held. All of the felony preliminary hearings are set for Department F, but many of these cases are sent out to other departments for hearing.

About one week before the scheduled preliminary hearing, the court will prepare a list of cases for that week's schedule; the list will include the name of the defendant, offense by statute number, custody status at the time of arraignment and whether the defendant is represented by counsel. This list is given to both the district attorney and public defender early in the week, primarily for the district attorney to make written notations on the list of proposed offers. On the day of the preliminary hearing, the court will attempt to group all of a deputy public defender's cases where no plea agreement has been reached for hearing in one department.

*"California courts have been innovative in introducing new systems to improve court efficiency and speed up the conduct of trials."*

*– Jailhouse Blues, p. 29*

*"[The Legislature must] stop enacting sentencing laws that will further increase the prison population. The state coffers are empty. Quite frankly, we are punishing beyond our means - and with minimal impact on public safety."*

*– Jailhouse Blues, p. 31*

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<sup>1</sup> Jurors are not paid for the first day of service and mileage is only reimbursed for one way travel to the court. Parking for jurors in Stockton is provided by the county. San Joaquin County uses a "one day, one trial" system, and persons summoned for jury duty will be placed on telephone standby. Each municipal court administrator is responsible for handling jurors who are summoned to appear at the court.



All of the municipal courts indicated that the problem of defendants failing to appear for court hearings is still significant, if not worse. There is an increasing number of defendants who fail to report at the jail after sentencing, as well.

There are some differences in how the municipal courts handle failures to appear in traffic cases: For example, Lodi Municipal Court has recently implemented an "immediate" calendaring system, where persons with traffic citations must report to the court on the day they wish to appear. This has reduced the FTA rate from approximately 60 percent in traffic cases to 10 percent, although the new system gives the court little control over how many cases will be heard on a given day and those appearing must sometimes wait up to two hours to have their citations heard. The court does not issue any warrants for traffic FTAs because the DMV automatically puts a hold on the person's license when the ticket is not resolved. In other municipal courts, FTAs in traffic cases can result in an additional fine of \$100 for each FTA.<sup>2</sup>

There are also some differences in handling FTAs for misdemeanors, which occur most often at arraignment in all courts. In Stockton Municipal Court, FTAs are generally not charged, and the bench warrant is recalled if the defendant appears. Lodi Municipal Court imposes sentences for FTA, with the result that some defendants will be sentenced to more time on the FTAs than on the original charge.

A pilot video arraignment project will be implemented for Tracy Municipal Court within the next few months. Transportation of detainees to court will be eliminated; the detainee and his or her attorney will have sound and video contact with the arraignment judge in Tracy. Present plans include expansion of the project to Manteca cases.

## 2. Superior Court

The San Joaquin County Superior Court has 13 judges. With the exception of a juvenile traffic hearing officer, there are no commissioners, but the court has requested funding for a commissioner to handle family law cases. Some of the superior court clerks are paid out of the district attorney's budget to handle child support cases.

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2 The failure to appear on a traffic citation, which includes failure to pay the bail amount on the citation, is a separate misdemeanor offense. Although the fine for this offense is set at \$217, the practice is to impose \$100.

The superior court has recently been reorganized so that there are now four full calendar departments: family law, juvenile, criminal and civil trials. As part of the reorganization, felony violations of probation and mental health cases, including not guilty by reason of insanity cases, have been transferred from the criminal department to other departments. The creation of a civil trial department was to give the court's civil department more credibility; prior to the reorganization, some civil cases had been reset for trial up to five times.<sup>3</sup> The departmental reorganization, however, has resulted in two fewer departments specifically assigned to handle criminal trials.

### 3. Caseload and Staffing

All of the courts have had decreases in staffing, though not in judicial positions. In the Stockton muni court there were slight decreases in per-person felony and misdemeanor cases and an increase in traffic. In Lodi the opposite occurred: felonies and misdemeanors were up and traffic down; and for MRET all ratios rose (Table 5.1).

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3 The inability of the superior court to actually hold civil trials, given precedence for criminal cases, has resulted in an increase in civil filings in some of the municipal court, where civil trials can be scheduled very quickly.

TABLE 5.1. Municipal Court Workload Information, 1990-91 to 1994-95

	1991-92	1992-93	1993-94	1994-95*
<b>A. Stockton</b>				
1. Filings				
Felonies	3596	3200	3575	3102
Misdemeanors	11922	12385	9812	9616
Traffic	55793	58834	58610	55478
Staffing	89.8	85.9	80	80
Felony per staff	40.0	37.3	44.7	38.8
Misdem per staff	132.8	144.2	122.7	120.2
Traffic per staff	621.3	684.9	732.6	693.5
2. Dispositions				
Felonies	3355	3263		2416
Misdemeanors	9388	8587		7678
Traffic	54099	48427		53706
Jury trials	63	51	32	50
Trials per staff	0.70	0.59	0.40	0.63
<b>B. Lodi</b>				
1. Filings				
Felonies	511	601	716	820
Misdemeanors	1644	1832	2083	2146
Traffic	23534	20195	17491	15360
Staffing	22.3	20.8	20.8	20.8
Felony per staff	22.9	28.9	34.4	39.4
Misdem per staff	73.7	88.1	100.1	103.2
Traffic per staff	1055.3	970.9	840.9	738.5
2. Dispositions				
Felonies	504	548		624
Misdemeanors	1408	1462		1878
Traffic	14775	13142		8808
Jury trials	11	4	5	14
Trials per staff	0.49	0.19	0.24	0.67
<b>M-R-E-T</b>				
1. Filings				
Felonies	906	923	1122	1116
Misdemeanors	4640	4504	3608	4540
Traffic	34283	33864	30220	29938
Staffing	38.7	37.6	29	30.9
Felony per staff	23.4	24.5	38.7	36.1
Misdem per staff	119.9	119.8	124.4	146.9
Traffic per staff	885.9	900.6	1042.1	968.9
2. Dispositions				
Felonies	504	548		770
Misdemeanors	4185	3785		4166
Traffic	28471	26197		23706
Jury trials	14	24	15	15
Trials per staff	0.36	0.64	0.52	0.49
Note: 1994-95 estimated from July-Dec. 1994 figures.				

In the Superior Court a filings comparison is meaningless because of the great decrease in adult filings that resulted from court coordination. (Table 5.2) The California Judicial Council, which specifies the reporting format, has not yet adjusted its requirements to reflect coordination even though that, too, is administered under its auspices.

TABLE 5.2 Superior Court Workload Information, 1991-92 to 1993-94

Superior Court Area	1991-92	1992-93	1993-94
Juvenile Filings	1748	1799	1949
Adult Filings	3439	1937	1288
Adult Trials	122	108	104
Judicial Positions	12.8	13	13
Staffing	113.7	111.3	107.9
Juv. Filings/Jud. Pos.	136.6	138.4	149.9
Adult Filings/Jud. Pos.	268.7	149.0	99.1
Trials Filings/Jud. Pos.	9.5	8.3	8.0
Juv. Filings/Staff	15.4	16.2	18.1
Adult Filings/Staff	30.2	17.4	11.9
Trials Filings/Staff	1.1	1.0	1.0

#### 4. Court Organization

The courts at both levels receive over half their funds from trial court funding and filing fees, and in the case of the municipal courts, from fines and forfeits. They do not receive Proposition 172 funds. Analysis of the criminal justice function is complicated by the fact that it is very difficult to distinguish the effort and resources expended by the courts on criminal and on civil matters.

In California, municipal courts are considered courts of limited jurisdiction, primarily because the authority of these courts, "jurisdiction," has traditionally been limited to disposition of misdemeanor and traffic cases and civil cases where the amount of damages sought is \$50,000 or less. In addition to traffic infraction cases, which are filed by law enforcement agencies, all felony and misdemeanor criminal charges are initially filed in municipal court, but felonies are generally transferred to the superior court for trial and disposition if probable cause is found at the preliminary hearing in municipal court.<sup>4</sup>

Through a coordination agreement, implemented since 1992, the municipal courts in San Joaquin County can impose sentences for defendants who plead guilty at either arraignment or the preliminary hearing. Between 70 percent and 80 percent of all felony cases

4 Several terms are used to describe the transfer of these cases to superior court; the most commonly used in California are "bound over to superior court" and the "defendant was held to answer."

are resolved in the municipal courts; the superior court handles most violations of probation for these cases (i.e. where there are no new charges). The coordination agreement has been modified somewhat: The municipal courts no longer do the preliminary hearings for homicide cases with special circumstances and "high profile" cases, such as those involving multiple defendants. Special circumstance cases are assigned to superior court judges on a rotating basis.

San Joaquin County was one of the 18 to 20 counties in the state to implement a degree of coordination between the municipal and superior courts. Greater coordination can be expected in the future with the recent adoption of California Rules of Court rule 991, which requires trial courts to do the following:

- Create a coordination and governance committee with responsibility for court coordinated activities by July 1, 1995;
- Coordinate judicial activities to maximize the efficient use of all judicial resources in the county by July 1, 1996;
- Integrate all direct court support services for all courts within the county by July 1, 1996;
- Develop an integrated, county-wide plan for information and other technologies by September 1, 1996;
- Adopt a uniform set of local rules for court proceedings in any court in the county by July 1, 1997;
- Submit a unified budget for all county trial courts and establish unified financial and budget procedures beginning with fiscal year 1997-98; and,
- Have one executive officer to preside over one county-wide administrative jurisdiction to report to a single presiding judge or executive committee.

The municipal courts have been reluctant to increase their present degree of coordination, but the failure to implement the changes required by rule 991 may result in reduced state funding and no new judgeships. In conjunction with the adoption of rule 991, the Judicial Council will seek legislation to permit municipal court sessions to be held at any court location in the county and to amend Government Code section 68547 regarding compensation of municipal court judges cross-assigned under the approved judicial coordination plan.

Code section 68547 regarding compensation of municipal court judges cross-assigned under the approved judicial coordination plan.

## 5. Court Findings and Recommendations

- Greater coordination of judicial activities between the municipal and superior courts is possible in addition to significant efforts made by to date. Not all municipal courts have fully implemented the coordination agreement. Efforts and the creation of a long-term plan would be aided by clarification of goals and level of change appropriate in the specific areas of court coordination (integrated development and application of procedures and policies), unification (removal of higher and lower court responsibility boundaries) and consolidation (physical centralization).<sup>5</sup>
- The presiding judges of the municipal and superior courts are generally assigned on a rotating or seniority basis, and their administrative duties are added to a full-time caseload. The major demands of a heavy caseload prohibit judges with administrative duties adequate time to consider, explore, develop and implement policies which could ultimately ease the pressures of case flow and make workloads more efficient for all judges and court participants.
- With some reorganization of municipal court calendars, municipal court judges can be made available to handle superior court criminal trials, a currently untapped resource and reasonable alternative to the increased demand for trial departments.

*"The time has arrived for judicial management of all phases of trial, and that judicial control is the single factor that distinguishes courts in which similar cases are tried more expeditiously than elsewhere."*

– Jailhouse Blues, p. 29

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<sup>5</sup> Representatives of the criminal justice system in San Joaquin County appear to use coordination and consolidation interchangeably to describe what is actually defined here as court coordination. As used by ILPP, consolidation refers to geographical relocation, such as the closing of the Ripon-Escalon Municipal Court and consolidation of that court with Manteca's. ILPP defines unification as the elimination of most distinctions between municipal and superior court, including differences in salary and the creation of one civil and one criminal division for the entire county.

- Although municipal court judges may be handling more serious cases through the coordination agreement, the workload has increased most significantly for municipal court staff, who are responsible for preparing the paperwork for transferring inmates sentenced to state prison. Compiling the necessary paperwork can require up to three days to turnaround;<sup>6</sup> filing transcripts of the plea and sentence by the court reporter generally takes 10 days.<sup>7</sup>
- The impact of the 'three strikes' law on the courts and case disposition cannot be completely evaluated because data are still being collected; district attorney policies and procedures for dismissing prior convictions are still evolving; and defense tactics have changed. There is a perception that the preliminary hearings have increased in both length and number. The initial increase in the length of preliminary hearings may have been related to the defense practice of filing motions to dismiss prior convictions in municipal court. Such motions are now generally filed only in superior court after the information has been filed.
- The superior court trial backlog has been attributed to three strikes cases and the reduction of departments for handling criminal trials. The backlog is more likely due to a combination of three strikes cases, the effects of court coordination and the "local legal culture" of using pressure at the "back end" of the system to achieve case resolution:
  - Prior to implementation of court coordination, about 3.5 percent of felonies filed in superior court were disposed of by jury trial. The proportion of jury trials had steadily increased since 1992, reflecting the "culling" effect of court coordination where the less serious cases are being disposed of by the preliminary hearing.

*"To what extent are court delays contributing to the increase in pretrial jail populations?"*  
– *Jailhouse Blues*, p. 26

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- 6 The time for completion of the paperwork for transfer of sentenced defendants to state prison is an area for further study by the county to reduce the use of jail beds. In superior court, the state prison commitment form is generally completed within 24 hours.
- 7 Court reporters in Stockton Municipal Court are independent contractors, compared to superior court, where they are civil service employees.

- For both felonies and misdemeanors that are set for trial, case disposition generally does not occur until the day of trial or when the case is actually sent to a trial department. The well-established practice in San Joaquin County and nation-wide of using trial departments primarily to negotiate pleas, rather than to try the merits of the case, represents and perpetuates system inefficiencies: lack of attorney preparation for trial; late discovery; lack of pressure from the courts to dispose of cases prior to trial; and "undercutting" by trial departments of indicated offers made in the criminal calendar department.
- The case backlog in superior court began **before** the implementation of 'three strikes' on March 7, 1994. For fiscal year 1993-94, the number of cases indisposed at the end of the month was highest in July 1993 (284 cases). This category of cases generally decreased through the fiscal year until May 1994. The increasing number of undisposed cases may be attributed in part to 'three strikes,' since this is the month when the first of the 'three strikes' cases would have been most likely to go to trial.
- Superior court trials are set for Mondays, but these cases rarely go out even if a trial department is available. The primary reason for essentially losing one trial day is the use of the first day of trial for hearing motions in limine. A trial call on Fridays would allow resolution of pretrial matters on this day and ensure that trials could actually begin on Mondays. A recurring issue in motions in limine involves discovery.
- The judge currently assigned to the superior court criminal calendar is attempting to resolve some of these problems by establishing new court rules regulating the exchange of discovery, continuances, written offers prior to the pretrial conference and meet and confer sessions between counsel. Many observers have seen similar revisions in the past fail and predict the same outcome for these rules. The reasons for



this cynicism ought to be addressed head on: a bench with a strong consensus not just for the implementation but for the enforcement of procedures is a prerequisite to its success.

- Major efficiencies could be achieved through avoiding the setting of all preliminary hearings and misdemeanor readiness conferences at the same time and instead staggering them. While the court attempts to group cases by deputy district attorney, defense counsel, both appointed and retained, often have to make appearances in two or more different departments. Since the preliminary hearing or readiness conference cannot take place until all parties are present, delays are inevitable.
  - Payment of public attorney fees at the end of a case are not consistently ordered. Stockton Municipal Court has adopted the most formalized system for determining ability to pay and will make an order if there is financial ability. Some of the municipal courts send these orders to the probation department, even though the Office of Revenue Recovery is responsible for collection. Although the public defender keeps track of hours spent on a case, the superior court rarely orders payment of such fees.
  - The assessment of public defender fees at the end of a case should not be seen as a major source of revenue, given the indigency of a large percentage of defendants. Consistency in setting and ordering payments would, however, at least maximize collection of revenue that defendants are able to provide. A sliding scale fee system could create a flexible yet consistent approach.
- ◆ *Recommendation: Expand court coordination efforts to include assignment of municipal court judges to handle superior court criminal trials; cross assignment of administrative staff and integration of court administration.*

California Rules of Court, rule 991 requires even greater coordination efforts than those already implemented in San Joaquin County: By July 1, 1996, each county must submit a court coordination plan that maximizes the efficient use of judicial resources and the integra-

tion of all direct court support services. By fiscal year 1997, the courts must have a uniform set of local rules and a unified budget, as well as one executive officer to report to one presiding judge or executive committee. Effective court coordination requires much advance planning and discussion. Given the short timelines to achieve these objectives, court coordination efforts should begin immediately. As noted earlier, failure to implement rule 991 changes can result in loss of trial court funding and no new judgeships.

Even if rule 991 did not have these sanctions, the county's fiscal condition requires greater coordination to maximize the use of court resources, to avoid duplication of work and to improve the administration of justice. The reorganization of the superior court has resulted in fewer departments available to handle criminal trials when demand for trials, primarily as the result of the three strikes law, has increased. The county's only alternative to increase the number of trial departments at this time is the assignment of municipal court judges to handle superior court trials, which is readily feasible through the existing blanket assignment of judges to both courts by the Chief Justice.

As part of the coordination effort, the following areas should be considered:

- Development of a scheduling system to identify areas of "down time" for all judges and to determine availability for trial assignment.
- Implementation of procedures to obtain reimbursement for municipal court judges who hear superior court matters.
- Identification of areas where court support staff can be cross-trained and cross-assigned.
- Implementation of procedures to complete state prison commitment forms within 24 hours for all courts.
- Assignment of a partial caseload to the presiding judge to allow more time for court administration and court coordination and development of a selection procedure that allows those judges with the greatest administrative ability to act as presiding judge.

- Identification of court support areas that can be integrated, such as the creation of one arbitration panel for both courts.
- ◆ **Recommendation:** *The present administrative system should be further reorganized to give the presiding judge a less than full-time caseload allow more time for court administration and coordination.*
- ◆ **Recommendation:** *Determine the feasibility of a felony caseload management program.*

Earlier disposition of all felony cases, not just three strikes cases, will reduce demand for trial departments and lead to more time for attorneys to handle their cases. The courts can take the lead in the development of a felony caseload management program because they are the most neutral participants in the criminal justice process and have the broadest overview of caseload and caseload. A felony caseload management program would require the courts to:

- Create control of the caseload management system;
- Set time objectives for case disposition, such as 30 days for non strike cases;
- Increase the degree of judicial intervention and control over case progress, particularly at the pretrial conference;
- Enforce compliance with court rules regarding continuances and discovery (e.g., Prop 115 discovery requirements).

Elements of a felony caseload management system that would effectively address ILPP's findings include:

- Determination of indigence by PTS at the time of booking;
- Appointment of counsel prior to arraignment;
- Require the provision of the arrest report, criminal history and lab reports to defense counsel prior to the preliminary hearing;
- Require defense counsel and prosecutor to meet prior to the preliminary hearing (a pre-preliminary hearing conference);
- Stagger court hearings.

- ◆ **Recommendation:** Determine the feasibility of a differentiated case management program. (e.g. drug court)

A differentiated case management program is an alternative to the felony caseflow management program, although it has similar components. The premise of the differentiated case management program, also referred to as "fast tracking", is that certain kinds of cases rarely, if ever, go to trial. These types of cases are identified from court dispositions by charge and generally include most felony drug possession offenses and property crimes, such as possession of stolen property, theft, worthless checks and burglaries.

In recognition of the fact these cases will not go to trial, truncated procedures, such as shorter case disposition times with concurrently shorter intervals between hearings and early exchange of discovery are implemented after arraignment. Policies are developed to allow defendants to get out of the fast track system if the case involves more serious issues or extensive discovery is required. In contrast to felony caseflow management, differentiated case management can be expanded to misdemeanors and violations of probation.

- ◆ **Recommendation:** Eliminate the issuance of bench warrants for failure to appear in traffic infraction cases.

Procedures for dealing with failures to appear in traffic infraction cases differ within the county: some courts simply inform the Department of Motor Vehicles to put a hold on the offender's license; others issue bench warrants and impose additional fines. While persons booked on infractions with FTAs accounted for only 1% of the tracking sample, this proportion is significant in a system where the jail beds have been reduced by 5% and where such persons serve an average of 11 days after being sentenced.

The elimination of bench warrants in these cases poses little threat to public safety, since the original offense was only a traffic infraction. The sanction of having one's license suspended or registration blocked is probably a greater disincentive in San Joaquin County than the additional FTA charge. In terms of court support staff responsibilities, there would be a significant reduction in multiple computer entries for bench warrants and a resultant savings in time.

California law allows a civil assessment of up to \$250 to be attached to minor offenses, like traffic infractions, in lieu of issuing a bench warrant. This program could generate revenue.

- ◆ **Recommendation:** *Expand video arraignment to Stockton Municipal Court.*

Data from the pilot project should be collected to allow a complete evaluation of the program's cost savings in transportation and impact on defendants, defense counsel and case dispositions. In most jurisdictions, video arraignment has been extremely effective in reducing transportation costs with little impact on defense counsel or case disposition. The greatest savings in transportation costs can be expected if video arraignment is expanding to include Stockton Municipal Court.

Video arraignment should also be examined as a tool to control failures to appear. Defense counsel believe that the FTA rate is very low after appointment of counsel. Implementation of procedures to allow appointment of counsel prior to arraignment, filing of misdemeanor charges prior to release from jail and earlier arraignment could reduce the FTA rate.

- ◆ **Recommendation:** *Reduce the superior court trial backlog by assigning municipal court judges to handle superior court criminal trials.*

The increased demand for trials as a result of the three strikes law is inevitable and will exacerbate the superior court's case backlog. Effective case resolution depends on the availability of trial departments, and the number of trial departments in San Joaquin County can only be increased through the assignment of municipal court judges to handle superior court trials. There are no administrative or legal barriers to such assignment: The Chief Justice makes an annual blanket assignment and a recent court of appeal decision has confirmed the authority of municipal court judges under the blanket assignment to preside over superior court cases. (See also discussion on increased coordination of trial courts.)

- ◆ **Recommendation:** *Develop procedures for transfer (cross-assignment) of superior court support staff to assist municipal court staff in preparation of state prison commitment papers and superior court trials assigned to municipal court judges.*

Because the coordination agreement has resulted in more work for municipal court support staff, integrating the support staff for both the municipal and superior courts can lead to improved efficiency

through shared expertise and better distribution of workload. Other areas of staff integration should include preparation of court budgets to reflect coordination efforts, use of court reporters and court-appointed translators.

- ◆ **Recommendation:** Establish increased judicial control over case management and disposition.

Although ILPP recommends the implementation of a felony caseflow management or differentiated case management ("fast track") program, such programs cannot be effective without the exercise of greater judicial control to ensure cooperation by trial counsel. Such control can be exercised through increased pressure from the courts, including the imposition of sanctions, to make every hearing meaningful; instituting additional hearings for case monitoring, such as a pre-preliminary hearing conference and status conference; commitment to a uniform set of court rules, including those related to continuances and the exchange of discovery; hearing motions in limine before the trial date to add one additional day to the trial week; and staggering court hearings to minimize inconvenience to trial counsel and witnesses.

- ◆ **Recommendation:** Review fees and procedures for ordering costs in cases where counsel are appointed. Establish a practice of having the court automatically award costs.

Fees for appointed counsel, both public defenders and private attorneys, are a potential source of revenue for the county. The courts should lead a coordinated effort involving the county administrator, public defender, Office of Revenue Recovery and Lawyers Referral Service to develop a sliding fee schedule, determination of ability to pay and recovery of attorneys fees. The Lawyers Referral Service has been effective in monitoring costs for private appointed counsel and should be a good resource in the development of procedures for collection of attorney fees in appropriate cases. The county administrator should consider obtaining authority from the Board of Supervisors to order the public defender, who is appointed by the Board, to require all deputies to state costs and request an order from the court in appropriate cases.

- ◆ **Recommendation:** Consider the implementation of a "Day Fine" program for assessing fines.

*"Inadequate staffing in either the district attorney's or public defender's offices can lead to an inadequately prepared prosecution or defense and further requests for case continuation."  
- Jailhouse Blues, p.13*

A technique for addressing equality issues in fines for offenders with vastly different incomes is the Day Fine system. Under a day fine system, the judge first decides the number of "Day Fine Units" warranted for a specific crime, (a calculation determined by the nature and severity of the crime) and then determines the precise monetary value of each of those units through an evaluation of the offenders income. In this way offender fines are progressively scheduled – with more privileged offenders paying larger fines and less privilege paying less.

## B. District Attorney and Public Defender

### 1. Discussion

*"Another factor contributing to jail over-crowding, according to the [Blue Ribbon Commission on Inmate Management], is court delays in prosecution of cases."  
– Jailhouse Blues, p. 12*

In general, case assignment in both the district attorney and public defender offices can be vertical, in which one attorney handles the case from arraignment to disposition, or horizontal, in which cases are assigned by adjudication stage. In the district attorney's office, misdemeanors, felony trials and felony preliminary hearings are horizontally assigned. In recent years, however, the number of cases vertically assigned has increased, in large part because of grant funding. Categories of vertical case assignment include homicide, child sexual assault, child abuse, adult sexual assault, gang prosecutions, major narcotics, career criminal, domestic violence, auto theft, and fish/game.<sup>8</sup>

After an individual is arrested, the district attorney has responsibility for determining whether charges will be filed. This function is performed by the DA's various intake operations. For in custody detainees, charges must be filed within 48 hours. Weekly meetings with the preliminary hearing team provide feedback on charging decisions.

The office has eleven investigators, but they primarily work with the homicide unit and on the most serious cases. The investigation unit is headed by a chief investigator and also includes one person assigned to CRACNET and three investigative assistants, who primarily act as process servers, responsible for serving subpoenas on witnesses who will be called at trial.

8 The District Attorney's office has a juvenile unit, discussed in the juvenile justice needs assessment and a special operations division, which handles insurance fraud, economic crimes, consumer fraud, business affairs, environmental protection and drug asset forfeiture.

Half of the funding for the DA's office comes from the county general fund. The balance comes from Proposition 172 (22%), 15% from state and federal government (grants for special programs), and 7% from charges for service.

In contrast to the district attorney's office, the public defender's office has only one special unit, career criminal, to which one attorney is assigned. Most cases are handled through horizontal assignment to the felony trial, felony preliminary hearing and misdemeanor units. There is vertical assignment of some cases, including homicide, multiple count sex offender and complicated fraud cases, to the felony trial unit.

The public defender has eight investigators, which includes the unit's supervisor, who are responsible for follow-up investigation and jail interviews. Initial interviews of defendants released pretrial are conducted by part-time non civil service employees. Other than Proposition 172 it has very little funding outside of the county general fund.

In case of conflict, for example when there are multiple defendants who might implicate each other, the Public Defender cannot provide services impartially, and the county hires outside counsel through the Lawyers' Referral Service (LRS). In recent years the budget for court assigned counsel has been about half that of the Public Defender, and it is not supported by Proposition 172.

Between FY 1990-91 and FY 1993-94 the staffing in the DA's office rose from 146 to 149 and then fell back to 137. (Table 5.3) Felony filings in the muni courts rose by 13% in the same period, so that felony cases per DA staff member rose from 32 to 39 per year. However, the per-person misdemeanor caseload fell from 99 in FY 1991-92 to 85 in 1993-94, helping to offset the increased felonies. The Public Defender similarly suffered increased caseloads. In all major categories (felony, misdemeanor, and juvenile) the caseloads per staff member rose, most notably with felonies (from 57 to 78, or 37%).

Caseloads per staff member are unavoidably crude measures. Some offenses that are numerous (i.e., traffic) are omitted and there is no way to measure the relative complexity of cases. The intent of the table is not to compare the DA's and Public Defender's offices, but to show the growth of workload relative to staff resources over time.



TABLE 5.3 DA & Public Defender Staffing and Workload, 1990-91 - 1993-94<sup>9</sup>

District Attorney	1990-91	1991-92	1992-93	1993-94	1994-95
Superior Ct. *	3200	3500	1937	1288	
Muni Cts.-felony	4673	5277	5046	5298	5660
Stockton misdemean	9045	10681	8335	7459	7891
Lodi misdemean		1440	1680	1926	
MRET misdemean		2681	2236	2224	
Juvenile filings			3400	3069	
DA Staff	114.1	115.1	117.1	111.0	116.3
Superior cases per staff	28.0	30.4	16.5	11.6	
Muni felony filings per staff	41.0	45.8	43.1	47.7	48.7
Misdemean filings per staff		128.6	104.6	104.6	
Juvenile filings per staff			29.0	27.6	
(DA Staff - Criminal Prosecution only)					
Public Defender	1990-91	1991-92	1992-93	1993-94	1994-95
Felony cases	3370	3758	3884	4184	4200
Felony VOP **	1058	1543	1483	1660	1660
Misdemean cases	7273	8261	9124	8544	9100
Juvenile cases	2454	2625	2441	2468	2500
Public Defender Staff	78.2	77.7	85.4	75.1	76.1
Felony cases per staff	43.1	48.4	45.5	55.7	55.2
Felony VOP cases per staff	13.5	19.9	17.4	22.1	21.8
Misdemean cases per staff	93.0	106.3	106.8	113.8	119.6
Juvenile cases per staff	31.4	33.8	28.6	32.9	32.9

## 2. Intake and Charging Findings

*"Apparently a county-by-county application of the uniform Penal Code can yield strikingly different results in terms of incarceration rates. It might be assumed that if a crime rate in a county is high, more offenders would go to jail, producing a higher incarceration rate."*

*- Jailhouse Blues, p. 13*

- The district attorney's intake decision is made more difficult by inadequate arrest reports and untimely supplemental reports that either provide additional charging information or the results of technical field investigation. The lack of sufficient information delays filing charges until additional information is available.

<sup>9</sup> \* Data from annual budget narratives except DA's 1993-94 filings, which are from the California Judicial Council. \*\* This quantity is listed as "Superior Court Only" in the Public Defender's 1994-95 budget narrative. That terminology may cause confusion since in 1993-94 it was larger than the number of filings by the DA in Superior Court, which is obviously impossible. Here is one small illustration of the lack of uniform management data.

- Budget cuts are behind the district attorney's decision to file the misdemeanor charge of driving with a suspended license as an infraction unless the defendant has been arrested for drunk driving. Such a policy affects county revenues from fines: As a misdemeanor, driving with a suspended license carries a minimum fine of \$645, compared to \$270 as an infraction. However, as infractions these charges can be filed directly by law enforcement officers. The DA intends to resume filing these charges as misdemeanors pending budget appropriations to support required clerical staff.
- Within the district attorney's office, review of strike cases have added to workload. The most difficult cases to evaluate are petty thefts with priors (Penal Code section 666). The present offense may involve a relatively minor theft, but the defendant may have very serious prior convictions, such as robbery or assault.

*"Court delays, it should be noted, are not solely the responsibility of the court or its administration, but the result of a complex of factors involving staffing and case preparation among all parties to a trial - prosecution and defense attorneys, probation staff, law enforcement and others."*  
- Jailhouse Blues, p. 13

*"With respect to the impact of sentencing policies on jails, the percentage of offender dispositions that have jail as a condition of probation increased from 56 percent to 85 percent between 1975 and 1988."*  
- Jailhouse Blues, p. 10

### 3. Arraignment Findings

- Public defenders, who cover in custody arraignments at all the municipal courts, are appointed at arraignment. The standard for appointment of a public defender is "current ability to pay," and criteria for evaluating whether this standard is met are found in state court rules and statutes. In Stockton, defendants released pretrial who request appointed counsel must complete a financial statement, either in a court office staffed by volunteers or in the courtroom where the form is provided by the bailiff. For defendants still in jail custody, ability to pay is often determined through questioning by the judge.
- For misdemeanors, most cases are resolved at initial arraignment.—About 75 percent of the remaining in custody cases are resolved at further arraignment, which is generally held two days after appointment of counsel.<sup>10</sup> The majority of misdemeanor cases, however, involve defendants on pretrial release, and the disposition rate at this hearing is only about 50 percent. In contrast to felony cases, the district attorney's offer for case disposition is made at the

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10 The DA estimates that 60% to 80% of all misdemeanor cases are resolved at the initial arraignment prior to appointment of counsel.

pretrial conference, held on the same morning as further arraignment. The further arraignment is generally the first time that the public defender has met with the client, even though this hearing is set two weeks after appointment of counsel.<sup>11</sup>

- After the public defender is appointed, its investigators have limited access to detainees in the intake unit at the jail, where visiting is only allowed from 1 PM to 5 PM because of budget cutbacks in the Sheriff's Office. The current time schedule requires investigators to make two separate visits to the jail in a day, since at least half of its clients will be in the intake unit, where defendants are now held up to two weeks. The jail only has four visiting rooms per unit, so investigators meet with clients in other jail units early in the morning when other jail visitors are least likely to be present. Because all jail interviews could normally be completed in one morning, the extra jail visit has cut into the time these investigators need to conduct field investigation in pending cases.

#### 4. Pretrial Hearing Findings

- Penal Code section 1170.12 requires the district attorney to file all strike cases, but the district attorney has discretion to dismiss prior strike convictions, making negotiated pleas or earlier case resolution more likely. Dismissal of prior convictions can also make defendants in jail on relatively minor new offenses more likely to be eligible for pretrial release. Mandatory filing of strike cases has resulted in longer preliminary hearings, but this effect may be part of the system's transition and short-lived. The greatest impact of the three strikes law is on use of jail beds for pretrial detention, since the district attorney does not make any offers on three strikes cases and other strike cases are not resolved until the preliminary arraignment.<sup>12</sup>

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<sup>11</sup> The public defender will probably already have talked to the client prior to the further arraignment hearing; the jail also has a toll free number for inmates to use for calling the public defender's office. No substantive discussions about the case, however, are made until the morning of further arraignment when the district attorney's offer has been received.

<sup>12</sup> The district attorney reports that even in strike cases, pretrial release may be granted where neither the arresting nor the booking officer has information to determine a detainee's strike history.

- The district attorney's exercise of discretion to strike prior convictions is not made until either arraignment in superior court after the defendant is held to answer after the preliminary hearing or by the time of the pretrial conference.<sup>13</sup> As of February 27, 1995, the district attorney filed just over 500 second strike cases and approximately 210 third strike cases, but information in a majority of these cases are not being filed in superior court.<sup>14</sup> An indication of the number of cases where the district attorney does not file information comes from the public defender's caseload: From March to December 1994, the public defender was appointed in only 277 second strike cases and 93 third strike cases.
- The difficulty in obtaining criminal histories and review by a management committee to make decisions concerning three strike cases lengthens time to case disposition compared with non-strike cases.<sup>15</sup> The district attorney's own workload may be increased by having staff prepare summaries of criminal histories and case memoranda in these cases for the management committee to review.<sup>16</sup> The process of enforcing the law in this office, however, continues to evolve.

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13 Insufficient evidence can be based on failure of the office to receive corroborating documentation from other jurisdictions, incorrect information on CLETS about prior convictions and determining some prior convictions were not actually strike offenses.

14 In general, a felony offense is filed as a complaint in municipal court. After the preliminary hearing, the complaint is amended, generally to add enhancements, and filed as an information in superior court. Some felonies are filed directly in superior court after a grand jury indictment.

15 The DA also reports difficulty in obtaining documentation related to prior strike convictions, particularly from other counties or states. When documentation is not provided, the DA will strike the prior for insufficiency of evidence. Prior strike convictions can also be dismissed in the interest of justice, which requires a thorough analysis of the underlying facts of the prior convictions.

16 The district attorney's office has recently been restructured to add one more member to the management team and to reallocate existing administrative assignments.

- While defense counsel have been relatively successful with motions to strike priors, such motions are time-consuming and contribute to increased time for case disposition and jail detention. The greatest amount of time and effort are related to obtaining documents relating to prior convictions, of which the most important is the court reporter's transcript of plea and sentence; other documents needed to support a motion to strike priors include the minute order for the date the plea was entered, probation reports and diagnostic evaluations. In the most extreme case, document collection required the public defender to hold a case for at least six months.
- The language of 'three strikes' and need for additional time to obtain documentation for motions to dismiss priors has resulted in more defendants in jail being willing to waive time for trial. Three strikes allows only one day credit for five days served in state prison, while county jails allow one day credit for each day served. Approximately 40 percent, compared to 30 percent prior to March 1994, now waive time.
- The three strikes law has had little impact on the disposition of second strike cases; the district attorney makes offers on these cases, which are often accepted by the defendants. Overall, about 70 percent of all felonies are disposed of at the preliminary hearing.
- The Stockton municipal court's present policy of setting all preliminary hearings for a given day at the same time and in the morning results in all attorneys spending unnecessary time in court, since not all of the preliminary hearings will take place that morning. The understandable inability of the deputy public defenders to meet with their clients until the morning of the preliminary hearing contributes to delay.

## 5. Trial Findings

- Most cases set for trial, either misdemeanor or felony, are resolved on or just before the trial date. System inefficiencies have resulted in dramatic increases in average length of time for jail stays, which include both case adjudication and sentence. In 1992, ILPP found the average length of stay for defendants detained until time served on felonies

was about eight days; the ALS, based on 1994 data, has increased to 32 days. Releases under the court cap had an ALS of only eight or nine days, compared to nearly 24 days in 1994. There have been similar increases for misdemeanors: time served, ALS of nearly six days in 1992, 22 days in 1994; court cap release ALS of four to eight days in 1992, 11 days in 1994.

## 6. Organizational Findings

- Both offices have assigned two full time attorneys to each of the municipal courts in Tracy, Manteca and Lodi. The workload in these courts may not necessarily require such assignments by both offices; current staffing is justified by having one attorney cover hearings held at the same time in separate departments and providing back-up if one attorney is in trial or ill. The district attorney's workload in Lodi increased primarily by recently assigning one deputy to cover arraignments although attorneys also handle local intake in all satellite offices.

## 7. District Attorney and Public Defender Recommendations

- ◆ **Recommendation:** *Determine feasibility of a vertical case assignment system for both the public defender and the district attorney.*

Vertical case assignment is generally considered to be a more efficient use of resources than horizontal assignment. Ideally, vertical case assignment would allow the assignment of a team from each office to each court department and would eliminate the need for an attorney to be in more than one place at a time and time now spent by the court to group cases prior to assignment to departments for the preliminary hearing. The felony caseflow management plan in most jurisdictions is based on such assignment, with the attorneys being designated as the "case management team."

*"Those who are incarcerated represent hundreds of thousands of individual cases of failure to stay within the laws laid down by the state of California. They also represent failures of other resources and systems that, if working properly, might have kept people out of jail and prison."*

*— Jailhouse Blues, pp. 15-16*

- ◆ **Recommendation:** *Develop policies and procedures to minimize time required to make decisions regarding striking priors in strike cases.*

Both the public defender and the district attorney report that collection of documentation related to prior strike convictions is one of the most time-consuming consequences of the three strikes law. For the district attorney, the result is that the decision to strike priors is generally not made until the pretrial conference and after a meeting of the management committee. Both of these offices should work coop-

eratively to determine how the needed documentation can be facilitated, duplication of effort avoided and time saved. For example, PTS obtains criminal histories on felony bookings, which could be used by both the public defender and the district attorney. Moreover, PTS can obtain manual rap sheets from the Department of Justice within 3 to 4 days, compared to 1 to 2 weeks for other agencies. The same documentation related to prior convictions is needed by the public defender for preparing motions to strike priors and for the district attorney to make a decision to strike priors. Efforts should be coordinated to minimize such duplication and policies developed to protect confidentiality of records and attorney work product. The district attorney suggests exploring the possibility of determining any prior strikes at the time of booking. While this may not be possible given the time involved in making such a complete records check, it is worth finding out for certain.

- ◆ *Recommendation: Explore costs and benefits of agreements with city prosecutors in Manteca, Lodi and Tracy to handle arraignments in these courts and other areas of misdemeanor case responsibility to reduce district attorney workload in these courts.*

Government Code section 41803.5 allows city attorneys to prosecute misdemeanor violations of state law that occur within that city with the consent of the district attorney. Such an arrangement can reduce district attorney workload in these cities. The district attorney's office has the following concerns about such agreements:

- As a practical matter, transfer of these functions make little sense if the DA's workload cannot be reduced by an entire prosecutor's position.
- City attorney prosecution of misdemeanors may be more expensive because of the lack of the economies of scale achievable in the DA's larger established operation.
- City attorneys will need to develop policies and procedures to avoid both actual and perceived conflicts of interest, which is commonly achieved by designating one attorney or a division of attorneys to handle only criminal matters.
- City attorneys handling misdemeanors will not be accountable to the electorate.

This recommendation should be considered in light of a need to make drastic budget cuts only.

- ◆ **Recommendation:** *Ensure arrest reports and supplemental reports are complete and submitted in a timely manner.*

The District Attorney's Office should encourage law enforcement agencies to produce report writing manuals similar to those used by the Stockton Police Department and provide training on a regular basis.

- ◆ **Recommendation:** *Evaluate need for two attorneys from each office in the Tracy, Lodi and Manteca courts.*

Attorney staffing in the Tracy, Lodi and MRE municipal courts can be reduced by at least half a position in each court through some restructuring and coordination. Traditionally, the assignment of two attorneys from the district attorney's and public defender's offices has evolved from having two criminal departments in each court. These court calendars should be reviewed to determine if criminal and contested traffic hearings can be staggered to allow coverage by one attorney. Staff reductions in these courts would allow the public defender to increase coverage in the Stockton Municipal Court and to implement vertical case assignment. Centralization of intake functions in the district attorney's office could reduce workload in the outlying courts. The expansion of video arraignment to all the municipal courts would also facilitate the reduction of attorney staffing in these courts. This recommendation conceived in light of possible future crises.

- ◆ **Recommendation:** *Develop policies to ensure that settlement offers are provided to the public defender on all cases where offers can be made at least three to five days before the scheduled preliminary hearing and to require the public defender to discuss these offers with their clients prior to the hearing.*

This coordination effort will require assistance from the courts to ensure that settlement offers are provided by the district attorney in sufficient time to allow the public defender's attorneys to discuss them with their clients. At the same time, court calendars must be reorganized to minimize the time public defenders and other attorneys spend in court waiting for hearings to begin, which is exacerbated the current practice of scheduling most hearings for the same time. Time saved in court would give defense counsel more opportunities to meet with clients, although the economic and logistical realities of the existing system may also require defense counsel to meet with their clients at night or after court. There is an additional need for the jail



to notify the public defender when their clients are released under the court cap to minimize situations where the deputy public defender does go to the jail and the client is no longer there.

A related issue is developing a priority list for cap releases, consistent with the general terms of the consent order, that gives priority to defendants who have already appeared at the preliminary hearing over those who have not. Input for developing the priority list should be obtained from the courts, district attorney and public defender.

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# **VI. MANAGING THE OFFENDER**

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## VI. MANAGING THE OFFENDER: PROBATION AND ALTERNATIVES

### A. Overview

Although the Probation Department has 213 authorized positions, only 178 are filled: In the adult division, there are 27 probation officers supported by 24 staff. The juvenile division has 39 probation officers, who are supported by 14 staff. In addition to its adult and juvenile divisions, probation includes both Pretrial Services and ADAP. Related in purpose, but monitored by Health Care Services, is New Directions, a non-profit substance abuse residential program housed at the jail Honor Farm.

*"Prisons and jail population increases are also a likely result of a lack of intermediate sanctions or punishment options for judges, custody and parole authorities in making punishment decisions."  
- Jailhouse Blues, p. 5*

### B. Probation

#### 1. Description

The Probation Department provides several types of supervision for adult cases, including, in cooperation with the Health Care Services Department, the Alcohol/Drug Alternative Program (ADAP); it collects fees; it monitors diversion programs; it operates the Pretrial Services program at the jail, which gathers the information needed to make a decision on pretrial release; and it prepares presentence investigation reports to guide the judges in felony cases. The Department also has primary responsibility for the management of juvenile delinquency cases, including operation of the Juvenile Hall.

*"[Sacramento] County estimated the savings resulting from the existing incarceration alternatives for sentences prisoners at 340 beds in the county's jail system. Absent these programs, jail average daily population would increase by 28 percent."  
- Jailhouse Blues, p. 18*

The adult division is organized into four separate units: investigation, which is responsible for writing presentence reports and diversion evaluations; DUI; regular supervision and specialized supervision, which includes diversion monitoring, sex offenders, domestic violence, CRACNET cases, as well as three bank caseloads.<sup>1</sup> This division has been most affected by budget cuts, where supervision

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<sup>1</sup> Probationers in the bank caseload are required to mail in a monthly report and to call the probation officer if other services are needed. If a probationer reports regularly, he will be put on a non reporting status and will only be brought back into the system if there is a new arrest.

caseloads doubled to 500 cases per probation officer.<sup>2</sup> Efforts are now underway to reduce regular caseloads to 250 cases by increasing the bank caseloads to 1,000 and transferring cases involving only the collection of restitution to conditional probation, which is administered by a clerk.<sup>3</sup> The intensive supervision caseload for sex offenders will be limited to 160 cases.

Virtually all felony property offenses and misdemeanors not involving violence or lewd conduct will be transferred to the bank caseloads. These include second degree burglary and auto theft. Drug possession cases (cocaine and methamphetamines) may be transferred as well. Those cases that remain in the regular caseload where the probationer has complied with conditions of probation for one year will also be transferred.

Probation officers assigned to regular caseloads are responsible for reviewing financial requirements, such as fines, fees and restitution, and making sure the probationer meets reporting requirements. The probation officer will set the probationer up in a program if court-ordered and network with groups as needed for referrals. These cases may also require family counseling if the charge involved domestic violence. Probation officers have conducted urinalysis testing for about six years and will take urine samples when required by the court as a condition of probation.

Given caseload sizes, violations of probation are identified primarily through a review of bookings at the jail on CJIS. In domestic violence cases, violations of probation are more easily tracked because the probation officer has frequent contact with the victim and family. The state Department of Justice system for fingerprints and photographs has not been successful for tracking probation violations because of a backlog in data input. If operative, the system is designed to signal a "flash notice" on the computer to indicate that the arrestee is on probation in another county.

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<sup>2</sup> While the juvenile division has experienced its share of budget cutbacks, it receives substantial support for Juvenile Hall operations from federal funds (Title IV(a)) and for placements. Placements are funded through a "social services trust" to which the federal government will pay 50% and the state 20% of the costs for juveniles who are AFDC eligible. The juvenile division has also obtained private grants for special programs, such as the "Magic Me" program which pairs at risk juveniles with a resident of a convalescent home.

<sup>3</sup> The state standard for probation caseloads is 100 case per officer. For purposes of comparison, San Mateo County has intensive caseloads of 100 cases and bank caseloads of 250.

The DUI unit has a caseload of 9,000 to 10,000 cases, of which many are multiple offenders. This unit primarily monitors cases, assigning one staff person to each probation officer to keep track of fines and case history. Probation officers also act as liaison with DUI programs. The unit's cases come only from Lodi and the Stockton courts.

One probation officer is assigned to monitor all of the diversion cases, about 600 including 250 to 300 drug diversion cases. The Office of Substance Abuse is responsible for sanctioning drug programs for diversion treatment; only the Chemical Dependency Counseling Center and two private programs have been qualified.<sup>4</sup> Probation has statutory authority for sanctioning domestic violence programs; four have been approved. A person cannot be diverted into a domestic violence program if there has been a prior violent offense within the past 10 years; the former law only limited priors to the past seven years.

Evaluations for diversion programs are assigned to the investigation unit, which receives a monthly average of 39 requests for domestic violence evaluations and 73 drug evaluations. Based on the evaluations, 65 percent are diverted to drug outpatient programs and 73 percent to domestic violence programs.

At one time, the investigation unit completed presentence investigation reports (PSI) on all felonies. As an accommodation to the probation department because of budget cuts, the courts and attorneys have attempted to obtain waivers to the PSI as part of a negotiated plea. In such cases, the investigation unit only has to complete a Penal Code section 1203c report for the state when the defendant is sentenced to prison. The potential consequences of pleading to a "second strike" offense may reduce the number of such reports. The impact on the unit's caseload could be significant, since it now writes an average of 63 PSI reports compared to an average of 81 section 1203c reports. The problem is that probation is now getting people who waived the PSI in another case. If probation had done a PSI in that other case, it would probably have recommended that the person not be put on probation but be sent to prison.

*"[Sacramento] County estimated the savings resulting from the existing incarceration alternatives for sentences prisoners at 340 beds in the county's jail system. Absent these programs, jail average daily population would increase by 28 percent."  
- Jailhouse Blues, p. 18*

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<sup>4</sup> There are three general areas for program certification: assessment, program requirements (education, group counseling and referral to other agencies, if necessary), and program fees, which must be approved by the Office of Substance Abuse and based on a sliding fee schedule.

The investigation unit has been extremely successful in preparing timely PSI reports. If a defendant is in custody, state law requires the report to be completed in two weeks. The unit has its own filing standard of five days for felonies cases and two days for misdemeanors. This standard has been consistently met.

Since 1992, probation has assigned one probation officer to act as a volunteer coordinator to handle a domestic violence hotline. This program was funded partly by donations from local communities; it handles calls from the 48 northern California counties for referrals. In addition to recruiting and managing volunteers, the coordinator administers the "Magic Me" program.

As of March, 1995, a supervised release program, administered through Pretrial Services, will be implemented. This pilot project will operate for four months and will target inmates at the jail or honor farm who have been sentenced for violation of probation and are awaiting placement in a residential treatment program. Referrals for this project will come from superior court Department 12; a probation officer will be assigned to evaluate the eligibility of a defendant for supervised release. Those eligible for program will be placed on electronic monitoring and assigned to ADAP with intensive supervision by the probation officer until a bed is available in a treatment program. The most appropriate placement will be determined by a substance abuse counselor, who will also be responsible for notifying the probation officer when a bed is available and for transporting the defendant to the program. There are currently 22 people in the jail who meet the screening criteria.

## **2. Workload and Staffing**

The probation department performs several distinct functions. Besides adult probation it operates the PTS program and has responsibility for both the management and the detention of juvenile delinquents. Information is available for FY 1988-89 through 1993-94. Neither staffing nor workload indicators have followed a steady growth path; there are seemingly random ups and downs in all of them. (Table 6.1)

TABLE 6.1 Probation Workload Information by Function, 1986-87 to 1993-94

Workload Area	86-87	87-88	88-89	89-90	90-91	91-92	92-93	93-94
<b>Juvenile Division</b>								
Referrals	6878	7155	7799	8158	6614	6703	6608	6600
Caseload	818	778	978	874	869	1098	732	843
Staffing			53.4	53.8	42.5	52.5	60.8	50.8
Referrals per			146.0	151.6	155.6	127.7	108.7	129.9
Caseload per			18.3	16.2	20.4	20.9	12.0	16.6
<b>Adult Division</b>								
Referrals	8022	8084	7444	7208	7309	7400	7413	6690
Court reports	6118	6899	6564	7924	6115	6739	7436	7170
Caseload	12180	15104	16061	15722	14300	14895	14525	14010
Staffing			53	58	59	61	59	54
Referrals per			139.9	125.4	124.9	122.3	126.1	124.3
Reports per			123.4	137.8	104.5	111.4	126.5	133.3
Caseload per			301.9	273.4	244.4	246.2	247.0	260.4
<b>Juvenile Hall</b>								
Admissions	3327	3357	3228	3474	3307	3330	3336	3384
ADP	125	135	137.0	134.0	131.0	160.0	153.0	101.0
Staffing			94.3	93.4	86.4	108.4	107.6	71.3
Admissions per			34.2	37.2	38.3	30.7	31.0	47.5
ADP per			1.45	1.43	1.52	1.48	1.42	1.4

Adult probation staffing rose from 53 in Fiscal Year 1988-89 to a peak of 61 in 1991-92 and has fallen back to 54. Referrals and court reports have roughly followed the same pattern, with the result that per-employee referrals and reports have not changed much. The supervisory caseload has fallen, and caseloads per employee decreased after 1988-89, though they may have begun to rise again in the last year. Felony screening by Pretrial Services has risen but misdemeanor citations have dropped substantially in the last year.

Juvenile referrals peaked from 1988 to 1990 and fell to a lower plateau in 1991. Despite sharp fluctuations in staffing, the per-employee referrals appear to have settled at a lower level in the last three years. The supervisory caseload has also fluctuated, with the result that there is no discernible pattern to per-employee caseloads.

Juvenile Hall admissions have been essentially constant for eight years. The Hall population has fluctuated according to the availability of space and of counselors, and the juvenile to staff ratio has been very steady at 1.5 inmates per staff member.

### 3. Probation Findings

- Budget cuts and fiscal crisis has been heavily felt by the Probation Department, an agency that has endured perhaps the most serious cuts relative to the size of its overall budget. The impact on probation has been a realignment

*"A understaffing of probation officers, for example, can prevent timely completion of sentencing reports."*

*- Jailhouse Blues, p. 13*

of mission, particularly in the juvenile area. Probation's continued vulnerability to cuts makes a point larger than the obvious impact on this office: under financial strain, non-incarceration programs are the first and most often to suffer. This has consequences for a county's criminal justice philosophy and its long-term impact on offenders. These consequences are often not considered adequately under the tense and immediate demands to make ends meet.

*"It costs \$70,000 to build a new jail cell and \$20,000 a year to house a prisoner, doesn't it make sense to spend a little more money in probation staffing so that sentencing reports can be produced more timely to allow prisoners to move through the system more rapidly."  
- Jailhouse Blues, p. 26*

- Even at 250 cases, probation supervision caseloads are too large to allow the probation officer to conduct meaningful supervision. Despite considerable efforts to reduce caseloads, these caseloads can be expected to increase simply because new grants of probation and bench warrants/probation revocations far exceed the number of cases terminated: There are an average of 522 new cases each month with 400 bench warrants/revocations, compared to only 466 terminations.
- The short-term policy in response to budget cuts, of obtaining waivers of a PSI report may have a negative long-term impact: Probation is now getting cases where the defendant waived the PSI report on another case, but whom probation would have found unsuitable for probation supervision had a PSI been completed.
- Urine testing, which now requires up to two hours a day of a probation officer's time, could be transferred to a trained technician or another county agency, such as the Chemical Dependency Counseling Center to reduce costs and to give probation officers more time for case supervision.
- The goal of the supervised release program is to reduce the use of jail beds, but there may be less expensive alternatives. Inmates sentenced to serve a specified amount of time in jail, such as one month, prior to placement in a treatment program, have received "Sheriff's parole" if a bed becomes available before the sentence has been completed. The combination of electronic monitoring and attendance at ADAP also should be reviewed as an alternative to incarceration.



#### 4. Probation Recommendations

- ◆ **Recommendation:** Restructure the probation department to give priority to juveniles and to de-emphasize adult supervision.

*"To what extent does the existence or absence of incarceration alternatives affect jail populations?"*  
– Jailhouse Blues, p. 26

The increased cost of providing criminal justice services in the face of decreased resources requires the restructuring of traditional agencies and provision of services. The most obvious agency for such restructuring is the probation department where adult supervision caseloads doubled to 500 per probation officer. Probation has recently implemented procedures to reduce caseloads to 250, but this number is unrealistic for providing supervision and intervention at a sufficient level to protect the community and to rehabilitate the offender.

Restructuring the probation department in the following manner would result in better allocation of resources to those areas where probation is now most effective.

- ◆ **Recommendation:** With the exception of cases involving very serious offenses, such as sexual assault and domestic violence, assign all adult supervision cases to a bank caseload for monitoring purposes only.
- ◆ **Recommendation:** Limit adult supervision to intensive supervision of only the most serious offenses.

Probation should identify those cases involving very serious offenses that are most appropriate for an intensive supervision caseload. All other cases should be placed in a bank caseload to be monitored by a clerk to identify violations of probation to be returned to the court for further action.

- ◆ **Recommendation:** Develop policies for violations of probation that limit the number of warrants sought for cases involving failure to pay program fees.

*"To what extent does the lack of probation staffing inhibit the effectiveness of intensive supervision?"*  
– Jailhouse Blues, p. 26

Criminal justice observers note that there is an increasing number of cases where violations of probation are filed for defendants who do not pay program fees, specifically domestic violence and drinking driver treatment programs. These cases require a substantial amount of probation officer time to work with the defendant and the program to determine ability to pay and to obtain documentation for the court to make an order that no fees are required. Some observers

believe that the domestic violence programs are the most flagrant violators of the sliding fee schedule, one of the requirements for a program to be sanctioned. Efforts should be made at the "front end" of the adjudication process to minimize the use of system resources for failure to pay program fee cases:

- Determine ability to pay program fees at the same time public defender eligibility is evaluated
  - Set the amount of fees to be paid, based upon ability to pay, by court order
  - Require treatment programs to have a time schedule for payment of fees over a longer period
  - Monitor treatment programs to ensure that the sliding fee schedule is reasonable and applied
- ◆ **Recommendation:** *Reduce the amount of time needed to complete PSI reports and for holding the PSI hearing.*

The superior court estimates that 28 presentence days are saved by waiver of the PSI report by defendants sentenced in the municipal courts. The corollary is that cases involving PSI reports require 28 days for the report to be completed and reviewed by the court. If probation completes the PSI report within five days for felonies and two days for misdemeanors, as is done consistently now, the court sentencing hearing can be scheduled much earlier, for example within two weeks after the defendant is found guilty or when the report is requested.

- ◆ **Recommendation:** *Identify areas of probation responsibility that can be handled by clerical staff instead of a probation officer.*

Some probation functions are primarily monitoring a defendant's progress on the computer and are suitable for transfer to clerical staff for handling. In DUI cases, probation is already considering the transfer of some monitoring duties to clerks. Technicians or another county agency could do urine testing instead of probation officers. These and other aspects of probation caseloads should be evaluated for feasibility of transferring case duties to clerks or other agencies that can handle these responsibilities at less cost than a probation officer's time.

- ◆ **Recommendation:** *Collect and evaluate data on the pilot supervised release program to allow development of policies that limit supervised release only to the most appropriate cases and expansion of the supervised release program through less costly alternatives.*

At present, the supervised release program is directed at defendants who violate the conditions of their probation and are remanded to the jail by the court until a bed in a treatment program is available. The program incorporates frequent contact with a probation officer while the defendant is on electronic monitoring and assigned to ADAP. Consideration should be given to creating test groups within the study to determine whether probation officer contact is required in all cases. For example, one group could be assigned to ADAP only with little or no contact by the probation officer but required to submit to urine testing at regular intervals. Increased supervision would only be required if there is a positive urine test. Since probation supervision is the most costly component of the supervised release program, such a policy would limit supervision only to those cases where the defendant is at the greatest risk of relapse.

- ◆ **Recommendation:** *Some probation officers should be directly assigned to the courts to perform responsibilities mandated by statute, such as preparation of PSIs and PC 1000 diversion evaluations.*
- ◆ **Recommendation:** *Some probation responsibilities should be transferred to other agencies with corresponding adjustments to their budgets:*
  - Urine testing - Chemical Dependency Counseling Center
  - PC 1000 reports - PTS (as an alternative to probation officers)
  - Collection of restitution and fees - Office of Revenue Recovery
  - Reports from treatment programs - court staff
- ◆ **Recommendation:** *Implement programs for supervised OR and supervised release to be staffed by probation officers to control the FTA rate and minimize use of the jail for persons sentenced to a residential treatment program.*

## C. Pretrial Services

### 1. Description

Pretrial Services (PTS) is budgeted for 11 full-time employees, but only four positions have been filled with full-time staff: These include the assistant supervisor and three shift supervisors. The unit is headed by a probation officer. All of the interviewers are part-time employees, who do not receive any benefits. Only one interviewer is assigned to cover the day shift, but two are assigned for the swing and graveyard shifts.

Table 6.2 Pretrial Services Workload Information, 1987-88 to 1993-94

Pretrial Services	87-88	88-89	89-90	90-91	91-92	92-93	93-94
Felony	4630	7896	8479	8621	8651	10709	9344
Citation	11902	12873	13281	13691	13751	14189	10322
Staffing			16.5	11.5	13.7	14.6	13.6
Felony per			513.9	749.7	631.5	733.5	687.1
Cites per			804.9	1190.5	1003.7	971.8	759.0

The jail currently has a pre-booking process, and a PTS release review is the first step. While PTS staff is collecting its information, jail staff obtain medical information from the arrestee. The system is designed to keep as many arrestees in the pre-booking area until PTS information collection and release are completed, but delays in verification of information have resulted in felony arrestees being moved to the jail's intake unit before the release decision has been made.

PTS has the authority, established in the court cap order, to release all persons booked on misdemeanors, with the exception of lewd/indecent exposure, domestic violence and detainees with three or more FTAs.<sup>5</sup> For misdemeanors, PTS runs a warrant and DMV check and then submits these cases to the Sheriff's booking officer to effect the release. If the arrestee has an outstanding FTA warrant, the warrant is served at the time of pre-booking and added as another charge. Prior to release, PTS staff give the arrestee a court date to appear on the current offense, as well as any FTA warrants. In some cases, the arrestee may have up to three court dates in three different courts.

PTS packets (interview, criminal history, review of supplemental arrest report) must be completed on all felonies and misdemeanor domestic violence cases. The court cap order has established three levels of offenses, and PTS has authority to make own recognizance (OR)

<sup>5</sup> Persons with holds, such as parole, are not eligible for release, regardless of the nature of the current offense.

releases for both level one and level two offenses. Level one offenses are primarily theft/property, auto burglary and drug possession offenses; PTS can release these arrestees on OR without verification of information. Level two offenses include commercial burglary, possession of drugs for sale (depending on the amount of drugs involved) and auto theft; PTS can make an OR release when information has been verified. All other felonies fall under level three and must be submitted to the duty judge after the PTS packet has been completed and verified.

PTS currently averages 100-110 level one and level two OR releases each month. Most of these releases are for level one offenses: Data from 1993, the only data currently available, showed a monthly average of 82 level one and 5 level two releases. Close to one-third of all OR releases failed to appear in court.<sup>6</sup> The number of OR releases has increased because of amendments to the court cap order adding more offenses to levels one and two and because some interviewers had been processing level one offenses as level twos or sending level one packets to court.<sup>7</sup>

The workload for PTS has increased over the past two years with the addition of new responsibilities, despite the loss of three staff positions. PTS now conducts probable cause hearings over the telephone with the duty judge, beginning on Thursdays; the telephone hearings are also used to assist the judge in making an OR decision. The agency also receives several "special requests" from the courts. Special requests may involve cases where the defendant is going to trial; the defendant has been bound over to superior court or the original misdemeanor charge has been increased to a felony. PTS staff generally must complete special request investigations within 48 to 96 hours and are often not given advance notice even though staff time for these special requests is limited.

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<sup>6</sup> This is a substantial increase in FTA over the appearance of rates found by ILPP in 1992, based on 1990 date (8% for all pretrial felony releases), and PTS' own estimate of 18% (excluding ADAP) for 1992.

<sup>7</sup> These modifications are generally the result of meetings between the head of PTS and the judge assigned to the jail lawsuit. The most recent changes in late February 1995 moved auto theft from level one to level two, but substantially increased the amount of drugs in possession for sale cases, ranging from 4 to 28 grams, for eligible releases under level two.

## 2. Pretrial Services Findings

*"A recent joint report by the Sacramento County Sheriff's Department and the County Administration and Finance Agency concludes that existing pretrial incarceration alternatives resulted in an estimated saving of 467 beds in the county's jail system. These alternatives included city police citation and release, jail citation and release, the elimination of public inebriate bookings, expedited release to other agencies, own recognizance (OR) release and felony reduced citations."  
- Jailhouse Blues, p. 17*

- PTS packets are often lost between the time a defendant appears in municipal court and is sent to superior court; most of these lost packets involve cases from municipal courts in Lodi and Stockton. In reconstructing the packets, PTS staff must conduct another interview, adding one to two days to the process.
- Not all felony arrestees are interviewed by PTS: many of the arrestees speak only Spanish and a bilingual interviewer is not always on duty. The problem may be compounded by the imminent departure of one of the two Spanish speaking interviewers. The PTS interviewer assigned to the courthouse also encounters the same problem, but this is due to the unwillingness of court interpreters to provide translation assistance.
- The PTS courthouse interviewer used to do three to four interviews a week, but this number has dropped dramatically. In some cases, the court clerk sends paperwork to the interviewer after the detainee has already been returned to the jail. Courthouse interviews can be a very expedient way to verify information because family members are often present with the defendant. The PTS process, however, cannot be completed at the courthouse office because the current printer cannot print out CLETS criminal histories; these must still be obtained from the office at the jail.
- The computer equipment in the PTS office is inadequate and outdated. As a result, PTS is unable to track cases for failures to appear. The prior manual tracking system, where PTS provided a card for court staff to complete showing next court date has been discontinued with the implementation of CJIS. All court dates for persons who are released by PTS are written down and sent to the appropriate court through interoffice mail.
- Bail amounts assigned by CJIS may be inaccurate, especially with multiple charges. Manual override is not possible.
- No data are regularly maintained by PTS to monitor its operations. The lack of such data may be related to the existing computer system, but there are also no efforts to manually record PTS activity on a consistent basis.

- PTS has primary responsibility for felony pretrial releases in San Joaquin County. Level three releases (those submitted to the duty judge or OR) are rare, although some judges are more likely than others to authorize such releases.
- Criteria for OR release may still be too stringent. The majority of PTS OR releases are for level one offenses. There are only a small number of level two releases, but these cases are subject to release criteria that make anyone with three FTAs in the past five years ineligible for release.<sup>8</sup> Where such a history is the only factor for ineligibility, this criterion should be further evaluated to determine the nature of the prior FTAs.
- There has been no increase in the proportion of OR releases for felonies since ILPP's 1992 study, but such releases are being effected much more quickly: 80 percent within two days, compared to nearly five days for court OR in the 1992 study.<sup>9</sup> The overall ALS of 4.5 days from the 1994 data, however, indicates that some defendants do not obtain court OR until much later in the adjudication process.
- The jail's classification and population management units perform work that is duplicative of PTS', primarily running prior criminal histories. Jail classification staff will even use the PTS terminal to obtain criminal histories. Such duplication of effort is unnecessary and a waste of time and resources. Better coordination among PTS, classification and population management is needed.<sup>10</sup>

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<sup>8</sup> Comments from the County Counsel indicate that this is no longer the policy, but interviews with PTS staff confirm that it is still used as a screening criterion.

<sup>9</sup> Most OR releases were made by the court in 1992, instead of PTS.

<sup>10</sup> At the beginning of the ILPP study there was clearly a need for greater coordination between PTS, classification and population management. Recently the Sheriff's Department initiated meetings of the Law and Justice Operations Group to improve coordination between these activities.

- PTS policy of using temporary staff as interviewers may be another short-term budget response that will prove costly over the long run.<sup>11</sup> The use of part-time employees has resulted in high turnover among these staff, which impacts on pretrial operations, particularly in training time and costs.<sup>12</sup> Because these employees work at the jail, background checks that cost at least \$300 are required. Probation also requires a psychiatric test. Interviewer training includes 48 hours on the CLETS terminal, as well as on-the-job training on how to read rap sheets, run record checks, use the computers and conduct interviews. Such training may require three weeks to one month. Lack of familiarity with the court cap order that allows PTS to release all level one offenses without verification of information may have been related to new staff.

### 3. Pretrial Services Recommendations

- ◆ *Recommendation: Develop policy and procedure with Sheriff's Office to allow PTS to keep prior criminal histories and DOJ manual rap sheets in the office to minimize "reinventing the wheel" type of work.*

PTS reports that much time could be saved for its staff if prior criminal histories and manual raps sheets from DOJ were kept on file in its office. The Sheriff's Office's concern about confidentiality of these records could be alleviated by a locked file cabinet box in the PTS office or area adjacent to the office. Space concerns can be addressed by removing all CLETS criminal histories after a certain time period, such as the time required for CLETS to update its own files or when a new conviction is most likely to be added to the criminal history. Because there is no time lapse problem with DOJ manual rap sheets, these could be kept indefinitely or for much longer periods.

- ◆ *Recommendation: Move all low minimum pretrial detainees to the Honor Farm to allow more space in the main jail to house serious offenders who have been sentenced.*
- ◆ *Recommendation: Move all minimum security inmates from the Honor Farm to alternative programs, such as electronic monitoring and day reporting centers.*

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11 PTS indicates that some progress has been made on this issue.

12 Many of these employees leave to obtain full time employment with other city and state agencies. At present, two other interviewers will be leaving to take positions with the CYA.



- ◆ **Recommendation:** Develop a "chain of custody" for PTS packets to minimize their getting lost after being sent to court.

Duplication of work results in lost time and unnecessary PTS staff resources. Since most of the lost packets involve the courts in Lodi and Stockton, procedures should be developed to determine how and when they are getting lost or misplaced, both in the municipal court and at the time the case is bound over to superior court.

- ◆ **Recommendation:** Develop policies and procedures for PTS interviews at the court to minimize time needed to complete PTS packets and to reduce a defendant's pretrial length of stay.

PTS interviews at the courthouse can minimize the amount of time PTS staff spend to complete their packets and concomitantly the amount of time an eligible offender must stay in jail before pretrial release. A more comprehensive pretrial release system would give the courts more control of such releases, an important element lost through the cap releases. Greater use of PTS at the courthouse will not result in an increase in staff, since one interviewer is already assigned to the courthouse but is seldom used. Current PTS procedures should be augmented as follows:

- Make court appointed translators available to assist PTS staff in interviews.
  - Develop procedure for PTS staff to meet with judge prior to arraignment to discuss eligibility of detainees for pretrial release and what additional information the court needs to make a release decision.
  - Install an appropriate printer at the PTS courthouse office to allow PTS staff to print prior criminal histories.
- ◆ **Recommendation:** Review PTS release criteria for consistency with the court consent order and reasonableness.

PTS release criteria are developed with the assistance of the judge supervising the jail lawsuit. PTS staff continue to use a criterion that all persons charged with a level two offense who have a history of three FTAs in the past five years are ineligible for pretrial release, despite the belief by some that this policy was abandoned several years ago. The current court order is modified regularly to expand the categories of offenses in level one and level two. Such modifica-

tion, however, is undermined by release criteria that may be inconsistent with the order or more stringent than required to protect the public. These criteria should be reviewed and revised as needed, as well as reported to other criminal justice agencies to enhance system understanding of PTS operations.

- ◆ **Recommendation:** *Coordinate the activities of PTS with the jail's classification and population management units to eliminate duplication of work.*

The Sheriff's Office reports that coordination efforts among PTS, classification and population management has begun; focus of this coordination should be on ways to eliminate duplication of activities, including but not limited to running prior criminal histories and the exchange of information obtained by PTS during interviews that would affect housing assignments, such as gang affiliation. Such coordination can also result in the development of priority lists for population capacity releases, giving first priority to cases where PTS would have recommended pretrial release to a duty judge.

- ◆ **Recommendation:** *Eliminate as much as possible the use of temporary employees within PTS.*

Training costs can be minimized, morale increased, and program inefficiencies related to staff turnover reduced by hiring more permanent employees. PTS reports progress has been made in this area and should continue its efforts to move toward a permanent full-time staff, since these position have already been funded.

## D. ADAP and Other Substance Abuse Treatment Programs

### 1. Description

*"The [Blue Ribbon Commission on Inmate Management]...concludes that drug abuse is the single most significant factor contributing to a pattern of crime, arrest, incarceration, release and return to criminal activity."  
- Jailhouse Blues, pp. 5-6*

In addition to the director, ADAP has four full time counselors, two part time counselors, and one temporary clerk (35 hours per week). The drug abuse counselor works half-time for ADAP; the rest of his salary is paid by the public defender. Counselors are trained to take urine samples, but the actual testing is conducted by staff at the Chemical Dependency Counseling Center.

ADAP is now located in the former women's jail, but the facility has only been partially remodeled for ADAP's use. The treatment program component is still the same as that found by ILPP in 1992, but there is more structure: Sunrise School, a county school program, provides computer training and living skills, in addition to classes

that will assist participants in obtaining a GED. The volunteer work program has been very successful; ADAP participants have helped move county departments and are responsible for setting up and taking down booths for the "Sugar and Spice" festival.<sup>13</sup>

ADAP now has room for 200 to 225 participants.<sup>14</sup> An average of 94 to 96 persons are on site with another 40 to 50 who are assigned to ADAP but work or attend school during the day. The average age of ADAP referrals is 28 to 29; about 80 percent are pretrial.

TABLE 6.3 ADAP Workload Information, 1989-90 to 1993-94

ADAP	89-90	90-91	91-92	92-93	93-94
Admissions	724	672	640	762	1344
Average Daily Attendance	51	55	69	80	170
Staffing		4	4	5.3	5.8
Admits per		168.0	160.0	143.8	231.7
Attendance per		13.8	17.3	15.1	29.3

ADAP's activities are overseen by a steering committee that meets every quarter. Members of this committee include several judges from the municipal court, a superior court judge and representatives from probation, PTS, district attorney, public defender and Office of Substance Abuse. ADAP may be the transition agency for the proposed drug court. The director is currently working on a system to fax progress reports directly to the court.<sup>15</sup>

ADAP continues to be one of the only county operated programs that serves only persons going through the criminal justice system. New Directions, established through the private sector, provides 15 beds for referrals from the court in exchange for use of county property;<sup>16</sup> an average of 10 to 12 beds are actually used. In 1994, New Directions provided the county 3000 bed days or the equivalent of \$60,000

*"Justice system professionals are increasingly noting that the "war on drugs" itself - with its emphasis on ever-stronger enforcement and incarceration rather than on prevention and treatment - is a factor in the skyrocketing growth of jails and prisons."  
- Jailhouse Blues, p. 6*

13 Insurance for ADAP participants who provide volunteer work is paid by the participating agency.

14 To accommodate 200 participants, ADAP's current staff would have to be increased by one half-time employee.

15 ADAP currently provides the participant with a letter to be taken to court, but those receiving negative reports have less incentive to actually produce them in court.

16 New Directions operates out of Barracks A, B and C of the Honor Farm.

in services, based on an average cost of \$20 per bed day. Operating funds for New Directions comes from housing parolees through a subcontract that is administered by the Office of Substance Abuse.<sup>17</sup> Although the contract with the county is based on bed days, the Department of Corrections pays for 15 slots and briefly cut this number to 9 in August 1994. Figures from the 1993-94 annual report showed 116 admissions and only 21 completions, but these data reflect only a partial year since New Directions did not begin operations until March 1993. In 1994, about 38% of the court's referrals, who are primarily sentenced defendants, successfully completed the six month program, a rate that is comparable to other county treatment programs. Because New Directions has been licensed to provide services for 48 people, it has the potential of increasing the number of treatment beds in the county at a relatively low cost.

The Office of Substance Abuse operates three residential treatment programs, and about 50 percent of the beds in the two largest programs, Recovery House and the Residential Drug Program, are occupied by court-ordered placements. This proportion, however, includes not only defendants sentenced through the criminal courts, but also Child Protective Services (CPS) cases, where parents must complete a treatment program to regain custody of their children. At present, CPS cases are probably given greater priority for bed space than defendants sentenced to jail time before placement.<sup>18</sup>

The number of residential treatment beds in the county is very limited: The county operated programs have a total of 186 beds; two private programs, The Salvation Army and St. Joseph's Hospital have 76 and 13 beds, respectively. The waiting list for the Residential Drug Program is a minimum of three months, while Recovery House has a shorter time of four to six weeks. Jail inmates are placed on the waiting list after evaluation by the drug abuse counselor for the most appropriate program; unlike members of the community, those in jail do not have to call the program to remain on the waiting list.

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17 The amount of the county's contract with the Department of Corrections for housing these parolees will be \$215,000 for fiscal year 1994-95.

18. Upon reporting to the treatment program, the CPS referral may be placed in a detox center or half way house to await a bed that may become available in a few days.

## 2. ADAP Findings

- ADAP's program and operations show significant improvements since ILPP's 1992 report: Based on data compiled by court staff in April 1994, none of the people assigned to ADAP had any new offenses for the period July 1993 to December 1993. The FTA rate for persons reporting to ADAP is down from 36 percent (1991-92) to 13 percent. FTA for court appearances have not been a problem because the participant is already at ADAP and is either taken or sent directly to court. Some of this may have resulted from closer coordination between the courts and probation and a more structured program.
- There is a critical need for coordination between the jail and residential treatment programs, as well as ADAP.<sup>19</sup> A list recently provided to the Office of Substance Abuse contained 31 inmates who had completed their jail sentences and were awaiting placement in a residential treatment program. About half of these individuals could have been placed as soon as their sentences had been completed in the Salvation Army, Delancey Street and the Veteran's Hospital in Pleasanton. (These programs had been selected for them by the drug abuse counselor.) Of the remainder, the Office of Substance Abuse could have notified the jail when a bed was available if it had been informed of the expected release date. Greater coordination and cooperation between the jail and the Office of Substance Abuse could lead to earlier placement and reduced use of jail beds.

*"The Blue Ribbon Commission reported that a National Institute of Justice Drug Use Forecasting Project in San Diego and Los Angeles revealed that more than 70 percent of arrestees for all types of crimes tested positive for drug use (excluding marijuana) at time of arrest."*

*- Jailhouse Blues, p. 5*

## 3. ADAP Recommendations

- ◆ **Recommendation:** *Increase the ADAP program capacity by adding one half-time person.*
- ◆ **Recommendation:** *Expand ADAP's program capacity to allow for more control over pretrial and cap releases*

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<sup>19</sup> Comments from the Sheriff's Office on this issue confirm the need for improved coordination. The Sheriff indicates that inmates referred to treatment programs are never sentenced to the jail, but are merely held until a treatment bed becomes available and cannot be released pursuant to the court order. Although the Office of Substance Abuse is contacted, the Sheriff's Office is often told no treatment beds are available.

ADAP has substantially improved its program performance and is a reasonable low-cost alternative to the use of the jail. Its current capacity can be doubled simply by adding one half-time employee.

- ◆ **Recommendation:** *Coordinate the exchange of information and development of policies to facilitate the transfer of detainees and inmates to ADAP and residential treatment programs.*

The problem of defendants in jail who could have been transferred earlier to a treatment program is primarily one involving lack of follow through. The exchange of information between the jail and ADAP and residential treatment programs would lead to earlier transfer; responsibility for providing liaison with these programs can be assigned to the population management unit.

In the long term, consideration should be given to housing inmates at the Honor Farm who have been sentenced to a residential treatment program with explicit recognition that "Sheriff's parole" can be used prior to completion of an inmate's jail sentence if a treatment bed becomes available.

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# VII. MANAGING THE SPACE

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## VII. MANAGING THE SPACE: CRIMINAL JUSTICE FACILITIES

This chapter introduces ILPP's primary findings and recommendations about justice facilities and space use in San Joaquin. The underlying data upon which it is based was presented in Report I: Demand on the System.

### A. Detention Facilities

In achieving an efficient use of detention facilities, the available housing and custody staffing, inmate classification and inmate population demand must be taken into account. Staffing and housing are scarce resources, while inmate population seems to constantly expand.

Staffing is by far the largest element of long-term detention facility cost. A National Institute of Corrections study demonstrated that, for a thirty-year life cycle, staffing accounts for 70-80% of total cost, while construction accounts for only 9-10% of total cost. Pretrial and post-sentence incarceration alternatives mitigate the demand for jail space.

Four objectives for efficiently using resources guide ILPP's recommendations for space use:

1. **Optimize the efficient use of custody staff.**
2. **Use available housing in the most rational way to achieve best fit between security needs and inmate sub-populations.**
3. **Reduce overcrowding in the main jail.**
4. **Reduce or attenuate the need to build and staff expensive high security housing.**

#### Current Facilities

In January, 1995, the Sheriff's Office had a system capacity of 1214 rated beds (the main jail and Honor Farm) with an average daily population of about 1170 - 1190. By April 1995, the department will reopen three 70-bed barracks buildings (D, E, F), and system capacity will increase to 1424 beds. Total capacity, including this addition, is summarized in Table 7.1.

*"Beyond the notion that incarceration rates have something to do with the jail space available is the suspicion that jail incarceration rates are a reflection of local community standards. If this is true, local public policy – rather than generally applied absolute standards of justice – is a major influence in the jail overcrowding issue."  
– Jailhouse Blues, p. 15*

*"One of the keys to a decision to incarcerate involves the availability of jail space. For example, seven of the 10 counties that have low incarceration rates are also under court-ordered population caps. How many decisions not to incarcerate were influenced by no room at the jail?"  
– Jailhouse Blues, p. 14*



TABLE 7.1 Current Bed Capacity by Facility, San Joaquin County Detention System

Facility	Beds
<b>Main Jail</b>	
Intake Housing	
1M	99 beds*
2F/M	99 beds*
South Jail	
U 1- U6 (64/unit)	384 beds
Ad Segregation	
A7-A8 (63/unit)	126 beds
Sheltered Unit	66 beds
Medical	(40 beds)
<b>Main Jail subtotal</b>	<b>774 beds</b>
<b>Honor Farm</b>	
D E F barracks	210 beds
J K L barracks	136 beds
G barracks	40 beds
H I barracks	140 beds
Honor barracks	124 beds
<b>Honor Farm Subtotal</b>	<b>650 beds</b>
<b>Total System Capacity</b>	<b>1424 beds</b>
*50% doublebunked	

One possible benefit of shifting certain inmate groups to the Honor Farm is the potential for lower staffing costs relative to the main jail, which could result in savings.

Extended or more intense use of the Honor Farm is predicated upon the idea that the classification system would allow assignment of inmates to Honor Farm housing in its current form or in a hardened configuration (i.e., with more fencing, etc.). If increased alternatives to incarceration result in removal of these inmates from custody, then other alternatives for Honor Farm expansion must be examined.

Honor Farm staff inmate ratios are generally much lower than main jail housing staff to inmate ratios. A general direct comparison is not possible, since many system functions (e.g., central control, medical and mental health) are housed in the main jail. When Barracks D, E, and F are reopened, the Honor Farm staff to inmate ratio will be approximately 1 staff to 15 inmates (authorized positions vs. inmate beds at capacity).

TABLE 7.2 Current Honor Farm Staffing

Position	Number
Four teams (9 per team)	36 staff
Support	2 staff
Sargeant	4 staff
Total	42 staff

The South Jail Core Housing Area includes 512 beds in 8 housing units and staff and visiting functions.

Staffing could be considered in two categories: housing and other support functions. The Sheriff's Office is required to house a broad range of inmates on the basis of the risks of assault behavior, escape, etc. This diversity is reflected in the range of housing settings and in the staff intensity for managing each grouping. At one extreme, during the day shift, one female officer supervises 128 men in the honor barracks, while at the opposite extreme, in the South Jail the two administrative segregation units of 126 beds require five officers during the same time period.

When D, E, and F are reopened, the staff to inmate ratio for housing officers will be 1:16 to 1:18. Barracks D, E, and F will each have 70 beds. Initial plans for staffing call for one officer to supervise two units during the day shift.

Honor Farm support functions also require less staff. While the Jail and the Honor Farm both operate on direct supervision principles, the Honor Farm operations are different in some significant ways. Within the Honor Farm inmates generally do not require staff escort. In the jail, inmate movement within the facility is highly restricted; services are brought to inmates in order to reduce escort requirements, while Honor Farm inmates move unescorted to food service, work assignments, visiting, etc. The main jail configuration in two separate facilities requires transport and escort staff for movement between the Jail Core and the South Jail.

Since the majority of Honor Farm inmates are sentenced, most do not have actions pending in the courts. Consequently, related staff needs for court scheduling, escort and transport are significantly less than the main jail.

Since the Honor Farm has minimal locking capacity and lacks automatic door operation, there is no need for a secure control room and staff to operate it.

The current Honor Farm management structure is less intensive than the main jail. Four sergeants supervise 400-500 inmates, while the main jail management structure is far more complex.

As noted, Honor Farm operations are inherently more efficient or less staff intensive because of the lower security classification and lesser interaction with the courts system. During analysis of this issue ILPP discussed staffing at length with the Sheriff's Office senior administration staff. Senior staff do not concur with this position as they believe main jail and Honor Farm operations result in relative equivalence in terms of staff efficiency. ILPP suggests that jail managers investigate the staff issue in more detail, given the historical pattern of lower staff to inmate ratios at the Honor Farm.

*"To use an overworked cliché, it would not take a rocket scientist to see the implications of the population scenario for the future of California's jails and prisons. We will simply not be able to build them fast enough. But that is nothing new."  
- Jailhouse Blues, p. 22*

**Finding:** Some inmates now housed in the main jail could be more efficiently housed in Honor Farm barracks if security systems and perimeter fencing were added.

◆ **Recommendation:** Long term planning should incorporate the reuse of Honor Farm barracks A, B and C for pretrial and sentenced misdemeanor males and or females.

Further expansion of housing and services for female inmates could be accommodated in A, B, and C barracks. These buildings have been recently remodeled and include new HVAC systems. Relocation of New Directive would be required. Each building could house between 50 and 70 inmates depending on classification, services available, etc.

*"One of the underlying themes of these recommendations is that jails do not exist in a vacuum. They are a result and a reflection of the society in which they exist and which they serve."  
- Jailhouse Blues, p. 23*

**Finding:** Housing general population women inmates at the main jail uses beds that could more productively and cost-effectively be used for higher risk males. On the basis of low risk of assault and escape for the majority of this group, the high security setting of the main jail is not necessary.

◆ **Recommendation:** Remodel Honor Farm Barracks H and I and convert to a women's facility. Shift most women to the Honor Farm with a new security fence.

Before the new jail was opened a secure perimeter fence was added around Honor Farm barracks H and I. Unfortunately, a decision was made to use this facility to house escape prone sub-populations, including parole violators and illegal aliens, with the result that there were numerous escapes from this unit. However, these buildings can be used effectively to house properly classified inmates who fall between high risk groups and minimum security inmates.

Most of the female inmates could be safely and efficiently housed in remodeled barracks buildings H and I. These structures are adjacent to the existing G barracks which houses Honor Farm female inmates. Visiting and other support functions could be provided in the south administration building, which also houses ADAP offices. Ample parking lies south of the facility. Support services or additional housing could be added at the western edge of H barracks or in the area west of the building.

Operational and legal concerns would require a substantial remodel of these buildings to assure that pre-trial and sentenced females have environments and services commensurate with male inmates to meet constitutional equal protection requirements.

Women who require medical, mental health, and other special management cases would remain in the main jail.

**Finding:** The county has a long-term need for intermediate custody housing for male and female populations.

- ◆ **Recommendation:** Future bed additions should be provided through direct supervision dormitory housing. This housing could be managed by the Honor Farm administration. Typical staffing levels would be lower than the main jail and similar to current Honor Farm staffing. Shifting large numbers of jail inmates from the main jail to these facilities would permit use of existing high security housing for inmates who require close supervision within a maximum security perimeter.

*"Given the prohibitive cost of constructing and operating new facilities, it is appropriate that California seek ways to avoid and reduce incarceration costs."  
— Jailhouse Blues, p. 31*

A "hardened" minimum security setting could be a regular building of conventional construction. Increased security would be achieved in three ways. First, perimeter security would be provided by a single or double perimeter fencing system; the fencing system would be designed to permit "safe refuge" areas for fire evacuation within the confines of the fence. Second, recreation yards could be enclosed with

walls or security fencing. Third, visiting and visitor management would occur in a separate building where there is intense supervision. With this model the buildings are alarm locked, but the perimeter formed by fences is lockable and entry and exit can be strictly controlled.

A variety of housing types and construction systems would be possible. Options range from frame construction with dorm rooms like the 124-bed Honor Farm barracks to lockable tilt up concrete buildings with 48 to 64 bed dormitories with sub-divided sleeping areas.

An alternative strategy would be to build medium security lockable dormitories administered by the Honor Farm. While this option would be more costly it would be more secure since the building envelope would be the secure perimeter. An example of this building type is found at the Elmwood Correctional Facility which is operated by Santa Clara County (W-2 housing). Another alternative would be to build a secure, lockable version of the existing 124 bed honor unit.

*"A cap on its jail means that a county must be on a deliberate path to finance, design and construct additional jail space with all due dispatch. However, construction of needed new space does not necessarily provide the county much respite from a court-ordered cap. This is the case, despite the fact that a county has gone to the substantial expense of constructing and staffing a jail facility which may have been designed to provide some room for growth for at least a few years."  
- Jailhouse Blues, p. 10*

- ◆ **Recommendation:** *As an alternative to the previous two recommendations, relocate the majority of female inmates to a fenced facility outside the main jail. Build a 124-bed Facility with a security fence; house general population.*

This recommendation is an alternative to a program which uses existing Honor Farm barracks. The program would require construction of a housing/support services building, a visiting/processing building on the perimeter and a perimeter fencing system.

One advantage is the potential for increased staffing efficiency. The existing facility is very staff efficient. (On some day shifts one female officer supervises the entire 124-bed male dormitory facility.) Physical facilities and services would be comparable to those in the main jail, so constitutional due process and equal protection parity with the men in the main jail could be met. Women who require medical, mental health, and other special management cases would remain in the main jail.

Another potential benefit is the clearer separation of female and male inmates.

Location of an intermediate security facility next to the Honor Farm barracks would allow dedication of the Honor Farm for men who are minimum security as well as "low medium" inmates, who would be housed in more secure barracks.

## B. Courts

The Sheriff's Office currently transports 200 inmates per week back and forth between the jail and the County Courthouse. Most inmates are transported via two forty-passenger buses. Certain inmates classified as protective custody or "keep aways" require dedication of separate staff and vehicles. In addition, the Tracy Police Department transports an average of 20 inmates per week between the jail and the Tracy Municipal Court.

**Finding:** Reduction of inmate transport for court matters could save Sheriff, Marshal, and city staff time and increase security. Staff time savings would be realized, not only in reduced transport, but also in reduced supervision / security staffing within court holding and courtrooms at the Courthouse. Arraignment hearings represent, by far, the largest component of court transport. A strategy to conduct arraignment hearings at the jail rather than the Courthouse would reduce staffing requirements.

- ◆ **Recommendation:** *Expand the current pilot program of video arraignment and construct video arraignment rooms adjacent to the jail core intake area. All in custody arraignment hearings should be conducted using a video arraignment process which can occur within the confines of the jail.*

Inmate movement for arraignment accounts for the largest proportion of all inmate transport outside the jail. Under the current system all in-custody inmates to be arraigned must be transported downtown for the arraignment hearing. Staff time for this activity is substantial. First, inmates must be mustered and escorted to the transport center near the intake area, then driven downtown where they are placed in holding cells to await the arraignment process. Security staff must be on hand to supervise court holding areas as well as courtrooms. Following arraignment inmates are returned to the jail and their housing units.

Expansion of the video arraignment facility in the jail has several important benefits. First, there will be a substantial reduction in inmate transport to and from downtown Stockton and Tracy with a

reduction in staffing needs. Staff reductions for court holding and courtroom supervision should be lessened. Security is improved from not moving large numbers of inmates outside the jail facility. Reducing inmate movement inherently increases security for all jail operations.

- ◆ *Recommendation: Long-range planning should focus on constructing a high security courtroom and support spaces adjacent to the jail core area, rather than further construction in the downtown courthouse area. Criminal courts and related functions should ultimately move to the Matthews Road area.*

Advantages include further reduction of inmate transport downtown. Preliminary hearings and municipal court trials would be conducted on the Matthews Road site.

This action would require a substantial facility, including initial construction of five to six courtrooms and court support areas. One courtroom could be designed for high security trials so it might be possible to have occasional high security superior court trials in proximity to the jail.

Beyond simplification and reduction of inmate transport and related staff time, this approach would have a major impact on the Courthouse and the Courthouse Annex. The shift of criminal courts from the Courthouse to Matthews Road would make existing courtrooms and related spaces available for other uses.

Another long-term benefit is the potential to remodel spaces within the Courthouse complex for future civil court expansion, rather than constructing new high rise additions. Also, since the sources of demand for space, municipal and superior courts and related departments, would be in two locations, the magnitude or intensity of demand for new space at the Courthouse is lessened. In the current situation, all the demand for new space must somehow be accommodated in the single downtown location.

### C. Juvenile Hall

**Finding:** Recent remodeling of Juvenile Hall has resulted in substantial improvements in operations and facility security. Short-term needs have been met. Additional beds will be required to meet long term needs.

There are three potential options for expanding juvenile housing.

- One option is to construct a new secure wing. Because the current facility is characterized by lengthy corridors, a new wing would require additional corridors, and construction would be difficult and costly.
  - The second option would be to remodel the old housing wings, Units IV and V, adjacent to the Hall, but part of the Juvenile Probation Department office building. This housing, built in 1947, accounts for 54 beds in the Hall's rated capacity. The housing has outmoded, poorly functioning mechanical and electrical systems and obsolete locking systems. Major life safety systems would be required to bring these buildings into compliance with current fire codes. The two wings lack enclosed recreation yards and are not directly connected to Juvenile Hall. Because these units lie outside the secure perimeter of Juvenile Hall, remodeling would require constructing new secure corridors and adding sallyports and fencing.
  - The third option would be conversion of an existing services wing to a secure housing unit. This wing is not now a high use area and contains an unused dining hall and kitchen, an unused laundry room, and a general storage room. (Food is now transported from the hospital and is served in each housing unit, so juvenile movement outside the unit is limited.) The building has concrete block bearing walls and a fireproofed bar joist roof structure.
- ◆ **Recommendation:** *To meet additional long term bed needs, convert the unused support wing into a secure housing unit. Conversion of this wing is the most functionally logical and cost effective strategy for long -term Juvenile Hall housing expansion. This area could be designed to serve as a general population housing unit or as an intake and assessment unit.*

Remodeling this area would provide a central location, adequate area, adequate width for housing on both exterior walls, and a rectangular configuration which will permit flexibility in planning rooms and circulation.

The county should consider reusing the substantial, nearly new, kitchen equipment, either in the hospital or as part of a new kitchen for the jail.





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**VIII. JUVENILE JUSTICE**

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**ASSESSMENT**

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## VIII. JUVENILE JUSTICE ASSESSMENT

### A. Overview

Historically, the juvenile court was viewed as a humanitarian effort to protect children, those under the age of 18, from the detrimental effects of the criminal justice system. California, which established a juvenile court in 1903, was among the first of the states to adopt a juvenile court, which embodied the rehabilitative philosophy that early intervention combined with treatment could lead to successful reformation of delinquent juveniles.

The early juvenile courts were given broad powers of intervention; juvenile court proceedings tended to be very informal. Juveniles were not entitled to traditional due process rights because these were not considered appropriate when the courts' focus was not on depriving the juvenile of liberty, but on determining the most appropriate treatment.<sup>1</sup> No distinction was made among delinquents, status offenders and neglected or dependent children.<sup>2</sup>

For delinquency cases, the trend has been toward "criminalization" of juvenile court procedures with more formalized hearings. With the exception of the right to bail and a jury trial, juveniles are now entitled to the same constitutional rights as adults. Legislation affecting juveniles now reflects a repudiation of the rehabilitative theory and increased concern about juvenile violence. The most significant legislative change has been the reduction from 16 to 14 years as the minimum age at which a minor can be found unfit for juvenile court jurisdiction (Welfare and Institutions Code section 707).

Until 1977, the San Joaquin County juvenile justice system reflected the early rehabilitative goals and philosophies by giving the juvenile division of the probation department responsibility for reviewing all referrals, either by way of citation or booking at Juvenile Hall; determining case handling; and filing petitions in juvenile court. Major legislative changes implemented in 1977 transferred responsibility for filing petitions to the district attorney's office, but the probation department retained responsibility for referrals to the district attorney.

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1 Vestiges of this *parens patriae* rationale, in which the state is seen as the guardian of children, remain in California's juvenile justice system.

2 In 1961, these became separate bases for juvenile court jurisdiction; the range of permissible dispositions depended on the court's jurisdictional basis.

The "criminalization" of juvenile justice, and concomitant erosion of the probation department's discretionary authority for case review and handling is best exemplified by the increasing number of offenses under Welfare and Institutions Code section 707 that may render a juvenile "unfit for juvenile court, and therefore prosecuted as an adult and therefore prosecuted as an adult"<sup>3</sup> "707" offenses must be referred to the district attorney for filing a petition. The most recent statutory changes, effective January 1, 1995, require the probation department to refer all cases involving juveniles aged 14 or over who commit felonies and those who have been in juvenile court at least once before, regardless whether the prior offense was a felony or misdemeanor.

## **B. Juvenile Adjudication Process**

### **1. Arrest and Intake**

As with adults, a juvenile enters the juvenile justice system through an arrest by a law enforcement officer. After arrest, the case can be informally resolved by the law enforcement agency; the arresting officer can issue a citation, requiring the juvenile to appear before a probation officer at some future time; or book the juvenile into Juvenile Hall.

The San Joaquin County Probation Department received nearly 5,000 referrals for criminal offenses last year. About 45 percent of these referrals involved felonies. Probation referrals are initially reviewed by the intake unit, which is comprised of one supervisor and six deputy probation officers.

The intake officer has several options for case handling:

- The case may be closed at intake after the probation officer has interviewed the family and juvenile and believes the family can take care of the problem. Over a third (36%) of the criminal referrals in 1994 were closed at intake.
- The probation officer may take no action at present but will place the juvenile on informal probation and continue the case for 60 days. At the end of the 60 days, the case will be closed or an affidavit filed for violation of probation. Only about three percent of probation's referrals were held open.

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<sup>3</sup> Welfare and Institutions Code section 707, subdivision b, basically includes twenty five felony offenses that involve actual or imminent violence to another person, including murder, rape, kidnap, assault with a deadly weapon, torture and use of a weapon in the commission of a felony.

- The probation officer may broker the case to a community-based agency, usually for family counseling substance abuse treatment. These cases are thereby diverted from the juvenile justice system. About 10 % of probation referrals are diverted in this way.
- The probation officer can place the juvenile on informal probation under Welfare and Institutions Code section 654, which allows the probation department to supervise a juvenile up to six months and set certain conditions of probation, such as community service and up to 10 days of the work program. This is a very structured supervision, with a 60-day review by the probation officer.
- The probation officer can file an affidavit of probable cause with the district attorney, who will determine whether a petition should be filed. Slightly less than half of probation's referrals (47%) were referred to the district attorney for filing a petition.<sup>4</sup>

The intake unit uses an assessment system, based on a 1970s Wisconsin model, that scores both risk and need.<sup>5</sup> In order to be placed on full supervision the juvenile must receive a score of 15 points on the risk side or 20 points on the need side. Lower scores are used for assaultive offenses: 10 and 15, respectively. Juveniles who score less than these values, but who go through the court system will be put in the "bank" caseload, which is a combination of restitution orders and long-term treatment programs.<sup>6</sup> The assessment system is designed not only to determine appropriate case handling but to limit full supervision caseloads to 50 per probation officer.

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4 Historically, probation referred as few as 27 percent of its cases to the district attorney. The proportion has increased because of changes in the laws, and will continue to increase under the most recent statutory amendments.

5 Risk factors include age at time of first adjudication, prior criminal behavior, substance abuse, degree of parental control, school problems and peer relationships. Need factors include substance abuse, family relationships, emotional stability, intellectual ability and vocational/technical skills.

6 The bank caseload, which consists of approximately 100 to 150 cases, is handled by the supervisor of the juvenile supervision unit.

## 2. Case Adjudication

The district attorney has sole discretion for determining whether a petition should be filed. The district attorney files petitions on nearly all of probation's referrals.<sup>7</sup> Three attorneys are assigned to the juvenile division; there is no investigator. There are two clerical staff to handle paperwork and filing; the district attorney's office at Juvenile Hall is not connected to CJIS. Although the number of new petitions has remained stable over the past four years (1,900 to 2,000), the total number of cases in the office have been reduced from slightly over 4,000 to about 3,500 active cases.

There are statutory time constraints for filing petitions on juveniles. If the child is in custody, the petition has to be filed within 48 court hours of booking for a felony or a violent misdemeanor and within 24 court hours for a misdemeanor. The juvenile must be released from custody if no petition is filed within these time frames. If the juvenile is already a ward of the court and out of custody, the district attorney must file a petition within five days of arrest; for all other cases, the deadline is 30 days. If no petition is filed within the time required, the juvenile must be released.<sup>8</sup>

Probation and the supervising deputy district attorney designed a booking sheet for arrest agencies to use when a youth is taken to Juvenile Hall. This form is used by all law enforcement agencies, but will often lack the complete information needed to file petitions on felony charges.

In contrast to the adult system, the district attorney uses count bargaining, rather than plea bargaining, to achieve case resolution. There are three basic ways a case can be resolved: **formal** (probation, commitment to Juvenile Hall, out of county or state placement and other court ordered disposition), **informal** (through negotiations with parents or defense attorney) and **continuance**. Continuances are generally only used for special situations, such as family/sibling disputes. Such cases will be continued for three to six months, when charges will be dismissed if there are no further problems.

About two-thirds of the cases will be resolved informally, an increase over the past.

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7 The district attorney appears to file "707" petitions referred by probation.

8 Such releases rarely occur, but probation staff must spend considerable time obtaining crime reports, sometimes even going directly to the law enforcement agency to pick up the report.

One Superior Court judge is assigned to hear juvenile matters at Juvenile Hall.<sup>9</sup> The first court appearance for juveniles not in custody is the jurisdictional hearing, equivalent to an arraignment, where a plea is taken.<sup>10</sup> The next hearing will be a dispositional hearing; if the juvenile is found "responsible," probation must prepare a presentence investigation report, within three weeks if the juvenile is in custody and six weeks before the next hearing for those who are not in custody. For juveniles detained at the hall, the jurisdictional hearing generally will be set within one week of arrest, and the dispositional hearing within one week of the jurisdictional hearing.<sup>11</sup>

The public defender is appointed in juvenile cases right after the district attorney has filed a petition. Court rules require both the public defender and the district attorney to meet informally before the jurisdictional hearing. The public defender is ready to resolve about 20 to 25 percent of his cases prior to the jurisdictional hearing. For the remaining cases, the public defender will usually request a continuance of three to four days to meet with the juvenile, evaluate the case and obtain police reports.<sup>12</sup> The office has four attorneys to handle a caseload of 1,800 to 2,000 new delinquency cases and 800 new dependency cases, in addition to on-going caseloads; the supervising attorney carries a full caseload.<sup>13</sup>

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9 Until recently, dependency hearings were also held at Juvenile Hall. These hearings are now held in Stockton, which is a more convenient location for social workers assigned to these cases, but requires both the district attorney and public defender to travel to Stockton or find coverage when there are scheduling conflicts.

10 For juveniles in custody, the first appearance is the detention hearing, which is held within 72 court hours of arrest in felony cases and 48 court hours in misdemeanors.

11 Statutes require the jurisdictional hearing to be held within 15 days unless the detained juvenile waives time.

12 Continuances are generally not a problem in juvenile court; court rules and the statute allow one seven day continuance for the defense attorney to become familiar with the case.

13 One additional deputy public defender is assigned to handle about 1,000 dependency cases.

### 3. Placement

An out of state or out of county placement, including the CYA, is the most serious sanction that the juvenile court can impose after a juvenile is found responsible. Cases for which a probation officer believes placement is appropriate are referred to a screening committee that is regularly staffed by the supervisors of Supervision and Placement. Screening committee recommendations can include intensive supervision,<sup>14</sup> commitment to the California Youth Authority (CYA), placement, court school and/or formal probation.

Four out of state placement sites are used by the court: Glen Mills School in Pennsylvania, Rites of Passage in Nevada and Arizona Boys Ranch and Vision Quest, both located in Arizona. The average cost of placement at one of these sites is \$3,500 per month. There have been more commitments to the CYA because of the low fee (\$25 per month) and its substance abuse program.

#### C. Juvenile Hall (Peterson Hall)

Like the county jail, Juvenile Hall is used both for booking juveniles after arrest and for commitments after disposition. Juvenile Hall's operations have also been seriously limited by recent budget cuts.

Juvenile Hall has a potential capacity of 190, but budget limitations keep the average daily capacity at 120. This limit is essentially a "financial cap," and has been maintained through the cooperation of the juvenile court judge and the use of alternatives to incarceration, which include electronic home monitoring, home supervision, a work program and community service. Although Juvenile Hall tries to reserve 20 commitment beds for the court each year, these are really short-term beds: As found in the ILPP juvenile data studies, juveniles are committed for an average of nearly 27 days but actually stay at the Hall for about 10 days until release through one of the alternatives.

Until the end of January 1995, Juvenile Hall used a risk assessment to determine whether juveniles would be detained after booking; those receiving scores of 10 or more would be detained until the jurisdictional hearing. The risk assessment is now used only when the intake officer, who is assigned to the Juvenile Hall on a rotational basis from the intake unit, is not present.

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14 Intensive supervision caseloads are limited to 15 per probation officer.



The new intake procedures require an intake officer to review all bookings at Juvenile Hall from 8 AM to 11 PM on weekdays and 10 AM to 6 PM on weekends. Bookings are reviewed for likely disposition, and the need for detention. The goal of the new system is to reduce the number of juveniles detained prior to the jurisdictional hearing. As part of this effort, the intake officer has authority to override detention decisions made by Juvenile Hall staff.<sup>15</sup> Although the system has only been in operation for a few months, there does appear to be some impact on the average daily population, which has been as low as 107.

Juvenile Hall is staffed by 60 group counselors and 44 part-time employees, supervised by the director and assistant director. The part-time employees are used to relieve the group counselors.<sup>16</sup> Food and laundry services are obtained through contract with the county hospital.<sup>17</sup>

The costs of operating Juvenile Hall are partially offset by Title IV(a) social security discretionary funds. The federal government reimburses the county for approximately one-half of the capitated daily rate of \$72.78 per juvenile detained until at least the jurisdictional hearing.<sup>18</sup> Additional reimbursement from Title IV(a) is expected for electronic home monitoring, the work program and home supervision.<sup>19</sup>

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15 The intake officer is also attempting to conduct interviews with family members at the time a juvenile is released from juvenile hall. The ultimate goal is to reduce the amount of case investigation time for the supervision unit if the child is later placed on probation.

16 Part-time employees are limited to 1600 hours of work per year; they do not get any benefits.

17 The meals cost juvenile hall about \$2.19 per meal. Juvenile hall is not authorized to charge a booking fee, but it does bill parents for non-detention costs. About \$26,000 per year is obtained through such billings.

18 Any revenue collected by the county through billings for a juvenile's meals is deducted from the Title IV funds.

19 The cost of electronic home monitoring is estimated at \$11.26 per day for lease of the equipment, staff time and overhead. The cost of the electronic bracelets is \$3.99 per day. Of the 100 bracelets available to juvenile hall, about 70 are in use at any one time. The daily rate for the work project is \$23.97 and \$11.26 for home supervision.

## D. Findings

- 1. Budget restrictions have resulted in a juvenile probation division that is more efficient and more closely aligned with progressive juvenile justice theory and practice.**

One result of the budget cuts to probation's FY 1992-93 budget is a movement toward a more rehabilitative approach of placing a juvenile in the least restrictive environment. Prior to 1992, juveniles could be placed in an out of state site simply on a probation officer's recommendation, supported by his or her supervisor. Such placements reached a high of 242 juveniles at a cost of nearly \$3.5 million per year. To deal with the proposed budget cuts, probation re-evaluated its placement policies and reduced the number of juveniles to 85; this number is now up to around 110 to 120. Nevertheless, probation found no significant increase in juvenile offenses, primarily because too many juveniles had been placed in the first place.<sup>20</sup> Options to placement now include intensive supervision, another model program for rehabilitating juveniles; court schools, diversion and formal probation.

Juvenile Hall has also implemented a variety of "lesser restrictive" options to institutional commitment. The population at Juvenile Hall is controlled through the use of electronic home monitoring, release to home supervision or home detention, as well as assignment to the work program where juveniles receive community service credit toward their sentence or restitution.<sup>21</sup>

The recently implemented intake procedures that place an intake officer directly at Juvenile Hall show promise in reducing the number of beds needed for pre-jurisdiction juveniles. The greater emphasis on investigation and interviewing parents at intake may also facilitate case supervision at a later date.

- 2. There are a limited number of program options for juveniles who need substance abuse treatment, one of the greatest "at risk" groups in the juvenile justice system.**

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<sup>20</sup> Another factor is the use of intensive supervision.

<sup>21</sup> The work program's goal is to give both juveniles and their communities a meaningful experience. Juveniles have cleaned property sites and parks; additional plans include a food bank on county property and a nursery.

At present, only one residential treatment program operated by the county, Recovery House, will accept juveniles; up to five beds can be used, but the average runs around one to two. The only other county-funded treatment program for juveniles, the Alcohol Recovery Center, is for outpatients. Although there are several private treatment programs, most juveniles are not eligible for these programs because they have no health insurance.

Juvenile Hall's treatment program was eliminated last year as a result of budget cuts. There may be over commitments to the CYA because it does provide substance abuse treatment.

**3. There is limited emphasis on intervention and crime prevention programs given the size and needs of the juvenile population.**

Without a goal to give priority to intervention and crime prevention, the juvenile justice system will simply be a "revolving door" that requires more and more system resources. Juveniles, one of the fastest growing segments of San Joaquin County's population, are the best target for such programs, but present efforts are outmatched by demand.<sup>22</sup> In other words, despite significant efforts by many agencies, more could and should be done.

The COOP program, which was funded for several years through a state grant in the 1970s and was effective as a crime prevention measure. The participating communities were Manteca, Lodi and Tracy, where each community had one police officer and two probation officers who rode in a police car to answer calls and counsel juveniles. Probation officers performed intake duties similar to those now in operation at Juvenile Hall. The police officers were reassigned, however, when funding for police ended in 1978. COOP functions are now limited to probation officers in these communities making weekly visits to schools, in addition to their regular intake and supervision responsibilities.

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<sup>22</sup> These include the district attorney's active participation, along with probation, in the Student Attendance Review Board programs. There are currently meetings to re-establish a truancy pick-up program. From 1990 to 1993, the District Attorney's Office administered a federal grant for the Youth Gang and Drug prevention Program, which was nationally recognized and served as a model for other jurisdictions.

4. **There is no formal coordination of juvenile justice agencies to discuss common issues, to develop juvenile justice policy and to establish consensus for juvenile justice goals.**

There are currently no system-wide goals, leadership level committees that meet regularly to formally coordinate agency efforts and to resolve identified problems consistent with system goals and objectives.<sup>23</sup> The absence of a formal coordinating group can be attributed to an unwillingness of any juvenile justice agency to take the necessary leadership role.

Prior efforts to coordinate the system have been sporadic and unfocused. A liaison group that met with representatives from the CYA to work out common problems ended with a change in the CYA director. The delay in transfers to the CYA, which can be as long as one week, is an obvious issue that could be addressed through improved liaison. An informal group in San Joaquin County, "The Forum," that included representatives from law enforcement, suffered a similar fate because of lack of leadership and failure of all agencies to regularly attend meetings.

Coordination of the juvenile justice agencies is critical in an environment of limited resources and increased demand. Such coordination also requires the participation of schools and social services and other agencies that deal with juveniles, which, with the exception of county schools, has been virtually nonexistent. Participation of the schools is especially important with recent legislation that allows juveniles with four or more trancies, normally considered a "status" offense, to be referred to probation and be made a ward of the court.

Some probation officials express a concern about Juvenile Hall's ability to control its population when the current juvenile court judge, who has been extremely cooperative in limiting placements and commitments to Juvenile Hall, retires. This concern reflects the need for system coordination, but also indicates that probation, the agency in the best position to take a leadership role in the coordination of the juvenile justice system, has failed to do so.

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<sup>23</sup> There is an informal group, referred to as the Youth Policy Council, that evolved from the Special Multidiscipline Assessment and Referral Team, comprised of probation, mental health, social services and county schools representatives for which probation has oversight responsibility. The Youth Policy Council, however, does not include any representatives from the district attorney or public defender offices.

The need for system coordination and management is evident from the increasing number of juveniles who commit violent and serious offenses: over half of juveniles in ILPP's profile had been arrested for such offenses; over 90 percent had been arrested for felonies. The number of "707" cases in the district attorney's office is increasing: such cases for the first six months of the fiscal year (23) exceed the total for each of the four past years. These cases add to the workload of both the district attorney and public defender because neither will be the trial attorney if the child is found unfit for juvenile court and because more witnesses, including experts, have to be called for "707" related hearings.

Another issue that must be addressed in system coordination and management is overuse of the probation department and Juvenile Hall by law enforcement agencies. The proportion of juveniles arrested and referred to probation for handling varies considerably by law enforcement agency, with a low of 18 percent for Tracy to a high of 99 percent for Manteca. Both the Sheriff's Office and the Stockton Police Department refer nearly all arrested juveniles to probation, 98 percent and 91 percent respectively. These two law enforcement agencies account for nearly 70 percent of all probation referrals. The variation in referral rates indicates the absence of county-wide arrest standards and procedures for handling juveniles.

**5. Incomplete or missing police reports increase the workload of all other juvenile justice agencies and delay case handling.**

Probation, the district attorney and public defender all reported problems in getting complete police reports to facilitate case handling. When juveniles are booked at Juvenile Hall, the transporting officer is often not the arresting officer; booking forms filled out by the arresting officer may not show the presence of substantial elements of the alleged offense, needed for both intake review and district attorney filing. Since the arresting officer may not be present at the time of booking to provide the additional information, these cases require additional investigation time and efforts to obtain a complete police report. In general, lack of crime information results in few releases from Juvenile Hall because a petition cannot be filed. Nevertheless, staff or attorneys in all of these agencies must expend significant time to obtain the reports so petitions can be filed on time.

The greatest impact of missing or incomplete police reports is on out of custody cases. In juvenile justice, it is essential to keep the time between arrest and sanction as short as possible. At present, the minimum amount of time between arrest and court disposition is six weeks, of which three are required for probation to review and investigate the offense. The actual time can be as long as four to six months. Although part of this delay can be attributed to probation workloads, a substantial amount of this time is used to obtain police reports. In most cases where a juvenile is cited to appear before a probation officer, no crime report accompanies the citation, which is sent to probation.

For in custody cases, probation's restrictive interpretation of the statute for accepting juveniles at booking has exacerbated the problem. The current policy requires probation to accept all bookings by law enforcement agencies, even in the absence of a complete arrest report. Other counties have successfully refused to book juveniles unless there is a complete report.

6. **There is a need to review probation policies for obtaining warrants and filing petitions for violation of probation.**

### **E. Recommendation**

A significant proportion of juveniles are booked and detained at Juvenile Hall because of warrants or violations of probation. Such cases accounted for nearly one-fifth of the tracking and profile samples. Violations of probation are also an increasing proportion of court caseloads.

Intake has recently received authorization from the judge to release juveniles arrested only on warrants, such as failure to appear or running away from home, to the custody of their parents upon the parents' guarantee that the child will be at court on the next judicial day. While probation has given needed attention to the "front end" of the system, attention should be directed to the "back end" for better use of resources.

- ◆ **Recommendation:** *Implement a population management system for the juvenile justice system that parallels the system recommended for adults.*

Despite the increased "criminalization" of the juvenile justice system, significant differences, and related issues, exist between the adult system and that for juveniles to justify the creation of a separate juvenile justice population management system. Informal committees exist to address specific issues, but there is no formal system for coordination of individual agency efforts and group resolution of system problems.

The juvenile justice population management system should be three-tiered as well, but the membership of its committees will be slightly different than that recommended for adults. Both the executive policy committee and the operations committee should have representatives from the following agencies:

- Juvenile court
- Juvenile Justice Commission
- District Attorney
- Public Defender
- Probation
- County schools
- Public schools
- Law enforcement, including Sheriff's Office
- CAO
- Health services
- Social services
- Mental health
- City managers

The initial activities that should be given priority by the juvenile justice population management committees also parallels those identified earlier:

- Improved communication among juvenile justice agencies. All of the juvenile justice agencies recognized the limited number of treatment beds for juveniles was a problem but all were unaware of the actual number of county beds available, believing there were only one or two. This misperception has resulted in an average of one or two juveniles in treatment at Recovery House, where in reality five beds can be used.
- Development of uniform arrest standards and procedures for handling juveniles to minimize bookings at Juvenile Hall. Data showed wide disparities in the number of juveniles referred to probation and booked at Juvenile Hall. Decreasing the number of juveniles booked or referred to probation will result in direct savings in staff time, travel for law enforcement agencies, and use of Juvenile Hall.
- Initiation of efforts to obtain legislation to authorize the imposition of booking fees at Juvenile Hall.
- Training in the preparation of arrest reports for more effective screening by probation at the time of intake and for filing petitions by the DA.
- Investigation of ways to reduce time currently required to prepare presentence investigation report, now about three weeks, to minimize use of Juvenile Hall.



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**IX. ACTION PLAN**

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**ANALYSIS**

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## IX. ACTION PLAN ANALYSIS

### A. Discussion of Recommendations

Recommended actions include discussion of the following descriptors, where applicable:<sup>1</sup>

<b>Objective</b>	Supporting principle, e.g., cost savings or improved public safety
<b>Lead Agency</b>	Agency with statutory and/or administrative responsibility for the area
<b>Logistics</b>	Implementation issues and goals
<b>Pros/Cons</b>	Policy costs and benefits of the proposal
<b>Cost</b>	Estimated costs; (see methodology discussion)
<b>Savings</b>	Estimated savings; (see methodology discussion)
<b>Status/Comments</b>	Additional information, if any, e.g., program may already be underway
<b>Cross Reference</b>	Page of the "Improving the System" report on which recommendation appears.

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<sup>1</sup> Throughout the action plan, references to the Public Defender are generally meant to include the Lawyers' Referral Service as well.

## B. Prioritization of Actions

ILPP has organized the recommended actions by stage according to priority and feasibility. Those most critical to immediate survival are presented first. Recommendations have been organized according to four stages as follows:

- Stage I**
  - **Implement immediately (current fiscal year)**
  - Critical to criminal justice system's immediate solvency
  - Policy-oriented or fundamental changes
  - Coordination and planning changes
  - Minimal costs involved
  
- Stage II**
  - **Implement soon (current to next fiscal year)**
  - Technical implementation options for Stage I actions
  - Pending available funding
  - Requires some planning and consensus
  - Critical to realizing an efficient and public safety-oriented criminal justice system management plan
  
- Stage III**
  - **Emergency and long-range actions (five to ten years)**
  - To be considered in the event of a possible budget collapse when there is a need to explore all possible savings options to protect critical services
  - Potential alternatives to other recommended actions (where noted)
  
- Stage IV**
  - **Implement following action on previous stages**
  - Not essential to immediate survival, but will facilitate long-term manageability of criminal justice system
  - Operational savings focus
  - Lower priority recommendations, focusing on specific agency areas
  - (• Stage IV recommendations are presented in summary form in the report. Complete narratives appear in Appendix A. [Delete if full form is put in Chapter 4.]

## C. Calculation of Costs and Savings Methodology

The majority of ILPP's recommendations can be implemented at no additional cost; they merely require current staff to carry out their duties in a somewhat different fashion.<sup>2</sup> Real costs fall into three categories: one-time costs, such as the acquisition of new equipment or software, or limited-term vendor contracts; the annual costs of adding new staff; and CJIS costs, which are (one-time) contract services performed by the Information Services Division.<sup>3</sup>

Estimates of costs and savings for all recommended actions are made for planning purposes and are thus presented as ranges rather than as precise figures. In some cases further study is called for prior to implementation, and obviously the outcomes of such studies would determine more precisely the costs and savings of the proposed activity.

ILPP suggests that something like the following costs could be incurred if all recommendations are implemented. There is no requirement that all happen in the same fiscal period.

- One-time acquisitions: \$300,000 to \$900,000
- One-time CJIS contracts: \$100,000 - \$300,000
- Annual staffing increases: \$600,000 - \$900,000

The results indicate only an order of magnitude. In addition there can be overlap among some of them; for example, several approaches to increasing pretrial release might each free up 50 beds, but all together they would not free up as many as 150 beds since some of the same inmates would be released under more than one scheme. ILPP has made some provision for overlap. Despite the uncertainties, these are the only available estimates and are useful for:

- grasping the magnitude of costs associated with inefficient practices;
- the potential for savings by improving these practices; and
- the overall county fiscal context of current criminal justice resource allocation.

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<sup>2</sup> ILPP has not calculated the opportunity cost of what they might be doing instead if they were not to follow the recommendations.

<sup>3</sup> CJIS costs are expenditures for the user departments, but the funds do not increase the overall net county cost unless Information Services is required to hire temporary staff to carry out the tasks.

Recommendations have been reorganized into two categories. In the first are changes which will improve operating efficiency; most will allow real savings when they are implemented. The second group consists of broader recommendations that will have less of an immediate impact but will slow the growth of the justice system.

## 1. Improve Operating Efficiency of the Criminal Justice System

Operating efficiencies can be realized through:

- jail bed savings
- increased program revenues and improved collection of fees
- in some cases not refilling vacant positions<sup>4</sup>
- eliminating unproductive delays
- not assigning overqualified personnel to basic tasks
- reducing overtime and redundancy

## 2. Slow Growth of the Criminal Justice System

The costs of capital acquisitions and accompanying staff expansions depend upon the exact configurations that are chosen, and are in themselves the subjects of separate studies. ILPP has adopted for planning purposes the following estimates:

- Construction and operation of two new 64-bed jail pods (128 beds): \$1.5 - \$2 million annually (includes amortized construction costs).
- Construction and operation of 128-bed new barracks as at the Honor Farm: \$500,000 - \$900,000 annually
- Construction and operation of 20 new hard juvenile beds: \$500,000 - \$750,000 annually<sup>5</sup>

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<sup>4</sup> A few major contingency costs are omitted because they are incalculable. One is reduced exposure to liability suits by jail inmates; another is the avoidance of unwise computer purchase decisions. Either could reach into the million-dollar category but should not be counted as cost savings because there is no certainty that they would occur even in the absence of the recommended action.

<sup>5</sup> Juvenile beds require a higher staffing ratio and staff account for the great bulk of costs.

- Construction of a courtroom; a new judge and support staff; attorneys and support at the District Attorney's and Public Defender's offices: \$400,000 - \$800,000 annually.

If population and case flow management can postpone the acquisition of new facilities, the indicated amounts will be the projected annual savings.<sup>6</sup> "Savings" in this context means future costs avoided, not a reduction from current operating levels, which is an important distinction.

With adult detention the situation becomes complex since jail and honor farm beds are partial substitutes for each other: It is possible to postpone the addition of either kind or of both together, or to adopt procedures that would allow expansion through farm beds instead of the more expensive jail beds.

The complexity and uncertainty of these estimates make it imperative that each recommendation be examined in more detail and that the results be continually monitored, since it is certain only that the unexpected will occur.

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<sup>6</sup> For honor farm and juvenile hall beds there are options which would allow remodeling existing space at lower cost than all-new construction. However staff and other operating costs would presumably be the same in either case and dominate construction so that the overall annual cost would not be much different.



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# STAGE ONE ACTIONS

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## STAGE ONE ACTIONS

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<b>RECOMMENDATION:</b>	<b>I-1</b>	<b>Implement a revitalized population and criminal justice management system.</b>
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OBJECTIVE:	Join all criminal justice system agencies together in a system management plan that can prepare for future problems and manage existing ones. Staff support for three groups through coordination of existing criminal justice staffing and reliance on designated member of CAO's staffing.
LEAD AGENCY:	System
LOGISTICS:	Changed focus of existing activities; regular intercommunication
PROS/CONS:	+ Improves public safety + Delays expansion of jail by one to five years - Requires new roles for established officials - Requires new priorities for existing agencies and jurisdictions
COST:	\$0
SAVINGS:	\$1.5 - \$2 million per year of no new jail; plus tremendous efficiencies across system
STATUS/COMMENTS:	Various coordinating groups exist, but none of the stature, direction and commitment as is required to create and manage a justice management strategy.
CROSS REFERENCE:	2.10

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<b>RECOMMENDATION:</b>	<b>I-2</b>	<b>Implement a population management system for the juvenile justice system that parallels the system recommended for adults.</b>
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OBJECTIVE:	Cost savings and public safety	
LEAD AGENCY:	System	
PROS/CONS:	<ul style="list-style-type: none"> <li>+ Short- and long-range population management</li> <li>+ Will postpone addition of new beds</li> <li>+ Will allow better detain/release decisions</li> </ul>	
COST:	\$0	
SAVINGS:	Several hundred thousand dollars a year if new beds are postponed	
STATUS/COMMENTS:	Will be much more feasible if juvenile justice becomes a part of CJIS; can combine with adult	
CROSS REFERENCE:	8.10	

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<b>RECOMMENDATION:</b>	<b>I-3</b>	<b>Establish a jail and hall use policy and mission statement.</b>
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OBJECTIVE:	Rationalize and coordinate booking and release policies among all relevant agencies to maximize cost efficiency and better ensure public safety.	
LEAD AGENCY:	System	
LOGISTICS:	Develop with the input of all representatives of the criminal justice system and with some public interaction	
PROS/CONS:	<ul style="list-style-type: none"> <li>+ Improves public safety</li> <li>+ Aligns resource use with public safety goals</li> <li>+ Create savings throughout system</li> <li>- Forces hard choices</li> <li>- Disrupts established patterns</li> </ul>	
COST:	\$0	
SAVINGS:	\$1.5 - \$2 million per year of no new jail	
CROSS REFERENCE:	2.14	

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<b>RECOMMENDATION:</b>	<b>I-4</b>	<b>Design and implement a Pre-Processing Intake and Classification Center appropriate to San Joaquin County.</b>
OBJECTIVE:		Optimize use of limited resources by appropriately screening all offenders into the criminal justice system <u>before</u> they are over classified or have had a costly impact on jail and court resources.
LEAD AGENCY:		System
LOGISTICS:		Remodel existing jail space or place a modular building outside the jail. Existing staff from police, DA, PTS, and courts would suffice.
PROS/CONS:		+ Improve public safety + Avoid booking process for minor offenders + Speed all early decisions - Cost; minor inmate movement issue if located outdoors
COST:		\$65,000 - \$90,000 for a trailer plus setup and interior preparation; \$50,000 - \$85,000 for remodeling
SAVINGS:		\$1.5 - \$2 million per year if new jail is delayed
CROSS REFERENCE:		2.15

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<b>RECOMMENDATION:</b>	<b>I-5</b>	<b>Along the lines of the PPIC, develop a Family Crisis Intervention Unit which provides intensive pre-screening for juvenile justice.</b>
OBJECTIVE:		Cost savings and public safety
LEAD AGENCY:		Juvenile Probation
LOGISTICS:		Add a probation/mental health worker to existing juvenile screening process. Provide private space for screening team to meet.
PROS/CONS:		+ Improves public safety + Reduces crowding pressures on Juvenile Hall + Reduces unnecessary processing costs - Requires some reorganization of staff
COST:		\$40,000 - \$50,000 annually (personnel)
SAVINGS:		\$500,000 - \$750,000 per year of delayed construction
CROSS REFERENCE:		2.17

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<b>RECOMMENDATION:</b>	<b>I-6</b>	<b>Implement a public education program on criminal justice system management and Costs.</b>
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OBJECTIVE:	Ensure that the public understands the implications of all choices about criminal justice. Explain the costs of all services and the sources of these services' funding.
LEAD AGENCY:	System
LOGISTICS:	Long-term educational plan taking advantage of media, public forums, private citizen groups. Develop material about the costs and services of criminal justice that can be updated and made available annually. Obtain free technical assistance from the National Institute of Corrections, regarding the general topic of public education on jails, including NIC's workbooks and expert consultants. Continue the "tradition" of twice/annually breakfast meetings with the business community, via the Chamber of Commerce, and feature presentations by the agency-heads management group of the new population management system, with the entire group in attendance. Develop quarterly press-releases to all local media setting out the basic characteristics of the inmate population, including the security classification proportions, and costs-per-day. Involve the County's public information officer in the above activities, and seek improved public information on criminal justice via these and other efforts emanating from the major changes expected in system management and performance.
PROS/CONS:	<ul style="list-style-type: none"> <li>+ Greater public understanding of justice process and issues of cost effectiveness</li> <li>+ Improved public support for public safety</li> <li>- Costs of developing materials.</li> </ul>
COST:	\$5,000 - \$15,000
SAVINGS:	No direct savings, but could facilitate increased tax revenues of \$5 - \$18 million a year
CROSS REFERENCE:	2.18

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<b>RECOMMENDATION:</b>	<b>I-7</b>	<b>Management tools such as statistical summaries and schedules should be developed.</b>
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OBJECTIVE:	Improved management of user departments	
LEAD AGENCY:	System	
LOGISTICS:	Agency determines its precise needs and requests assistance from IS. Contract personnel might be used in some circumstances.	
PROS/CONS:	<ul style="list-style-type: none"><li>+ Departments will have much better control over items such as caseload allocations and scheduling, workload and productivity.</li><li>+ System will be easier to manage</li><li>+ Specifics suggested in earlier reports</li><li>- Cost</li><li>- Departmental analysts would require a few weeks' training</li></ul>	
COST:	Programming costs would depend on departmental needs and availability of commercial software; if programming required, typically \$10, 000 - \$20, 000; \$5,000 - \$10, 000 if commercial software used	
SAVINGS:	1% increased efficiency would be \$10, 000 - \$100, 000, depending on department	
STATUS/COMMENTS:	May occur in conjunction with acquisition of commercial software	
CROSS REFERENCE:	3.11	

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<b>RECOMMENDATION:</b>	<b>I-8     InSTITUTE AN ADDITIONAL 1/2% SALES TAX</b>
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OBJECTIVE:	Increase revenue for criminal justice system
LEAD AGENCY:	Board of Supervisors
LOGISTICS:	Must be presented to the public with a comprehensive education program to clarify the costs of criminal justice and the fiscal crisis of the county.
PROS/CONS:	<ul style="list-style-type: none"> <li>+ Significant new revenue</li> <li>+ Will allow county to continue operation of the criminal justice system at its present level</li> <li>+ Will require public to choose between lower taxes and more justice</li> <li>+ The tax is applied county-wide, not just to the unincorporated areas</li> <li>- Major public opposition currently</li> <li>- Requires a majority or two-thirds vote, depending on the exact form of the resolution</li> </ul>
COST:	\$0
SAVINGS:	About \$19,000,000 revenue annually, depending on volume of retail sales
CROSS REFERENCE:	NEW; see Chapter 5

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<b>RECOMMENDATION:</b>	<b>I-9 Enact a utility tax.</b>
OBJECTIVE:	Increase revenue for criminal justice system
LEAD AGENCY:	Board of Supervisors
LOGISTICS:	Must be presented to the public with a comprehensive education program to clarify the costs of criminal justice and the fiscal crisis of the county.
PROS/CONS:	<ul style="list-style-type: none"><li>+ Significant new revenue</li><li>+ Will allow county to avoid personnel cuts</li><li>+ Will require public to choose between lower taxes and more justice</li><li>+ If used for general purposes, does not require a vote</li><li>- Major public opposition is possible</li><li>- unincorporated areas only</li></ul>
COST:	\$0
SAVINGS:	\$2,400,000 to \$6,000,000 annual revenue, depending on the scheme and rate adopted
STATUS/COMMENTS:	Since tax is raised in the unincorporated part of the county only, use should be limited
CROSS REFERENCE:	NEW; see Chapter 5



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<b>RECOMMENDATION:</b>	<b>I-10</b>	<b>A single senior person in the CAO's office should be designated as the full-time and exclusive justice system coordinator and expert, preferably with a small staff.</b>
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OBJECTIVE:	Consolidate CAO responsibility for diverse criminal justice system responsibilities to improve administrative expertise in the area and streamline operations.
LEAD AGENCY:	CAO
LOGISTICS:	Reallocate duties of existing staff; add one staff analyst
PROS/CONS:	+ Greatly improve CAO's ability to balance resources rationally + Improve public safety - Cost
COST:	\$40,000 - \$50,000 annually (personnel)
SAVINGS:	\$1.5 - \$2 million delay jail, \$500, 000 - \$750, 000 delay juvenile hall, \$500, 000 - \$750, 000 court
CROSS REFERENCE:	3.4

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<b>RECOMMENDATION:</b>	<b>I-11</b>	<b>Seek legislation, or negotiate an agreement, permitting the reclassification of deputy sheriff positions into correctional positions.</b>
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OBJECTIVE:	Replace jail deputies with correctional officers at a faster rate than current attrition
LEAD AGENCY:	Board of Supervisors
LOGISTICS:	Support change in current laws
PROS/CONS:	+ Substantial cost savings in salaries and training costs - Difficulty of changing legislation - Opposition of interest groups
COST:	\$0
SAVINGS:	Unknown but large, probably well over \$100,000 annually
CROSS REFERENCE:	4.23

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<b>RECOMMENDATION:</b>	<b>I-12</b>	<b>Continue to evaluate the 12-hour shift.</b>
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OBJECTIVE:	Improved operating efficiency	
LEAD AGENCY:	Sheriff	
LOGISTICS:	Set up a data collection system that permits continuous monitoring of time lost to sickness, injury, workman's compensation cases. In the event the current shift plan clearly contributes to absenteeism, and the posts cannot be adjusted to take maximum advantage of low periods in jail activity, the shift arrangement should be re-negotiated to permit trials of alternatives. Perhaps 0.1 FTE effort to monitor.	
PROS/CONS:	<ul style="list-style-type: none"> <li>+ Better understanding of implications of current system</li> <li>+ Possible cost savings</li> <li>- Moderate effort</li> </ul>	
COST:	\$0	
SAVINGS:	May help lower the nearly \$2 million jail overtime costs	
STATUS/COMMENTS:	There is reason to believe that the 12-hour shift contributes to overstress and absenteeism, but available evidence is not yet sufficient to confirm.	
CROSS REFERENCE:	4.23	

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<b>RECOMMENDATION:</b>	<b>I-13</b>	<b>Expand court coordination efforts to include assignment of municipal court judges to handle superior court criminal trials; cross assignment of administrative staff and integration of court administration.</b>
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<b>OBJECTIVE:</b>	Improved utilization of judges and court staff
<b>LEAD AGENCY:</b>	Superior Court
<b>PROS/CONS:</b>	+ Cost savings + Delays need for an additional superior court judge + Jail population reduced because of shorter case processing time
<b>COST:</b>	\$0
<b>SAVINGS:</b>	\$400,000 - \$650,000 annually for each year of postponing a new court
<b>CROSS REFERENCE:</b>	5.9

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<b>RECOMMENDATION:</b>	<b>I-14</b>	<b>Establish increased judicial control over case management and disposition.</b>
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<b>OBJECTIVE:</b>	Improved case management
<b>LEAD AGENCY:</b>	Superior Court led by the Presiding Judge
<b>PROS/CONS:</b>	+ Earlier dispositions + Reduced burden on courts, DA, defense + Reduced pressure on jail population - Judges must devote some time to administrative matters
<b>COST:</b>	\$0
<b>SAVINGS:</b>	Should save a few hundred court days at about \$1,500/day
<b>CROSS REFERENCE:</b>	5.13

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RECOMMENDATION:	I-15 <b>Implement a range of pretrial alternatives to incarceration.</b>
OBJECTIVE:	Create a range of alternatives to custody that also insure appearance.
LEAD AGENCY:	System
LOGISTICS:	System members deliberate and decide on programs, classification criteria and administration, and monitor. Home confinement, day reporting, electronic supervision, OR with urinalysis, and supervised release programs are established for ALL non-released pre-trial detainees who would be minimum security if post-sentence. Sheriff Department operates day reporting, and urinalysis with existing custody positions; Probation Department operates home confinement, electronic supervision and supervised release with 2 FTEs.
PROS/CONS:	<ul style="list-style-type: none"> <li>+ Effectuates a more cost-effective jail use policy based on improving cost-effectiveness and public safety</li> <li>+ Creates openings for housing more appropriate inmates</li> <li>+ Shares release responsibility and buffers political risks</li> <li>- Require negotiation in MOU process because it affects the rights of public employees</li> <li>- Some political risk; may ultimately take jobs</li> <li>- Fluctuations in FTAs until stability achieved</li> </ul>
COST:	\$100,000 in additional staffing, \$25,000 in related costs.
SAVINGS:	The costs of as many as 150 beds in the main jail, to build and operate; \$1.8 - \$2.3 million for each year of postponed construction.
STATUS/COMMENTS:	This recommendation implements the "fear/anger" distinction, and jail use policy recommendation by establishing programs to insure the appearance of pre-trial detainees not readily released on OR or bond, but who would, on sentence be classified as very low risk of danger or flight. It needs to build on the current pre-trial release operation and existing Sheriff and Probation programs.
CROSS REFERENCE:	NEW

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<b>RECOMMENDATION:</b>	<b>I-16</b>	<b>Implement a range of post-sentence sanctions as alternatives to incarceration.</b>
<b>OBJECTIVE:</b>		Create a range of alternatives to custody that also insure punishment.
<b>LEAD AGENCY:</b>		System
<b>LOGISTICS:</b>		System members deliberate and decide on programs, classification criteria, administration, and monitoring. City-sponsored work programs are implemented first, followed by day-reporting and then other programs (non-residential treatment, sheltered day-work programs, etc.) as needed. Programs are for all sentenced offenders classified as minimum security who meet established criteria. City work programs employ existing public works personnel, and existing police resources for random security checks.
<b>PROS/CONS:</b>		<ul style="list-style-type: none"><li>+ effectuate a more cost-effective jail-use policy based on improving cost-effectiveness and public safety;</li><li>+ creates openings for housing more appropriate inmates</li><li>+ shares punishment responsibility with city of offender residence;</li><li>- Require negotiation in MOU process because it affects the rights of public employees</li><li>- requires new administrative structures, development of new criteria and collaboration of agencies and the bench</li></ul>
<b>COST:</b>		City programs use existing personnel; day reporting uses existing Sheriff Department staff and volunteers; other program costs to follow, should seek grant funds, volunteer resources, and possible competitive contracting to county with community organizations.
<b>SAVINGS:</b>		The costs of as many as 350 beds in the main jail and farm, to build and operate; \$2 to \$4 million annually for the postponement of new beds.
<b>STATUS/COMMENTS:</b>		While commitment levels vary, all seven cities have supported, at least in principle, the proposal to plan and administer work programs for minimum security offenders from their jurisdiction, and to address MOU, training and workmen's compensation issues. Similar programs exist elsewhere already in the county

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CROSS REFERENCE: NEW

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**RECOMMENDATION: I-17 Remodel Honor Farm Barracks H and I and convert to a women's facility. Shift most women to the Honor Farm with a new security fence.**

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OBJECTIVE: Cost savings and expanded services

LEAD AGENCY: Sheriff

PROS/CONS: + Puts women inmates at an appropriate security level  
 + Frees maximum security jail beds for more high security inmates  
 + High-security jail beds available for the dangerous or escape-prone  
 - Substantial remodeling costs

COST: If comparable to the similar remodeling of "G" barracks in 1986 this step would have capital costs of \$1.5 to \$2 million and produce 80 beds, but both construction and operating costs are substantially below those of the same number of high-security jail beds.

SAVINGS: Saves about \$750,000 annually over keeping same inmates in jail beds

STATUS/COMMENTS: The "G" barracks remodeling included the construction of program space

CROSS REFERENCE: 7.3

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# STAGE TWO ACTIONS

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## STAGE TWO ACTIONS

<b>RECOMMENDATION:</b>	<b>II-1</b>	<b>Juvenile justice, including the juvenile hall, should be added to CJIS.</b>
OBJECTIVE:		Improved efficiency and accuracy in juvenile justice record keeping.
LEAD AGENCY:		Juvenile Probation
LOGISTICS:		Complete the integration of juvenile justice system (IS system analysts, with perhaps the assistance of temporary programmers)
PROS/CONS:		+ Greater accuracy and efficiency; elimination of lost records + Access to other part of justice system + Relieves staff of current unproductive activity - Cost
COST:		\$20,000 - \$50,000 from Probation to Information Systems
SAVINGS:		At a 2% time savings for juvenile probation/hall staff, \$100, 000 annually
CROSS REFERENCE:		3.11
<b>RECOMMENDATION:</b>	<b>II-2</b>	<b>The Office of Revenue Recovery should receive inquiry access to CJIS.</b>
OBJECTIVE:		Coordinate operations of all criminal justice related functions.
LEAD AGENCY:		Information Services
PROS/CONS:		+ Increase revenue collection rate - Minimal programming and technical work
COST:		Approximately 1 hour of time by IS staff
SAVINGS:		\$25, 000 - \$50, 000 increase collections
STATUS/COMMENTS:		ORR already has computer terminals installed.
CROSS REFERENCE:		3.11

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<b>RECOMMENDATION:</b>	<b>II-3</b>	<b>Proceed with the development of a pool of screened applicants to immediately fill vacancies in essential positions.</b>
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OBJECTIVE:	Reduce unnecessary staffing costs	
LEAD AGENCY:	Sheriff	
PROS/CONS:	<ul style="list-style-type: none"> <li>+ Will reduce overtime requirements occasioned by vacant authorized positions</li> <li>- Will involve some costs for processing</li> </ul>	
COST:	Some processing costs	
SAVINGS:	May help lower the nearly \$2 million jail overtime costs	
CROSS REFERENCE:	4.26	

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<b>RECOMMENDATION:</b>	<b>II-4</b>	<b>Consolidate the following court service functions under the Marshal's Office: bailiff, courtroom security, civil process and prisoner transport between jails and courts.</b>
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OBJECTIVE:	Cost savings	
LEAD AGENCY:	Superior Court	
LOGISTICS:	Reassign courtroom security from Sheriff to Marshal	
PROS/CONS:	<ul style="list-style-type: none"> <li>+ Major cost savings through salary savings and increased flexibility in assignments</li> <li>- Will reduce number of authorized deputy positions and slow the re-assignment of correctional deputies to field operations.</li> </ul>	
COST:	\$0	
SAVINGS:	\$500,000, at current levels of expense	
STATUS/COMMENTS:	As an alternative, allow Sheriff and Marshal to bid competitively for the activity	
CROSS REFERENCE:	4.21	

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<b>RECOMMENDATION:</b>	<b>II-5</b>	<b>Ensure arrest reports and supplemental reports are complete and timely submitted.</b>
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OBJECTIVE:	Lower costs for case disposition; reduced jail population
LEAD AGENCY:	All law enforcement agencies
LOGISTICS:	The Stockton Police developed, through coordination with the district attorney a manual for report writing. Such a manual might be emulated by all other agencies.
PROS/CONS:	<ul style="list-style-type: none"><li>+ Would lowered case disposition times by assuring that all necessary information is ready before beginning</li><li>+ Delay in receiving reports seriously comprises the DA's ability to make timely and accurate filing decisions.</li></ul>
COST:	\$0
SAVINGS:	Several days of jail time and at least one court appearance for each defendant, saving \$500 - \$1,000; number of cases unknown.
CROSS REFERENCE:	5.23

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<b>RECOMMENDATION:</b>	<b>II-6</b>	<b>Re-negotiate working conditions covered in the MOU so that more efficient and economical shift schedules can be achieved.</b>
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OBJECTIVE:	Eliminate shift overlap and significant associated costs of inefficient shift scheduling
LEAD AGENCY:	Sheriff
PROS/CONS:	<ul style="list-style-type: none"><li>+ Substantial personnel savings possible from negotiations allowing rescheduling</li><li>+ Avoid layoffs</li> <li>- The current shift system provide all deputies with three sequential days off each week. One of these days-off is either a Saturday or Sunday. Loss of this benefit may be opposed by the deputy.</li></ul>
COST:	
SAVINGS:	\$500,000 - \$800,000 annually
CROSS REFERENCE:	4.15

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<b>RECOMMENDATION:</b>	<b>II-7</b>	<b>Abandon the existing shift arrangements in Records and Communications for eight hour shifts which include a fourth overlapping shift.</b>
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OBJECTIVE:	Eliminate shift overlap and significant associated costs of inefficient shift scheduling
LEAD AGENCY:	Sheriff
PROS/CONS:	<ul style="list-style-type: none"><li>+ Cost savings</li><li>+ Increased efficiency</li><li>+ Decreased absenteeism &amp; turnover</li><li>+ Probable increased productivity and flexibility in matching shifts with workload</li><li>- The increased number of sequential days provided under the existing plan is perceived as an employee benefit and change may be opposed</li></ul>
COST:	\$200,000 annually
SAVINGS:	Substantial reduction of current \$270, 000 overhead; probable increase in productivity (1% = \$40, 000/year)
STATUS/COMMENTS:	Current lengthy shifts increase employee fatigue and stress
CROSS REFERENCE:	4.16

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<b>RECOMMENDATION:</b>	<b>II-8</b>	<b>Reorganize administrative system of the courts to reduce the presiding judge's workload to a less than full-time caseload to allow more time for court administration and coordination.</b>
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OBJECTIVE:	Improved courtroom efficiency and coordination
LEAD AGENCY:	Superior Court
LOGISTICS:	Half a judicial position would be reassigned to administration, but improved efficiencies would allow other judges to take over that caseload.
PROS/CONS:	+ Greater efficiency of court operations - Resistance by the bench possible
COST:	\$0
SAVINGS:	\$400,000 - \$650,000 for postponing new courts
CROSS REFERENCE:	5.10

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<b>RECOMMENDATION:</b>	<b>II-9 Determine the feasibility of a differentiated case management program.</b>
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OBJECTIVE:	Accelerated disposition times
LEAD AGENCY:	System, especially all court related agencies
LOGISTICS:	Review case types with most predictable dispositions or most frequent in number, which would require specialized disposition processes (e.g., drug court). Opt out options for the defense and prosecution can improve incentives to resolve cases as defendants know a failure to agree or comply will put the case back on a trial track.
PROS/CONS:	+ Reduces case disposition times - Requires study prior to implementation - Perception that disposition rates will be slowed with the threat of trial.
COST:	\$0
SAVINGS:	Unknown, but likely
STATUS/COMMENTS:	National Center for State Courts can provide technical assistance
CROSS REFERENCE:	5.11

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<b>RECOMMENDATION:</b>	<b>II-10 Eliminate the issuance of bench warrants for failure to appear in traffic infraction cases.</b>
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OBJECTIVE:	Cost savings
LEAD AGENCY:	Presiding Judge of Municipal Court
PROS/CONS:	+ Eliminates cost of warrant and arrest for minor offense
COST:	\$0
SAVINGS:	\$250,000 - \$750,000 annually if offenders appear voluntarily.
STATUS/COMMENTS:	If offender does not appear there would be a loss of \$100 - \$200 on fines, but the cost of a warrant plus arrest already exceeds the amount recovered through fines.
CROSS REFERENCE:	5.11

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<b>RECOMMENDATION:</b>	<b>II-11 Expand video arraignment to Stockton Municipal Court.</b>
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OBJECTIVE:	Arraign misdemeanants from jail and eliminate need to transport them to courthouse
LEAD AGENCY:	Municipal Court
PROS/CONS:	<ul style="list-style-type: none"><li>+ Substantial decrease in inmate transport and security costs</li><li>+ Probable positive impact on jail population</li><li>- Moderate to substantial costs</li><li>- Staff/judges have to adapt to new technology, commit to process for cost savings</li></ul>
COST:	To be determined, but compare with cost of video arraignment program in Tracy.
SAVINGS:	Eliminates several positions in transport court security at \$50,000 each
STATUS/COMMENTS:	The entire setup cost of video arraignment in the Tracy court is \$80,000 plus a few hundred dollars a month for the T-1 phone line.
CROSS REFERENCE:	5.12

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<b>RECOMMENDATION:</b>	<b>II-12</b>	<b>Develop policies to ensure that settlement offers are provided to the public defender on all cases where offers can be made at least three to five days before the scheduled preliminary hearing and to ensure the public defender has access to discuss these offers with their clients prior to the hearing.</b>
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OBJECTIVE:	Lower costs
LEAD AGENCY:	District Attorney, Public Defender
PROS/CONS:	+ Savings in both court and jail times + Allows earlier pleas - Requires improved Public Defender access to clients
COST:	\$0
SAVINGS:	Up to 5 days in disposition times, or \$500 - \$1,000 if in custody
CROSS REFERENCE:	5.24

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<b>RECOMMENDATION:</b>	<b>II-13</b>	<b>Consider the implementation of a "Day Fine" program for assessing fines.</b>
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OBJECTIVE:	Provide an effective alternative sanction
LEAD AGENCY:	Superior Court and Probation
LOGISTICS:	Conduct a study on guidelines and on potential revenues
PROS/CONS:	+ Increased revenues + Decrease in sentenced jail population + Can be an effective punishment - Moderate study effort required (a month or two)
COST:	\$0 if existing staff conduct the study
SAVINGS:	Substantial revenue (to be determined), \$100, 000 to \$1 million
CROSS REFERENCE:	5.14

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<b>RECOMMENDATION:</b>	<b>II-14</b>	<b>Review PTS release criteria for consistency with the court consent order and public safety goals.</b>
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OBJECTIVE:	Cost savings and public safety
LEAD AGENCY:	System
LOGISTICS:	Reexamine criteria actually used for PTR
PROS/CONS:	+ Aligns release criteria with goals of all system agencies + Improves ability to manage jail and offender populations - Difficult to reach consensus
COST:	\$0
SAVINGS:	Uncertain; depends on outcome of study; its practice is too stringent, might save 5, 000 - 10, 000 bed days, or \$250, 000 - \$500, 000
CROSS REFERENCE:	6.14

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<b>RECOMMENDATION:</b>	<b>II-15</b>	<b>Increase the ADAP program capacity by adding one half-time person.</b>
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OBJECTIVE:	Cost savings
LEAD AGENCY:	ADAP/Probation
PROS/CONS:	+ Expand low-cost alternative to jail + Would significantly increase program capacity + Would increase, but not double capacity
COST:	\$20,000 annually, approximately
SAVINGS:	\$50, 000 - \$200, 000 in reduced money of jail days
CROSS REFERENCE:	6.18

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<b>RECOMMENDATION:</b>	<b>II-16</b>	<b>Expand ADAP's program capacity to allow for more control over pretrial and cap releases.</b>
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OBJECTIVE:	Cost savings
LEAD AGENCY:	ADAP, Probation
PROS/CONS:	+ Expanded pretrial release + Ease pressure on jail + Decreased cap releases
COST:	\$0 (costs calculated for the addition of a half position in separate recommendation)
SAVINGS:	\$10,000 annually for each jail bed saved
CROSS REFERENCE:	6.18

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<b>RECOMMENDATION:</b>	<b>II-17</b>	<b>Identify areas of probation responsibility that can be handled by clerical staff instead of a probation officer.</b>
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OBJECTIVE:	Cost savings
LEAD AGENCY:	Probation
PROS/CONS:	+ Cost savings + Probation officers free for higher-priority tasks
COST:	\$0
SAVINGS:	\$10,000 per reassigned position; estimate 4 to 8 positions
STATUS/COMMENTS:	Department is currently transferring fee collections to clerical staff
CROSS REFERENCE:	6.8

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<b>RECOMMENDATION:</b>	<b>II-18</b>	<b>Collect and evaluate data on the pilot supervised release program to allow development of policies that limit supervised release only to the most appropriate cases and expansion of the supervised release program through less costly alternatives.</b>
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OBJECTIVE:	Cost savings at several levels; public safety
LEAD AGENCY:	Probation with court concurrence
PROS/CONS:	+ Will put probationers into the least expensive alternative consistent with public safety + Probable positive effect on jail population - Somewhat increased risk of recidivism
COST:	\$0
SAVINGS:	No immediate savings, but supervised release costs \$10 - \$20 per day more than unsupervised at \$10 - \$70 a day less than jail (per person)
CROSS REFERENCE:	6.8

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<b>RECOMMENDATION:</b>	<b>II-19</b>	<b>Some probation responsibilities should be transferred to other agencies with corresponding adjustments to their budgets.</b>
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OBJECTIVE:	Cost savings
LEAD AGENCY:	Probation
LOGISTICS:	Study to determine what functions are best transferred, e.g., urine testing, PC 1000 reports, collection of restitution and fees, reports from treatment programs.
PROS/CONS:	+ Cost savings + Probation officers freed from non-central tasks
COST:	No cost to study; implementation costs to be determined
SAVINGS:	To be determined; see comment below
STATUS/COMMENTS:	Urinalysis for drug residues could be done by a part-time technician (3/4 time): cost would be \$16,000 to \$18,000, but would free up the same FTE of probation officer time which costs \$25,000 to \$32,000 and could be reassigned to regular supervision. (Drug testing should not be sent out since the results should be known before the client leaves the office.)
CROSS REFERENCE:	6.8

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<b>RECOMMENDATION:</b>	<b>II-20</b>	<b>Implement programs for supervised OR and supervised release to be staffed by probation officers to control the FTA rate and minimize use of the jail for persons sentenced to a residential treatment program.</b>
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OBJECTIVE:	Cost savings
LEAD AGENCY:	Probation and courts
LOGISTICS:	Study before implementing
PROS/CONS:	<ul style="list-style-type: none"> <li>+ Decreased jail costs</li> <li>+ Decreased FTA over that in unsupervised release</li> <li>+ More appropriate treatment for substance abusers</li> <li>- Increased probation costs, but more than offset by jail savings</li> </ul>
COST:	To be determined
SAVINGS:	Net savings of \$10 - \$30 per day for those now jailed; number could be large but is yet unknown
STATUS/COMMENTS:	At least half of inmates appear to have substance abuse problems, so substantial numbers of them could be in treatment.
CROSS REFERENCE:	6.9

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<b>RECOMMENDATION:</b>	<b>II-21</b>	<b>Move all low minimum security inmates from the Honor Farm to alternative programs, such as electronic monitoring and day reporting centers.</b>
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OBJECTIVE:	Efficient allocation of resources; public safety
LEAD AGENCY:	Sheriff
LOGISTICS:	125 current Honor Farm inmates would qualify, releasing space for pretrial detainees, so the net cost at the Farm would be zero and jail expansion might be postponed. Requires development of programs
PROS/CONS:	+ Create space for pretrial detainees now in jail, reducing demand for jail space. + Make jail beds available for potentially dangerous offenders - Costs of EM program
COST:	Depends on programs; \$5 - \$20/day per probation
SAVINGS:	Savings realized in preceding recommendation
CROSS REFERENCE:	6.14





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# STAGE THREE ACTIONS

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## STAGE THREE ACTIONS

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<b>RECOMMENDATION:</b>	<b>III-1</b>	<b>Consider use of city prosecutors in Manteca, Lodi and Tracy to handle arraignments in these courts and other areas of misdemeanor case responsibility to reduce district attorney workload in these courts.</b>
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OBJECTIVE:	Cost savings to county
LEAD AGENCY:	DA and city administrations with court concurrence
PROS/CONS:	+ Remove workload for lesser offenses in outlying cities + Possible reduction in DA/Public Defender staff in those cities - Some extra burden on cities
COST:	\$0
SAVINGS:	\$50,000 to \$75,000 if attorney positions can be eliminated
STATUS/COMMENTS:	Many misdemeanants plead at arraignment so case would be disposed at that point.
CROSS REFERENCE:	5.22

<b>RECOMMENDATION:</b>	<b>III-2</b>	<b>Evaluate need for two attorneys from each office in the Tracy, Lodi and Manteca courts.</b>
OBJECTIVE:		Cost savings
LEAD AGENCY:		DA, Public Defender
LOGISTICS:		Study need; eliminate position if so indicated.
PROS/CONS:		+ Cost efficiency inherent in centralization - Aligns workload to resources - Local support for outlying offices - Disrupts traditional role
COST:		\$0
SAVINGS:		\$50,000 to \$75,000 if attorney positions can be eliminated
STATUS/COMMENTS:		Evaluation should be based on fiscal constraints, actual workload and responsibilities of all attorneys in these offices.
CROSS REFERENCE:		5.24
<b>RECOMMENDATION:</b>	<b>III-3</b>	<b>With the exception of cases involving very serious offenses, such as sexual assault and domestic violence, assign all adult supervision cases to a bank caseload for monitoring purposes only.</b>
OBJECTIVE:		Address most serious need and protect public safety with limited resources
LEAD AGENCY:		Probation
PROS/CONS:		+ Allows reassignment of probation officers to higher-priority cases
COST:		\$0
SAVINGS:		1/2 of adult probation is \$1.1 million
STATUS/COMMENTS:		Emergency measure only
CROSS REFERENCE:		6.6

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<b>RECOMMENDATION:</b>	<b>III-4 Limit adult supervision to intensive supervision of only the most serious offenses.</b>
OBJECTIVE:	Address most serious need and protect public safety with limited resources
LEAD AGENCY:	Probation
PROS/CONS:	+ Allows reassignment of probation officers to higher-priority cases
COST:	\$0
SAVINGS:	1/2 of adult probation is \$1.1 million
STATUS/COMMENTS:	Emergency measure only
CROSS REFERENCE:	6.6

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<b>RECOMMENDATION:</b>	<b>III-5 Move all minimum security pretrial detainees to the Honor Farm to allow more space in the main jail to house serious offenders who have been sentenced.</b>
OBJECTIVE:	More efficient resource allocation
LEAD AGENCY:	Sheriff with System consensus
PROS/CONS:	+ Improve public safety + Assignment of inmates to the most appropriate space regardless of sentence status. + Decrease demand for jail beds, thereby postponing new construction.
COST:	\$0
SAVINGS:	Postponing the construction of 128 secure jail beds would save about \$1.5 - \$2 million annually.
CROSS REFERENCE:	6.13

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<b>RECOMMENDATION:</b>	<b>III-6</b>	<b>Future bed additions should be provided through direct supervision dormitory housing.</b>
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OBJECTIVE:	Cost savings and appropriate allocation of resources
LEAD AGENCY:	Sheriff
LOGISTICS:	This housing could be managed by the Honor Farm administration. Typical staffing levels would be similar to current Honor Farm staffing. Permits use of existing high security housing for inmates who require close supervision within a maximum security perimeter.
PROS/CONS:	<ul style="list-style-type: none"> <li>+ Major cost savings if expansion comes at the Honor Farm rather than at the jail</li> <li>+ High-security jail beds available for the dangerous or escape-prone</li> <li>- Construction costs</li> </ul>
COST:	\$600,000 - \$800,000 per year
SAVINGS:	Honor Farm beds are roughly half the cost of jail beds to construct and operate: annual cost differential estimated at around \$600,000 - \$900,000 for 128 inmates
CROSS REFERENCE:	7.4

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<b>RECOMMENDATION:</b>	<b>III-7</b>	<b>As an alternative to moving all women to remodeled barracks, relocate the majority of female inmates to a fenced facility outside the main jail. Build a 124-bed Facility with a security fence; house general population.</b>
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OBJECTIVE:	Cost savings
LEAD AGENCY:	Sheriff
PROS/CONS:	<ul style="list-style-type: none"> <li>+ Moderate cost saving</li> <li>+ High-security jail beds available for the dangerous or escape-prone</li> </ul>
COST:	\$2,500,000 - 4\$2,800,000 for 128 beds
SAVINGS:	\$600,000 to \$900,000 annually over the cost of a jail pod
CROSS REFERENCE:	7.5

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<b>RECOMMENDATION:</b>	<b>III-8 Criminal courts and related functions should ultimately move to the Matthews Road area.</b>
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OBJECTIVE:	More efficient use of resources
LEAD AGENCY:	Courts, Sheriff
LOGISTICS:	Long-range planning should focus on constructing a high security courtroom and support spaces adjacent to the jail core area, rather than further construction in the downtown courthouse area.
PROS/CONS:	<ul style="list-style-type: none"><li>+ Possible construction savings</li><li>+ Lower inmate transportation costs</li><li>+ Potential large savings in high-profile trials</li><li>- Separating courts into two locations may cause some staff redundancy and inconveniences</li><li>- There will be some organization/location issues for staff of PD and DA offices</li></ul>
COST:	\$0 compared to construction same facility downtown
SAVINGS:	\$100, 000 - \$300, 000 in transportation; possibly very high for a celebrity trial (> \$1 million)
STATUS/COMMENTS:	Proposed only as an alternative to new construction downtown
CROSS REFERENCE:	7.6





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# STAGE FOUR ACTIONS

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## STAGE FOUR ACTIONS

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| IV-1  | CJIS users' meetings should be reconvened on a regular basis with expanded membership and clear leadership by user agencies.              | 3.1  |
| IV-2  | IS should be involved as a technical resource in any future decisions on system additions or replacements.                                | 3.11 |
| IV-3  | To the extent available, commercial software which allows simple queries of CJIS data should be obtained for user departments.            | 3.11 |
| IV-4  | A county-wide e-mail system should be set up.   | 3.11 |
| IV-5  | Complete a CAD system with full MDC and management reporting capabilities.  | 3.16 |
| IV-6  | Modify the physical arrangements of the Jail Control Console to permit operation by one person during periods of low jail activity.       | 4.16 |
| IV-7  | Handwrite crime report information directly onto a report form suitable for duplicating and/or faxing.                                    | 3.14 |
| IV-8  | Reconcile, on a daily basis, reports submitted by deputies against report numbers issued.   | 3.14 |
| IV-9  | Maintain file copies of One-Write reports in paper file storage pending the availability of funding for a computer imaging file system.   | 3.14 |
| IV-10 | Begin planning for a changeover to a file storage system based on imaging technology.   | 3.14 |
| IV-11 | Review clerical staffing needs after the report writing system is modified. The need for data entry clerks will be substantially reduced. | 3.14 |
| IV-12 | Establish an Ad Hoc Crime Analysis Committee.   | 4.7  |
| IV-13 | Manteca, Tracy, Escalon and Ripon should formulate planning objectives for shared communications and data consolidation.                  | 4.8  |

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| IV-14 | Re-evaluate the role of all operations lieutenants and assign lieutenants to work weekends and night shifts. Consider assigning community liaison responsibilities to the Captain of Patrol. | 4.15 |
| IV-15 | The Sheriff's training program should be redesigned and limited to courses that are mandated or fully justified by deficiencies in deputy performance.                                       | 4.15 |
| IV-16 | Conduct periodic workload studies in the Sheriff's department to monitor the impact of deployment and shift arrangements on response performance in the patrol division.                     | 4.16 |
| IV-17 | On Calls for Service, use civilians where possible, establish CFS priorities and establish a telephone reporting system.   | 4.17 |
| IV-18 | Establish the classification of Community Service Officer in the Sheriff's Office.   | 4.19 |
| IV-19 | Civilianize Sheriff's positions where appropriate.   | 4.19 |
| IV-20 | Identify clerical and other special skills of STARS volunteers which can be applied to tasks which will free up deputies and clerks for higher Priority work.                                | 4.19 |
| IV-21 | Eliminate either the lieutenant or sergeants position in Records and Evidence.   | 4.20 |
| IV-22 | Eliminate either the lieutenant or sergeant position in Communications.  | 4.20 |
| IV-23 | Transfer the functions under the Case Management Lieutenant to more appropriate units and eliminate the Case Management lieutenants position.  | 4.20 |
| IV-24 | The workload of the four lieutenants assigned to the jail should be reviewed. The use of activity reports and/or desk audits is recommended.   | 4.20 |
| IV-25 | Authorize a fifth lieutenant to the Jail Division and assign lieutenants to night shifts as outlined in the jail reorganization plan being developed by the Jail Captain.                    | 4.20 |
| IV-26 | Determine the feasibility of a felony caseflow management program.   | 5.10 |

IV-27	Continue to develop policies and procedures to minimize time required to make decisions regarding striking priors in strike cases.	5.22
IV-28	Develop procedures for transfer (cross-assignment) of superior court support staff to assist municipal court staff in preparation of state prison commitment papers and superior court trials assigned to municipal court judges.	5.13
IV-29	Review fees and procedures for ordering costs in cases where counsel are appointed.	5.13
IV-30	Determine feasibility of a vertical case assignment system for both the public defender and the district attorney.	5.21
IV-31	Some probation officers should be directly assigned to the courts to perform responsibilities mandated by statute, such as preparation of PSIs and PC 1000 diversion evaluations.	6.8
IV-32	Reduce the amount of time needed to complete PSI reports and for holding the PSI hearing.	6.7
IV-33	Develop policies for violations of probation that limit the number of warrants sought for cases involving failure to pay program fees.	6.7
IV-34	Eliminate as much as possible the use of temporary employees within PTS.	6.15
IV-35	Coordinate the activities of PTS with the jail's classification and population management units to eliminate duplication of work.	6.15
IV-36	Develop policy and procedure with Sheriff's Office to allow PTS to keep prior criminal histories and DOJ manual rap sheets.	6.13
IV-37	Develop a "chain of custody" for PTS packets to minimize their getting lost after being sent to court.	6.14
IV-38	Develop policies and procedures for PTS interviews at the court to minimize time needed to complete PTS packets and to reduce a defendant's pretrial length of stay.	6.14
IV-39	Coordinate the exchange of information and development of policies to facilitate the transfer of detainees and inmates to ADAP and residential treatment programs.	6.18

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| IV-40 | Long term planning should incorporate the reuse of Honor Farm barracks A, B and C for pretrial and sentenced misdemeanant males and or females.   | 7.3  |
| IV-41 | Construct video arraignment rooms adjacent to the jail core intake area.  | 7.6  |
| IV-42 | To meet additional long term bed needs, convert the unused support wing of Juvenile Hall into a secure housing unit. Conversion of this wing is the most functionally logical and Cost effective strategy for long-term Juvenile Hall housing expansion. This area could be designed to serve as a general population housing unit or as an intake and assessment unit. | 7.8  |
| IV-43 | Develop a pool of part-time employees for temporary assignments, e.g. dispatch, clerical.   | 4.19 |

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**X. ACTION PLAN**

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**SUMMARY**

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# X. ACTION PLAN SUMMARY

Stage	Recommendation	Agency	Cost	Savings	Page
<b>STAGE ONE ACTIONS</b>					
I-1	Population management system.	System	\$0	\$1,500,000 - \$2,000,000	9.7
I-2	Juvenile justice population management system.	Probation	\$0	to be determined	9.8
I-3	Jail use policy and mission statement.	System	\$0	\$1,500,000 - \$2,000,000	9.8
I-4	Pre-Processing Intake and Classification Center.	System	\$65,000 - \$90,000	\$1,500,000 - \$2,000,000	9.9
I-5	Family Crisis Intervention Unit (juvenile justice).	Juvenile Probation	\$40,000 - \$50,000	\$500,000 - \$750,000	9.9
I-6	Public education program.	System	\$5,000 - \$15,000	no direct savings	9.1
I-7	CJIS statistical summaries.	IS	\$5,000 - \$10,000 or \$10,000 - \$20,000	\$10,000 - \$100,000	9.11
I-8	Institute an additional 1/2% sales tax.	Board of Supervisors	\$0	\$19,000,000	9.12
I-9	Enact a utility tax.	Board of Supervisors	\$0	\$2,400,000 - \$6,000,000	9.13
I-10	Justice system coordinator in the CAO's office.	CAO	\$40,000 - \$50,000	\$1,500,000 - \$2,000,000 delay jail, \$500,000 - \$750,000 delay juvenile hall	9.14
I-11	Reclassify deputy sheriff positions into correctional positions.	Board of Supervisors	\$0	\$100,000	9.15
I-12	Evaluate 12-hour shift.	Sheriff	\$0	\$2,000,000	9.16

Stage	Recommendation	Agency	Cost	Savings	Page
I-13	Expand court coordination efforts to include assignment of municipal court judges to handle superior court criminal trials.	Superior Court	\$0	\$400,000 - \$800,000	9.17
I-14	Judicial control over case management and disposition.	Superior Court/Presiding Judge	\$0	\$1,500	9.17
I-15	Pretrial alternatives to incarceration.	System	\$100,000 - \$125,000	\$1,800,000 - \$2,000,000	9.18
I-16	Post-sentence sanctions alternatives to incarceration.	System	\$0	\$2,000,000 - \$4,000,000	9.19
I-17	Remodel Honor Farm Barracks H and I and convert to women's facility.	Sheriff	\$1,500,000 - \$2,000,000	\$750,000	9.2
	Total Stage I		\$1,750,000 - \$2,400,000	\$14,000,000 - \$18,500,000 (excludes new tax revenue)	
<b>STAGE TWO ACTIONS</b>					
II-1	Juvenile Justice, including Juvenile Hall, to CJIS.	Juvenile Probation	\$20,000 - \$50,000	\$100,000	9.21
II-2	ORR access to CJIS.	Information Services		\$25,000 - \$50,000	9.21
II-3	Sheriff's pool of screened applicants to fill vacancies.	Sheriff	some processing costs	\$2,000,000	9.22
II-4	Consolidate bailiff, courtroom security, civil process and prisoner transport between jails and courts service functions under the Marshal's Office.	Superior Court	\$0	\$500,000	9.22
II-5	Establish working committee involving district attorney and law enforcement agencies to ensure arrest reports and supplemental reports are complete and timely submitted.	District Attorney	\$0	\$500 - \$1,000	9.23

Stage	Recommendation	Agency	Cost	Savings	Page
II-6	Re-negotiate MOU working conditions.	Sheriff	\$0	\$500,000 - \$800,000	9.24
II-7	Eliminate Records and Communications eight hour shifts which include a fourth overlapping shift.	Sheriff	\$0	\$40,000 - \$270,000	9.25
II-8	Reorganize court administration to give the presiding judge a partial workload to allow more time for court administration and coordination.	Superior Court	\$0	\$400,000 - \$650,000	9.26
II-9	Differentiated case management program.	System	\$0	unkown	9.27
II-10	Eliminate FTA bench warrants in traffic infraction cases.	Presiding Judge of Municipal Courts	\$0	\$250,000 - \$750,000	9.27
II-11	Expand video arraignment to Stockton Municipal Court.	Municipal Court		\$50,000	9.28
II-12	Provided settlement offers to the public defender on all cases where offers can be made at least three to five days before the scheduled preliminary hearing.	District Attorney, Public Defender	\$0	\$500 - \$1,000	9.29
II-13	"Day Fine" program.	Presiding Judge	\$0	\$100,000 - \$1,000,000	9.29
II-14	Review PTS release criteria.	Probation (PTS)	\$0	\$250,000 - \$500,000	9.3
II-15	Increase ADAP program capacity by one half-time person.	ADAP, Probation	\$20,000	\$50,000 - \$200,000	9.3
II-16	Expand ADAP's program capacity.	ADAP, Probation	\$0	\$10,000	9.31
II-17	Identify areas of probation responsibility that can be handled by clerical staff instead of a probation officer.	Probation	\$0	\$10,000	9.31
II-18	Collect and evaluate pilot supervised release program data.	Probation with Court concurrence	\$0	\$10 - \$20 per day	9.32

Stage	Recommendation	Agency	Cost	Savings	Page
II-19	Transfer some probation responsibilities to other agencies.	Probation	to be determined	to be determined	9.33
II-20	Supervised OR and release programs staffed by probation officers.	Probation, Courts	to be determined	\$10 - \$30 per day	9.34
II-21	Move all minimum security inmates from Honor Farm to alternative programs.	Sheriff	\$5 - \$20 per day	to be determined	9.35
Total Stage II			\$40,000 - \$70,000	\$4,300,000 - \$6,900,000	
<b>STAGE THREE ACTIONS</b>					
III-1	City prosecutors in Manteca, Lodi and Tracy handle arraignments in these courts.	District Attorney & City Administrations with Court concurrence	\$0	\$50,000 - \$75,000	9.37
III-2	Evaluate need for two attorneys in the Tracy, Lodi and Manteca courts.	District Attorney, Public Defender	\$0	\$50,000 - \$75,000	9.38
III-3	Assign adult supervision cases to bank caseload for monitoring purposes only.	Probation	\$0	\$1,100,000	9.38
III-4	Limit adult supervision to most serious offenses only.	Probation	\$0	\$1,100,000	9.39
III-5	Move all pretrial detainees to Honor Farm.	Sheriff	\$0	\$1,500,000 - \$2,000,000	9.39
III-6	Direct supervision dormitory housing for future beds.	Sheriff	\$600,000 - \$800,000	\$600,000 - \$900,000	9.4
III-7	Relocate female inmates to fenced facility outside main jail. Build 124-bed Facility with security fence; house general population.	Sheriff	\$2,500,000 - \$2,800,000	\$600,000 - \$900,000	9.4

Stage	Recommendation	Agency	Cost	Savings	Page
III-8	Construct high security courtroom and support spaces adjacent to jail core area. Move criminal courts to Matthews Road area.	Courts, Sheriff	\$0	\$100,000 - \$300,000	9.41
	Total Stage III		\$3,100,000 - \$3,600,000	\$4,000,000 - \$5,400,000	
<b>STAGE FOUR ACTIONS</b>					
IV-1	Regular CJIS users' meetings.	System	\$0	\$30,000 - \$50,000	9.43
IV-2	IS as technical resource for CJIS decisions.	System	\$0 for county, \$5,000 - \$20,000 for client agency	\$100,000	9.43
IV-3	Commercial software for simple CJIS data queries.	Information Services	\$1,000 - \$5,000	\$1,000 - \$10,000	9.43
IV-4	County-wide e-mail.	Information Services	\$50 - \$100 local, \$500 not local, \$5,000 interconnect	\$75,000	9.43
IV-5	Sheriff CAD system with MDC and management reporting.	Sheriff	\$100,000 - \$150,000	\$160,000	9.43
IV-6	One person operation of Jail Control Console.	Sheriff	\$50,000 - \$80,000	\$100,000	2.35 9.43
IV-7	Discontinue dictation of crime reports.	Sheriff	\$500 - \$1,500	\$10,000 - \$100,000	9.43
IV-8	Reconcile reports submitted against report numbers issued.	Sheriff	\$0	\$50 - \$250 per report	9.43
IV-9	Maintain paper file copies of One-Write reports.	Sheriff	\$150	\$0	9.43
IV-10	Change to imaging based file storage.	Sheriff		\$50,000 - \$100,000	9.43
IV-11	Review clerical staffing needs after the report writing system is modified.	Sheriff	\$0	\$30,000	9.43

Stage	Recommendation	Agency	Cost	Savings	Page
IV-12	Ad Hoc Crime Analysis Committee.	Stockton PD	\$0	\$40,000	9.43
IV-13	Manteca, Tracy, Escalon and Ripon shared communications and data consolidation.	Cities of Manteca, Tracy, Escalon, and Ripon	\$0	\$0	9.43
IV-14	Re-evaluate operations lieutenants. Assign lieutenants to work weekends and night shifts. Assign community liaison responsibilities to the Captain of Patrol.	Sheriff	\$0	\$0	9.44
IV-15	Redesign Sheriff training program.	Sheriff	\$0	\$400,000 - \$600,000	9.44
IV-16	Periodic workload and response performance studies of patrol division.	Sheriff	\$10,000	to be determined	9.44
IV-17	Adopt procedures for managing Sheriff's calls-for-services workload.	Sheriff	\$0	\$10,000	9.44
IV-18	Community Service Officer.	Sheriff	\$40,000	\$10,000 - \$15,000	9.44
IV-19	Conversion of support positions from sworn to civilian status.	Sheriff	\$0	\$10,000	9.44
IV-20	Better utilize STARS volunteers.	Sheriff	\$0	\$30,000 - \$50,000	9.44
IV-21	Eliminate lieutenant or sergeants position in Records and Evidence.	Sheriff	\$0	\$60,000	9.44
IV-22	Eliminate lieutenant or sergeants position in Communications.	Sheriff	\$0	\$60,000	9.44
IV-23	Eliminate Case Management Lieutenant position.	Sheriff	\$0	\$60,000	9.44
IV-24	Review the workload of the four lieutenants assigned to the jail.	Sheriff	\$0	\$0	9.44
IV-25	Fifth lieutenant in Jail Division and assign lieutenants to night shifts.	Sheriff	\$60,000	\$0	9.44

Stage	Recommendation	Agency	Cost	Savings	Page
IV-26	Felony caseload management program.	Superior Court	\$0	\$100,000	9.44
IV-27	Minimize time required to make decisions regarding striking priors in strike cases and seeking the death penalty in special circumstance cases.	District Attorney	\$0	to be determined	9.45
IV-28	Develop procedures for transfer (cross-assignment) of superior court support staff to assist municipal court staff.	Superior & Municipal Court Administrators	\$0	\$35,000 - \$40,000	9.45
IV-29	Review fees and procedures for ordering costs in cases where counsel are appointed.	CAO	\$0	to be determined	9.45
IV-30	Vertical case assignment system for public defender and district attorney.	District Attorney, Public Defender	\$0	\$230,000	9.45
IV-31	Probation officers at courts to perform responsibilities mandated by statute.	Courts, Probation	\$0	\$100,000 - \$150,000	9.45
IV-32	Reduce time needed to complete PSI reports and hold hearing.	Probation	\$0	\$300,000 - \$500,000	9.45
IV-33	Limit VOP warrants for cases involving failure to pay program fees.	Probation, Courts	\$0	\$1,000	9.45
IV-34	Eliminate PTS temporary employees.	Probation (PTS)	\$5,000	to be determined	9.45
IV-35	Coordinate PTS, jail classification and population management unit activities.	Probation (PTS), Sheriff	\$0	\$30,000 - \$100,000	9.45
IV-36	Allow PTS to keep prior criminal histories and DOJ manual rap sheets in the office.	Probation (PTS)	\$1,000	\$40,000	9.45
IV-37	"Chain of custody" for PTS packets.	Probation (PTS)	\$500	\$20,000	9.45

Stage	Recommendation	Agency	Cost	Savings	Page
IV-38	Develop policies and procedures for PTS interviews at the court to minimize time needed to complete PTS packets and to reduce a defendant's pretrial length of stay.	Probation (PTS)	\$0	\$20,000 - \$40,000	9.45
IV-39	Coordinate the exchange of information and development of policies to facilitate the transfer of detainees and inmates to ADAP and residential treatment programs.	Sheriff, ADAP, Probation	\$0	\$40,000 - \$100,000	9.45
IV-40	Utilize Honor Farm barracks A, B and C for pretrial and sentenced misdemeanor males and/or females.	Sheriff	\$0	\$1,200,000	9.46
IV-41	Expand video arraignment.	Sheriff, Courts	\$120,000 - \$160,000	\$50,000	9.46
IV-42	Convert unused jail support wing into secure housing unit.	Probation	\$800,000 - \$1,200,000	\$200,000 - \$600,000	9.46
IV-43	Develop a pool of part-time employees for temporary assignments	Sheriff	\$100,000 - \$150,000	\$180,000 - \$400,000	
	Total Stage IV		\$1,300,000 - \$1,900,000 (excludes e-mail system, which depends on size of set-up)	\$3,600,000 - \$5,000,000	



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**XI. COUNTY BUDGET  
PROJECTIONS &  
FINANCIAL ANALYSIS**

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# XI. COUNTY BUDGET PROJECTIONS & FINANCIAL ANALYSIS

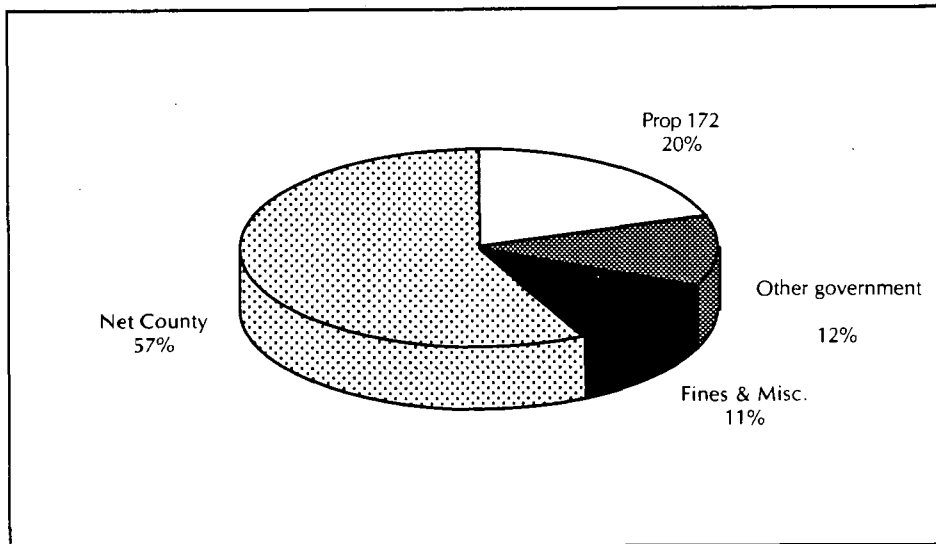
## A. Current County Fiscal Context

What will happen in San Joaquin County if the criminal justice system continues on its present path?

The county will go bankrupt. Here is why (greatly simplified):

Over half of criminal justice funding comes from the county's General Fund. The second largest source, since 1993, is Proposition 172 money (sales tax revenues dedicated to justice programs). Assistance from other governmental levels and fines and charges for service make up the balance. (Figure 11.1)

FIGURE 11.1 Source of Criminal Justice Funds FY 1994-95



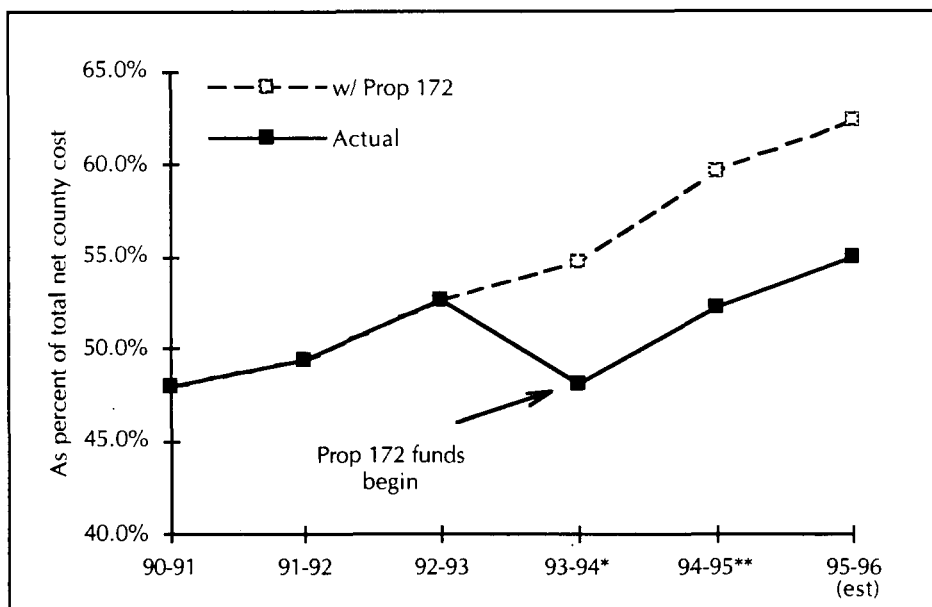
In FY 1992-93 and again in FY 1993-94 the state government severely reduced the amount of property tax funding retained by the counties. Although it purported to make up the difference in 1993-94 with Prop. 172 and some other funds, the allocation formula left San Joaquin County short by nearly \$32 million. That \$32 million had to come out of the General Fund, reducing it from \$133 million in the previous year to \$101 million. The justice system had consumed \$70 million of the General Fund in FY 1992-93, making it by far the largest user group.

General Fund support for justice dropped to \$49 million, but \$15 million from Proposition 172 was restored to it, so the net drop was only about \$6 million - serious, but not a major disaster, if it were to be a one-time event.

However the state again appropriated county funds in FY 1994-95, and at the time of this writing proposes to put a still heavier burden on the counties for 1995-96. The core of the governor's proposal is to shift half of AFDC costs to the counties and increase trial court funding to make up most of the difference. The Legislative Analyst finds that such a shift will have a deleterious effect on counties with high ratios of AFDC to court costs. In San Joaquin County that ratio was twice the state average in 1992-93, so San Joaquin looks like a major loser in the swap. County officials estimate the loss would be about \$20 million. One new option proposed by the Governor - making the General Assistance program discretionary - might recover \$4 million of that if GA were to be completely discontinued.

Meanwhile San Joaquin County continues to grow, and criminal justice grows even faster than the county's population. Figure 11.2 shows how justice consumes an increasing fraction of the General Fund.

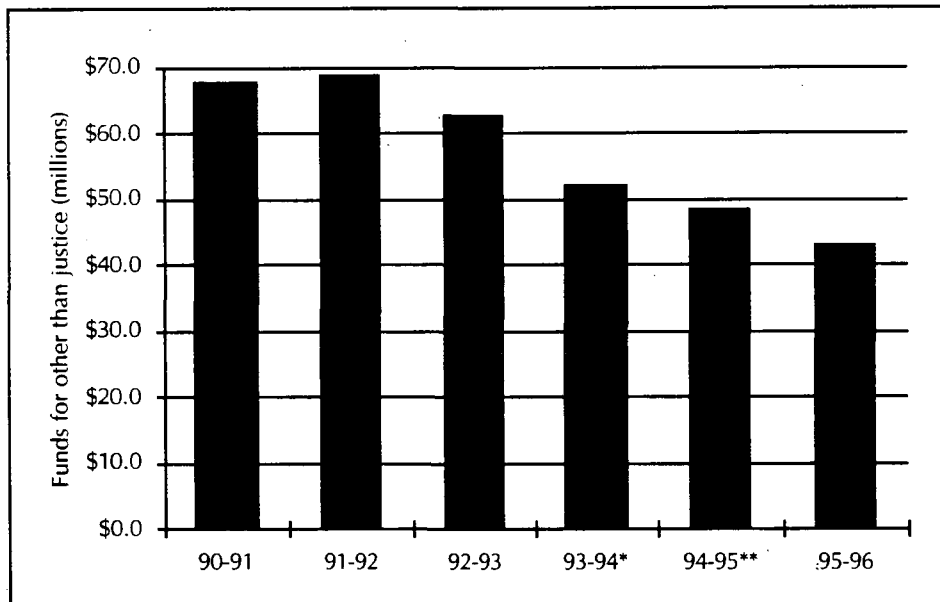
FIGURE 11.2 Law and Justice Expenditures



The solid line is the justice share of all General Fund expenditures, but it understates justice expenses because of the impact of Prop 172. Prop 172 money is not part of the general fund, but when obtained it was substituted for lost general fund revenues. In 1993-94 roughly the same amount of money was used for criminal justice purposes as had been in 1992-93 even though a part of it had a different label of origin. If Prop 172 funds are added to the General Fund, then the justice share of the budget follows the dotted line. From that viewpoint the share of justice grew from 48% in 1990-91 to almost 60% in 1994-95<sup>1</sup>. Concurrently, the funds available for non-justice purposes shrank from \$69 million in 1991-92 to \$49 million in 1994-95.

Preliminary proposals for the 1995-96 county budget envision a cut of about 3% for criminal justice departments from the "baseline projection," which is the sum it would require to continue at the present level of operations, taking into account such items as negotiated cost-of-living increases. The financial agencies (assessor, tax collector, etc.) will be cut about 5%, and all others, about 10%. Those projections are made *ignoring* the Governor's proposed revenue swap. (Figure 11.3) An additional consideration is that the Prop 172 regulations require public safety allocations to be maintained at least the level of 1992-93 (maintenance of effort) in order to receive full Prop 172 funding.

FIGURE 11.3 General Fund for Other Purposes



1 Prop 172 funds are added to both the numerator and the denominator.

If the rate of revenue decrease for non-justice departments continues (which it cannot), the "other uses" will disappear completely around 2001. Ironically, they include essential fiscal functions such as the county administrator, the tax assessor, the tax collector, the controller, and the county information system. With no ability to raise or spend money, the county government will have to shut down.

That scenario is impossible, of course; the county will not be able to function normally for even as long as six years if the justice system consumes an ever-increasing share of the fast-diminishing discretionary resources. Major cuts will have to be made in all areas, including justice - some activities might be discontinued altogether - and emergency relief will probably be sought from the state.

Limiting the share of justice expenses to its current value of about 60% will allow the county to survive, though at a barely adequate level of services. But if Sacramento continues to realign responsibilities it is difficult to see how the county government as presently constituted will continue to function.

The potentially massive consumption of county resources resulting from implementation of the 'Three Strikes' law are not included here, though some signs of impact are beginning to emerge.

## **B. Assumptions**

The San Joaquin County Administrator's staff does not make long-range budget projections. They once did, but after Proposition 13, and especially in the last few years of state "restructuring" it is no longer possible to forecast revenue with any confidence.

ILPP has prepared two simple forecasts ("pessimistic" and "optimistic") of the county general fund that perhaps blanket the reality which will unfold. Each uses a model incorporating many assumptions. The starting data are the same: the actual net county costs of justice from FY 1991-92 through FY 1995-96 (the last based on preliminary estimates from the CAO's office), the county's general fund budget, and revenues from Proposition 172 (1/2% additional sales tax dedicated to public safety). Justice funds are subtracted from the general fund to yield the resources available for all other purposes.<sup>2</sup> The major users of general fund money other than public safety are the Board of

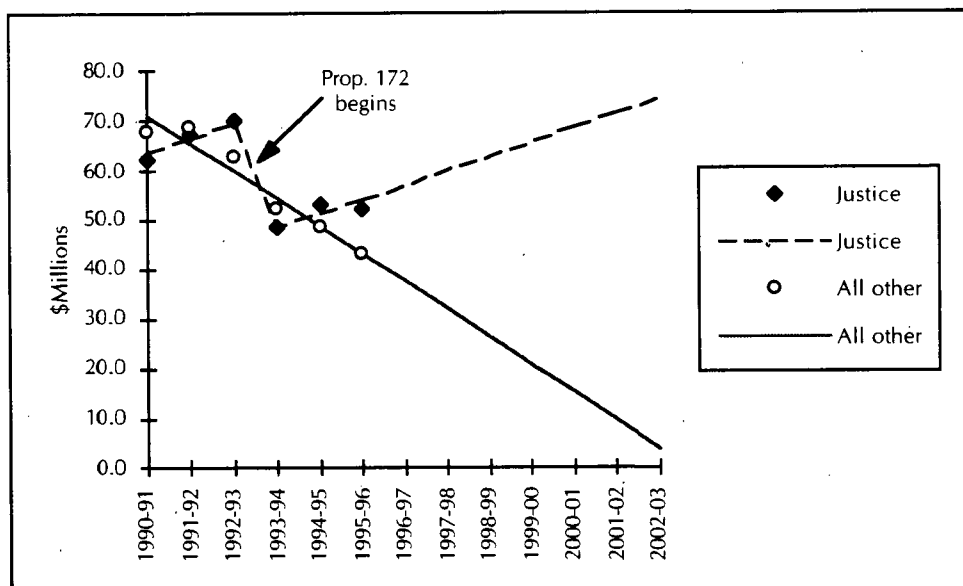
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2 Categorical funds are omitted though they are the great majority of the county's income because they are dedicated to particular uses. Welfare money - the largest - must go to welfare, gasoline taxes to roads, etc. Justice is supported primarily by the general (unrestricted) fund.

Supervisors and the fiscal departments (County Administrator, Assessor, Auditor-Controller, Tax Collector), and the administrative and support units (maintenance, purchasing, personnel, etc.), that is, the departments essential to the continued existence and functioning of the county government.

The starting point for both models is a straight-line extrapolation of the revenue trend over the last six years. Justice (including the civil courts) and "all other" are plotted separately in Figure 11.4. Points are actual values and trends are shown as lines. The drop in justice funding in FY 1993-94 came about because Proposition 172 funds were substituted for general fund money in the justice function. After accounting for that drop, however, there was a steady upward trend to the justice figures. Because they were actual figures, costs were equal to revenues for those years.

FIGURE 11.4 Justice and Other Budgets



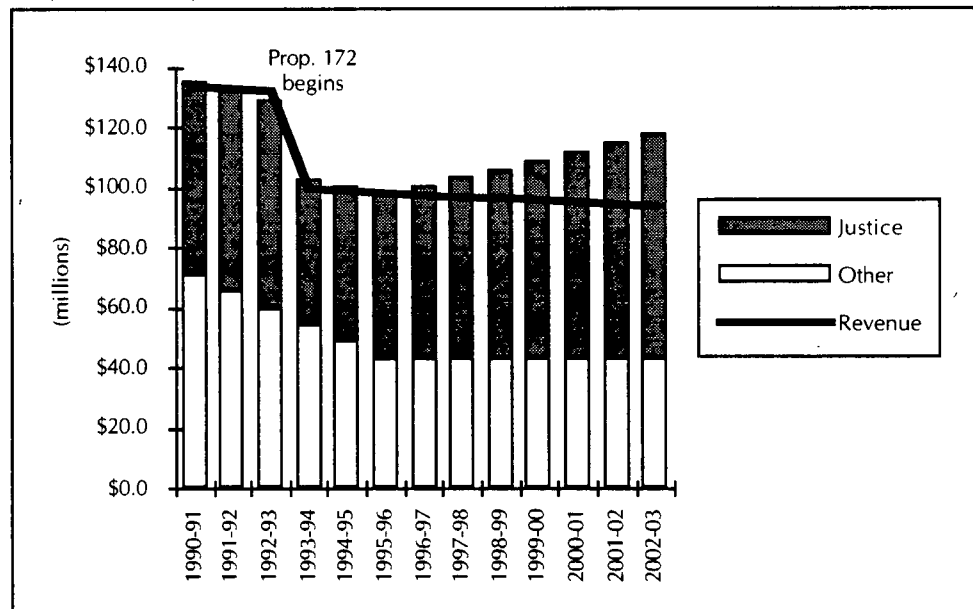
The extrapolation of justice costs should perhaps include even one further complication. Although the impact of the "three-strikes" law has yet to be quantified, preliminary indications are that it could double or triple the number of felony trials as well as increase the jail population. If a typical (non-capital) trial costs \$5,000 the court costs alone could jump by \$1,000,000 annually; but in the absence of data "three-strikes" is neglected.

Even though the extrapolations are the most accurate representation of an unmodified continuation of past developments<sup>3</sup>, they lead to an impossible conclusion. Under the present trends the county government will cease to exist somewhere just after the turn of the century. Such a disaster certainly will not be allowed to happen although the means of rescue are not yet apparent.

**1. Pessimistic Scenario**

Justice costs will continue to increase, but other costs will stabilize at their 1995-96 levels. However revenues will follow the trend. Figure 11.5 shows that a revenue gap will appear next year and will grow to \$24 million by FY 2002-03.

FIGURE 11.5 Pessimistic Scenario



One of the principal reasons that the general fund has decreased recently is the appropriation of property tax revenues by the state government to balance its own budget. Although there were offsetting allowances made to the county governments, the allocation formula was particularly unkind to San Joaquin County. The pessimistic scenario implicitly assumes that the state will continue to add new burdens to those already in place.

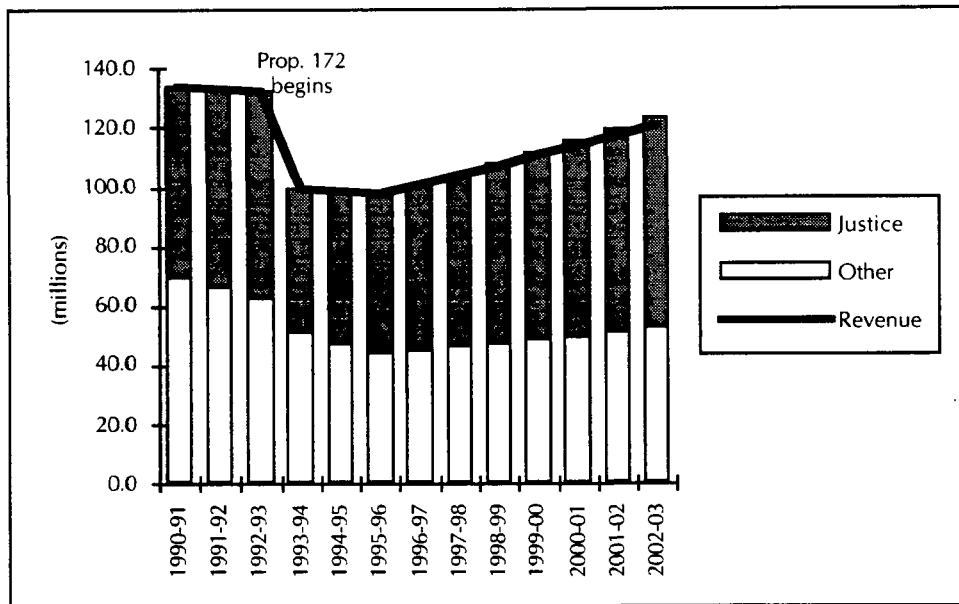
3 The lines were calculated by linear regression, a technique that is mathematically sound but requires that there be no changes in the underlying causes.

## 2. Optimistic Scenario

However suppose that the Governor's optimistic forecasts for the state budget come true and that Sacramento will henceforth leave the counties alone.<sup>4</sup>

Under the optimistic scenario, county general revenues will turn around and begin to grow at a modest rate, say 3%. (Population growth is projected to average 2.5%.) Justice system costs continue to increase but at a 10% slower rate than in the first scenario. The rest of government grows at the rate of population increase. (Figure 11.6). Justice assumes a constantly increasing share, but the county survives if it can overcome a small revenue shortfall (\$2.4 million in 2002-03).<sup>5</sup>

FIGURE 11.6 Optimistic Scenario



4 The Governor's FY 1995-96 contains a realignment proposal for shifting some welfare costs to the counties and offsetting them with a combination of increased trial court funding and sales tax sharing, and the removal of the current mandate for certain services such as General Assistance. Once again San Joaquin, with its high welfare to courts costs, would be the loser; but as of this writing the outlook for the proposal is doubtful.

5 In both figures the funds for justice are the net county cost only. Added to the budgets of the District Attorney, the Public Defender, the Sheriff, and Probation are Proposition 172 funds, approximately equal to the 1994 - 1994 drop. Those and all other justice departments have various other sources of funding as well, primarily as state or federal grants or through fees and charges.



Table 11.1 shows the actual and projected revenues, expenses, and shortfalls (in millions) under the two scenarios. Savings potential of ILPP recommendations is not considered yet.

TABLE 11.1 Actual and Projected Revenues, Expenses, and Shortfalls

FY	-----Historical-----			----- Pessimistic -----			
	Justice NCC	Justice + Prop 172	All other	Projected Justice	Projected other	Projected revenue	Projected shortfall
1990-91	62.5	62.5	67.9	63.7	71.2	133.8	1.1
1991-92	67.2	67.2	68.7	66.6	65.6	133.0	-0.9
1992-93	70.0	70.0	62.8	69.4	60.0	132.3	-2.9
1993-94	48.5	63.1	52.2	48.5	54.4	99.9	2.9
1994-95	53.0	71.7	48.5	51.3	48.8	99.2	0.9
1995-96	52.5	71.2	42.9	54.2	43.2	98.5	-1.1
1996-97				57.1	37.6	97.8	-3.1
1997-98				59.9	32.0	97.0	-5.1
1998-99				62.8	26.4	96.3	-7.1
1999-00				65.7	20.8	95.6	-9.2
2000-01				68.5	15.2	94.9	-11.2
2001-02				71.4	9.6	94.1	-13.2
2002-03				74.3	4.0	93.4	-15.2
FY				----- Optimistic -----			
				Projected Justice	Projected other	Projected revenue	Projected shortfall
1990-91				63.7	70.1	133.8	0
1991-92				66.6	66.5	133.0	0
1992-93				69.4	62.9	132.3	0
1993-94				48.5	51.5	99.9	0
1994-95				51.3	47.9	99.2	0
1995-96				54.2	44.3	98.5	0
1996-97				55.3	45.4	101.4	-0.7
1997-98				57.9	46.5	104.5	0.0
1998-99				60.5	47.7	107.6	0.6
1999-00				63.1	48.9	110.8	1.1
2000-01				65.7	50.1	114.2	1.6
2001-02				68.2	51.4	117.6	2.0
2002-03				70.8	52.7	121.1	2.4

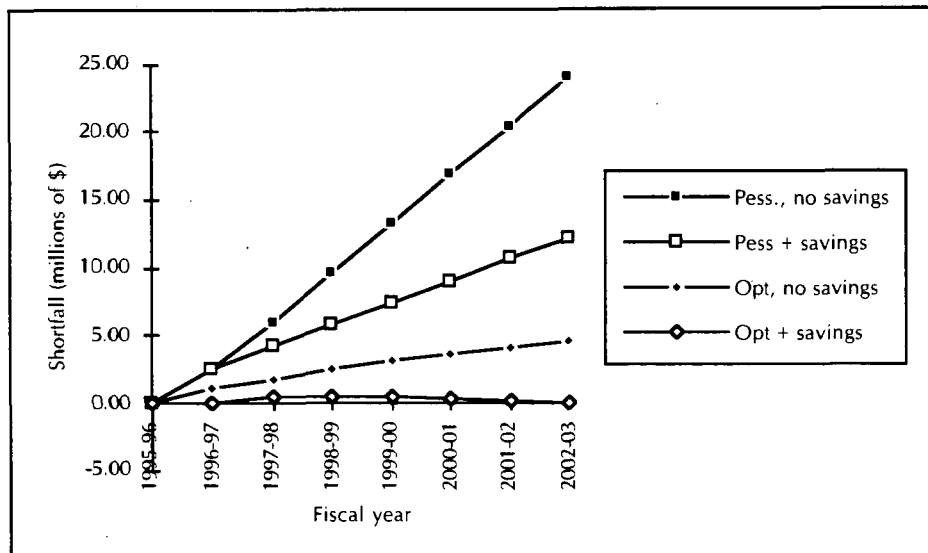
### C. Fiscal Impact of ILPP Recommendations

If all ILPP recommendations were enacted the annual savings might range from \$4.8 to \$12.9 million, exclusive of the costs avoided by postponing system expansion. Subtracting costs from savings, the annual net system cost could be as much as \$3.9 to \$11.1 million less than at present, depending on when one-time costs are incurred.

ILPP's budget projections show total criminal justice budget deficits ranging from \$2.5 million ("optimistic, no savings") to \$24 million ("pessimistic, no savings") by 2003. The projected operating savings through implementation of ILPP recommendations could completely eliminate the deficit in the most optimistic case and could cut it by up to two-thirds even in the pessimistic case.

Figure 11.7 shows the budget shortfalls for a particular set of assumptions about how the changes might be phased in. It is an illustration only; actual savings will be determined by the rate of implementation. In the figure the pessimistic shortfall is halved and the optimistic shortfall is virtually eliminated.

FIGURE 11.7 Projected County Criminal Justice Budget Shortfall, 2003



With no implementation of recommendations the optimistic case would require imposition of a 2% utility tax; with implementation it could be avoided altogether. With no implementation of recommendations, the pessimistic case would require both a 5% utility tax and a 1/2% sales tax. With implementation of recommendations, some additional tax would be needed, but perhaps no more than a 1/4% sales tax without a utility tax would suffice.

Table 11.2 shows the taxes required to offset the projected budget shortfall under "pessimistic" and "optimistic" scenarios assuming no implementation of ILPP recommendations.

TABLE 11.2 Projected Criminal Justice Budget Shortfall by FY 2002-03 and Required Offsetting Taxes

Scenario	Definition	FY 02-03 Budget Shortfall	Utility Tax	Sales Tax
<b>Pessimistic</b>	<ul style="list-style-type: none"> <li>• CJ costs continue to rise</li> <li>• Other county costs stabilize at FY 95-96 level</li> <li>• Revenue follows current trend</li> <li>• No recommendations implemented</li> </ul>	\$24 million	5%	1/2%
<b>Optimistic</b>	<ul style="list-style-type: none"> <li>• CJ costs rise at 10% lower rate than pessimistic scenario</li> <li>• Other county costs grow with population</li> <li>• Revenue grows at 3% annually</li> <li>• No recommendations implemented</li> </ul>	\$2.5 million	2%	0%

Many combinations of the numbers are possible. At the most optimistic, \$4.5 million of future cost growth could be postponed for a few – say one to five – years. The pessimistic scenario exaggerates the deficit; \$15 or \$20 million might be more likely, and the increased revenues would cover a higher fraction of it.

The bottom line: if the justice system continues to grow and county revenues continue to shrink as they have been doing, disaster looms. Only heavy additional taxes will permit system operations at any semblance of the current level. Maybe the county's fortunes will improve, but it is prudent to plan for the worst case.

If ILPP's recommendations for cost avoidance and cost savings are enacted, the additional revenues needed should be no more than half of what they would be otherwise, and there is a chance that no more taxes would be required at all. The next chapter considers funding options and potential of ILPP recommendations

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**XII. CRIMINAL JUSTICE**

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**FUNDING OPTIONS**

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## XII. CRIMINAL JUSTICE FUNDING OPTIONS

### A. Overview

The Justice System of San Joaquin County faces a serious funding crisis. Operation expenditures have climbed over the past five years as volume through the System has increased. Operating expenditures are expected to rise even more steeply as the full impacts of the "Three Strikes" law hit the System over the next few years. Simultaneously, the funding site of the County's Justice System has been decimated over the past two years as the State has shifted County property tax revenues into State coffers. A portion of the County's last revenue was replaced by sales tax revenues under Proposition 172; however, this new revenue source generates less revenue than the property tax and is less reliable. The funding prospects for the System remain dim as the state is considering shifting a substantial amount of welfare funding responsibility to the counties and offering increased court funding responsibility in its place. For San Joaquin County, with its significant welfare burden, this potential exchange is clearly disadvantageous.

With these grim trends, the County clearly needs to act quickly to manage those aspects of the Justice System that are within its control. On the operating expenditure side, the County, with the assistance of a Task Force and consultant, is examining its options for improving System operations, increasing efficiencies, and capturing potential economies of scale. On the funding side, the County is exploring its options for creating new revenue sources and for increasing revenues from existing sources. The County has several possible avenues for increasing revenues, each of which is examined below. The potential advantages and disadvantages of these avenues are also presented. Cashflow forecasts, which are attached as exhibits, illustrate the financial impact of each revenue source on the County's Justice System over the next seven years.

### B. System Condition

As a foundation for examining funding options, ILPP's consultant, Public Financial Management (PFM) began with the forecasts of the County's financial future provided by ILPP. Both of these forecasts are provided on a Net County Cost (NCC) basis. The first forecast — the "Pessimistic Scenario" — assumes that the casts of the Justice

System continue to rise at significant rates (in excess of 5% annually) in accordance with the trend of the past five years. The Pessimistic Scenario also assumes that the county's non-Justice cost ("All Other Costs") stabilize at the levels of the fiscal year 1996 budget. On the revenue side, the Pessimistic Scenario assumes that revenues continue on their downward trend of the last several years. The results of this grim scenario, with no additions or incremental revenue sources, is presented in Figure 12.1 and Table 12.1. The projected County deficit starts in FY97 at \$2.5 million and grows to \$24.1 million in FY03.

FIGURE 12.1 Funding Results Using Pessimistic Scenario

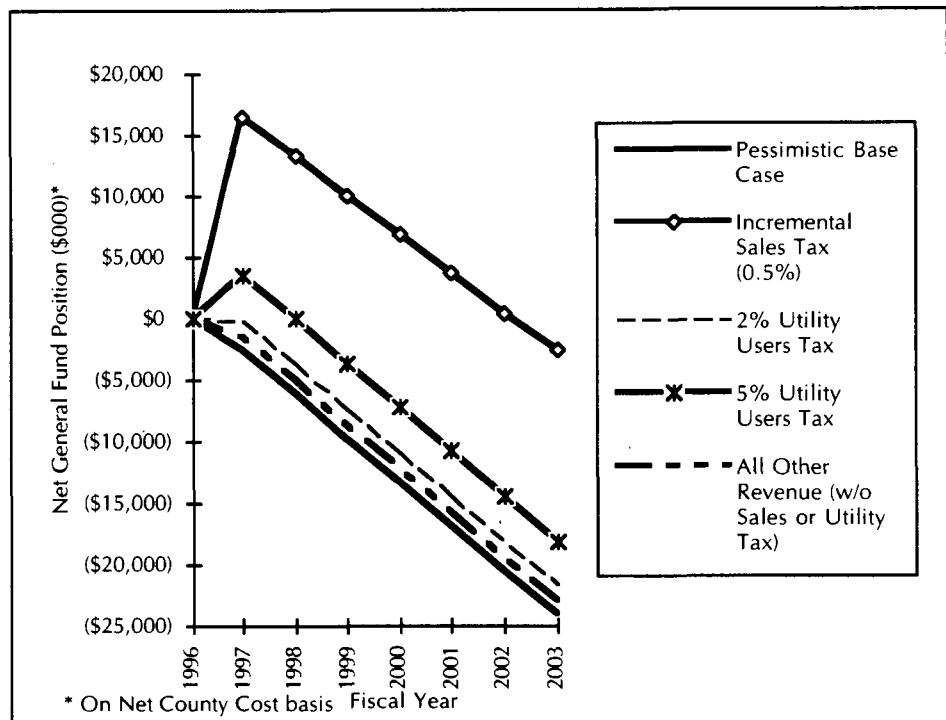


TABLE 12.1 Cash Flow Pessimistic Scenario: No Additional Revenue

County of San Joaquin County General Fund Justice System (Public Protection and the Courts)		Base RPP Scenario		PESIMISTIC						2.00%				
		Incremental PFM Scenario		Sales Tax NO	Office RR NO	Prop Transfer NO	Bus License NO	TOT NO	Jail Fees NO	Utility Users NO	CSA NO			
		HISTORICAL FISCAL YEARS					PROJECTED FISCAL YEARS							
		1991	1992	1993	1994	1995	1996 (Budgeted)	1997	1998	1999	2000	2001	2002	2003
<b>REVENUES</b>														
1	General Fund Revenues (applied to Justice NCC)	\$62,500,000	\$67,200,000	\$70,000,000	\$48,500,000	\$53,000,000	\$52,500,000							
2	General Fund Revenues (applied to All Other NCC)	67,900,000	68,700,000	62,800,000	52,200,000	48,500,000	42,900,000							
3	<b>Total Revenues on NCC Basis</b>	<b>\$130,400,000</b>	<b>\$135,900,000</b>	<b>\$132,800,000</b>	<b>\$100,700,000</b>	<b>\$101,500,000</b>	<b>\$95,400,000</b>	<b>\$97,800,000</b>	<b>\$97,000,000</b>	<b>\$96,300,000</b>	<b>\$95,800,000</b>	<b>\$94,900,000</b>	<b>\$94,100,000</b>	<b>\$93,400,000</b>
<i>Proposed Additional Revenues (Increment is presented for Revenue Sources that Already Exist)</i>														
4	Incremental Increased Sales Tax (0.5%)						0	0	0	0	0	0	0	
5	Incremental County Improved Collections (Office of Revenue Recovery)						0	0	0	0	0	0	0	
6	Incremental Property Transfer Tax						0	0	0	0	0	0	0	
7	Incremental Business Licenses						0	0	0	0	0	0	0	
8	Incremental Transient Occupancy Tax						0	0	0	0	0	0	0	
9	Jail Fees from Inmates						0	0	0	0	0	0	0	
10	Utility Users Tax						0	0	0	0	0	0	0	
11	County Service Area/District						0	0	0	0	0	0	0	
12	<b>Subtotal Proposed Additional Revenues</b>						0	0	0	0	0	0	0	
13	<b>Total Revenues (Existing on NCC Basis + Proposed Additional Revenues)</b>						<b>\$95,400,000</b>	<b>\$97,800,000</b>	<b>\$97,000,000</b>	<b>\$96,300,000</b>	<b>\$95,800,000</b>	<b>\$94,900,000</b>	<b>\$94,100,000</b>	<b>\$93,400,000</b>
<b>EXPENDITURES</b>														
15	Justice Expenditures (on NCC basis)	62,500,000	67,200,000	70,000,000	48,500,000	53,000,000	52,500,000	57,100,000	58,800,000	62,800,000	65,700,000	68,500,000	71,400,000	74,300,000
16	All Other Expenditures (on NCC basis)	67,800,000	68,700,000	62,800,000	52,200,000	48,500,000	42,900,000	43,200,000	43,200,000	43,200,000	43,200,000	43,200,000	43,200,000	
17	<b>Total Expenditures (on NCC basis)</b>	<b>\$130,400,000</b>	<b>\$135,900,000</b>	<b>\$132,800,000</b>	<b>\$100,700,000</b>	<b>\$101,500,000</b>	<b>\$95,400,000</b>	<b>\$100,300,000</b>	<b>\$103,100,000</b>	<b>\$106,000,000</b>	<b>\$108,900,000</b>	<b>\$111,700,000</b>	<b>\$114,600,000</b>	<b>\$117,500,000</b>
18	<b>NET GENERAL FUND POSITION (NCC basis)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(2,800,000)</b>	<b>(6,100,000)</b>	<b>(9,700,000)</b>	<b>(13,300,000)</b>	<b>(16,800,000)</b>	<b>(20,800,000)</b>	<b>(24,100,000)</b>
<b>ADDITIONAL INFORMATION</b>														
19	Existing Additional Revenues													
20	Proposition 172 Sales Tax: (0.5%)	0	0	0	14,800,000	18,700,000	18,700,000	19,100,000	19,400,000	19,800,000	20,200,000	20,600,000	21,000,000	21,500,000
21	Additional Federal Assistance													
22	Violent Crime Control & Law Enforcement Act of 1994	0	0	0	0	0	0	0	0	0	0	0	0	

A second forecast — The “Optimistic Scenario” — is also used as a basis for analyzing funding options. This scenario assumes that revenues of the County grow at a moderate rate of 3%, in line with basic inflation. Expenditures for the Justice System under this scenario continue to rise, but at a slower rate, which is closer to County population growth (about 2.5%). The County’s non-Justice costs rise at about the same rate, in line with population growth. The results of this scenario are much more promising, with the County experiencing a slight surplus of \$0.7 million in FY97 and a modest deficit of \$2.4 million in FY03. The results of this Optimistic Scenario are presented in Figure 12.2 and TABLE 5.2.

FIGURE 12.2 Funding Results Using Optimistic Scenario

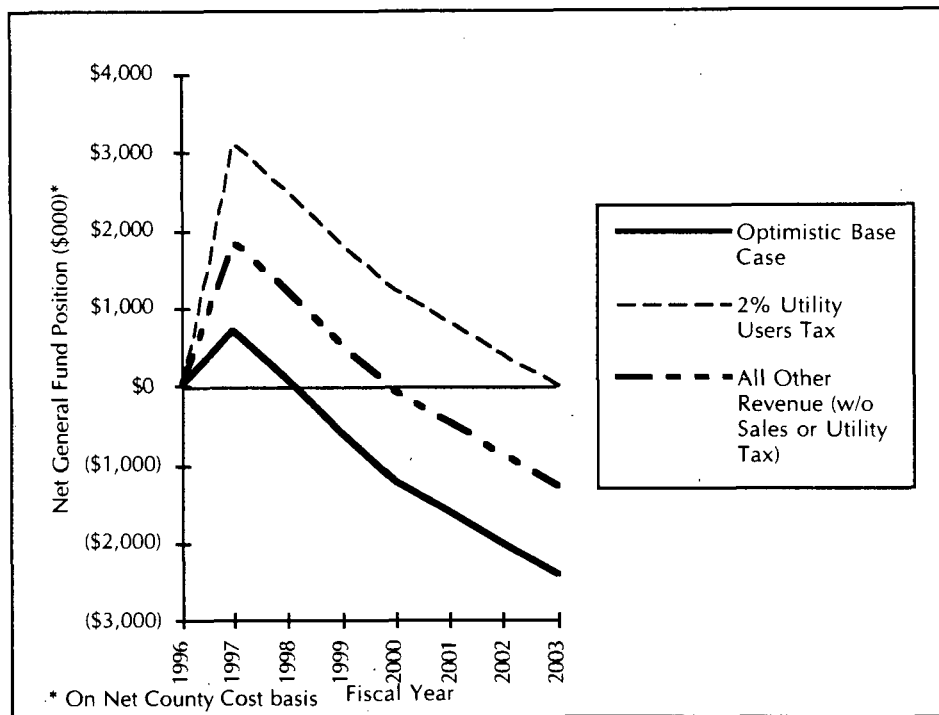




TABLE 12.2 Cash Flow Optimistic Scenario: No Additional Revenue

County of San Joaquin County General Fund Justice System (Public Protection and the Courts)		Base LPP Scenario												
		OPTIMISTIC							2.00%					
		Incremental PFM Scenario		Sales Tax	Office RR	Prop Transfer	Bus License	TOI	Jail Fees	Utility Users	CSA			
				NO	NO	NO	NO	NO	NO	NO	NO			
		HISTORICAL FISCAL YEARS					PROJECTED FISCAL YEARS							
		1991	1992	1993	1994	1995	1996 (Budgeted)	1997	1998	1999	2000	2001	2002	2003
<b>REVENUES</b>														
1	General Fund Revenues (applied to Justice NCC)	\$62,500,000	\$67,200,000	\$70,000,000	\$48,500,000	\$53,000,000	\$52,500,000							
2	General Fund Revenues (applied to All Other NCC)	67,900,000	68,700,000	62,800,000	52,200,000	48,500,000	42,900,000							
3	<b>Total Revenues on NCC Basis</b>	<b>\$130,400,000</b>	<b>\$135,900,000</b>	<b>\$132,800,000</b>	<b>\$100,700,000</b>	<b>\$101,500,000</b>	<b>\$95,400,000</b>	<b>\$101,400,000</b>	<b>\$104,500,000</b>	<b>\$107,800,000</b>	<b>\$110,800,000</b>	<b>\$114,200,000</b>	<b>\$117,600,000</b>	<b>\$121,100,000</b>
<i>Proposed Additional Revenues (Increment is presented for Revenue Sources that Already Exist)</i>														
4	Incremental Increased Sales Tax (0.5%)							0	0	0	0	0	0	0
5	Incremental County Improved Collections (Office of Revenue Recovery)							0	0	0	0	0	0	0
6	Incremental Property Transfer Tax							0	0	0	0	0	0	0
7	Incremental Business Licenses							0	0	0	0	0	0	0
8	Incremental Transient Occupancy Tax							0	0	0	0	0	0	0
9	Jail Fees from Inmates							0	0	0	0	0	0	0
10	Utility Users Tax							0	0	0	0	0	0	0
11	County Service Area/District							0	0	0	0	0	0	0
12	<b>Subtotal Proposed Additional Revenues</b>							<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
13	<b>Total Revenues (Existing on NCC Basis + Proposed Additional Revenues)</b>						<b>\$95,400,000</b>	<b>\$101,400,000</b>	<b>\$104,500,000</b>	<b>\$107,800,000</b>	<b>\$110,800,000</b>	<b>\$114,200,000</b>	<b>\$117,600,000</b>	<b>\$121,100,000</b>
<b>EXPENDITURES</b>														
15	Justice Expenditures (on NCC basis)	62,500,000	67,200,000	70,000,000	48,500,000	53,000,000	52,500,000	55,300,000	57,900,000	60,500,000	63,100,000	65,700,000	68,200,000	70,800,000
16	All Other Expenditures (on NCC basis)	67,900,000	68,700,000	62,800,000	52,200,000	48,500,000	42,900,000	45,400,000	46,500,000	47,700,000	48,900,000	50,100,000	51,400,000	52,700,000
17	<b>Total Expenditures (on NCC basis)</b>	<b>\$130,400,000</b>	<b>\$135,900,000</b>	<b>\$132,800,000</b>	<b>\$100,700,000</b>	<b>\$101,500,000</b>	<b>\$95,400,000</b>	<b>\$100,700,000</b>	<b>\$104,400,000</b>	<b>\$108,200,000</b>	<b>\$112,000,000</b>	<b>\$115,800,000</b>	<b>\$119,600,000</b>	<b>\$123,500,000</b>
18	<b>NET GENERAL FUND POSITION (NCC basis)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>700,000</b>	<b>100,000</b>	<b>(600,000)</b>	<b>(1,200,000)</b>	<b>(1,600,000)</b>	<b>(2,000,000)</b>	<b>(2,400,000)</b>
<b>ADDITIONAL INFORMATION</b>														
19	<i>Existing Additional Revenues</i>													
20	Proposition 172 Sales Tax: (0.5%)	0	0	0	14,600,000	18,700,000	18,700,000	19,100,000	19,400,000	19,800,000	20,200,000	20,600,000	21,000,000	21,500,000
21	<i>Additional Federal Assistance</i>													
22	Violent Crime Control & Law Enforcement Act of 1994	0	0	0	0	0	0	0	0	0	0	0	0	0

Using these forecasts as a base, PFM explored the options available to the County for generating additional or incremental revenues.

### C. Funding Options

On briefly reviewing the County's current and potential funding options, PFM believes that eight potential revenue sources deserve scrutiny and consideration by the County:

- Sales Tax
- Utility Users Tax
- Improved Collections by Office of Revenue Recovery
- Property Transfer Tax
- Business License Fees
- Transient Occupancy Tax (TOT)
- Fees from Jail Inmates
- Parcel Charge from Community Service Area (CSA)

Each of these fund sources is described below, along with potential advantages and disadvantages. In addition, the funding options are tested against the County's Pessimistic and Optimistic Cashflow Scenarios. These cashflow scenarios demonstrate the relative effectiveness of the above revenue sources in meeting the county's funding gaps. Results are summarized in Tables 12.2 and 12.3 and Figures 12.1-12.3.

TABLE 12.3 Summary of Funding Sources Impact on Cashflow

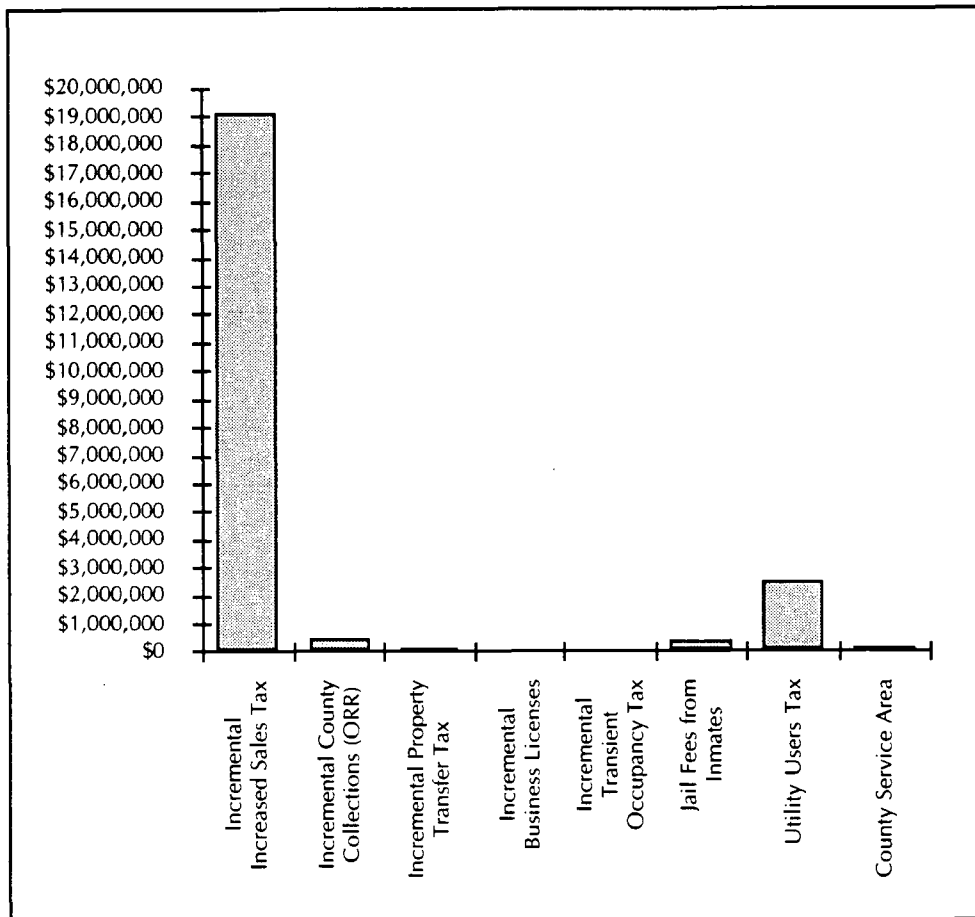
Funding Source	Net General Fund Position	
	FY 1997	FY 2003
A. Pessimistic Scenario: Additional Revenue	(\$2.5) mm	(\$24.1) mm
B. + .5% Sales Tax	\$16.6 mm	(\$2.6) mm
C. + 2% Utility Users	(\$0.1) mm	(\$21.6) mm
D. + 5% Utility Users	\$ 3.5 mm	(\$18.0) mm
E. All Other Revenue (Or Property Transfer, Business License, TOT, Jail Fees, LSA)	(\$1.3) mm	(\$22.9) mm
F. Optimistic Scenario: No Additional Revenue	\$0.7 mm	(\$2.4) mm
G. + 2% Utility Users	\$3.1 mm	~ \$0
H. + All Other Revenue (ORR Property Transfer, Business License, TOT, Jail Fees, LSA)	\$1.8 mm	(\$1.2) mm

TABLE 12.4 Assumptions and Results by Funding Source

County of San Joaquin County General Fund Justice System (Public Protection and the Courts)		Base ILPP Scenario		Incremental PFM Scenario					2.00%		CSA
		Pessimistic	Optimistic	Sales Tax	Office RR	Prop Transfer	Bus License	TOT	Jail Fees	Utility Users	
		NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
SCENARIOS		PROJECTED FISCAL YEARS									
		1996	1997	1998	1999	2000	2001	2002	2003		
		(Budgeted)									
ILPP Pessimistic											
23	NCC Revenues	\$97,800,000	\$97,000,000	\$96,300,000	\$95,800,000	\$94,900,000	\$94,100,000	\$93,400,000			
24	NCC Justice Expenditures	57,100,000	59,900,000	62,800,000	65,700,000	68,500,000	71,400,000	74,300,000			
25	NCC Other Expenditures	43,200,000	43,200,000	43,200,000	43,200,000	43,200,000	43,200,000	43,200,000			
ILPP Optimistic											
26	NCC Revenues	101,400,000	104,500,000	107,600,000	110,800,000	114,200,000	117,600,000	121,100,000			
27	NCC Justice Expenditures	55,300,000	57,900,000	60,500,000	63,100,000	65,700,000	68,200,000	70,800,000			
28	NCC Other Expenditures	45,400,000	46,500,000	47,700,000	48,900,000	50,100,000	51,400,000	52,700,000			
PFM Incremental Scenarios											
29	Incremental Increased Sales Tax (0.5%)	19,100,000	19,400,000	19,800,000	20,200,000	20,600,000	21,000,000	21,500,000			
30	Incremental County Collections (Office of Revenue Recovery)	470,000	470,000	470,000	470,000	470,000	470,000	470,000			
31	Incremental Property Transfer Tax	114,000	114,000	114,000	114,000	114,000	114,000	114,000			
32	Incremental Business Licenses	14,750	14,750	14,750	14,750	14,750	14,750	14,750			
33	Incremental Transient Occupancy Tax	70,800	70,800	70,800	70,800	70,800	70,800	70,800			
34	Jail Fees from Inmates	365,000	365,000	365,000	365,000	365,000	365,000	365,000			
35	Utility Users Tax	2,422,612	2,422,612	2,422,612	2,422,612	2,422,612	2,422,612	2,422,612			
36	County Service Area/District	100,000	100,000	100,000	100,000	100,000	100,000	100,000			
37	Subtotal PFM Incremental Revenue	22,657,162	22,957,162	23,357,162	23,757,162	24,157,162	24,557,162	25,057,162			

Prepared by Public Financial Management, Inc.

FIGURE 12.3 Potential Funding by Revenue Source



Of all the county's criminal justice activities, only law enforcement (the Sheriff's patrol) is restricted to the unincorporated areas. Most of the potential revenue-generating mechanisms would be applied only to those areas, raising an equity problem as to whether unincorporated residents alone should bear the burdens of the entire County for functions such as the jail, probation, and prosecution and defense.

Certain funding mechanisms are successfully employed by the city of Stockton. However there are three important caveats. First, Stockton has about 75% more residents than does the unincorporated portion of the County, so all figures are automatically inflated by that amount. Second, the revenue base may exist to a greater extent in the city than in the County. Finally, Stockton is a chartered city and thereby enjoys greater flexibility in its financial activities than does the (general law) County. PFM and ILPP have not been able to explore fully the ramifications of these latter two caveats and therefore simply present the Stockton figures with little additional comment.

### 1. Sales Tax

An obvious and potentially productive source of revenue is the sales tax. Counties in California have the option of levying an incremental sales tax, on top of the State imposed rate, for local funding purposes. The imposition of an incremental sales tax requires a majority vote of either 50% or two-thirds, depending on the language of the proposition and interpretations of the Rider case of 1991. An incremental sales tax increase of 0.5% would generate about \$19 million in FY97, based on the estimates from ILPP for revenues to the County from Proposition 172. This revenue source is tested against the Pessimistic cashflow scenario with positive results — the balance in FY97 is \$16.6 million and FY03 is (\$2.6) million.

TABLE 12.5 Cash Flow Pessimistic Scenario: 5% Sales Tax

County of San Joaquin County General Fund Justice System (Public Protection and the Courts)						Base ILPP Scenario Incremental PFM Scenario		PESSIMISTIC		2.00%		CSA							
						Sales Tax YES	Office RR NO	Prop Transfer NO	Bus License NO	TOT NO	Jail Fees NO	Utility Users NO	NO						
HISTORICAL FISCAL YEARS						PROJECTED FISCAL YEARS													
						1991	1992	1993	1994	1995	1996 (Budgeted)	1997	1998	1999	2000	2001	2002	2003	
<b>REVENUES</b>																			
1	General Fund Revenues (applied to Justice NCC)					\$62,500,000	\$67,200,000	\$70,000,000	\$48,500,000	\$53,000,000	\$52,500,000								
2	General Fund Revenues (applied to All Other NCC)					67,900,000	68,700,000	62,800,000	52,200,000	48,500,000	42,900,000								
3	<b>Total Revenues on NCC Basis</b>					<b>\$130,400,000</b>	<b>\$135,900,000</b>	<b>\$132,800,000</b>	<b>\$100,700,000</b>	<b>\$101,500,000</b>	<b>\$95,400,000</b>	<b>\$97,800,000</b>	<b>\$97,000,000</b>	<b>\$98,300,000</b>	<b>\$95,600,000</b>	<b>\$94,900,000</b>	<b>\$94,100,000</b>	<b>\$93,400,000</b>	
Proposed Additional Revenues (Increment is presented for Revenue Sources that Already Exist)																			
4	Incremental Increased Sales Tax (0.5%)										19,100,000	19,400,000	19,800,000	20,200,000	20,600,000	21,000,000	21,500,000		
5	Incremental County Improved Collections (Office of Revenue Recovery)										0	0	0	0	0	0	0	0	
6	Incremental Property Transfer Tax										0	0	0	0	0	0	0	0	
7	Incremental Business Licenses										0	0	0	0	0	0	0	0	
8	Incremental Transient Occupancy Tax										0	0	0	0	0	0	0	0	
9	Jail Fees from Inmates										0	0	0	0	0	0	0	0	
10	Utility Users Tax										0	0	0	0	0	0	0	0	
11	County Service Area/District										0	0	0	0	0	0	0	0	
12	<b>Subtotal Proposed Additional Revenues</b>										<b>19,100,000</b>	<b>19,400,000</b>	<b>19,800,000</b>	<b>20,200,000</b>	<b>20,600,000</b>	<b>21,000,000</b>	<b>21,500,000</b>		
13	<b>Total Revenues (Existing on NCC Basis + Proposed Additional Revenues)</b>										<b>\$95,400,000</b>	<b>\$116,900,000</b>	<b>\$116,400,000</b>	<b>\$116,100,000</b>	<b>\$115,800,000</b>	<b>\$115,500,000</b>	<b>\$115,100,000</b>	<b>\$114,900,000</b>	
<b>EXPENDITURES</b>																			
15	Justice Expenditures (on NCC basis)					62,500,000	67,200,000	70,000,000	48,500,000	53,000,000	52,500,000	57,100,000	59,900,000	62,800,000	65,700,000	68,500,000	71,400,000	74,300,000	
16	All Other Expenditures (on NCC basis)					67,900,000	68,700,000	62,800,000	52,200,000	48,500,000	42,900,000	43,200,000	43,200,000	43,200,000	43,200,000	43,200,000	43,200,000	43,200,000	
17	<b>Total Expenditures (on NCC basis)</b>					<b>\$130,400,000</b>	<b>\$135,900,000</b>	<b>\$132,800,000</b>	<b>\$100,700,000</b>	<b>\$101,500,000</b>	<b>\$95,400,000</b>	<b>\$100,300,000</b>	<b>\$103,100,000</b>	<b>\$106,000,000</b>	<b>\$108,900,000</b>	<b>\$111,700,000</b>	<b>\$114,600,000</b>	<b>\$117,500,000</b>	
18	<b>NET GENERAL FUND POSITION (NCC basis)</b>					<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>16,600,000</b>	<b>13,300,000</b>	<b>10,100,000</b>	<b>6,900,000</b>	<b>3,800,000</b>	<b>600,000</b>	<b>(2,600,000)</b>	
<b>ADDITIONAL INFORMATION</b>																			
19	Existing Additional Revenues																		
20	Proposition 172 Sales Tax: (0.5%)					0	0	0	14,800,000	18,700,000	18,700,000	19,100,000	19,400,000	19,800,000	20,200,000	20,600,000	21,000,000	21,500,000	
21	Additional Federal Assistance																		
22	Violent Crime Control & Law Enforcement Act of 1994					0	0	0	0	0	0	0	0	0	0	0	0	0	

The advantage of a sales tax increase are the following:

- the large amount of revenue generated;
- the relative ease of implementation (collection and distribution mechanics is already in place);
- the tax is applied county-wide, not just to the unincorporated areas.

The disadvantages of a sales tax increase are the following:

- difficulty in achieving the necessary vote;
- revenue level can vary and be unpredictable;
- regarded as regressive;
- can harm business activity, especially if neighboring counties' rates are lower.

## 2. Utility Users Tax

A potential new source of revenues for the County is a Utility Users Tax, which State statute grants counties and cities the ability to levy. This tax is relatively frequently imposed by cities and rarely by counties. The tax may be imposed in unincorporated areas on service for any of the following utilities: electricity, gas, water, sewer, telephone, and cable. The imposition of this tax does not require a vote as long as the County pledges to use it for general purposes. This pledge should probably be obtained since the Justice System is such an enormous portion of the budget. The County would have considerable flexibility in imposing the tax on particular utilities, on particular customer classes, and at particular levels.

At two starting points, PFM tested the impacts of a 2% and a 5% utility tax on the cashflow of the County. We imposed these rates across all classes of customers and on the gas and electric utility only. We used the customer account and billing data from San Joaquin County dated 5/19/93. Using the Pessimistic Scenario, the results of this cashflow projection were only slightly positive at the tested levels. These results are presented in Tables 12.3, 12.6, 12.7 and Figure 12.1. Using a 2% tax, the net position in FY97 is (\$0.1) million and in FY 03 is (\$21.6) million. Using a 5% tax puts the County at \$3.5 million in FY97 and (\$18) million in FY03.



TABLE 12.6 Cash Flow Pessimistic Scenario: 2% Utility Users Tax

County of San Joaquin County General Fund Justice System (Public Protection and the Courts)		Base H,PP Scenario													
		Incremental PFM Scenario													
		PESSIMISTIC													
		Sales Tax	Office RR	Prop Transfer	Bns License	TOT	Jail Fees	2.00%	CSA						
		NO	NO	NO	NO	NO	NO	UTILITY USERS YES	NO						
		HISTORICAL FISCAL YEARS					PROJECTED FISCAL YEARS								
		1991	1992	1993	1994	1995	1996 (Budgeted)	1997	1998	1999	2000	2001	2002	2003	
<b>REVENUES</b>															
1	General Fund Revenues (applied to Justice NCC)	\$62,500,000	\$67,200,000	\$70,000,000	\$48,500,000	\$53,000,000	\$52,500,000								
2	General Fund Revenues (applied to All Other NCC)	67,900,000	68,700,000	62,800,000	52,200,000	48,500,000	42,900,000								
3	<b>Total Revenues on NCC Basis</b>	<b>\$130,400,000</b>	<b>\$135,900,000</b>	<b>\$132,800,000</b>	<b>\$100,700,000</b>	<b>\$101,500,000</b>	<b>\$95,400,000</b>	<b>\$97,800,000</b>	<b>\$97,000,000</b>	<b>\$98,300,000</b>	<b>\$95,600,000</b>	<b>\$94,900,000</b>	<b>\$94,100,000</b>	<b>\$93,400,000</b>	
<i>Proposed Additional Revenues (Increment is presented for Revenue Sources that Already Exist)</i>															
4	Incremental Increased Sales Tax (0.5%)						0	0	0	0	0	0	0	0	
5	Incremental County Improved Collections (Office of Revenue Recovery)						0	0	0	0	0	0	0	0	
6	Incremental Property Transfer Tax						0	0	0	0	0	0	0	0	
7	Incremental Business Licenses						0	0	0	0	0	0	0	0	
8	Incremental Transient Occupancy Tax						0	0	0	0	0	0	0	0	
9	Jail Fees from Inmates						0	0	0	0	0	0	0	0	
10	Utility Users Tax						2,422,612	2,422,612	2,422,612	2,422,612	2,422,612	2,422,612	2,422,612	2,422,612	
11	County Service Area/District						0	0	0	0	0	0	0	0	
12	<b>Subtotal Proposed Additional Revenues</b>						<b>2,422,612</b>	<b>2,422,612</b>	<b>2,422,612</b>	<b>2,422,612</b>	<b>2,422,612</b>	<b>2,422,612</b>	<b>2,422,612</b>	<b>2,422,612</b>	
13	<b>Total Revenues (Existing on NCC Basis + Proposed Additional Revenues)</b>						<b>\$95,400,000</b>	<b>\$100,222,612</b>	<b>\$99,422,612</b>	<b>\$98,722,612</b>	<b>\$98,022,612</b>	<b>\$97,322,612</b>	<b>\$96,522,612</b>	<b>\$95,822,612</b>	
<b>EXPENDITURES</b>															
15	Justice Expenditures (on NCC basis)	62,500,000	67,200,000	70,000,000	48,500,000	53,000,000	52,500,000	57,100,000	59,900,000	62,800,000	65,700,000	68,500,000	71,400,000	74,300,000	
16	All Other Expenditures (on NCC basis)	67,900,000	68,700,000	62,800,000	52,200,000	48,500,000	42,900,000	43,200,000	43,200,000	43,200,000	43,200,000	43,200,000	43,200,000	43,200,000	
17	<b>Total Expenditures (on NCC basis)</b>	<b>\$130,400,000</b>	<b>\$135,900,000</b>	<b>\$132,800,000</b>	<b>\$100,700,000</b>	<b>\$101,500,000</b>	<b>\$95,400,000</b>	<b>\$100,300,000</b>	<b>\$103,100,000</b>	<b>\$108,000,000</b>	<b>\$108,900,000</b>	<b>\$111,700,000</b>	<b>\$114,600,000</b>	<b>\$117,500,000</b>	
18	<b>NET GENERAL FUND POSITION (NCC basis)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(77,388)</b>	<b>(3,677,388)</b>	<b>(7,277,388)</b>	<b>(10,877,388)</b>	<b>(14,377,388)</b>	<b>(18,077,388)</b>	<b>(21,677,388)</b>	
<b>ADDITIONAL INFORMATION</b>															
19	Existing Additional Revenues														
20	Proposition 172 Sales Tax: (0.5%)	0	0	0	14,600,000	18,700,000	18,700,000	19,100,000	19,400,000	19,800,000	20,200,000	20,600,000	21,000,000	21,500,000	
21	Additional Federal Assistance														
22	Violent Crime Control & Law Enforcement Act of 1994	0	0	0	0	0	0	0	0	0	0	0	0	0	

TABLE 12.7 Cash Flow Pessimistic Scenario: 5% Utility Users Tax

County of San Joaquin County General Fund Justice System (Public Protection and the Courts)		Base RPP Scenario												
		Incremental PFM Scenario					5.00%							
		PESIMISTIC												
		Sales Tax	Office RR	Prop Transfer	Bus License	TOT	Jail Fees	Utility Users	CSA					
		NO	NO	NO	NO	NO	NO	YES	NO					
		HISTORICAL FISCAL YEARS					PROJECTED FISCAL YEARS							
		1991	1992	1993	1994	1995	1996 (Budgeted)	1997	1998	1999	2000	2001	2002	2003
<b>REVENUES</b>														
1	General Fund Revenues (applied to Justice NCC)	\$62,500,000	\$67,200,000	\$70,000,000	\$48,500,000	\$53,000,000	\$52,500,000							
2	General Fund Revenues (applied to All Other NCC)	67,900,000	68,700,000	62,800,000	52,200,000	48,500,000	42,900,000							
3	<b>Total Revenues on NCC Basis</b>	<b>\$130,400,000</b>	<b>\$135,900,000</b>	<b>\$132,800,000</b>	<b>\$100,700,000</b>	<b>\$101,500,000</b>	<b>\$95,400,000</b>	<b>\$97,800,000</b>	<b>\$97,000,000</b>	<b>\$98,300,000</b>	<b>\$95,600,000</b>	<b>\$94,900,000</b>	<b>\$94,100,000</b>	<b>\$93,400,000</b>
<i>Proposed Additional Revenues (Increment is presented for Revenue Sources that Already Exist)</i>														
4	Incremental Increased Sales Tax (0.5%)						0	0	0	0	0	0	0	0
5	Incremental County Improved Collections (Office of Revenue Recovery)						0	0	0	0	0	0	0	0
6	Incremental Property Transfer Tax						0	0	0	0	0	0	0	0
7	Incremental Business Licenses						0	0	0	0	0	0	0	0
8	Incremental Transient Occupancy Tax						0	0	0	0	0	0	0	0
9	Jail Fees from Inmates						0	0	0	0	0	0	0	0
10	Utility Users Tax						6,058,941	6,058,941	6,058,941	6,058,941	6,058,941	6,058,941	6,058,941	6,058,941
11	County Service Area/District						0	0	0	0	0	0	0	0
12	<b>Subtotal Proposed Additional Revenues</b>						<b>6,058,941</b>	<b>6,058,941</b>	<b>6,058,941</b>	<b>6,058,941</b>	<b>6,058,941</b>	<b>6,058,941</b>	<b>6,058,941</b>	<b>6,058,941</b>
13	<b>Total Revenues (Existing on NCC Basis + Proposed Additional Revenues)</b>						<b>\$95,400,000</b>	<b>\$103,858,941</b>	<b>\$103,058,941</b>	<b>\$102,358,941</b>	<b>\$101,658,941</b>	<b>\$100,958,941</b>	<b>\$100,158,941</b>	<b>\$99,458,941</b>
<b>EXPENDITURES</b>														
15	Justice Expenditures (on NCC basis)	62,500,000	67,200,000	70,000,000	48,500,000	53,000,000	52,500,000	57,100,000	59,900,000	62,800,000	65,700,000	68,500,000	71,400,000	74,300,000
16	All Other Expenditures (on NCC basis)	67,900,000	68,700,000	62,800,000	52,200,000	48,500,000	42,900,000	43,200,000	43,200,000	43,200,000	43,200,000	43,200,000	43,200,000	43,200,000
17	<b>Total Expenditures (on NCC basis)</b>	<b>\$130,400,000</b>	<b>\$135,900,000</b>	<b>\$132,800,000</b>	<b>\$100,700,000</b>	<b>\$101,500,000</b>	<b>\$95,400,000</b>	<b>\$100,300,000</b>	<b>\$103,100,000</b>	<b>\$106,000,000</b>	<b>\$108,900,000</b>	<b>\$111,700,000</b>	<b>\$114,600,000</b>	<b>\$117,500,000</b>
18	<b>NET GENERAL FUND POSITION (NCC basis)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,558,941</b>	<b>(41,059)</b>	<b>(3,641,059)</b>	<b>(7,241,059)</b>	<b>(10,741,059)</b>	<b>(14,441,059)</b>	<b>(18,041,059)</b>
<b>ADDITIONAL INFORMATION</b>														
19	Existing Additional Revenues													
20	Proposition 172 Sales Tax: (0.5%)	0	0	0	14,800,000	18,700,000	18,700,000	19,100,000	19,400,000	19,800,000	20,200,000	20,800,000	21,000,000	21,500,000
21	Additional Federal Assistance													
22	Violent Crime Control & Law Enforcement Act of 1994	0	0	0	0	0	0	0	0	0	0	0	0	0

Using the Optimistic Scenario we tested a 2% tax with favorable results. The position in FY97 was \$3.1 million and in FY03 was about break-even. The result is presented in Tables 12.3, 12.8 and Figure 12.2.

TABLE 12.8 Cash Flow Optimal Scenario: 2% Utility Users Tax

County of San Joaquin County General Fund Justice System (Public Protection and the Courts)		Base RPP Scenario															
		OPTIMISTIC					2.00%										
		Sales Tax		Office RR		Prop Transfer		Bus License		TOT		Jail Fees		Utility Users		CSA	
		NO		NO		NO		NO		NO		NO		YES		NO	
		HISTORICAL FISCAL YEARS					PROJECTED FISCAL YEARS										
		1991	1992	1993	1994	1995	1996 (Budgeted)	1997	1998	1999	2000	2001	2002	2003			
<b>REVENUES</b>																	
1	General Fund Revenues (applied to Justice NCC)	\$62,500,000	\$67,200,000	\$70,000,000	\$48,500,000	\$53,000,000	\$52,500,000										
2	General Fund Revenues (applied to All Other NCC)	67,900,000	68,700,000	62,800,000	52,200,000	48,500,000	42,900,000										
3	<b>Total Revenues on NCC Basis</b>	<b>\$130,400,000</b>	<b>\$135,900,000</b>	<b>\$132,800,000</b>	<b>\$100,700,000</b>	<b>\$101,500,000</b>	<b>\$95,400,000</b>	<b>\$101,400,000</b>	<b>\$104,500,000</b>	<b>\$107,800,000</b>	<b>\$110,800,000</b>	<b>\$114,200,000</b>	<b>\$117,800,000</b>	<b>\$121,100,000</b>			
<i>Proposed Additional Revenues (Increment is presented for Revenue Sources that Already Exist)</i>																	
4	Incremental Increased Sales Tax (0.5%)						0	0	0	0	0	0	0	0	0	0	
5	Incremental County Improved Collections (Office of Revenue Recovery)						0	0	0	0	0	0	0	0	0	0	
6	Incremental Property Transfer Tax						0	0	0	0	0	0	0	0	0	0	
7	Incremental Business Licenses						0	0	0	0	0	0	0	0	0	0	
8	Incremental Transient Occupancy Tax						0	0	0	0	0	0	0	0	0	0	
9	Jail Fees from Inmates						0	0	0	0	0	0	0	0	0	0	
10	Utility Users Tax						2,422,612	2,422,612	2,422,612	2,422,612	2,422,612	2,422,612	2,422,612	2,422,612	2,422,612	2,422,612	
11	County Service Area/District						0	0	0	0	0	0	0	0	0	0	
12	<b>Subtotal Proposed Additional Revenues</b>						<b>2,422,612</b>	<b>2,422,612</b>	<b>2,422,612</b>	<b>2,422,612</b>	<b>2,422,612</b>	<b>2,422,612</b>	<b>2,422,612</b>	<b>2,422,612</b>	<b>2,422,612</b>	<b>2,422,612</b>	
13	<b>Total Revenues (Existing on NCC Basis + Proposed Additional Revenues)</b>						<b>\$95,400,000</b>	<b>\$103,822,612</b>	<b>\$106,922,612</b>	<b>\$110,222,612</b>	<b>\$113,222,612</b>	<b>\$116,622,612</b>	<b>\$120,022,612</b>	<b>\$123,522,612</b>			
<b>EXPENDITURES</b>																	
15	Justice Expenditures (on NCC basis)	62,500,000	67,200,000	70,000,000	48,500,000	53,000,000	52,500,000	55,300,000	57,900,000	60,500,000	63,100,000	65,700,000	68,200,000	70,800,000			
16	All Other Expenditures (on NCC basis)	67,900,000	68,700,000	62,800,000	52,200,000	48,500,000	42,900,000	45,400,000	48,500,000	47,700,000	48,900,000	50,100,000	51,400,000	52,700,000			
17	<b>Total Expenditures (on NCC basis)</b>	<b>\$130,400,000</b>	<b>\$135,900,000</b>	<b>\$132,800,000</b>	<b>\$100,700,000</b>	<b>\$101,500,000</b>	<b>\$95,400,000</b>	<b>\$100,700,000</b>	<b>\$104,400,000</b>	<b>\$108,200,000</b>	<b>\$112,000,000</b>	<b>\$115,800,000</b>	<b>\$119,600,000</b>	<b>\$123,500,000</b>			
18	<b>NET GENERAL FUND POSITION (NCC basis)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,122,612</b>	<b>2,522,612</b>	<b>1,822,612</b>	<b>1,222,612</b>	<b>622,612</b>	<b>422,612</b>	<b>22,612</b>			
<b>ADDITIONAL INFORMATION</b>																	
19	Existing Additional Revenues																
20	Proposition 172 Sales Tax: (0.5%)	0	0	0	14,600,000	18,700,000	18,700,000	19,100,000	19,400,000	19,800,000	20,200,000	20,600,000	21,000,000	21,500,000			
21	Additional Federal Assistance																
22	Violent Crime Control & Law Enforcement Act of 1994	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

The potential advantages of a Utility Users tax are the following:

- generates significant revenues;
- clear authority under State Law;
- burden of new collection system mitigated by the utilities' existing experience imposing cities' taxes;
- no public vote required;
- flexibility to adjust tax base, structure, and level.

The potential disadvantages of a Utility Users tax are the following:

- does not generate enough revenue to solve funding problem alone through 2003 under the Pessimistic Scenario
- collection and administration would be a new burden for the County;
- viewed by the public as a "new tax;"
- unincorporated areas only.

Stockton generates nearly \$19 million a year from its utility tax. As a proportion of total city revenues that is nearly the highest of any large city in California.

### **3. All Other Revenue**

In addition to the relatively major taxes of sales and utility users, PFM examined six smaller revenue sources:

- Improved Collection by the Office of Revenue Recovery
- Property Transfer Tax
- Business License Fees
- TOT
- Fees from Jail Inmates
- County Service Areas

Based on our underlying assumptions, none of these sources, either alone or in combinations, offers the County significant funding relief. We have summarized their combined impact and then each of the six sources is discussed briefly below.

Using the Pessimistic Scenario, these six sources result in a FY97 cashflow position of (\$1.3) million and a FY03 position of (\$22.9) million. This is a relatively negligible effect on the funding gap. These results are presented in Tables 12.3, 12.9 and Figure 12.1.

TABLE 12.9 Cash Flow Pessimistic Scenario: All Other Revenue

County of San Joaquin County General Fund Justice System (Public Protection and the Courts)						Base ILPP Scenario		Incremental PFM Scenario		Pessimistic		5.00%		CSA				
						Sales Tax	Office RR	Prop Transfer	Bus License	TOT	Jail Fees	Utility Users	CSA					
						NO	YES	YES	YES	YES	YES	NO	YES					
HISTORICAL FISCAL YEARS						PROJECTED FISCAL YEARS												
						1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
REVENUES						(Budgeted)												
1	General Fund Revenues (applied to Justice NCC)	\$62,500,000	\$67,200,000	\$70,000,000	\$48,500,000	\$53,000,000	\$52,500,000											
2	General Fund Revenues (applied to All Other NCC)	67,900,000	68,700,000	62,800,000	52,200,000	48,500,000	42,900,000											
3	<b>Total Revenues on NCC Basis</b>	<b>\$130,400,000</b>	<b>\$135,900,000</b>	<b>\$132,800,000</b>	<b>\$100,700,000</b>	<b>\$101,500,000</b>	<b>\$95,400,000</b>	<b>\$97,800,000</b>	<b>\$97,000,000</b>	<b>\$96,300,000</b>	<b>\$95,600,000</b>	<b>\$94,900,000</b>	<b>\$94,100,000</b>	<b>\$93,400,000</b>				
<i>Proposed Additional Revenues (Increment is presented for Revenue Sources that Already Exist)</i>																		
4	Incremental Increased Sales Tax (0.5%)						0	0	0	0	0	0	0	0	0	0	0	0
5	Incremental County Improved Collections (Office of Revenue Recovery)						470,000	470,000	470,000	470,000	470,000	470,000	470,000	470,000	470,000	470,000	470,000	470,000
6	Incremental Property Transfer Tax						114,000	114,000	114,000	114,000	114,000	114,000	114,000	114,000	114,000	114,000	114,000	114,000
7	Incremental Business Licenses						14,750	14,750	14,750	14,750	14,750	14,750	14,750	14,750	14,750	14,750	14,750	14,750
8	Incremental Transient Occupancy Tax						70,800	70,800	70,800	70,800	70,800	70,800	70,800	70,800	70,800	70,800	70,800	70,800
9	Jail Fees from Inmates						365,000	365,000	365,000	365,000	365,000	365,000	365,000	365,000	365,000	365,000	365,000	365,000
10	Utility Users Tax						0	0	0	0	0	0	0	0	0	0	0	0
11	County Service Area/District						100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000
12	<b>Subtotal Proposed Additional Revenues</b>						<b>1,134,550</b>	<b>1,134,550</b>	<b>1,134,550</b>	<b>1,134,550</b>	<b>1,134,550</b>	<b>1,134,550</b>	<b>1,134,550</b>	<b>1,134,550</b>	<b>1,134,550</b>	<b>1,134,550</b>	<b>1,134,550</b>	<b>1,134,550</b>
13	<b>Total Revenues (Existing on NCC Basis + Proposed Additional Revenues)</b>						<b>\$96,534,550</b>	<b>\$98,934,550</b>	<b>\$98,134,550</b>	<b>\$97,434,550</b>	<b>\$96,734,550</b>	<b>\$96,034,550</b>	<b>\$95,234,550</b>	<b>\$94,534,550</b>				
<b>EXPENDITURES</b>																		
15	Justice Expenditures (on NCC basis)	62,500,000	67,200,000	70,000,000	48,500,000	53,000,000	52,500,000	57,100,000	59,900,000	62,800,000	65,700,000	68,500,000	71,400,000	74,300,000				
16	All Other Expenditures (on NCC basis)	67,900,000	68,700,000	62,800,000	52,200,000	48,500,000	42,900,000	43,200,000	43,200,000	43,200,000	43,200,000	43,200,000	43,200,000	43,200,000				
17	<b>Total Expenditures (on NCC basis)</b>	<b>\$130,400,000</b>	<b>\$135,900,000</b>	<b>\$132,800,000</b>	<b>\$100,700,000</b>	<b>\$101,500,000</b>	<b>\$95,400,000</b>	<b>\$100,300,000</b>	<b>\$103,100,000</b>	<b>\$106,000,000</b>	<b>\$108,900,000</b>	<b>\$111,700,000</b>	<b>\$114,600,000</b>	<b>\$117,500,000</b>				
18	<b>NET GENERAL FUND POSITION (NCC basis)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(1,365,480)</b>	<b>(4,965,480)</b>	<b>(8,565,480)</b>	<b>(12,165,480)</b>	<b>(15,665,480)</b>	<b>(19,265,480)</b>	<b>(22,865,480)</b>				
<b>ADDITIONAL INFORMATION</b>																		
19	Existing Additional Revenues																	
20	Proposition 172 Sales Tax: (0.5%)	0	0	0	14,600,000	18,700,000	18,700,000	19,100,000	19,400,000	19,800,000	20,200,000	20,600,000	21,000,000	21,500,000				
21	Additional Federal Assistance																	
22	Violent Crime Control & Law Enforcement Act of 1994	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Prepared by Public Financial Management, Inc.

Using the Optimistic Scenario, these six funding sources lead to a FY97 position of \$1.8 million and a FY03 position of (\$1.2) million. These results are presented in Tables 12.3, 12.10 and Figure 12.2.



TABLE 12.10 Cash Flow Optimal Scenario: All Other Revenue

County of San Joaquin County General Fund Justice System (Public Protection and the Courts)						Base RPP Scenario							2.00%					
						Incremental PFM Scenario							OPTIMISTIC		UTILITY USERS		CSA	
						Sales Tax	Office RR	Prop Transfer	Bus License	TOT	Jail Fees	UTILITY USERS	CSA					
						NO	YES	YES	YES	YES	YES	NO	YES					
HISTORICAL FISCAL YEARS						PROJECTED FISCAL YEARS												
						1991	1992	1993	1994	1995	1996 (Budgeted)	1997	1998	1999	2000	2001	2002	2003
<b>REVENUES</b>																		
1	General Fund Revenues (applied to Justice NCC)	\$62,500,000	\$67,200,000	\$70,000,000	\$48,500,000	\$53,000,000	\$52,500,000											
2	General Fund Revenues (applied to All Other NCC)	67,900,000	68,700,000	62,800,000	52,200,000	48,500,000	42,900,000											
3	<b>Total Revenues on NCC Basis</b>	<b>\$130,400,000</b>	<b>\$135,900,000</b>	<b>\$132,800,000</b>	<b>\$100,700,000</b>	<b>\$101,500,000</b>	<b>\$95,400,000</b>	<b>\$101,400,000</b>	<b>\$104,500,000</b>	<b>\$107,800,000</b>	<b>\$110,800,000</b>	<b>\$114,200,000</b>	<b>\$117,800,000</b>	<b>\$121,100,000</b>				
<i>Proposed Additional Revenues (Increment is presented for Revenue Sources that Already Exist)</i>																		
4	Incremental Increased Sales Tax (0.5%)						0	0	0	0	0	0	0	0	0	0	0	
5	Incremental County Improved Collections (Office of Revenue Recovery)						470,000	470,000	470,000	470,000	470,000	470,000	470,000	470,000	470,000	470,000	470,000	
6	Incremental Property Transfer Tax						114,000	114,000	114,000	114,000	114,000	114,000	114,000	114,000	114,000	114,000	114,000	
7	Incremental Business Licenses						14,750	14,750	14,750	14,750	14,750	14,750	14,750	14,750	14,750	14,750	14,750	
8	Incremental Transient Occupancy Tax						70,800	70,800	70,800	70,800	70,800	70,800	70,800	70,800	70,800	70,800	70,800	
9	Jail Fees from Inmates						365,000	365,000	365,000	365,000	365,000	365,000	365,000	365,000	365,000	365,000	365,000	
10	Utility Users Tax						0	0	0	0	0	0	0	0	0	0	0	
11	County Service Area/District						100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	100,000	
12	<b>Subtotal Proposed Additional Revenues</b>						<b>1,134,550</b>	<b>1,134,550</b>	<b>1,134,550</b>	<b>1,134,550</b>	<b>1,134,550</b>	<b>1,134,550</b>	<b>1,134,550</b>	<b>1,134,550</b>	<b>1,134,550</b>	<b>1,134,550</b>	<b>1,134,550</b>	
13	<b>Total Revenues (Existing on NCC Basis + Proposed Additional Revenues)</b>						<b>\$95,400,000</b>	<b>\$102,534,550</b>	<b>\$105,634,550</b>	<b>\$108,734,550</b>	<b>\$111,934,550</b>	<b>\$115,334,550</b>	<b>\$118,734,550</b>	<b>\$122,234,550</b>				
<b>EXPENDITURES</b>																		
15	Justice Expenditures (on NCC basis)	62,500,000	67,200,000	70,000,000	48,500,000	53,000,000	52,500,000	55,300,000	57,900,000	60,500,000	63,100,000	65,700,000	68,200,000	70,800,000				
16	All Other Expenditures (on NCC basis)	67,900,000	68,700,000	62,800,000	52,200,000	48,500,000	42,900,000	45,400,000	46,500,000	47,700,000	48,900,000	50,100,000	51,400,000	52,700,000				
17	<b>Total Expenditures (on NCC basis)</b>	<b>\$130,400,000</b>	<b>\$135,900,000</b>	<b>\$132,800,000</b>	<b>\$100,700,000</b>	<b>\$101,500,000</b>	<b>\$95,400,000</b>	<b>\$100,700,000</b>	<b>\$104,400,000</b>	<b>\$108,200,000</b>	<b>\$112,000,000</b>	<b>\$115,800,000</b>	<b>\$119,600,000</b>	<b>\$123,500,000</b>				
18	<b>NET GENERAL FUND POSITION (NCC basis)</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,834,550</b>	<b>1,234,550</b>	<b>534,550</b>	<b>(68,450)</b>	<b>(468,450)</b>	<b>(868,450)</b>	<b>(1,268,450)</b>				
<b>ADDITIONAL INFORMATION</b>																		
19	Existing Additional Revenues																	
20	Proposition 172 Sales Tax: (0.5%)	0	0	0	14,800,000	18,700,000	18,700,000	19,100,000	19,400,000	19,800,000	20,200,000	20,600,000	21,000,000	21,500,000				
21	Additional Federal Assistance																	
22	Violent Crime Control & Law Enforcement Act of 1994	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	

### *Improved Collection by Office of Revenue Recovery*

The County operates an Office of Revenue Recovery (ORR) to administer fee collection and manage the County's relationship with collection agencies. Several of the fees collected by ORR are related to the Justice System, including Municipal Courts, probation and the fees for public defenders. Apparently, based on current staffing and productivity, ORR collects about 50% of the revenues and accounts referred to it for collection. It would appear that ORR's performance could be improved, even modestly. We have assumed that ORR's collections increase 10% from a level of \$4.7 million provided by ILPP, producing \$470,000 annually. This is presented in Table 12.4 and Figure 12.2.

The advantages of ORR revenues are:

- clear legal basis for action;
- public support for improved collection;
- improved collection would probably lead to improved initial compliance with fees;

The disadvantages of ORR revenues are:

- small amounts of revenue generated relative to finding gap;
- requires modest up front expenditure (probably staffing) to yield revenues.

### *Property Transfer Tax*

State statute gives localities the power to levy a property transfer tax, collectable upon sale of real estate. Counties can levy this tax in unincorporated areas (yield 100% of tax) and in incorporated areas (yield 50% of tax). We lack full information on the County's current level of property transfer tax; however, we have made certain assumptions for analytical purposes. We have assumed that the tax could be increased 10% from a revenue base currently of \$1.14 million, producing \$114,000 annually. This is presented in Table 12.4 and Figure 12.3.

The advantages of the property transfer tax increase are.

- easy to implement;
- no public vote required.

The disadvantages are:

- small potential incremental revenue , on average;
- unpredictable revenue;
- unincorporated areas only.

### ***Business License Fees***

The County currently charges an initial and an annual fee on business for permission to operate in the County. This level of transfer must be justified by the cost of administering the fee and its associated inspections. PFM lacks full information on the County's current fee levels; however we have made reasonable assumptions for analysis. We have assumed that revenues from the fees increase 25%. This increase could come from increased fee levels and improved licensing of unlicensed businesses. This increase would generate about \$15,000 annually. This result is presented in Table 12.4 and Figure 12.3.

The advantages of the business license fee increase are:

- easy to implement;
- public support likely for efforts to license unlicensed businesses;
- no public vote required.

The disadvantages are:

- very small potential revenue impact;
- increase fees may not be justifiable on a cost basis;
- may require upfront expenditure to yield increased revenues;
- unincorporated areas only.

The city of Stockton imposes a business tax based on gross revenues which generates about \$5 million a year.

### *Transient Occupancy Tax*

The County currently charges a Transient Occupancy Tax (TOT) on hotel and motel visits. PFM lacks full information on the County's current TOT rate, but we have made reasonable assumptions for analysis. We have assumed that TOT revenues are increased 20% for those currently charged and that the TOT charge is extended to camp grounds and marinas. These charges lead to about \$71,000 annually in incremental revenues. This result is presented in Table 12.4 and Figure 12.3.

The advantages of an increased TOT are:

- easy to implement;
- usually not too controversial as it is imposed on non-residents;
- no public vote required.

The disadvantages are:

- small potential revenue impact;
- unincorporated areas only.

Stockton's TOT produces a little over \$1 million annually. It appears that a high proportion of the County's transient lodging is within the city.

### *Jail Fees from Inmates*

In certain states jail inmates are charged a fee for their period of incarceration. It is unclear whether such a fee is legal in California. For analytical purposes we have assumed that such a fee could be implemented. We have assumed that the County's daily Jail population is 1,000 and that 10% of these inmates pass an "ability to pay" threshold. They are charged \$10 per day for a potential revenue stream of \$365,000. This result is presented in Table 12.4 and Figure 12.3.

The advantages of this fee are:

- likely to have public support;
- likely not to require public vote;
- links the costs of the Justice System to those charged with crimes.

The disadvantages of this fee are:

- relatively small revenue stream;
- may not be legal;
- makes jail punitive and could push those on economic brink into more crime;
- new collection and administration system required.

#### *County Service Area*

The County can create County Service Areas (CSA) to provide public safety, or other services, in its unincorporated areas. The County must demonstrate that the service to the CSA is incrementally increased or improved service above current or base service levels. The CSA can be formed directly by the Board of Supervisors or through a public petition to LAFCO. A protest process is also possible. Through either process the greatest vote that may be required is a 50% majority. But, once a CSA is formed, the imposition of a special tax, the primary funding mechanism for CSAs, requires a two-thirds majority vote. If such vote takes place, the tax may be put in place on any of a variety of defensible bases.

PFM lacks full information on the revenue potential of CSAs in the County. We have made several assumptions for analytical purposes, but we are unsure of their reasonableness. We have assumed that a CSA could be formed for 2,000 parcels and that an annual tax rate of \$50/parcel is imposed. This results in about \$100,000 revenue annually. This result is presented in Table 12.4 and Figure 12.3.

The advantages of a CSA are:

- demonstrable benefit to residents;
- public vote is in specific area, rather than across the County.

The disadvantages of a CSA are:

- time-consuming process;
- creation of CSA does not assure approval of funding;
- County must prove increased or improved service, above current levels;
- significant administration required;
- uncertain potential revenue impact.

#### **D. Conclusions**

Based on our research and analysis of the County's funding options, PFM believes that only a sales tax increase and a utility users tax have the potential to meet the County's funding gap for the Justice System. A County Service Area may provide moderate relief in specific areas, depending on the assumptions used. The other revenue sources we examined do not appear to generate revenues at a level that makes a significant dent in the funding gap. The County may, however, have other policy reasons for seeking to implement these other funding mechanisms (ORR, Property Transfer Tax, Business License Fees, TOT, and Jail Fees). In addition, PFM is unfamiliar with the political history in the County of these funding sources. We have approached our analysis objectively and have not made any assumptions about the County's political ability to implement any of these revenue sources.

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# APPENDICES

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**A. CRIMINAL JUSTICE**

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**SYSTEM MANAGEMENT**

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**INFORMATION LIST**

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# A. CRIMINAL JUSTICE SYSTEM MANAGEMENT INFORMATION LIST

Improved management data is a vital part of system management. The modern criminal justice system is too complex and fast-changing to be handled by intuition and rules of thumb. The following is a list of important system management data which, if computed and presented for review monthly to a representative group of justice decision makers, would significantly enable informed and precise management of overall justice system needs and demands. Some is being collected now and is listed only for completeness. Even for those statistics not being compiled, most of the requisite information is already resident in CJIS; it remains to put it into a useful form.

## I. Departmental

### A. Workloads and Scheduling

Most departments are already aware of their need for management information and have expressed that need.

## II. Systemwide

### A. Crimes and Arrests

Current UCR data are pretty good. UCR includes offenses and arrests, by jurisdiction, charge, adult/juvenile. It would be useful to break out domestic violence from other assaults.

### B. Jail Information

#### 1. *Population Characteristics by Facility*

- Pretrial/sentenced/temporary holds
- Male/female
- Offenses: felony violent, felony property, felony drug, felony other; violent misdemeanor, DUI, other misdemeanor; other reason for detention.
- Probation violations, FTAs, warrants, remands, other procedural

- Average bail amount for each offense category
- Classification level
- Three-strikes status
- Arresting agency
- Inmates with special physical or psychological problems

## 2. Population Bookings and Flow

- Offenses: as in population above
- Commitment bookings (postadjudication)
- Release modes: at least the following. (Note: CJIS does not appear to make a clear distinction among all of these. Vague or catch-all categories like "no local sentence" and "law enforcement release" are uninformative.)

Pretrial: Promise to Appear (citation), Own Recognition, surety bond, cash bail, released without charge (PC 849), pretrial transfer to other jurisdiction, pretrial diversion, court-ordered release, case dropped after filing

Post-adjudication: Time served, probation, other alternative (work program, ADAP, etc.), sent to prison, sent to other jurisdiction, released after paying fine, acquitted, population control release

Exceptional: (escaped, died)

- If well-defined programs such as supervised OR, house arrest, and intensive probation are adopted they should be added to the list.
- For commonly occurring charge and release mode combinations, the number of inmates and average length of stay

Essentially the same information should be collected for juvenile hall, with some modifications and additions: age, youth held as adult (707(B)), sent to CYA instead of prison, placed in group home, responsibility of other county (Amador, Calaveras, Tuolumne). The length of stay for 707(B) juveniles is particularly important. (Most of the juvenile data will not be readily available without CJIS automation.)

### **C. Adjudication Status**

The first list is the data and the second is the categories by which it should be broken down. Presumably each court will keep its own records. Juvenile data should be separately identified. Case aging should distinguish in- and out-of-custody cases.

#### **1. Adjudication Data Needs**

- Number of filings
- Cases with multiple defendants
- Current caseload, average age of pending cases
- Dispositions in Superior Court, dispositions in Muni Court, age of case at disposition
- Result of disposition (dismissed, acquitted, local sentence, probation, jail combined with probation, other local sanction, prison, other)
- Average number of hearings (after arraignment)
- Average number of continuances
- Number of trials

#### **2. Categories for Organizing Adjudication Data**

- Capital/life felony filings
- Third-strike filings
- Second-strike filings
- Other felony filings
- Juveniles tried as adults

- Misdemeanor filings (traffic/non traffic)
- Felonies reduced to misdemeanors (note: tabulation by arresting agency can point out overcharging)
- Infractions (traffic/non traffic)

#### **D. System Resource Data**

- Numbers and types of personnel in each department (authorized and actual);
- Jail beds, by facility and security level; Juvenile Hall beds, same; number and type of any disused or unavailable beds;
- Departmental budgets with category summaries;
- Courts and judges used or available for criminal matters.

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**B. COUNTY CRIME**

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**COMPARISONS**

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## B. COUNTY CRIME COMPARISONS

All counties face the problem of crime. There is no single "right" way to respond to it, nor any standard formula for deciding how much of the county's resources to devote to the task. Table B.1 shows a number of criminal justice quantities which have been compiled for the counties of California.<sup>1</sup> Only the crime rate and the expenditures are discussed here, but readers may find it instructive to examine other indicators to compare the ways in which the counties deal with crime.

TABLE B.1 California County Statistics

County	Total Estimated Population 1994 (Number)	County Percent unincorp 1994	CA Crime Index Reported 1993 (Rate)	CA Crime Index Reported 1993 (Rank)	CA Crime Index Unincorp 1993 (Rate)	CA Crime Index Unincorp 1993 (Rank)	Tot.1993 Co-wide Justice Expendit. (Rate)	Tot.1993 Co-wide Justice Expendit. (Rank)
Stanislaus	423,896	24.8%	3365.0	9	4132.7	1	231.2	45
Fresno	773,451	23.0%	4849.3	1	3516.6	4	248.7	36
Contra Costa	877,461	19.5%	2668.7	17	1596.4	29	278.0	19
Sacramento	1,161,631	60.5%	3953.1	5	2339.4	14	290.9	15
San Joaquin	535,479	25.2%	3954.2	4	2466.0	12	278.6	18
Four Co. Avg:	809,110	35.7%	3742.0		2568.9		269.5	
Statewide Total	32,520,140	20.3%	3287.2		2467.8		317.6	
State Median		47.7%	2107.9		1596.4		262.8	
SJQ/4 Co. Avg		-29.3%	5.7%		-4.0%		3.4%	
SJQ/State Total		24.1%	20.3%		-0.1%		-12.3%	
SJQ/Median		-47.1%	87.6%		54.5%		6.0%	

County	Tot.1993 Full Time Personnel (Rate)	Tot.1993 Full Time Personnel (Rank)	Police %, local funds FY 92/3	Police %, local funds Rank	Detention %, local funds FY 92/3	Detention %, local funds Rank	Police cost /unincorp resident FY 92/3	Police cost /unincorp resident Rank
Stanislaus	278.8	48	15.1%	43	25.1%	16	\$126	30
Fresno	286.5	44	15.4%	41	18.3%	42	\$169	19
Contra Costa	293.7	40	13.4%	47	21.2%	29	\$184	16
Sacramento	314.0	31	17.8%	32	21.1%	31	\$101	39
San Joaquin	289.8	42	16.2%	38	25.7%	14	\$157	23
Four Co. Avg:	297.3		15.9%		20.1%		\$125	
Statewide Total	326.8		18.5%		21.3%		\$260	
State Median	317.6		18.4%		21.2%		\$130	
SJQ/4 Co. Avg			2.0%		27.8%		25.6%	
SJQ/State Total			-12.1%		21.0%		-39.6%	
SJQ/Median			-11.7%		21.5%		21.3%	

<sup>1</sup> The full database (not shown) also includes data for felony filings and juvenile hall populations. San Joaquin County differs from the others in the way it handles those functions and the information is omitted.

TABLE B.1 California County Statistics (Cont.)

County	Totl1993 Adult & Juvenile Arrests (Rate)	Totl1993 Adult & Juvenile Arrests (Rank)	1993 Adult Felony Arrests (Rate)	1993 Adult Felony Arrests (Rank)	1993 Adult Misd. Arrests (Rate)	1993 Adult Misd. Arrests (Rank)	1993 Juvenile Felony Arrests (Rate)	1993 Juvenile Felony Arrests (Rank)
Stanislaus	6585.1	19	2427.7	10	5407.5	20	3300.5	10
Fresno	6675.1	16	1935.0	25	5522.4	19	3669.7	3
Contra Costa	3845.5	55	1681.3	32	2546.6	58	2235.7	25
Sacramento	5170.2	33	2410.4	11	3747.4	42	2618.6	18
San Joaquin	5802.3	25	2201.0	17	4702.6	28	3362.4	9
Four Co. Avg:	5356.0		2098.8		4018.4		2902.0	
Statewide Total	5127.7		2001.2		3983.0		2620.5	
State Median	5531.3		1782.9		4582.6		1910.7	
SJQ/4 Co. Avg	8.3%		4.9%		17.0%		15.9%	
SJQ/State Total	13.2%		10.0%		18.1%		28.3%	
SJQ/Median	4.9%		23.5%		2.6%		76.0%	

County	1993 Juv. Misd. & Status Arrests (Rate)	1993 Juv. Misd. & Status Arrests (Rank)	Active Adult Prob. Caseload (Rate)	Active Adult Prob. Caseload (Rank)	#New Felony CDC Admit 1994 (Rate)	#New Felony CDC Admit 1994 (Rank)	# Felony PV-WNT 1994 (Rate)	# Felony PV-WNT 1994 (Rank)
Stanislaus	6256.3	14	1795.2	19	117.2	42	56.7	20
Fresno	8521.1	4	1781.6	20	230.6	11	87.5	11
Contra Costa	4148.3	38	609.0	57	95.9	50	31.8	42
Sacramento	3552.6	44	2246.2	12	152.5	33	101.2	6
San Joaquin	4430.7	32	3779.4	4	197.3	19	70.4	15
Four Co. Avg:	5421.2		1622.5		149.9		72.9	
Statewide Total	4647.5		1189.5		176.2		72.1	
State Median	4789.4		1453.6		163.9		45.0	
SJQ/4 Co. Avg	-18.3%		132.9%		31.7%		-3.4%	
SJQ/State Total	-4.7%		217.7%		12.0%		-2.3%	
SJQ/Median	-7.5%		160.0%		20.4%		56.5%	

TABLE B.1 California County Statistics (Cont.)

County	Total CYA First Commits (Rate)	Total CYA First Commits (Rank)	Ave.1993 Daily Jail Popul. (Rate)	Ave.1993 Daily Jail Popul. (Rank)	1993 Average Length of Stay (Number)	1993 Average Length of Stay (Rank)
Stanislaus	99.5	30	259.4	34	10.2	49
Fresno	208.6	6	402.7	7	18.9	8
Contra Costa	90.9	35	212.3	50	22.8	3
Sacramento	100.5	29	323.5	20	15.3	21
San Joaquin	202.4	7	268.8	33	14.6	24
Four Co. Avg:	126.7		302.1		16.8	
Statewide Total	102.3		286.3		19.4	
State Median	100.0		280.2		13.6	
SJQ/4 Co. Avg	59.7%		-11.0%		-13.1%	
SJQ/State Total	97.9%		-6.1%		-24.7%	
SJQ/Median	102.4%		-4.1%		7.4%	

County	Ave.1993 Daily Unsent. Jail Pop. (Rate)	Ave.1993 Daily Unsent. Jail Pop. (Rank)	Unsent. Jail Bookings 1993 (Rate)	Unsent. Jail Bookings 1993 (Rank)	Unsent. Average Length of Stay1993 (Number)	Unsent. Average Length of Stay1993 (Rank)
Stanislaus	135.6	33	6052.9	28	8.2	34
Fresno	259.4	5	6775.0	17	14.0	7
Contra Costa	98.3	47	2769.5	56	13.0	11
Sacramento	166.8	21	6026.3	30	10.1	23
San Joaquin	121.2	39	5782.8	32	7.7	43
Four Co. Avg:	164.6		5280.5		11.3	
Statewide Total	152.1		4117.4		13.5	
State Median	144.0		6050.0		8.9	
SJQ/4 Co. Avg	-26.4%		9.5%		-32.3%	
SJQ/State Total	-20.3%		40.5%		-43.2%	
SJQ/Median	-15.8%		-4.4%		-14.0%	

Because the counties differ in size, the quantities are converted to per capita values ("rates") by dividing by population. In addition ILPP has chosen four nearby counties for detailed comparison: Sacramento, Stanislaus, Contra Costa, and Fresno.



The rates are shown in several ways: by themselves; their rankings (#1 means it has the highest rate in California, etc.); and as comparisons with averages and medians. In the first five rows of the table the rates and ranks are given. Below that are the average figure for the four comparison counties, the average for the entire state, and the median of all 58 counties.<sup>2</sup> The percentage figures in the last three rows show by how much San Joaquin exceeds (or falls below) the group statistic.

All five counties rank high on serious crime; Fresno is the highest in the state.<sup>3</sup> Comparisons of San Joaquin and Sacramento County are of particular interest since the crime rates are virtually identical. Crime is less serious in the unincorporated areas for all but Stanislaus County. San Joaquin and Sacramento are again quite similar, but their rankings have dropped.

The first four columns after the crime rankings (County-Wide Justice Expenditures and Full-Time Personnel) refer to both county and city combined. There is not a great deal of variation in the per capita justice expenditures; county # 45 (Stanislaus) is almost 80% of county # 15 (Sacramento). San Joaquin spends the same as Contra Costa, which has only 2/3 as much crime. Staffing differences are also low, but all of the counties have similar low ranks in their numbers of staff.

The last six columns refer to the county only. "Local Funds" are what is left of the county budget after state and federal grants and charges for service are removed; they are approximately equal to the locally-raised revenue from property and other taxes. (Most criminal justice expenses come from local funds.) A very large proportion of state and federal funding goes to welfare (AFDC, etc.). The share of welfare in county total budgets varies, averaging 41%, but in San Joaquin it is over 50%. Since welfare takes so much, the percentage left for all other expenses, including justice, is automatically lowered. Using the share of local rather than total funds helps reduce that distortion.

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<sup>2</sup> For the FY 1992/93 financial data, San Francisco County is excluded.

<sup>3</sup> California index crimes: murder, rape, robbery, aggravated assault, burglary, and vehicle theft.

"Police as a percent of local funds" refers to the expenses for law enforcement through the Sheriff's department; likewise "Detention" refers to the expenditures for the jail.<sup>4</sup> San Joaquin's jail costs are rather above average while police costs are relatively low.

However police costs - the Sheriff's patrol and supporting services - are supplied only to the unincorporated portion of a county. Counties vary greatly in how much they are incorporated; in general the police expenditures as a percent of all local funds rises with the percent unincorporated, as would be expected. San Joaquin is about 3/4 incorporated, higher than many counties, so its county-funded law enforcement would be expected to be low. As a per capita cost calculated on the number of residents of the unincorporated area only, it comes out a little above the state median though considerably below the state average.<sup>5</sup>

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<sup>4</sup> Data limitations lead to an "apples and oranges" situation: while "local funds" are as described, police and jail costs **include** funding from non-local sources. That is why the percentage is so high. Fortunately, Proposition 172 funds arrived in the fiscal year after 1992-93 and do not further distort the figures.

<sup>5</sup> The state average is heavily biased toward Los Angeles County, which has nearly half the statewide total and is the second highest in costs per unincorporated resident.



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**C. AN EXAMPLE OF CRIMINAL  
JUSTICE COORDINATION:  
SAN DIEGO COUNTY, CA**

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## C. AN EXAMPLE OF CRIMINAL JUSTICE COORDINATION: SAN DIEGO, CO. CRIMINAL JUSTICE COUNCIL

### A. A Tale of Two Counties: Maricopa and San Diego

Maricopa (county seat is Phoenix, AZ) and San Diego Counties show different visions of what San Joaquin County might look like over the coming years. One county has a success story to tell; the other, a nightmare.

#### 1. Maricopa County

Like San Joaquin and most other counties in the nation, Maricopa's largest general fund expenditures are on public safety and health and welfare, nearly three-quarters of their budget. By 1993, the county was also on the brink of bankruptcy, attributed by some critics to a management system that was so archaic and incompetent that no one in the county could determine how large its budget shortfall was.

County government representatives are quick to respond that even in the midst of its financial crisis there is little they can do. Their arguments are persuasive. For example, the "supervisors had approved a budget of \$1.2 billion for that fiscal year, but as happened every year, the individual county agencies felt free to overspend it."<sup>1</sup>

Also, Arizona's constitution, like California's, creates institutional disincentives to coordination or unified leadership. An incoming county administrator realized that he "was not taking over a government. He was joining a collection of fiefdoms" made up of the agencies of seven separately elected officials.

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<sup>1</sup> These and all following references to Maricopa County come from an article by Alan Ehrenhalt, "Good Government/Bad Government," *Governing*, April 1995, pp. 18-24, unless otherwise noted.

Finally, the county administrator "has no authority over the elected officials, who control half the county budget and half the staff, and who routinely insist that they have a mandate to spend money as they see fit." The epitome of this attitude may have been the Sheriff's 1994 lawsuit against the Board of Supervisors for trying to restrict his budget. The Sheriff also stated an intention that he would overspend his budget by \$6 million. "That's their problem. They did it. I don't report to the Board of Supervisors. I serve the people only."

This is a vision of a county spun out of control. Elected officials refuse or are not encouraged to work together. Management technology is unreliable or not in place. There is no single leader to make sense of heavy fiscal constraints and revenue limitations. Population growth exacerbates every aspect of the larger problem.

The great irony of the Maricopa County nightmare is that the city of Phoenix in which the county's offices are located is renowned internationally as one of the best managed and most innovative local governments in the world. The success of Phoenix and the failure of the county may be attributable to the county's out-of-whack organization and division of power which is based on a "system that was designed for tiny rural counties in the first decade of the century."

The respective organization of San Joaquin County and its cities reflect a similar phenomenon. (Figures C.1 and C.2) The county criminal justice government comprises a universe of independent officials loosely connected by tradition and certain overlap of activities. In contradistinction to this, cities display a much more hierarchical organization that allows for unified leadership and authority.

FIGURE C.1 County Criminal Justice Organization

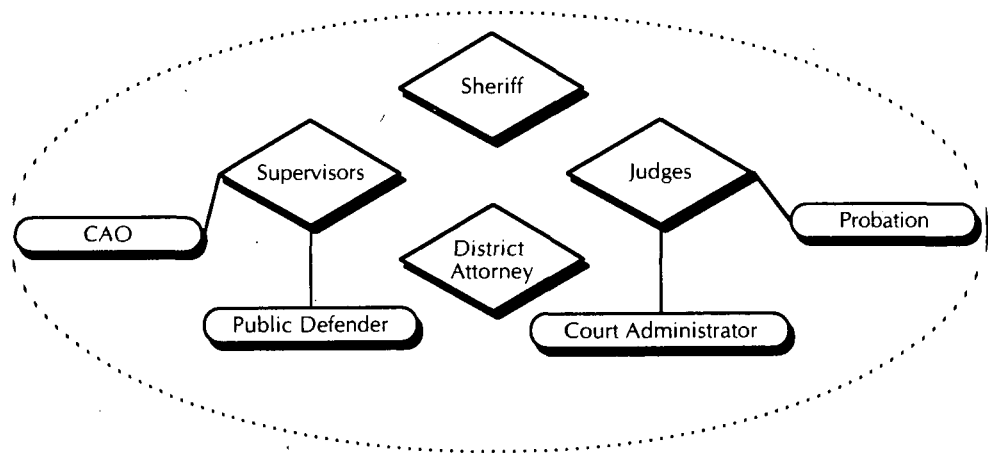
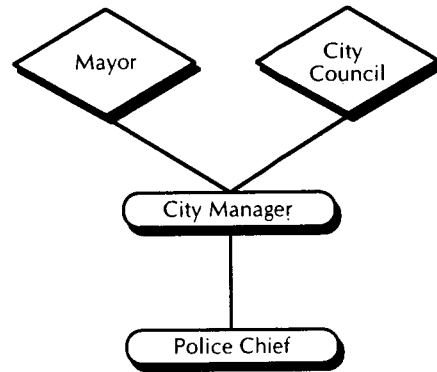


FIGURE C.2 City Criminal Justice Organization



## 2. San Diego County

Possessing the same organizational weaknesses and fiscal constraints, plus a significantly more overcrowded jail and higher crime rate than its Arizona counterpart, San Diego County offers a hopeful vision of triumph over adversity.

As the second largest county in California, per capita criminal justice expenditures of \$146 amount to a major proportion of the general fund. (For comparison, San Joaquin County spends \$181 per capita). Its 1993 crime rate ranked 10th in California or about 82% of San Joaquin's rate for the same period. The San Diego County correctional system is well known as an overcrowded facility system.

In an environment not so different from San Joaquin, however, San Diego County has developed a powerful management group to monitor all issues of interest to the county and cities within it. The San Diego Association of County Governments (SANDAG) includes representatives of all cities and the county as well as relevant state and federal officials. The association includes elected representatives and a staff whose work is funded by the county and those cities with police departments.

Criminal justice is obviously one of the primary focuses of SANDAG, and there is also a coordinating group (County Criminal Justice Council) of criminal justice leaders that regularly meets over system management concerns. The coordinating group is similar in composition to San Joaquin County's Law & Justice Council plus elected city and police leadership.

The County Criminal Justice Council established four tasks for itself. In a mission statement that begins "The Committee recognizes that the Council has no legislative or legal authority to make decisions," the Council makes a commitment to work together in the following areas:

- Coordination of automation
- Consolidation of duplicative services
- Promoting the type of legislation that would facilitate system wide management
- Active community relations

San Diego County continues to have a court cap order on its jail. On the other hand, it is not on the brink of bankruptcy, county and city leadership report strong support and willingness to cooperate with or defer to each other, and the county has a management system in place to make it through continued years of state fiscal manipulation.

Some examples of successful criminal justice management coordination in San Diego include:

- A comprehensive criminal justice information report issued annually for review by the criminal justice coordination group. Changes in trends allow for proactive planning. Each report also has a research section and area of special focus to address particularly timely concerns. The table of contents of this report is included.
- Council consideration of individual agency actions that could affect the overall system. For example, when the city of San Diego was considering the addition of 140 new police officers, the Council reviewed the impact on the system, projecting a \$9.6 million increase in various system costs. In response, the city did not hire the new officers and instead opened a 200-bed jail for misdemeanants.

SANDAG reported that as a result of the new jail, FTAs and total misdemeanor arrests actually declined. Increases in court workload are under discussion by the Council.

- The county and city have privatized in several areas, including criminal justice. The San Diego jail is now private as are the collection functions of an innovative municipal



court in the north of the county. The North County municipal court took advantage of a California statute that allows civil assessment fines to be attached to certain criminal offenses, especially traffic crimes (e.g., driving with a suspended license) and petty theft **in lieu of issuing an arrest warrant for those who fail to pay or appear in court.** Collection duties are turned over to a private agency which has been highly successful in generating revenue while avoiding court and jail costs for nonviolent misdemeanor offenders.

This is a county that may not suffer the worst odds, but is certainly afflicted with many of the problems of the worst hit counties in California. The success story lies in the ability of the county and city leadership to come together in crisis and stand shoulder to shoulder in accepting cuts and new responsibilities.

## B. Hope

Whither San Joaquin County? Elements of the Maricopa and the San Diego story resemble San Joaquin's, but the ending is not yet apparent. ILPP finds tentative evidence that San Joaquin could follow the San Diego model and make an even larger showing of success against all odds. After all, the problems of San Joaquin, while not unknown in San Diego County, occur at a greater magnitude: crime, economic base, city participation, etc.

San Joaquin County has not faced its problems lying down: significant efforts stand testimony to a commitment of living up to the expectations of its citizens and overcoming the heavy financial toll the state has taken. These are the signs of hope that San Joaquin could be California's next success story:

- The county's numerous jail and criminal justice management committees now include city membership.
- Cities, after participating in these groups, have come to explicitly recognize their impact on county costs. As a result, key city leaders have expressed strong interest in developing strong coordinating relationships and more evenly sharing the resource and workload burden.
- The county's courts took the lead over state mandates to increase coordination and developed a coordination plan which cut criminal superior court filings in half.

- Major cuts in the Probation Department workload have produced a juvenile division which is more progressive, offers more alternatives and operates a highly effective intake unit for screening juveniles into appropriate placements.
- The Sheriff expresses strong support for a criminal justice management committee, a crucial player in the system's overall success.

### **C. San Diego County Criminal Justice Council Goal Implementation Strategy**

The Committee recognizes that the Council has no legislative or legal authority to make decisions. It operates on an ad hoc basis providing an advisory function. The purpose of the Council is to provide a forum for decision makers to prioritize goals and coordinate plans to accomplish its goals that will develop a common understanding of issues and a more cost effective and fair justice system.

The Committee recommends that the Council initially limit its efforts to developing implementation plans in the following four areas:

#### **1. Automation**

Develop an automated data processing system for planning, evaluation, and operations that, to the extent possible, consolidates information, avoids duplication, and meets the needs of its users. Significant efforts have been made toward this goal and a report to the Council from a Committee which should be formed to oversee the development of an implementation plan. Following the receipt of this report and discussion, the Council should decide what its role and strategy should be to accomplish the automation goal.

#### **2. Consolidation**

Evaluate the consolidation of duplicative services, systems and facilities in the region's criminal justice system and develop consolidation plans as appropriate. A beginning has been made through the City-County Consolidation Task Force established by Mayor Golding and Chairman Bilbray. A committee of the Council should review the progress made and report to the Council with recommendations on other areas that could be considered.

### **3. Legislation**

Review and initiate legislation for enhancing the criminal justice system and its operating processes. While most criminal justice agencies and professional organizations are routinely involved in the legislative process, few take a broad, system wide approach to change. The Council should be selective in the issues it takes a position and make maximum advantage of its intelligence. A standing committee to review and recommend legislation issues should be established. One of the first issues that should be addressed the border/immigration issue and its impact on the local criminal justice system.

### **4. Community Relations**

Develop greater involvement and support of business, media and citizens in contributing input to decisions- relative to public protection/safety. Form a committee to develop recommendations to the Council on ways to reach and educate the public and elicit support from same.





# CRIME

## IN THE SAN DIEGO REGION 1992

*This report is a product of the Regional Criminal Justice Clearinghouse, funded by the County of San Diego and the cities with municipal police agencies.*

**March, 1993**

**San Diego**



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# TABLE OF CONTENTS

SUMMARY .....	3
<b>REGIONAL CRIME</b>	
Introduction .....	11
Report Limitations .....	12
Crime In U.S. Cities .....	13
Regional Crime .....	14
Violent Crime .....	17
Property Crime .....	22
Jurisdictional Crime .....	26
Clearance Rates .....	30
Victimization .....	33
Property Stolen and Recovered .....	35
Arson .....	36
Domestic Violence .....	37
<b>SYSTEM RESPONSE</b>	
Adult Case Dispositions .....	41
District Attorney's Office .....	42
San Diego City Attorney's Office .....	44
Adult Probation .....	45
Juvenile Probation .....	46
Local Detention Facilities .....	48
Adult Detention Facilities .....	48
Juvenile Detention Facilities .....	56
Criminal Justice Budget and Staffing .....	65
<b>SPECIAL ISSUE: GANGS IN SAN DIEGO</b>	
Introduction .....	71
SANDAG Gang Research .....	74
Research Approach .....	74
Gang Suppression Unit .....	75
Types of Gangs .....	75
Interview Results .....	75
Characteristics of San Diego	
Gang Members .....	76
Features of Gang Membership .....	77
Family Involvement .....	78
Criminal Activity .....	81
Drug Sales .....	84
Drug Use .....	86
Opinions About Neighborhood .....	87

## DRUG USE FORECASTING

Introduction	93
Method	93
Drug Use Among Men and Women	94
Overall Drug Use	94
Excluding Marijuana	95
Opiates	96
Cocaine	96
Amphetamines	97
Marijuana	97
Characteristics of Adult Arrestees	98
Age	98
Ethnicity	98
Arrest Charge	98
Education	98
Employment	99
Drug-Related Arrest Charge and Urinalysis Result	100
Arrest Offense and Drug Test Result	101
Ethnicity and Drug Use	102
Self-reported Drug Use and Urinalysis Result	103
Polydrug Use	104
Drug-abusing Behavior and Drug-positive Result	105
Preferred Method for Using Cocaine	106
Drug Injection Behavior	107
Ever Injected	107
Needle Sharing Behavior	108
Frequency of Needle Sharing	109
Effect of AIDS on Needle Sharing	110
Sharing Needles and Knowledge of AIDS	110
Drug Use by Juveniles	111
Overall Drug Use	111
Types of Drugs Used	111
School Survey on Alcohol and Drug Use	112
San Diego Students Compared to	
Students Statewide	112
1992 San Diego Student Survey Compared	
with 1991 Survey	112
Comparison of DUF Sites	113
Overall Drug Use	113
Multiple Drug Use	114
Comparison of DUF Juvenile Sites	115

## TRAFFIC ACCIDENTS

Statewide	119
San Diego County	120
Age of Driver	121
Safety Equipment	122
Alcohol and Drugs	123
Type of Vehicle	125
Timing of Accidents	126
Five Major Counties	127



CRIME-RELATED LEGISLATION ..... 131

GLOSSARY ..... 141

APPENDICES

A. Crime Tables .....	147
B. System Response Tables .....	167
C. Drug Use Forecasting Tables and DUF Interview .....	173
D. Traffic Tables .....	177
E. Population Table .....	181

# LIST OF TABLES

Table 1	FBI Index Crime Rate and Perceived Safety, Nationwide, 1991 .....	13
Table 2	FBI Index Crime Rate, San Diego County, 1988, 1991, and 1992 .....	15
Table 3	Number of FBI Index Crimes, by Offense, San Diego County, 1988, 1991, and 1992 .....	15
Table 4	FBI Index Crime Rate, by Jurisdiction, San Diego County, 1988, 1991, and 1992 .....	27
Table 5	Violent Crime Rate, by Jurisdiction, San Diego County, 1988, 1991, and 1992 .....	28
Table 6	Property Crime Rate, by Jurisdiction, San Diego County, 1988, 1991, and 1992 .....	29
Table 7	Victimization Rate, San Diego County, 1988, 1991, and 1992 .....	33
Table 8	Dollar Value of Property Stolen and Recovered, San Diego County, 1988, 1991, and 1992 .....	35
Table 9	Issuances and Rejections, District Attorney's Office, San Diego County, 1988, 1991, and 1992 .....	43
Table 10	Issuances and Rejections, San Diego City Attorney's Office, San Diego City, 1988, 1991, and 1992 .....	44
Table 11	Adult Probation Actions, San Diego County, 1988, 1991, and 1992 .....	45
Table 12	Average Daily Inmate Population and Court-Ordered Capacity, Sheriff's Facilities, San Diego County, July-December 1992 .....	50
Table 13	New Bookings, Sheriff's Facilities, San Diego County, 1991 and 1992 .....	51
Table 14	Average Length of Stay (Days), Sheriff's Facilities, San Diego County, 1991 and 1992 .....	52
Table 15	Average Daily Inmate Population and Board-Rated Capacity, Probation Facilities, San Diego County, July-December 1992 .....	53

Table 16	Average Length of Stay (Days), Probation Facilities, San Diego County, 1991 and 1992 .....	54
Table 17	San Diego City Jail Bookings and Arraignments, May-December 1992 .....	55
Table 18	Average Daily Juvenile Population and Average Rated Capacity, Juvenile Facilities, San Diego County, 1992 .....	57
Table 19	Number of Juvenile Admissions, by Facility, San Diego County, 1991 and 1992 .....	58
Table 20	Average Length of Stay (Days), by Juvenile Facility, San Diego County, 1991 and 1992 .....	58
Table 21	Intakes by Type of Offense, Juvenile Hall, San Diego County, May-July 1992 .....	61
Table 22	Total Score of Juveniles Screened for Release, Juvenile Hall, San Diego County, May-July 1992 .....	63
Table 23	Characteristics of Male Gang Members, Gang Member Interviews, San Diego County, 1991-1992 .....	76
Table 24	Features of Gang Membership, Gang Member Interviews, San Diego County, 1991-1992 .....	77
Table 25	Family/Relative Involvement, Gang Member Interviews, San Diego County, 1991-1992 .....	78
Table 26	Issues Regarding Family and Gang Membership, Gang Member Interviews, San Diego County, 1991-1992 .....	79
Table 27	Opinions Regarding Gang Involvement by Next Generation, Gang Member Interviews, San Diego County, 1991-1992 .....	80
Table 28	Offenses Resulting in Probation Status, Gang Member Interviews, San Diego County, 1991-1992 .....	81
Table 29	Criminal Activity, Gang Member Interviews, San Diego County, 1991-1992 .....	82
Table 30	Gang Violence, Gang Member Interviews, San Diego County, 1991-1992 .....	83
Table 31	Gang-Related Drug Sales, Gang Member Interviews, San Diego County, 1991-1992 .....	84

Table 32	Drug Sales by Individual Gang Members, Gang Member Interviews, San Diego County, 1991-1992 . . . . .	85
Table 33	Drug Use, Gang Member Interviews, San Diego County, 1991-1992 . . . . .	86
Table 34	Feelings About Neighborhood, Gang Member Interviews, San Diego County, 1991-1992 . . . . .	87
Table 35	Programs and Services in Neighborhoods, Gang Member Interviews, San Diego County, 1991-1992 . . . . .	88
Table 36	Characteristics of Adult Arrestees, Drug Use Forecasting, San Diego County, 1988 and 1992 . . . . .	99
Table 37	Arrest Offense, by Drug Result, Drug Use Forecasting, San Diego County, 1992 . . . . .	101
Table 38	Ethnicity, by Drug Result, Drug Use Forecasting, San Diego County, 1988 and 1992 . . . . .	102
Table 39	Self-Reported Drug Use and Drug Result of Those Who Ever Tried, Drug Use Forecasting, San Diego County, 1992 . . . . .	103
Table 40	Positive Drug Result, by Polydrug Use, Drug Use Forecasting, San Diego County, 1992 . . . . .	104
Table 41	Positive Drug Result, by Drug-Abusing Behavior, Drug Use Forecasting, San Diego County, 1988 and 1992 . . . . .	105
Table 42	Preferred Method for Using Cocaine, Drug Use Forecasting, San Diego County, 1988-1992 . . . . .	106
Table 43	Ever Injected Drugs, by Drug Injected, Drug Use Forecasting, San Diego County, 1988-1992 . . . . .	107
Table 44	Needle Sharing Behavior, Drug Use Forecasting, San Diego County, 1989-1992 . . . . .	108
Table 45	Frequency of Needle Sharing, Drug Use Forecasting, San Diego County, 1990-1992 . . . . .	109
Table 46	Effect of AIDS Knowledge on Needle Sharing, Drug Use Forecasting, San Diego County, 1990-1992 . . . . .	110
Table 47	Sharing Needles Since AIDS Knowledge, Drug Use Forecasting, San Diego County, 1990-1992 . . . . .	110
Table 48	Fatal and Injury Accident Rate per 1,000 Vehicles, Five Major Counties, 1987, 1990, and 1991 . . . . .	127

Table 49	Fatal and Injury Accident Rate per 1,000 Vehicles, Caused by Driving Under the Influence, Five Major Counties, 1987, 1990, and 1991 .....	127
Table A1	Number of FBI Index Crimes, by Offense, San Diego County, 1983-1992 .....	147
Table A2	Number of FBI Index Crimes, by Jurisdiction, San Diego County, 1988, 1991, and 1992 .....	148
Table A3	Violent Crimes, by Jurisdiction, San Diego County, 1988, 1991, and 1992 .....	148
Table A4	Property Crimes, by Jurisdiction, San Diego County, 1988, 1991, and 1992 .....	149
Table A5	Clearance Rate, by Jurisdiction, San Diego County, 1988, 1991, and 1992 .....	149
Table A6	Violent Crime Clearance Rate, by Jurisdiction, San Diego County, 1988, 1991, and 1992 .....	150
Table A7	Property Crime Clearance Rate, by Jurisdiction, San Diego County, 1988, 1991, and 1992 .....	150
Table A8	Dollar Value of Property Stolen, by Jurisdiction, San Diego County, 1988, 1991, and 1992 .....	151
Table A9	Dollar Value of Property Recovered, by Jurisdiction, San Diego County, 1988, 1991, and 1992 .....	151
Table A10	Property Recovery Rate, by Jurisdiction, San Diego County, 1988, 1991, and 1992 .....	152
Table A11	Arsons, by Type, San Diego County, 1988, 1991, and 1992 .....	152
Table A12	Domestic Violence Incidents, by Jurisdiction, San Diego County, 1988, 1991, and 1992 .....	153
Table A13	Number of Crimes, by Type of Offense, by Jurisdiction, San Diego County, 1988 .....	155
Table A14	Number of Crimes, by Type of Offense, by Jurisdiction, San Diego County, 1991 .....	156
Table A15	Number of Crimes, by Type of Offense, by Jurisdiction, San Diego County, 1992 .....	157
Table A16	Number of Crimes, by Type of Offense, Carlsbad, 1988, 1991, and 1992 .....	158

Table A17	Number of Crimes, by Type of Offense, Chula Vista, 1988, 1991, and 1992 .....	158
Table A18	Number of Crimes, by Type of Offense, Coronado, 1988, 1991, and 1992 .....	158
Table A19	Number of Crimes, by Type of Offense, El Cajon, 1988, 1991, and 1992 .....	159
Table A20	Number of Crimes, by Type of Offense, Escondido, 1988, 1991, and 1992 .....	159
Table A21	Number of Crimes, by Type of Offense, La Mesa, 1988, 1991, and 1992 .....	159
Table A22	Number of Crimes, by Type of Offense, National City, 1988, 1991, and 1992 .....	160
Table A23	Number of Crimes, by Type of Offense, Oceanside, 1988, 1991, and 1992 .....	160
Table A24	Number of Crimes, by Type of Offense, San Diego, 1988, 1991, and 1992 .....	160
Table A25	Number of Crimes, by Type of Offense, Total Sheriff, 1988, 1991, and 1992 .....	161
Table A26	Number of Crimes, by Type of Offense, Del Mar, 1988, 1991, and 1992 .....	161
Table A27	Number of Crimes, by Type of Offense, Encinitas, 1988, 1991, and 1992 .....	161
Table A28	Number of Crimes, by Type of Offense, Imperial Beach, 1988, 1991, and 1992 .....	162
Table A29	Number of Crimes, by Type of Offense, Lemon Grove, 1988, 1991, and 1992 .....	162
Table A30	Number of Crimes, by Type of Offense, Poway, 1988, 1991, and 1992 .....	162
Table A31	Number of Crimes, by Type of Offense, San Marcos, 1988, 1991, and 1992 .....	163
Table A32	Number of Crimes, by Type of Offense, Santee, 1988, 1991, and 1992 .....	163
Table A33	Number of Crimes, by Type of Offense, Solana Beach, 1988, 1991, and 1992 .....	163

Table A34	Number of Crimes, by Type of Offense, Vista, 1988, 1991, and 1992 .....	164
Table A35	Number of Crimes, by Type of Offense, Alpine, 1991 and 1992 .....	164
Table A36	Number of Crimes, by Type of Offense, Fallbrook, 1991 and 1992 .....	164
Table A37	Number of Crimes, by Type of Offense, Ramona, 1991 and 1992 .....	165
Table B1	Average Daily Adult Inmate Population and Board- Rated Capacity, San Diego County, FY 1983-84 through 1992-93 .....	167
Table B2	Average Daily Inmate Population and Board-Rated Capacity, Sheriff's Facilities, San Diego County, July-December 1992 .....	167
Table B3	Juvenile Hall Average Daily Population and Rated Capacity, San Diego County, 1983-1992 .....	168
Table B4	Average Daily Population and Rated Capacity, Girls Rehabilitation and Juvenile Ranch Facilities, San Diego County, 1983-1992 .....	168
Table B5	Criminal Justice Budget, by Category, San Diego County, FY 1991-92 and FY 1992-93 .....	169
Table B6	Criminal Justice Budgeted Staffing, by Category, San Diego County, FY 1991-92 and FY 1992-93 .....	170
Table B7	Budgeted Law Enforcement Agency Personnel, by Jurisdiction, San Diego County, FY 1991-92 and FY 1992-93 .....	171
Table B8	Budgeted Sworn and Non-Sworn Personnel, by Juris- diction, San Diego County, FY 1992-93 .....	171
Table B9	Sworn Officers Budgeted Per 1,000 Population, by Jurisdiction, San Diego County, FY 1991-92 and FY 1992-93 .....	172
Table C1	Percent of Arrestees Positive for Drug Use, Drug Use Forecasting, San Diego County, 1988-1992 .....	173
Table C2	Drug Result, by Drug-Related Arrest Charge, Drug Use Forecasting, San Diego County, 1988-1992 .....	174

Table D1	Fatal and Injury Accidents, by Jurisdiction, San Diego County, 1990 and 1991 .....	177
Table D2	Persons Killed and Injured, San Diego County, 1982-1991 .....	177
Table D3	Fatal and Injury Alcohol or Drug-Involved Accidents, by Jurisdiction, San Diego County, 1991 .....	178
Table D4	Victims Killed and Injured in Alcohol or Drug- Involved Accidents, by Jurisdiction, San Diego County, 1991 .....	178
Table D5	Persons Killed and Injured and Use of Safety Equipment, by Jurisdiction, San Diego County, 1991 .....	179
Table D6	Motorcycle-Involved Fatal and Injury Accidents, by Jurisdiction, San Diego County, 1990 and 1991 .....	179
Table E1	Population, by Jurisdiction, San Diego County, 1988, 1991, and 1992 .....	181



# LIST OF FIGURES

Figure 1	FBI Index Crime Rate, by Category, San Diego County, 1983-1992 .....	14
Figure 2	FBI Index Crimes, by Category, San Diego County, 1992 .....	16
Figure 3	Violent Crimes, San Diego County, 1988-1992 .....	17
Figure 4	Violent Crimes, by Offense, San Diego County, 1992 .....	17
Figure 5	Homicides, San Diego County, 1988-1992 .....	18
Figure 6	Characteristics of Homicide Victims, San Diego County, 1992 .....	18
Figure 7	Rapes, San Diego County, 1988-1992 .....	19
Figure 8	Rapes, by Type, San Diego County, 1992 .....	19
Figure 9	Robberies, San Diego County, 1988-1992 .....	20
Figure 10	Robberies, by Type of Weapon, San Diego County, 1992 .....	20
Figure 11	Robberies, by Place of Occurrence, San Diego County, 1992 .....	20
Figure 12	Aggravated Assaults, San Diego County, 1988-1992 .....	21
Figure 13	Aggravated Assaults, by Type of Weapon, San Diego County, 1992 .....	21
Figure 14	Property Crimes, San Diego County, 1988-1992 .....	22
Figure 15	Property Crimes, by Offense, San Diego County, 1992 .....	22
Figure 16	Burglaries, by Location, San Diego County, 1988-1992 .....	23
Figure 17	Burglaries, by Type, San Diego County, 1992 .....	23
Figure 18	Larceny Thefts, by Dollar Loss, San Diego County, 1988-1992 .....	24
Figure 19	Larceny Thefts, by Type, San Diego County, 1992 .....	24
Figure 20	Motor Vehicle Thefts, San Diego County, 1988-1992 .....	25

Figure 21	Motor Vehicle Thefts, by Type of Vehicle, San Diego County, 1992 .....	25
Figure 22	Clearance Rate, San Diego County, 1988-1992 .....	31
Figure 23	Clearance Rate, by Offense, San Diego County, 1992 .....	32
Figure 24	Victim Characteristics, by Type of Crime, San Diego County, 1992 .....	34
Figure 25	Property Stolen and Recovered, by Type, San Diego County, 1992 .....	35
Figure 26	Arsons, San Diego County, 1988-1992 .....	36
Figure 27	Arsons, by Type of Property, San Diego County, 1992 .....	36
Figure 28	Domestic Violence Incidents, San Diego County, 1988-1992 .....	37
Figure 29	Domestic Violence, by Type of Weapon, San Diego County, 1992 .....	37
Figure 30	Adult Probation Caseloads, San Diego County, December 31, 1988-1992 .....	45
Figure 31	Juvenile Referrals to Probation, San Diego County, 1992 .....	47
Figure 32	Average Daily Inmate Population (ADP), San Diego County, FY 1983-84 through FY 1992-93 .....	49
Figure 33	Average Daily Population and Rated Capacity, Juvenile Hall, San Diego County, 1983-1992 .....	56
Figure 34	Average Daily Population and Rated Capacity, Girls Rehabilitation and Juvenile Ranch Facilities, San Diego County, 1983-1992 .....	56
Figure 35	Changes in Criminal Justice Budget, by Category, San Diego County, FY 1991-92 to FY 1992-93 .....	66
Figure 36	Changes in Criminal Justice Staffing, by Category, San Diego County, FY 1991-92 to FY 1992-93 .....	67
Figure 37	Budgeted Sworn and Non-Sworn Law Enforcement Personnel, San Diego County, FY 1992-93 .....	68
Figure 38	Sworn Officers Budgeted Per 1,000 Population, by Jurisdiction, San Diego County, FY 1992-93 .....	68

Figure 39	Adult Arrestees Positive for Any Drug, Drug Use Forecasting, San Diego County, 1990-1992 .....	94
Figure 40	Adult Arrestees Positive for Drugs Excluding Marijuana, Drug Use Forecasting, San Diego County, 1990-1992 .....	95
Figure 41	Adult Arrestees Positive for Opiates, Drug Use Forecasting, San Diego County, 1990-1992 .....	96
Figure 42	Adult Arrestees Positive for Cocaine, Drug Use Forecasting, San Diego County, 1990-1992 .....	96
Figure 43	Adult Arrestees Positive for Amphetamines, Drug Use Forecasting, San Diego County, 1990-1992 .....	97
Figure 44	Adult Arrestees Positive for Marijuana, Drug Use Forecasting, San Diego County, 1990-1992 .....	97
Figure 45	Drug Result, by Drug-Related Arrest Charge, Drug Use Forecasting, San Diego County, 1988-1992 .....	100
Figure 46	Juvenile Male Arrestees Positive for Any Drug, Drug Use Forecasting, San Diego County, 1990-1992 .....	111
Figure 47	Juvenile Male Arrestees Positive for Drugs, by Drug Type, Drug Use Forecasting, San Diego County, 1990-1992 .....	111
Figure 48	Adult Male Arrestees Positive for Any Drug, Drug Use Forecasting, Nationwide, 1991 .....	113
Figure 49	Adult Female Arrestees Positive for Any Drug, Drug Use Forecasting, Nationwide, 1991 .....	113
Figure 50	Adult Male Arrestees Positive for Two or More Drugs, Drug Use Forecasting, Nationwide, 1991 .....	114
Figure 51	Adult Female Arrestees Positive for Two or More Drugs, Drug Use Forecasting, Nationwide, 1991 .....	114
Figure 52	Drug Use, Juvenile Male Arrestees, Drug Use Forecasting, Nationwide, 1991 .....	115
Figure 53	Fatal Accidents and Persons Killed, San Diego County, 1982, 1990, 1991 .....	120
Figure 54	Injury Accidents and Persons Injured, San Diego County, 1982, 1990, and 1991 .....	120
Figure 55	Drivers in Fatal and Injury Accidents and Licensed Drivers, by Age, San Diego County, 1991 .....	121

Figure 56	Persons Killed and Injured, and Use of Safety Equipment, San Diego County, 1991 .....	122
Figure 57	Motorcyclists Killed and Injured, and Use of Safety Equipment, San Diego County, 1991 .....	122
Figure 58	Driving Under the Influence Arrests and Accidents with Driving Under the Influence as Primary Collision Factor, San Diego County, 1987-1991 .....	123
Figure 59	Alcohol-Involved Fatal and Injury Accidents, San Diego County, 1987-1991 .....	123
Figure 60	Driving Under the Influence as Primary Collision Factor for Fatal and Injury Accidents, San Diego County, 1991 .....	124
Figure 61	Percentage of Drivers at Fault in Fatal and Injury Accidents, by Type of Vehicle, San Diego County, 1991 .....	125
Figure 62	Fatal and Injury Accidents, by Month, San Diego County, 1991 .....	126
Figure 63	Fatal and Injury Accidents, by Day, San Diego County, 1991 .....	126
Figure 64	Fatal and Injury Accidents, by Hour, San Diego County, 1991 .....	126

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**D. DRUG COURT  
FUNDING SOURCES**

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## D. DRUG COURT FUNDING SOURCES

Increasingly criminal justice systems burdened with excessive costs and unwieldy case loads are turning to specialized courts for speedy and prevention oriented processing of a particular criminal population. Courts which specifically target drug or domestic violence offenders, for example, become expert in both the processing and the treatment of this population. Because judges in these environments have specialized knowledge and standardized procedures, they are better positioned to assign specific treatments, terminate a non-compliant program participant, or understand where an offender deserves a second chance. Criminal justice professionals have broadly found that there are great savings, in terms of both financial and human costs, to developing these specialized courts.

Analysis of the San Joaquin County offender population indicates that San Joaquin could benefit from a specialized Drug Court. ILPP below identifies organizations on both the federal and state level which are potential funding sources for the development of such a project.

### Federal Agencies

- Department of Justice
  - Bureau of Justice Assistance
  - Edward Byrne Memorial Law enforcement Grant Fund
- Department of Health and Human Services
  - Center for Substance Abuse Treatment
  - Center for Substance Abuse Prevention
- State Justice Institute
- National Institute on Drug Abuse

### State Agencies

- California Office of Criminal Justice Planning: approximately 25 million in anti-drug enforcement moneys.
- Office of Substance Abuse

## Local Funds

- Anti-Abuse Act Funds: pass through funds from the federal government distributed through a single state contact, usually the governor's office or the state department that handles community affairs

## Recently Announced Grants

- Fiscal Year 1995 Department of Justice Appropriations Act, Public Law 103-317, has allocated 29 million for Drug Court Grants programs. Detailed program guidelines and application materials will be available in early 1995 for the Fiscal Year 1995 Drug Court initiative. For further information contact: The Department of Justice Center at 1-800-421-6700 or (202) 307 - 1480.
- The State Justice Institute awards technical assistance grants up to \$30,000 on a quarterly basis based on a written request and commitment of cash or in-kind match. For more information, call or write:

David I. Tevelin  
Executive Director  
State Justice Institute  
1650 King Street, Suite 600  
Alexandria, Virginia 22314  
(703) 684-6100

- The Judicial Council of California recently sent out the application kit for the U.S. Department of Justice Drug Court Grant program. Funding provides that up to 100 jurisdictions will be awarded \$35,000 for planning grants. Contact the Administrative Office of the Courts, phone (415) 396-9100.

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**E. NTA NOTIFICATION UNIT**

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**REVIEW & MODELS**

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## **E. FTA NOTIFICATION UNIT REVIEW & MODELS**

### **Current Status**

San Joaquin County has attempted to institute an FTA Notification unit twice in the past decade. Its first effort operated for approximately 6 months in 1989. The unit was based in Pretrial Services and generated notifications manually, producing approximately 4,000 notifications during its 6-month tenure. Despite some indication that the program was having a positive impact on the number of warrants issued, it was discontinued after the Pre-trial Services office was computerized. Changes in staff and incomplete development of the new information system have been cited as reasons for the program's discontinuation.

The more recent effort at developing an FTA notification unit in San Joaquin County was directed by the Adult Probation Department. The life-span of this effort was comparable to the earlier effort, totaling approximately 6 months in 1993. Notification services were suspended after a preliminary evaluation indicated that the unit was not successful in reducing the number of FTAs in San Joaquin County. No systematic effort was made to modify or improve the program's functioning prior to its termination. Currently responsibility for development of a notification unit has been transferred to the Public Defenders office.

### **FTA Notification**

While San Joaquin County has made important progress towards development of defendant notification services, the life-span of both of the efforts cited above was insufficient to establish the kind of mature operation which can offer the county genuine financial and resource returns. A six month trial period is also an short and probably inadequate time to evaluate results or implementation. Numerous national criminal justice studies have demonstrated the benefits of increased communication between criminal justice agencies and the defendant population, and while the development process is often difficult, the rewards of such services are great.

When defendants fail to appear for scheduled court proceedings the consequences can be costly and disruptive. The time of the court and attorneys is wasted, witnesses may become demoralized by yet another delay, and the issuance of a bench warrant puts into motion a costly and time consuming process of locating, arresting, detaining and re-calendaring the missing defendant.

In order to take proactive action against this costly problem many pretrial and probation departments have developed notification units. Through calls which alert defendants of a scheduled court appearance, and mail notices confirming upcoming court dates, these agencies have found that increasing contact with defendants can greatly reduce the number of failures to appear. The structure and emphasis of FTA programs are not uniform. Some agencies require defendants to make regular visits, while others have procedures for contacting defendants who have failed to appear to get them to court quickly. Below ILPP has identified and described several existing notification units which are nationally recognized for reducing the number of FTA warrants in their jurisdictions.

## **Model Programs**

### **Washington, D.C.**

The Washington D.C. Failure to Appear Unit focuses primarily on a) reducing the number of bench warrants issued by the court and b) providing a means whereby defendants with outstanding bench warrants can surrender voluntarily without the intervention of the Police Department. The Pretrial Services Agency has a specialized unit staffed by three persons to carry out this function.

#### *Role of Washington's Failure to Appear Unit*

Below is a listing of the primary task commitments of the Washington D.C. notification unit. According to their own data, over 55% of failures to appear in the District of Columbia are the result of lack of notification, incarceration in another jurisdiction, or incarceration in the same jurisdiction but under another name or in another case. Many of these cases result in unnecessary or erroneous bench warrants; in order to rectify this problem the unit offers the following services:

- Unit receives calls from defendants who wish to report that they are running late for court.
- Staff provides assistance to defendants who appear to have court date problems.

- When during the course of the Agency's post release supervision efforts it is determined that a defendant is incarcerated, hospitalized or otherwise legitimately unable to appear in court for a scheduled appearance, a letter is forwarded to the judge on the date of the court appearance. Almost all of these cases are continued, based on the written representations of the unit.
- After issuance of a bench warrant, contact is established with the defendant and he/she is advised to surrender on the bench warrant. Again, if communication with the defendant indicated that there was legitimate cause for the defendant to be absent, a memorandum is sent to the Court with suggestions of possible action.

### *Estimation of Costs*

The cost of maintaining and operating Washington's Failure to Appear Notification Unit in September of 1988 was \$113,563. This figure represents the entire cost of the unit and includes costs that are not actually charged to the Agency's budget. The bench warrant effort for the year 1988 resulted in the resolution of 1857 missed appearances, including those instances where quick action by the unit avoided the necessity of issuing a warrant. Thus the agency's cost is \$61.15 per warrant. By contrast, the cost of making a simple arrest on a bench warrant (using the national baseline from the Jefferson Institute for Justice Studies "National Baseline Information on Offender Processing Costs") is \$1132.36. It appears that on a per warrant basis, the notification unit offers tremendous savings at all levels in the process of the execution of a bench warrant.

Specifics about the nuts and bolts of operations of the Washington D.C. model, and technical advice for development of a FTA notification unit are available from the National Association of Pretrial Services Agencies. A more detailed study of the Washington D.C. model is available from the Jefferson Institute for Justice Studies.

### **Cook County**

The Pretrial Services department for the Circuit Court of Cook County uses several approaches to ensure that defendants appear for court proceedings. When a judge releases someone to the department's supervision, staff meet with the defendant after court and explain the conditions of bond including when and where his/her next court date is. The defendant is also given this information in writing. All supervision cases have a condition of reporting in person and/or calling an officer in addition to any other special conditions imposed by the court. This provides another opportunity to remind the defendant of

their appearance obligations. During the interview process Pretrial officers collect and verify information regarding the defendant's address, where immediate family members live, and where they work. All defendants under supervision also receive a letter informing them of the next court date. The letter is mailed 8 to 10 days prior to the hearing. Whenever possible officers also call the defendant the night before court. The effect of these activities is that 95% of everyone under supervision appears for court and, therefore, is not subject to incarceration through a bench warrant. Court date notification services are also provided to all defendants who are granted an individual recognizance bond but are not assigned to supervision.

When supervised defendants fail to appear, the department attempts to contact them and persuade them to report to the judge in the company of an officer. Officers are likewise contacted when a defendant fails to appear. This activity reduces unnecessary additions to the jail population by lowering the number of outstanding bond forfeiture warrants. The unit reports that in many cases defendants cannot attend court for some legitimate reason, such as residence in an inpatient treatment program or hospitalization. If the officer is able to independently verify the reason, the FTA notification unit reports to the hearing to inform the judge. This activity appears to substantially lower the number of no-bond bench warrants issued.

More information about Cook County's notification unit is available from:

Stephan McGuire  
Director  
Cook County Pretrial Services Department.  
2650 S. California Ave. Room 2A78  
Chicago, IL 60608-5146

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**F. STAGE FOUR ACTION**

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**DESCRIPTIONS**

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## F. STAGE FOUR ACTION DESCRIPTIONS

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<b>RECOMMENDATION:</b>	<b>IV-1</b>	<b>CJIS users' meetings should be reconvened on a regular basis with expanded membership and clear leadership by user agencies.</b>
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OBJECTIVE:	Improve accuracy and usefulness of data transmission between departments.
LEAD AGENCY:	System
LOGISTICS:	Meeting of up to 20 staff at regular intervals
PROS/CONS:	+ Improved efficiency + Reduction of staff effort due to reduction of duplication and error + Faster information exchange
COST:	\$0
SAVINGS:	Potential elimination of several positions at \$30, 000 - \$50, 000 each
CROSS REFERENCE:	3.1

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**RECOMMENDATION: IV-2 IS should be involved as a technical resource in any future decisions on system additions or replacements.**

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**OBJECTIVE:** Ensure that major system additions or modifications will be compatible with other system elements and will meet their own objectives.

**LEAD AGENCY:** System: The department contemplating the addition

**LOGISTICS:** Engage IS services for consultation and review before making commitments.

**PROS/CONS:**

- + Potential major savings in system acquisitions and operations
- + Avoidance of potential problems in system compatibility , design and utility
- +
- Conflict between departments in identifying useful, cost/effective system objectives

**COST:** \$0, to county, but IS may bill client agency \$5,000 to \$20,000

**SAVINGS:** Depends on size of proposed addition; they typically cost well upward of \$100,000.

**CROSS REFERENCE:** 3.11

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<b>RECOMMENDATION:</b>	<b>IV-3</b>	<b>To the extent available, commercial software which allows simple queries of CJIS data should be obtained for user departments.</b>
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OBJECTIVE:	Allow statistical inquiries without requiring time consuming intervention of IS.
LEAD AGENCY:	Information Services
LOGISTICS:	Agency determines its precise and requests assistance from IS.
PROS/CONS:	+ Much more rapid answers + Encourages innovative analysis of departmental problems
COST:	Estimated setup by IS is \$1,000 to \$5,000 per department.
SAVINGS:	\$1, 000 - \$10, 000 per question now answered by information systems
STATUS/COMMENTS:	IS cannot now honor all user requests because of staffing cuts.
CROSS REFERENCE:	3.11



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<b>RECOMMENDATION:</b>	<b>IV-4 A county-wide e-mail system should be set up.</b>
OBJECTIVE:	Improved communication among all county departments
LEAD AGENCY:	Information Services
PROS/CONS:	<ul style="list-style-type: none"><li>+ Opens many new communications links; speeds justice, reduces costs, avoids errors</li><li>+ Sender and recipient can have copies of the messages</li><li>+ Can enclose large files</li><li>+ Message can be sent even if recipient is absent.</li><li>- Substantial cost</li></ul>
COST:	Depends greatly on extent and on current configuration. \$50 - \$100 per station if department has local network; \$500 if not; plus \$5,000 to interconnect departments.
SAVINGS:	If a 1% savings in every justice employee's fine, about \$75, 000 annually
STATUS/COMMENTS:	E-mail system can be implemented by increments with no significant cost penalty
CROSS REFERENCE:	3.11

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<b>RECOMMENDATION:</b>	<b>IV-5 Complete a CAD system with full MDC and management reporting capabilities.</b>
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OBJECTIVE:	Complete implementation of existing CAD system.
LEAD AGENCY:	Sheriff
PROS/CONS:	<ul style="list-style-type: none"><li>+ Improve cost-effectiveness</li><li>+ Allow better management of calls for service</li><li>+ Individual patrol deputy workload and productivity can be monitored on a continuous basis</li><li>+ The geographical and temporal distribution of patrol workload can be analyzed and monitored on a continuous basis</li><li>+ Deployment and shift schedules can be correlated more closely with the demand for police service</li><li>+ Prioritized response performance objectives can be established and accurately monitored</li><li>- Managers will have to receive training in the use and analysis of CAD statistical output</li></ul>
COST:	\$50,000 - \$100,000 for CAD Phase II; \$50,000 for MDC terminals.
SAVINGS:	A 2% improvement in officer scheduling saves \$160,000 per year
CROSS REFERENCE:	3.16

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<b>RECOMMENDATION:</b>	<b>IV-6</b>	<b>Modify the physical arrangements of the Jail Control Console to permit operation by one person during periods of low jail activity.</b>
<b>OBJECTIVE:</b>	Eliminate unnecessary double staffing at times of low activity	
<b>LEAD AGENCY:</b>	Sheriff	
<b>PROS/CONS:</b>	<ul style="list-style-type: none"><li>+ Cost savings</li><li>+ Eliminates unproductive activity</li><li>+ Eliminates expensive and unproductive staffing arrangement</li><li>- Moderate remodeling cost</li><li>- Change will be resisted by managers who believe in assigning two full time employees around the clock to deal with any Jail emergency eventuality</li></ul>	
<b>COST:</b>	\$50,000 - \$80,000 (one-time)	
<b>SAVINGS:</b>	\$100,000 annually or more	
<b>STATUS/COMMENTS:</b>	Presently the second employee performs virtually no tasks during most shift hours	
<b>CROSS REFERENCE:</b>	4.16	

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<b>RECOMMENDATION:</b>	<b>IV-7 Handwrite crime report information directly onto a report form suitable for duplicating and/or faxing.</b>
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OBJECTIVE:	Shorten the time required for information to reach other agencies such as the DA.
LEAD AGENCY:	Sheriff
PROS/CONS:	<ul style="list-style-type: none"><li>+ Cost-efficiencies throughout system</li><li>+ Faster distribution of information</li><li>+ Review and correction are facilitated</li><li>+ Major decrease in clerical staff effort</li><li>+ Increased investigative, prisoner processing and charging efficiency</li><li>- Minor cost to print and change over system</li><li>- Some officers may require training in block printing to overcome difficult-to-read cursive writing styles</li><li>- Officers need to write legibly; current printed reports are esthetically more appealing than handwriting</li></ul>
COST:	\$0
SAVINGS:	1 - 5 jail days per missing report (\$50 - \$250)
STATUS/COMMENTS:	Reports now may take up to 5 days with great negative impact on DA's ability to make filing decisions
CROSS REFERENCE:	3.14

<b>RECOMMENDATION:</b>	<b>IV-8 Reconcile, on a daily basis, reports submitted by deputies against report numbers issued.</b>
LEAD AGENCY:	Sheriff
PROS/CONS:	<ul style="list-style-type: none"> <li>+ Missing reports will immediately come to supervisors' attention</li> <li>+ Report can be found rather than having to be reconstructed days later</li> <li>+ Removes source of delay in jail stay and adjudication</li> <li>- Will require coincidental implementation of One-Write reporting system</li> </ul>
COST:	\$0
SAVINGS:	1 - 5 jail days per missing report (\$50 - \$250)
STATUS/COMMENTS:	Reports now may take up to 5 days with great negative impact on DA's ability to make filing decisions
CROSS REFERENCE:	3.14
<b>RECOMMENDATION:</b>	<b>IV-9 Maintain file copies of One-Write reports in paper file storage pending the availability of funding for an computer imaging file system.</b>
LEAD AGENCY:	Sheriff
LOGISTICS:	Obtain filing cabinets to hold reports; report locations will be cross-indexed in RMS
PROS/CONS:	<ul style="list-style-type: none"> <li>+ Will provide immediate access to crime reports by authorized parties</li> <li>- May cause storage space and report purging problems if imaging alternative not implemented in near future.</li> </ul>
COST:	\$150 per file cabinet; one cabinet could hold 20,000 single sheets
SAVINGS:	No direct savings
STATUS/COMMENTS:	Temporary expedient until an imaging system is obtained.
CROSS REFERENCE:	3.14

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<b>RECOMMENDATION:</b>	<b>IV-10</b>	<b>Begin planning for a changeover to a file storage system based on imaging technology.</b>
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OBJECTIVE:	Ultimately, change over to an imaging system for incident and arrest reports..
LEAD AGENCY:	Sheriff
LOGISTICS:	Planning meeting; enlist help of IS
PROS/CONS:	+ An imaging file storage system provides the advantages attributed to digital file storage at less cost - Will require an outlay of money to acquire an optical imaging system
COST:	Some consulting charge by IS; no other cost until an imaging system is acquired.
SAVINGS:	Will ultimately reduce clerical need for data entry (\$50, 000 - \$100, 000)
CROSS REFERENCE:	3.14

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<b>RECOMMENDATION:</b>	<b>IV-11</b>	<b>Review clerical staffing needs after the report writing system is modified. The need for data entry clerks will be substantially reduced.</b>
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OBJECTIVE:	Reduce need for clerical support
LEAD AGENCY:	Sheriff
PROS/CONS:	+ Saves substantial resources + Salary savings will quickly amortize the acquisition costs of an optical imaging system. + On-going salary savings will reduce the Records Unit budget - A clerical workload study will be required.
COST:	\$0
SAVINGS:	About \$30,000 per position saved; could be 3 positions.
CROSS REFERENCE:	3.14

<b>RECOMMENDATION:</b>	<b>IV-12 Establish an Ad Hoc Crime Analysis Committee.</b>
OBJECTIVE:	Coordinate law enforcement operations where appropriate; streamline costs.
LEAD AGENCY:	Stockton Police Department, but with participation of all agencies in the county.
PROS/CONS:	<ul style="list-style-type: none"> <li>+ Improve public safety</li> <li>+ Improve cost-effectiveness</li> <li>+ crime analysis will be based on a county-wide integrated information gathering system</li> <li>+ A county-wide crime analysis will facilitate coordination between local agencies in addressing cross jurisdictional crime problems</li> <li>+ Investigative leads will be broadly disseminated</li> </ul>
COST:	\$0
SAVINGS:	If a 2% savings of detective's time, \$40,000 per year
CROSS REFERENCE:	4.7
<b>RECOMMENDATION:</b>	<b>IV-13 Manteca, Tracy, Escalon and Ripon should formulate planning objectives for shared communications and data consolidation</b>
OBJECTIVE:	Coordinate law enforcement operations where appropriate; streamline costs.
LEAD AGENCY:	Cities of Manteca, Tracy, Escalon, and Ripon
LOGISTICS:	Assign responsibility to appropriate staff personnel to develop plans to upgrade data exchange and achieve the economies of scale.
PROS/CONS:	<ul style="list-style-type: none"> <li>+ Improve officer and public safety</li> <li>+ Improve cost-effectiveness</li> <li>+ Economies of scale will enable smaller agencies to benefit from improvements in communications technology</li> <li>- New roles and coordination required</li> <li>- Some agencies may be reluctant to give up sole control over the dispatch function</li> </ul>
COST:	\$0 to county
SAVINGS:	\$0 to county
CROSS REFERENCE:	4.8

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<b>RECOMMENDATION:</b>	<b>IV-14 Re-evaluate the role of all operations lieutenants and assign lieutenants to work weekends and night shifts. Consider assigning community liaison responsibilities to the Captain of Patrol.</b>
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<b>OBJECTIVE:</b>	Achieve greater staffing efficiencies and effectiveness levels.
<b>LEAD AGENCY:</b>	Sheriff
<b>PROS/CONS:</b>	<ul style="list-style-type: none"><li>+ Improve organization accountability</li><li>+ Improved management over nighttime operations</li><li>+ Reduced liability exposure</li><li>+ Improve cost-effectiveness</li><li>+ Re-instates a management arrangement based on the "Unity of Command" principle</li><li>- May be opposed by unincorporated community activists because change will require modification of decentralized field command system that underpins a community based policing concept recently inaugurated</li></ul>
<b>COST:</b>	\$0
<b>SAVINGS:</b>	\$0 direct savings, but liability suits typically run into the million dollar range
<b>CROSS REFERENCE:</b>	4.15



<b>RECOMMENDATION:</b>	<b>IV-15</b>	<b>The Sheriff's training program should be redesigned and limited to courses that are mandated or fully justified by deficiencies in deputy performance.</b>
OBJECTIVE:	Eliminate unnecessary cost	
LEAD AGENCY:	Sheriff	
PROS/CONS:	<ul style="list-style-type: none"> <li>+ Substantial cost savings</li> <li>+ Improve morale</li> <li>- Some non-mandated training with problematic utility will be eliminated</li> </ul>	
COST:	\$0	
SAVINGS:	\$400,000 - \$600,000 annually, but overlaps with preceding	
STATUS/COMMENTS:	Much of training now is used to fill otherwise idle time during shift overlap	
CROSS REFERENCE:	4.15	
<b>RECOMMENDATION:</b>	<b>IV-16</b>	<b>Conduct periodic workload studies in the Sheriff's department to monitor the impact of deployment and shift arrangements on response performance in the patrol division.</b>
OBJECTIVE:	More efficient personnel deployment	
LEAD AGENCY:	Sheriff	
PROS/CONS:	<ul style="list-style-type: none"> <li>+ Cost savings and improve efficiencies</li> <li>+ More efficient response to calls for service</li> <li>+ </li> <li>- No significant arguments against proposal</li> <li>- </li> </ul>	
COST:	None if new CAD software meets study requirements; programming costs up to \$10,000 if new applications are required.	
SAVINGS:	Depends on outcome of study; see CAD recommendation (4.20)	
CROSS REFERENCE:	4.16	

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<b>RECOMMENDATION:</b>	<b>IV-17 On Calls for Service, use civilians where possible, establish CFS priorities and establish a telephone reporting system.</b>
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OBJECTIVE:	Improve delivery of patrol services
LEAD AGENCY:	Sheriff
PROS/CONS:	+ Cost savings through civilianization + Lowered training costs + More deputies available for priority field assignments - Will reduce attrition of field deputy positions and slow the transfer of deputies from correctional positions to field operations
COST:	\$0
SAVINGS:	\$10,000 per position civilianized
CROSS REFERENCE:	4.17

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<b>RECOMMENDATION:</b>	<b>IV-18 Establish the classification of Community Service Officer in the Sheriff's Office.</b>
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OBJECTIVE:	More efficient utilization of sworn personnel
LEAD AGENCY:	Sheriff
LOGISTICS:	Initially, staffing two such positions in patrol would be appropriate considering the volume of CFS. If these employees worked eight hour shifts their hours of employment could be restricted to the day and swing shifts.
PROS/CONS:	+ Cost savings through civilianization of several positions + Better service
COST:	\$40,000 per CSO position
SAVINGS:	\$10,000 - \$15,000 for each sworn officer replaced
CROSS REFERENCE:	4.19

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<b>RECOMMENDATION:</b>	<b>IV-19 Civilianize Sheriff's positions where appropriate.</b>
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OBJECTIVE: Cost savings; more efficient utilization of personnel  
 LEAD AGENCY: Sheriff  
 PROS/CONS: + Substantial salary savings and reduced training costs  
 - Will slow reassignment of correctional deputies to field operations  
 COST: \$0  
 SAVINGS: \$10,000 annually plus lower training costs for each position civilianized  
 CROSS REFERENCE: 4.19

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**RECOMMENDATION: IV-20 Identify clerical and other special skills of STARS volunteers which can be applied to tasks which will free up deputies and clerks for higher Priority work.**

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OBJECTIVE: Use volunteers when possible to replace paid staff  
 LEAD AGENCY: Sheriff  
 PROS/CONS: + Cost savings  
 + Assignment of staff to more productive duties  
 - Training costs  
 COST: \$0  
 SAVINGS: \$30,000 - \$50,000 per position replaced  
 CROSS REFERENCE: 4.19

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<b>RECOMMENDATION:</b>	<b>IV-21</b>	<b>Eliminate either the lieutenant or sergeants position in Records and Evidence.</b>
OBJECTIVE:	Cost savings and elimination of unnecessary bureaucratic structure	
LEAD AGENCY:	Sheriff	
PROS/CONS:	+ Will result in substantial on-going salary savings - Will reduce career advancement opportunities	
COST:	\$0	
SAVINGS:	\$60,000 annually	
CROSS REFERENCE:	4.20	

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<b>RECOMMENDATION:</b>	<b>IV-22</b>	<b>Eliminate either the lieutenant or sergeant position in Communications.</b>
OBJECTIVE:	Cost savings and elimination of unnecessary bureaucratic structure	
LEAD AGENCY:	Sheriff	
PROS/CONS:	+ Will result in substantial on-going salary savings - Will reduce career advancement opportunities	
COST:	\$0	
SAVINGS:	\$60,000 annually	
CROSS REFERENCE:	4.20	

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<b>RECOMMENDATION:</b>	<b>IV-23</b>	<b>Transfer the functions under the Case Management Lieutenant to more appropriate units and eliminate the Case Management lieutenants position.</b>
OBJECTIVE:	Cost savings and elimination of unnecessary bureaucratic structure	
LEAD AGENCY:	Sheriff	
PROS/CONS:	+ Will result in substantial on-going salary savings - Will reduce career advancement opportunities	
COST:	\$0	
SAVINGS:	\$60,000 annually	
CROSS REFERENCE:	4.20	
<b>RECOMMENDATION:</b>	<b>IV-24</b>	<b>The workload of the four lieutenants assigned to the jail should be reviewed. The use of activity reports and/or desk audits is recommended.</b>
OBJECTIVE:	Cost savings and increased efficiency	
LEAD AGENCY:	Sheriff	
LOGISTICS:	This review should be preliminary to the consolidation and reorganization of their duties as outlined in a plan developed by the Jail Captain.	
PROS/CONS:	+ Will simplify and clarify chain of command + + - No significant argument against proposal -	
COST:	\$0	
SAVINGS:	None directly; long-term, to be determined as a result of the study	
CROSS REFERENCE:	4.20	

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<b>RECOMMENDATION:</b>	<b>IV-25</b>	<b>Authorize a fifth lieutenant to the Jail Division and assign lieutenants to night shifts as outlined in the jail reorganization plan being developed by the Jail Captain.</b>
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OBJECTIVE:	Improved system efficiency
LEAD AGENCY:	Sheriff
PROS/CONS:	+ Lower liability exposure + Will provide needed night-time management presence - Cost
COST:	\$60,000
SAVINGS:	No direct savings
CROSS REFERENCE:	4.20

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<b>RECOMMENDATION:</b>	<b>IV-26</b>	<b>Determine the feasibility of a felony caseflow management program.</b>
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OBJECTIVE:	Accelerated felony dispositions
LEAD AGENCY:	Superior court
PROS/CONS:	+ Reduction of judicial and attorney workloads + Positive impact on jail population - Requires several weeks' of study time
COST:	\$0
SAVINGS:	Potentially large (over \$100,000 annually)
STATUS/COMMENTS:	National Center for State Courts can provide technical assistance
CROSS REFERENCE:	5.10

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**RECOMMENDATION:**      **IV-27**    **Continue to develop policies and procedures to minimize time required to make decisions regarding striking priors in strike cases.**

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**OBJECTIVE:**                    Increased efficiency of utilizing attorneys' time.

**LEAD AGENCY:**                District Attorney

**LOGISTICS:**                    Develop procedures to be applied early in proceedings as to whether to embark on these highly labor-intensive types of prosecution

**PROS/CONS:**                    + Improves case processing times  
    + Downgrades some cases to simple felonies, reducing processing complexity  
    - Inaccuracy and difficulty in obtaining criminal history data will be an obstacle to reducing decision times.

**COST:**                                \$0

**SAVINGS:**                        Significantly less effort (thousands of dollars) for each downgraded case, up to several dozen a year

**STATUS/COMMENTS:**        District Attorney's policies are not set, as the office's approach to enforcing the 'three strikes' law continues to evolve. Inflexibility of three-strikes law often leads to intensive prosecution of otherwise minor offenders.

**CROSS REFERENCE:**            5.22

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<b>RECOMMENDATION:</b>	<b>IV-28</b>	<b>Develop procedures for transfer (cross-assignment) of superior court support staff to assist municipal court staff in preparation of state prison commitment papers and superior court trials assigned to municipal court judges.</b>
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OBJECTIVE:	Improved operating efficiency
LEAD AGENCY:	Superior and Municipal Court Administrators
PROS/CONS:	+ Slows staffing growth in muni court + Utilizes experience of superior court staff in this activity
COST:	\$0
SAVINGS:	\$35,000 - \$40,000 annually for each additional muni court staff position delayed
CROSS REFERENCE:	5.13



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**RECOMMENDATION: IV-29 Review fees and procedures for ordering Costs in cases where counsel are appointed.**

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OBJECTIVE:	Recover some costs from defendants who can afford to pay part of their expenses
LEAD AGENCY:	CAO and Courts
LOGISTICS:	May require payment orders by the Court to prevent conflict of interest if requested by the Public Defender.
PROS/CONS:	+ Increased revenue - Extra effort by bench to insure determination of ability to pay - Possible collection problem
COST:	\$0
SAVINGS:	Several hundred to several thousand dollars per case.
STATUS/COMMENTS:	LRS handles about 2,000 criminal cases (adult & juvenile) yearly. However most may have little ability to pay fees.
CROSS REFERENCE:	5.13

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<b>RECOMMENDATION:</b>	<b>IV-30 Determine feasibility of a vertical case assignment system for both the public defender and the district attorney.</b>
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OBJECTIVE:	Increased efficiency
LEAD AGENCY:	Public Defender, District Attorney
LOGISTICS:	Examine effects of reallocating case assignment so that the same attorney handles a case from intake to disposition
PROS/CONS:	+ No need for new attorney to become familiar with case mid-way through proceedings - Reorganization of workload requires an adjustment period
COST:	\$0
SAVINGS:	Unknown fraction of attorneys' time; 2% increased efficiency = \$230, 000
STATUS/COMMENTS:	Many DA division use vertical prosecution already. DA intake/screening should probably remain a specialized function
CROSS REFERENCE:	5.21

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<b>RECOMMENDATION:</b>	<b>IV-31</b>	<b>Some probation officers should be directly assigned to the courts to perform responsibilities mandated by statute, such as preparation of PSIs and PC 1000 diversion evaluations.</b>
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OBJECTIVE:	Cost savings
LEAD AGENCY:	Courts and Probation
PROS/CONS:	+ Will provide more timely reports to courts, thereby accelerating final disposition
COST:	\$0
SAVINGS:	At 1 hour saved per report, \$100,000 - \$150,000 per year
STATUS/COMMENTS:	Procedure has been tried and found successful in other jurisdictions
CROSS REFERENCE:	6.8

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<b>RECOMMENDATION:</b>	<b>IV-32</b>	<b>Reduce the amount of time needed to complete PSI reports and for holding the PSI hearing.</b>
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OBJECTIVE:	Cost savings
LEAD AGENCY:	Probation
PROS/CONS:	+ Cost savings through reduced post-adjudication jail stays for felons going to prison - Intensified effort by probation staff
COST:	\$0
SAVINGS:	\$300,000 - \$500,000 annually (30 jail beds) if all postadjudication stays can be reduced by 10 days.
CROSS REFERENCE:	6.7

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<b>RECOMMENDATION:</b>	<b>IV-33</b>	<b>Develop policies for violations of probation that limit the number of warrants sought for cases involving failure to pay program fees.</b>
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OBJECTIVE:	Cost savings
LEAD AGENCY:	Probation and courts
PROS/CONS:	+ Eliminate some of the costs of issuing warrants, arresting violator, booking, and jailing - May lead to an increased rate of failure to pay
COST:	\$0
SAVINGS:	Perhaps \$1,000 for each warrant not issued
CROSS REFERENCE:	6.7

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<b>RECOMMENDATION:</b>	<b>IV-34</b>	<b>Eliminate as much as possible the use of temporary employees within PTS.</b>
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OBJECTIVE:	More efficient utilization of personnel
LEAD AGENCY:	Probation (PTS)
PROS/CONS:	+ Decrease absenteeism and turnover + More professional staff and better release decisions + Decreased recruiting and training costs - Somewhat increased costs of employee benefits
COST:	\$5,000 or so annually per part-time/temporary FTE converted to permanent full-time
SAVINGS:	Improved efficiency and decreased turnover costs of about the same magnitude as the benefits increase; probably not savings of a few thousand dollars per employee
CROSS REFERENCE:	6.15

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<b>RECOMMENDATION:</b>	<b>IV-35</b>	<b>Coordinate the activities of PTS with the jail's classification and population management units to eliminate duplication of work.</b>
OBJECTIVE:		Cost savings
LEAD AGENCY:		Probation (PTS) and Sheriff
PROS/CONS:		+ Eliminate duplication in amassing criminal histories and personal information - Requires new thinking about coordination
COST:		\$0
SAVINGS:		\$30,000 to \$100,000 annually (1 - 3 positions in the three offices combined)
CROSS REFERENCE:		6.15
<b>RECOMMENDATION:</b>	<b>IV-36</b>	<b>Develop policy and procedure with Sheriff's Office to allow PTS to keep prior criminal histories and DOJ manual rap sheets.</b>
OBJECTIVE:		Cost savings
LEAD AGENCY:		Probation (PTS)
LOGISTICS:		Locate secure space for records retention (away from inmate clerks)
PROS/CONS:		+ Cost savings + Eliminate duplicate work
COST:		Low, probably under \$1,000, depending on how secure location is provided
SAVINGS:		Up to 1 FTE (\$40,000)
CROSS REFERENCE:		6.13

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<b>RECOMMENDATION:</b>	<b>IV-37</b>	<b>Develop a "chain of custody" for PTS packets to minimize their getting lost after being sent to court.</b>
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OBJECTIVE:	Cost savings
LEAD AGENCY:	Probation (PTS)
PROS/CONS:	+ Saves cost of redoing about 100 lost packets a year
COST:	\$500 (fax machine)
SAVINGS:	\$20,000 of staff time annually needed to reconstruct packets
CROSS REFERENCE:	6.14

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<b>RECOMMENDATION:</b>	<b>IV-38</b>	<b>Develop policies and procedures for PTS interviews at the court to minimize time needed to complete PTS packets and to reduce a defendant's pretrial length of stay.</b>
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OBJECTIVE:	Cost reduction
LEAD AGENCY:	Probation (PTS)
PROS/CONS:	+ Reduce pretrial stay
COST:	\$0
SAVINGS:	\$20,000 - \$40,000 by reducing demand for jail beds
CROSS REFERENCE:	6.14

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<b>RECOMMENDATION:</b>	<b>IV-39</b>	<b>Coordinate the exchange of information and development of policies to facilitate the transfer of detainees and inmates to ADAP and residential treatment programs.</b>
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OBJECTIVE:	Cost savings
LEAD AGENCY:	Sheriff, ADAP, Probation
PROS/CONS:	+ Reduce jail stays by a few days for several hundred inmates a year
COST:	\$0
SAVINGS:	\$40,000 - \$100,000 annually
CROSS REFERENCE:	6.18

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<b>RECOMMENDATION:</b>	<b>IV-40</b>	<b>Long term planning should incorporate the reuse of Honor Farm barracks A, B and C for pretrial and sentenced misdemeanant males and or females.</b>
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OBJECTIVE:	Cost savings
LEAD AGENCY:	Sheriff
LOGISTICS:	Relocate New Directions
PROS/CONS:	+ Barracks have been remodeled and would need little extra work + Delays the construction of new jail or farm beds - New Directions would need a new location
COST:	\$0 or perhaps up to a few thousand dollars
SAVINGS:	\$1,200,000 annually over cost of constructing and operating same number 9 of jail beds
STATUS/COMMENTS:	Unclear as to who pays for moving New Directions
CROSS REFERENCE:	7.3

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<b>RECOMMENDATION:</b>	<b>IV-41 Construct video arraignment rooms adjacent to the jail core intake area.</b>
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OBJECTIVE:	Cost savings
LEAD AGENCY:	Sheriff, courts
LOGISTICS:	All in custody arraignment hearings should be conducted using a video arraignment process which can occur within the confines of the jail.
PROS/CONS:	+ Savings in transportation and courtroom security costs + Some acceleration of disposition. - Construction costs - May need a technician to operate
COST:	\$80,000 - \$120,000 to set up, plus \$40,000 for a technician.
SAVINGS:	Several transportation and security FTEs at \$50,000
CROSS REFERENCE:	7.6



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<b>RECOMMENDATION:</b>	<b>IV-42</b>	<b>To meet additional long term bed needs, convert the unused support wing of Juvenile Hall into a secure housing unit. Conversion of this wing is the most functionally logical and Cost effective strategy for long -term Juvenile Hall housing expansion. This area could be designed to serve as a general population housing unit or as an intake and assessment unit.</b>
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OBJECTIVE:	Cost saving and public safety
LEAD AGENCY:	Probation
PROS/CONS:	+ Add space for at least 50 beds at the lowest cost + Reduce Hall crowding pressures + Allow detention of some of those now released - Substantial costs
COST:	\$800,000 - \$1,200,000
SAVINGS:	\$200,000 to \$600,000 over all-new construction
CROSS REFERENCE:	7.8

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<b>RECOMMENDATION:</b>	<b>IV-43    Develop a pool of part-time employees for temporary assignments, e.g. dispatch, clerical.</b>
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OBJECTIVE:	Reduce costs of various civilian positions
LEAD AGENCY:	Sheriff, CAO
LOGISTICS:	Set up a pool of employees: some may be regular employees assigned to various functions as needed; others could be retirees or others who could be on call with a few days' notice.
PROS/CONS:	+ Reduced overtime costs + Will increase flexibility in shift assignments + Will reduce overtime demand + Reduced benefit package will reduce salary costs - Some retraining costs initially
COST:	About \$20,000 to \$30,000, plus overhead, for each employee: at 5 employees, \$100,000 to \$150,000.
SAVINGS:	Straight-time annual cost differential (salary and benefits) between clerical and deputy is \$20,000 to \$24,000 annually; between dispatcher and deputy, \$16,000 to \$21,000. Add \$29,000 if deputy is on overtime. Savings from current arrangement would be \$180,000 to \$400,000
PRIORITY:	Medium
STATUS/COMMENTS:	Temporary civilian assignments are now sometimes filled by sworn staff on overtime, at a double cost penalty.  Clerical replacements are relatively easy; dispatch requires training.  Size and makeup of pool requires analysis of existing workloads by Sheriff's staff.
CROSS REFERENCE:	4.19



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**G. COSTS & IMPACTS  
OF RECOMMENDATIONS**

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## G. COSTS & IMPACTS OF RECOMMENDATIONS

**The implementation and impact costs are estimates only, intended for long-term planning purposes and not for immediate budgeting.**

Only direct costs or impacts are considered, so if a recommendation is to study or plan (e. g., planning for records imaging in the Sheriff's Records Division), the cost of the planning effort itself is estimated but not the cost of converting to imaging since that figure would presumably emerge during the planning process. Analogously, savings that might result from the study are given only nominally: there could be a saving of \$35,000 annually per clerical position eliminated, but the number of such positions would also be found as a result of the study.

System changes can have set-up costs (acquire equipment, develop a procedure) or continuing costs (add staff), or both. Construction costs are amortized, and continuing costs are estimated for one year.<sup>1</sup>

Some major cost items appear at several points. Construction and operation of a pair of 64-bed jail pods was estimated at \$1.7 million annually, while the same 128 beds in a minimum security dormitory came out to \$700,000. The cost of a hard 20-bed juvenile dormitory is nearly as much as the larger adult dorm - \$550,000 - because of the higher staffing requirement. Constructing a courtroom (as part of a larger structure) and adding a judge and court services staff would be about \$400,000 a year. At current courtroom ratios, the additional deputy district attorneys and public defenders, plus support, would mean another \$250,000 in annual costs. In every case the staffing and operating costs far exceed the amortized costs of construction.

While such major items do not flow directly from any of the recommendations, population management or improved operating efficiencies can postpone the date at which new facilities would need to be acquired. Note the facility sizes: they are chosen in rather small increments, and a larger facility (e. g., four jail pods) would cost proportionately more.

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<sup>1</sup> When there are both setup and continuing costs, the "average" cost per jail or juvenile hall bed is not meaningful since it depends on how they are filled and the number of cases. Suppose it costs \$540,000 to build and staff an empty new jail pod, plus \$1,000 a year to add each inmate (mainly food and other consumables). Average annual cost per inmate would be \$55,000 for 10 inmates and \$10,000 for 60. On the other hand adding a new inmate to existing bed space costs little more than the cost of food for that person (\$5 - \$10 a day).

On the other end of the scale, some recommendations call for operational changes only. They will be implemented through meetings or the development of new procedures. The participants will in most cases be regular employees meeting as a part of their normal duties, and the net cost to the county is taken as zero.<sup>2</sup> In general an item is considered to have no cost if it involves only existing staff or equipment and no new staff are hired to take over the old staff's former duties. However if a study or new procedural change would take substantial amounts of employee time that fact is noted.

Out-of-pocket costs are not zero if it is necessary to engage an outside contractor or to hire new staff, the latter either to assume the new duties or to take over the old duties of a current employee who is reassigned to the new work. An ambiguous case is when Information Services personnel are engaged for CJIS modification. Fees flow out from the justice system to another branch of the county government. The costs are noted but the county may not wish to count them in the totals.<sup>3</sup>

There is probably an overlap in the estimates of savings from various recommendations such as those projecting a reduction in jail bed demand. Combining all the estimates without taking account of that possibility may result in an inflated total.

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<sup>2</sup> Meetings and studies do consume time, of course, and are not truly free, but they will simply supplant equal amounts of employees' time presently devoted to less productive activities. The net cost is thus zero (in fact negative because the product is more valuable).

<sup>3</sup> I/S supervisors believe that in some cases temporary programmers would be hired for coding because the I/S system analyst, after designing the program, would be needed elsewhere for ongoing system maintenance.

## 1. System-Wide

Implement a revitalized population management system.

Cost to implement: zero. Impact: improved operating efficiency can delay expansion of jail, saving roughly \$1,700,000 a year, for one to five years.

Establish a jail use policy and mission statement, developed with the input of all representatives of the criminal justice system and with some public interaction.

Cost: zero. Impact: would be part of population management system

Design and implement a Pre-Processing Intake and Classification Center appropriate to San Joaquin County.

Physical setup costs would depend on whether existing space in the jail could be used if remodeled. Remodeling of 400 - 500 square feet could range from \$50,000 to \$85,000. A trailer (unfurnished and without secure holding space) would cost about \$40,000 (purchase) plus setup and security modifications costs which could cost another \$25,000 - \$50,000. It appears that current staff would be adequate. PPIC would be a component of the inmate management system.

Along the lines of the PPIC, develop a Family Crisis Intervention Unit which provides intensive pre-screening for juvenile justice.

Current space would be used, but one additional staff person would be needed (probation/mental health worker) at \$40,000 to \$50,000. Juvenile Hall crowding pressures would be reduced.

Implement a public education program on criminal justice system management and costs.

Costs \$5,000-\$15,000; impact would be indirect.

## 2. County Government and Information Management

A single senior person in the CAO's office should be designated as the full-time and exclusive justice system coordinator and expert, preferably with a small staff. That person would not dictate operations to the departments but would be responsible for monitoring the balance of resources among them and, in cooperation with the Task Force, for calling and convening both policy-level and working meetings to improve system coordination.

Add staff at \$40,000 - \$50,000 per person-yr. Impact: substantial but indirect.

Users' meetings should be reconvened on a regular basis. Membership should be inclusive rather than exclusive, extending at least to the city police. Leadership should probably not be vested in IS as it is not a user.

Cost: meeting time only; at 1-2 hours/month it should not interfere with other duties and can be neglected. Impact probably large but indeterminate.

IS should be involved as a technical resource in any future decisions on system additions or replacements.

Cost: meetings, zero; detailed studies \$5,000 to \$25,000 billed by I/S, depending on the system to be acquired. Major acquisitions are in the \$100,000 to \$2,000,000 range, so a poor choice could be disastrous.

A county-wide e-mail system should be set up.

Cost depends on current configuration: \$50-\$100 per station for departments with existing networks, \$500 per station if no network; plus \$5,000 or so to interconnect departments. Much of the expense would be service charges by Information Services and would remain within the county. An e-mail system could be installed by increments at no significant cost penalty. At some point during its development it would require a system administrator (\$45,000).



Juvenile justice, including the juvenile hall, should be added to CJIS.

Programming and system integration would require perhaps \$20,000 - \$50,000 time of a senior I/S analyst or temporary programmer. Eventually offset by greatly improved juvenile system efficiency and accuracy.

The Office of Revenue Recovery should receive inquiry access.

ORR already has CJIS terminals communicating with DMV; access to court/sheriff data would require clearance from those departments; actual connection time takes only an hour or so.

After extensive consultation with users as to their needs, management tools such as statistical summaries and schedules should be developed, perhaps by contract personnel if IS does not have staff available.

Best accomplished by purchasing inexpensive user-friendly commercial programs that allow users to create their own reports on data downloaded to a local PC network. Departmental analyst would need a few weeks' training by I/S on CJIS data structure.

To the extent available, commercial software which allows simple queries of the data should be obtained for user departments.

(Software exists; see preceding discussion. DA's office has already acquired it.) I/S would need to analyze each department's needs and current resources before setting up the system for them; estimated charge by I/S is \$1,000 to \$5,000 per department, exclusive of user training. It would help for users to have a moderately sophisticated staff member such as an office systems analyst.

Discontinue the dictation of crime reports by deputies in the field. Instead of making written notes, the information gathered by a deputy making a preliminary investigation should be handwritten directly onto a report form suitable for duplicating and/or faxing. Report review and approval by supervisors will occur in the field. Indexing, crime analysis data, Uniform Crime Report data, etc. will continue to be entered into RMS from file copies of the One-Write reports.

Reconcile, on a daily basis, reports submitted by deputies against report numbers issued.

Maintain file copies of One-Write reports in paper file storage pending the availability of funding for an computer imaging file system.

Begin planning for a changeover to a file storage system based on imaging technology.

Review clerical staffing needs after the report writing system is modified. The need for data entry clerks will be substantially reduced.

This and the following four recommendations are all part of the same package. The "One-write" system is merely the process of entering, legibly, the incident or arrest information on a standardized form. After sergeant's review, copies are distributed and the key data (minus the narrative) is entered into the RMS. Implementation costs are low and existing equipment is used. Reports are distributed within hours after being turned in (usually at the end of each shift). Under the current system distribution can be delayed as long as 5 days. Clerical data entry requirements are also greatly reduced.

No cost. Impact: reduced errors will improve case processing. Missing reports promptly come to the attention of managers who immediately take action to locate the report.

Temporary storage costs of paper files might include buying file cabinets and locating space to put them.

No costs for sheriff's staff; planning time of a few months (spread out over a longer period); should involve I/S as technical consultant for perhaps \$10,000 to \$20,000 fee.

No cost. There could be a 50% reduction in clerical needs (currently 6 clerk-typists) at \$30,000 each.

Use salary savings achieved by implementing ILPP's downsizing and civilianization recommendation to complete a CAD system with full MDC and management reporting capabilities.

Cost: CAD Phase II completion, \$50,000 - \$100,000; MDC terminals, perhaps another \$50,000.

### 3. Law Enforcement

Each law enforcement Agency head should appoint a representative to an Ad Hoc Crime Analysis Committee.

No cost for meetings; extent of impact uncertain.

The Cities of Manteca, Tracy, Escalon and Ripon should formulate planning objectives for shared communications and data consolidation, assign responsibility to appropriate staff personnel to develop plans to upgrade data exchange and achieve the economies of scale possible through consolidated and coordinated communications.

No cost to county. Moderate to substantial setup costs for the cities followed by substantial operating savings.

Re-evaluate the role of all operations lieutenants and assign lieutenants to work weekends and night shifts. Consider assigning community liaison responsibilities to the Captain of Patrol.

No costs; impact would be improved management control over night-time operations and reduced liability exposure.

The Sheriff's Office and County representatives should re-negotiate working conditions covered in the MOU so that more efficient and economical shift schedules can be achieved.

No cost to meetings; no direct impact, but substantial savings (e. g., 10% to 15% of patrol staff, or \$500,000 - \$800,000) could result if negotiations allowed rescheduling. Savings of comparable proportions might occur in other organizational units currently using similar shift arrangements.

The training program should be redesigned and limited to courses that are mandated or fully justified by deficiencies in deputy performance.

No cost; could save \$400,000 to \$600,000 a year, some of which overlaps with the savings in the preceding section.

Abandon the existing shift arrangements in Records and Communications for eight hour shifts which include a fourth overlapping shift.

No direct cost; probable increased efficiency and decreased absenteeism and turnover. Eliminates double staffing on training days. If overtime were reduced to planned level savings total costs would be reduced by \$200,000 annually.

Conduct periodic workload studies to monitor the impact of deployment and shift arrangements on response performance in the patrol division.

No cost if newly acquired CAD software meets study requirements. Possibly some programming costs up to \$10,000 if new applications are required. Resultant savings depend on the findings.

The Sheriff's Office should formally adopt procedures and techniques for managing the calls-for-services workload that maximizes use of civilian aides, telephone reporting, and call prioritization.

Cost: minor. Impact: civilianization of several jobs at salary/benefits savings of about \$10,000 annually per position civilianized, plus substantially lower training costs, as for firearms proficiency. Also more deputies free for patrol duties.

Establish the classification of Community Service Officer. Initially, staffing two such positions in patrol would be appropriate considering the volume of CFS. If these employees worked eight hour shifts their hours of employment could be restricted to the day and swing shifts.

Cost of about \$40,000 per CSO position.

Develop a pool of part-time employees for temporary assignments, e.g. dispatch, clerical.

See custody section, below.

Analyze those support positions now filled by a sworn officers or correctional officers to determine if the following criteria are essential elements of the duties: (1) peace officer or correctional officer status, (2) the full range of training required of a peace officers. In all cases where the listed criteria are not essential elements, reclassify the position to civilian status. Examples include Tower post in the jail, certain posts in the booking area.	Cost to analyze: low. Savings of about \$10,000 plus training costs annually per position civilianized.
Identify clerical and other special skills of STARS volunteers which can be applied to tasks which will free up deputies and clerks for higher priority work.	Potential savings of several paid positions at \$30,000 to \$50,000 each.
Eliminate either the lieutenant or sergeant's position in Records and Evidence.	Save 1 position (\$60,000 plus training annually)
Eliminate either the lieutenant or sergeants position in Communications.	Save 1 position (\$60,000 plus training annually)
Transfer the functions under the Case Management Lieutenant to more appropriate units and eliminate the Case Management lieutenants position.	Save 1 position (\$60,000 plus training annually)
The workload of the four lieutenants assigned to the jail should be reviewed. The use of activity reports and/or desk audits is recommended. This review should be preliminary to the consolidation and reorganization of their duties as outlined in a plan developed by the Jail Captain.	Study cost: minor. Impact to be determined.

Consolidate the following Superior and Municipal Court service functions under the Marshal's Office: bailiff, courtroom security, civil process and prisoner transport between jails and courts.

Savings of approximately \$500,000. Alternative: allow Sheriff and Marshal to bid for courtroom security and choose the lower bidder.

#### 4. Custody

Modify the physical arrangements of the Jail Control Console to permit operation by one person during periods of low jail activity.

Construction cost allowance: \$50,000 - \$80,000. Savings: at least 2 positions (\$100,000); working out a support system for back-up by employees assigned communications may provide opportunities for additional staff reductions.

Authorize a fifth lieutenant to the Jail Division and assign lieutenants to night shifts as outlined in the jail reorganization plan being developed by the Jail Captain.

Cost: around \$50,000 per year, but offset by improved system efficiency

Seek legislation, or negotiate an agreement, permitting the reclassification of deputy sheriff positions into correctional positions.

Cost of seeking legislation minor; potential savings large.

Continue to evaluate the 12-hour shift. Set up a data collection system that permits continuous monitoring of time lost to sickness, injury, workman's compensation cases. In the event the current shift plan clearly contributes to absenteeism, and the posts cannot be adjusted to take maximum advantage of low activity periods in jail activity, the shift arrangement should be re-negotiated to permit trials of alternatives.

Evaluation and monitoring cost, low (perhaps 0.1 FTE, existing staff). Savings potentially substantial.

Proceed with the development of a pool of screened applicants to immediately fill vacancies in essential positions.

Employee pool is in 1995-96 budget at around \$350,000: 7 trainees in pool (3 cycles a year), plus 2 current employees to manage and screen. (Screening costs are around \$1,000 per recruit.) Potential substantial savings in overtime: \$200,000 in communications, \$150,000 in court services, \$1,000,000 in custody.

## 5. Courts

Expand court coordination efforts to include assignment of municipal court judges to handle superior court criminal trials; cross assignment of administrative staff and integration of court administration.

Cost: zero because current judicial staff would be utilized. Savings from increased case handling efficiency, delaying the acquisition of a new judicial position, roughly \$400,000, plus \$250,000 more for prosecution and defense (attorneys and staff). There would also be an impact on jail population because of shorter pretrial times and faster transfer to prison.

The present administrative system should be further reorganized to give the presiding judge a partial workload to allow more time for court administration and coordination.

No cost: half a judicial position would be reassigned to administration, but improved efficiencies would allow other judges to take over that caseload. No new space or staff would be needed. Impact: improved efficiency and coordination.

Determine the feasibility of a felony case flow management program.

Several weeks' study time. Potential impact substantial through reduction of both jail time and judicial workloads. There would be some data processing time needed. NIC can give free assistance.

Determine the feasibility of a differentiated case management program.

[Same as preceding recommendation]

Eliminate the issuance of bench warrants for failure to appear in traffic infraction cases.

Savings of several hundred dollars per warrant and subsequent arrest if offender appears voluntarily. With about 1,500 bookings annually on AMOS warrants, savings could be \$250,000 to \$750,000. If offender does not appear there would be a loss of \$100 - \$200 on fines, but the cost of a warrant plus arrest already exceeds the amount recovered through fines.

Expand video arraignment to Stockton Municipal Court.

Moderate to substantial setup costs need to be determined separately, but the entire setup cost of video arraignment in the Tracy court is \$80,000 plus a few hundred dollars a month for the T-1 phone line. (No new staffing is anticipated for that court. Expansion to the Manteca court would be less because the equipment at the jail could be shared.) Impact: substantial decrease in inmate transportation and security costs, and perhaps in jail population.

Reduce the superior court trial backlog by assigning municipal court judges to handle superior court criminal trials.

No cost; delay acquisition of a new superior court department.

Develop procedures for transfer (cross-assignment) of superior court support staff to assist municipal court staff in preparation of state prison commitment papers and superior court trials assigned to municipal court judges.

No cost; could take a few weeks to develop procedures. Impact: improvement in staff efficiency; slows staffing growth at \$35,000 to \$45,000 per position. Probably done as part of population management system.

Establish increased judicial control over case management and disposition.

No cost. Outcomes might include earlier acceptance of pleas, leading to possible major impact on adjudication times.



Review fees and procedures for ordering costs in cases where counsel are appointed.

No cost; savings of several hundred to several thousand dollars per case. LRS handles about 2,000 criminal cases (adult & juvenile) yearly. However most may have little ability to pay fees.

Consider the implementation of a "Day Fine" program for assessing fines.

Moderate study effort (a month or two); potentially substantial income and savings in jail beds if fines are used in lieu of commitment.

## 6. District Attorney and Public Defender

Establish working committee with representatives from law enforcement agencies and district attorney's office to ensure arrest reports and supplemental reports are complete and timely submitted.

No cost: impact could be moderate to substantial in accelerating case processing.

Evaluate need for two attorneys from each office in the Tracy, Lodi and Manteca courts.

No cost; savings of \$50,000 to \$75,000 per position eliminated (2 to 6 positions).

Develop policies to ensure that settlement offers are provided to the public defender on all cases where offers can be made at least three to five days before the scheduled preliminary hearing and to require the public defender to discuss these offers with their clients prior to the hearing.

Costs: zero. Could save up to 5 days in disposition times; savings occur in both jail time and number of court hearings.

## 7. Probation

Restructure the probation department to give priority to juveniles and to de-emphasize adult supervision.

No cost; emergency measure allowing Probation Department to focus on the most serious problems in the face of serious budget cuts.

With the exception of cases involving very serious offenses, such as sexual assault and domestic violence, assign all adult supervision cases to a bank caseload for monitoring purposes only.	Part of restructuring; allows reassignment of probation officers to higher priority cases.
Limit adult supervision to intensive supervision of only the most serious offenses.	Part of restructuring; allows reassignment of probation officers to higher priority cases.
Develop policies for violations of probation that limit the number of warrants sought for cases involving failure to pay program fees.	No cost to develop policies; moderate reduction in workload, large reduction in jail beds.
Reduce the amount of time needed to complete PSI reports and for holding the PSI hearing.	Could reduce postadjudication transfer time for convicted offenders by 10 days. Reducing the stay by 10 days for each felon sent to prison would save about 30 beds, or \$300,000 to \$500,000 yearly.
Identify areas of probation responsibility that can be handled by clerical staff instead of a probation officer.	Annual savings of perhaps \$10,000 for each FTE's worth of reassigned duties; estimated 4 - 8 positions (\$40,000 - \$80,000).
Collect and evaluate data on the pilot supervised release program to allow development of policies that limit supervised release only to the most appropriate cases and expansion of the supervised release program through less costly alternatives.	Study effort of several weeks by existing staff; possible substantial saving on supervised (rather than banked) probation; probable impact on jail population as well.
Some probation officers should be directly assigned to the courts to perform responsibilities mandated by statute, such as preparation of PSIs and PC 1000 diversion evaluations.	No direct costs; can shorten postadjudication lengths of stay (see above). Part of departmental restructuring.

Some probation responsibilities should be transferred to other agencies with corresponding adjustments to their budgets.

Urinalysis for drug residues could be done by a part-time technician (3/4 time): cost would be \$16,000 to \$18,000, but would free up the same FTE of probation officer time which costs \$25,000 to \$32,000 and could be reassigned to regular supervision. (Drug testing should not be sent out since the results should be known before the client leaves the office.)

Implement programs for supervised OR and supervised release to be staffed by probation officers to control the FTA rate and minimize use of the jail for persons sentenced to a residential treatment program.

Little direct cost; decreased use of jail. A quarter to a half of inmates appear to have substance abuse problems, so substantial numbers of them could be in treatment rather than in jail.

Expand ADAP's program capacity to allow for more control over pretrial and cap releases

See ADAP, below

#### 8. Pretrial Services

Develop policy and procedure with the Sheriff's Office to allow PTS to keep prior criminal histories and DOJ manual rap sheets in the office to minimize "reinventing the wheel" type of work.

Savings of perhaps an hour per case for 2,000 felony bookings a year released on OR, equivalent to one staff position (\$40,000).

Move all appropriately classified pretrial detainees to the Honor Farm to allow more space in the main jail to house serious offenders who have been sentenced.

Substantial savings possible by postponing addition of jail cells. Postponing the construction of 128 secure jail beds would save about \$1,700,000 annually.

Move all appropriately classified minimum security sentenced inmates from the Honor Farm to alternative programs, such as electronic monitoring and day reporting centers.

At least 128 current Honor Farm inmates would qualify, releasing space for pretrial detainees, so the net cost at the Farm would be zero.

Develop a "chain of custody" for PTS packets to minimize their getting lost after being sent to court.	No cost to set up a chain; \$500 for a fax machine so that packets would not go physically out of PTS hands. Saving of perhaps \$200 per lost packet, of which there are about 100 a year, or \$20,000.
Develop policies and procedures for PTS interviews at the court to minimize time needed to complete PTS packets and to reduce a defendant's pretrial length of stay.	Cost: negligible. Impact: shortening of pretrial stays by up to half a day for 2,000 OR releases, or \$20,000 - \$40,000.
Review PTS release criteria for consistency with the court consent order and reasonableness.	Cost impact uncertain
Coordinate the activities of PTS with the jail's classification and population management units to eliminate duplication of work.	Saving of substantial staff time; 1 to 3 positions at \$35,000.
Eliminate as much as possible the use of temporary employees within PTS.	Somewhat increased personnel costs offset by lowered recruitment and training costs because part-timers without benefits do not stay.

## 9. ADAP

Increase the ADAP program capacity by adding one half-time person.

Cost: approximately \$20,000 annually.

Expand ADAP's program capacity to allow for more control over pretrial and cap releases.

Increase as set out above would increase ADAP's program capacity and reduce need for several jail beds at \$10,000 or more a year each.

Coordinate the exchange of information and development of policies to facilitate the transfer of detainees and inmates to ADAP and residential treatment programs.

Little direct cost; shorten jail stays by a few days for several hundred inmates a year (\$40,000 - \$100,000).

## 10. Facilities

Long term planning should incorporate the reuse of Honor Farm barracks A, B and C for pretrial and sentenced misdemeanant males and or females.

Minimal costs to reopen and operate barracks since they have been remodeled, but New Directions would have to be relocated; unclear who would bear costs of their new facility. For a total of 128 beds, would save annually \$1,200,000 over the cost of constructing and operating the same number of jail beds.

Remodel Honor Farm Barracks H and I and convert to a women's facility. Shift most women to the Honor Farm with a new security fence.

If comparable to the similar remodeling of "G" barracks in 1986 this step would have capital costs of \$1.5 to \$2 million and produce 80 beds, but both construction and operation costs are substantially below those of the same number of high-security jail beds.

Future bed additions should be provided through direct supervision dormitory housing. This housing could be managed by the Honor Farm administration. Typical staffing levels would be lower than the main jail and similar to current Honor Farm staffing. Shifting large numbers of jail inmates from the main jail to these facilities would permit use of existing high security housing for inmates who require close supervision within a maximum security perimeter.

As an alternative to the previous two recommendations, relocate the majority of female inmates to a fenced facility outside the main jail. Build a 124-bed Facility with a security fence; house general population.

Expand the current pilot program of video arraignment and construct video arraignment rooms adjacent to the jail core intake area. All in custody arraignment hearings should be conducted using a video arraignment process which can occur within the confines of the jail.

Long-range planning should focus on constructing a high security courtroom and support spaces adjacent to the jail core area, rather than further construction in the downtown courthouse area. Criminal courts and related functions should ultimately move to the Matthews Road area.

Substantial costs, but Honor Farm beds are roughly half the cost of jail beds to construct and operate: annual cost differential estimated at around \$1,000,000 for 128 inmates.

Fenced facility costs would include construction of Honor barracks prototype with modifications, security fencing for perimeter, yards. Estimate project costs are \$2,500,000 - \$2,800,000 for 128 beds if located in the same vicinity to allow sharing support functions.

Moderate to substantial construction costs (\$80,000 - \$120,000); moderate operating costs (1 civilian FTE technician at \$40,000); substantial savings in transportation and escort time (several sworn FTEs at \$50,000).

Alternative to new construction in Stockton; substantial construction costs, but somewhat lower, and with better operating efficiencies, than the same spaces downtown. Court security savings could be substantial in the occasional ultra-high security trial.

To meet additional long term bed needs for juveniles, convert the unused support wing of Juvenile Hall into a secure housing unit. Conversion of this wing is the most functionally logical and cost effective strategy for long -term Juvenile Hall housing expansion. This area could be designed to serve as a general population housing unit or as an intake and assessment unit.

Usable area is 6300 sq. ft. and might accommodate 40 - 50 inmates. Substantial remodeling costs, perhaps \$1,000,000, but cheaper than all-new construction.

## 11. Juvenile Justice

Implement a population management system for the juvenile justice system that parallels the system recommended for adults.

Annual saving of up to half a million dollars (new construction and operation) for each year that 20 new juvenile beds are delayed.





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## H. INTERVIEWS

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This appendix contains a comprehensive list of people with whom ILPP met for the purposes of this project. In many cases ILPP personnel may have met several times with a given individual. Additionally, informal meetings and group meetings may not be included here.

Jerry Adams, Captain, Lodi Police Department

David Baker, County Administrator

George Barber, County Supervisor

Pat Barbour, Analyst, CJIS Court Programming

Sgt. Doug Barr, Sheriff's Records

Adelle Barrette, Director, Lawyer Referral Service

Randy Beintema, Deputy Sheriff's Association

Dan Bilbrey, Mayor, City of Tracy

John Bingham, Manager, City of Lathrop

Sgt. Steve Bohnak, Patrol Sergeant

Weldon Burson, Director of STARS

Robert Cabral, County Supervisor

Karen Cannata, State Judicial Council

Nick Cademartori, Adult Division Director, Probation Department

Clark Channing, CAO, Merced County

Leon Compton, City Administrator of Ripon

Carolyn Contreras, Assistant Supervisor, Juvenile Hall

Sara Cortes, Budget Analyst, Stockton Police Department

Judge John F. Cruikshank, Juvenile Court

Mal Curry, Juvenile Probation

Joan Darrah, Mayor, City of Stockton

Lt. Davis, Dispatch Center

Steven Demetras, Presiding Judge, Superior Court

Jack De Salle, Mayor of Ripon

Fred Diaz, City Manager of Tracy

Jack Dillon, Marshal

Marlene Drew, Juvenile Justice Commission

Baxter Dunn, Sheriff, San Joaquin County

Larry Elwood, Operations Commander

Sgt. Bob Foppiano, Civil Section

Jack Frazier, DA Juveniles

Tim Garrigan, Assistant Public Defender

Gerald Gleeson, Public Defender

Roger Gombert, Senior Deputy CAO

Glenda Gordon, Administrator, Lodi Municipal Court

Chuck Van Gorkum, Council Member, City of Escalon

Fritz Grupy, Businessman

Larry Hansen, Chief, Lodi Police Department

John Harris, Council Member, City of Manteca

Bob Heidelberg, Assistant Sheriff

Stan Hein, Chief of Police, City of Lathrop

Chris Hope, Senior Deputy CAO

Lt. Jim Horton, Detention, SJSO

David Jinkens, City Manager, City of Manteca

Patrick Johnston, Senator

Rosa Junquierro, Tracy Municipal Court

Steve Keeter, Ex-Deputy to Capital Projects Office

Otis Kelly, Pretrial Services

Jim Larson, Assistant Public Defender

Geoff Long, Senior Consultant, Ways and Means Committee

Don Mann, Sheriff's Volunteer Executive

Elena Martinez, Supervisor, SJSO Jail Records

Steve McNabb, Division Chief, Juvenile Hall

Dorsey Melton, Counselor, Juvenile Hall

Dario Marengo, County Supervisor

Deborah Miller, Member, Criminal Justice Task Force

Ray Miller, Analyst, CJIS

Dwayne Milnes, City Manager of Stockton

Jeanie Millsaps, Superior Court Administrator

Robert Montgomery, Juvenile Intake Supervisor

Sgt. Steve Moore, Dispatch Center

Sgt. Morris, County Jail Booking Section

Bill Murray, Assistant District Attorney

John Parker, Judge, Tracy Municipal Court

Dave Pede, CJIS

Jack Pederson, Corrections

Tom Peterson, City Manager, City of Lodi

John Phillips, District Attorney

Michael Platt, Criminal Calendar Judge, Superior Court

Judge Peter Saiers, Superior Court San Joaquin

Lt. Terry Spears, Commander, Jail Division

Steve Steinbrecher, Director, County Information Systems

Jim Stephens, ADAP

Lt. Sue Ann Tote, Office

Pauline Toy, Director, Office of Revenue Recovery

Marian Vote, CJIS Jail Programming Analyst

Otis Walker, Chief Probation Officer, Probation Department

Dan Wall, California State Association of Counties

David Wellenbrock, Chief Deputy DA

Ken Wentworth

Doug Wilhoit, Former County Supervisor

Jim Willett, Chief Deputy, Superior Court Operations

Tim Windsor, Detective, Tracy Police Department

Capt. Ralph Womack, Stockton Police Department

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# J. CRIME & ARRESTS

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## J. DEMAND REPORT CHAPTER II CRIME & ARRESTS

### A. Introduction

The relationship between inmate population and crime rates is neither straightforward nor simple. In all of California the amount of serious crime in 1987, for example, was slightly lower than that in 1981, but the jail population was nearly twice as high. Jail populations are much more a reflection of the public perception of and tolerance for crime than of the actual amount of crime.

Nevertheless, the amount of crime provides a convenient starting point for considering demand on San Joaquin County's criminal justice system. This discussion employs the FBI index crime definition system as the standard for measuring crime rates.

The index crimes are severe crimes of victimization: murder, rape, robbery, aggravated assault, burglary, vehicle theft, other felony theft, and arson. Nearly all jurisdictions report these crimes in a standardized form, and they are compiled for research purposes. For less serious crimes, the reporting both by victims and by the police tends to be less consistent. Victimless crimes such as drug sales are not included in the statistics since they are never willingly reported; only arrests and dispositions can be measured.

The California Department of Justice publishes an annual criminal justice profile for each county in the state, based on the county's own records. The 1993 profile for San Joaquin County is the latest available issue at the date of this writing and is the source of most of the data presented here. It includes historical data since 1981. Despite the limitation on crime statistics from any source, this document is taken as the most accurate indicator of crime in the county.

Crime and arrest data are shown in two ways: as total numbers and as rates, which are crimes or arrests per unit of population (per 100,000 county residents) the total number of crimes and arrests is obviously relevant to the jail population since population growth alone will cause an increase in the number of inmates. Crime rates on the other hand give an indication of the seriousness of the crime problem in the county as they indicate an individual's chances of becoming a victim.

**B. Crime and Crime Rates (1990-1993)**

While the *total number* of FBI index crimes grew from 40,000 to 43,000 in the 1990-93 period, the FBI *crime rate* (crimes per unit of population) declined slightly, moving from 6740 to 6406, a 1% decrease. These figures indicate that crime growth in San Joaquin County has stabilized since ILPP's 1992 report, which identified a gradual upward trend in the growth of the crime rate from 1983 to 1990 (1990 being the last available point of information at the time of the study). While crime rates are stable, there have been some important shifts in the character of crime in the county. In the 1990 - 1993 period, there was a 30% increase in the rate of reported violent crime - the most dramatic growth in any category of crime. This increase is in part attributable to changes in San Joaquin County's demographic composition, and in part a function of significant growth in the category of aggravated assault.

FIGURE 2.1  
SAN JOAQUIN COUNTY TOTAL FBI INDEX CRIMES

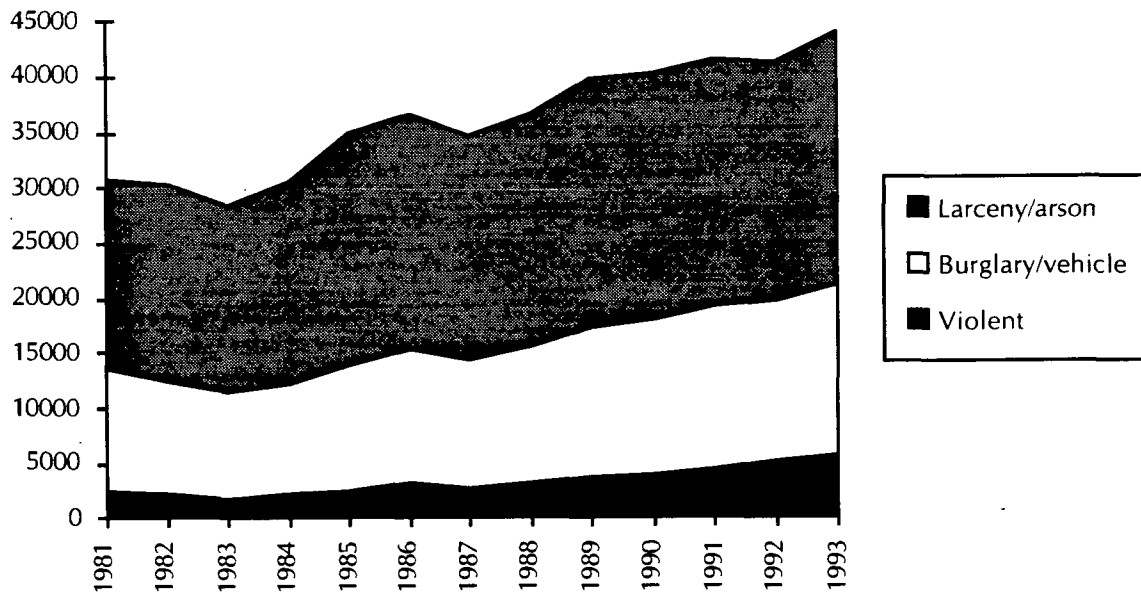
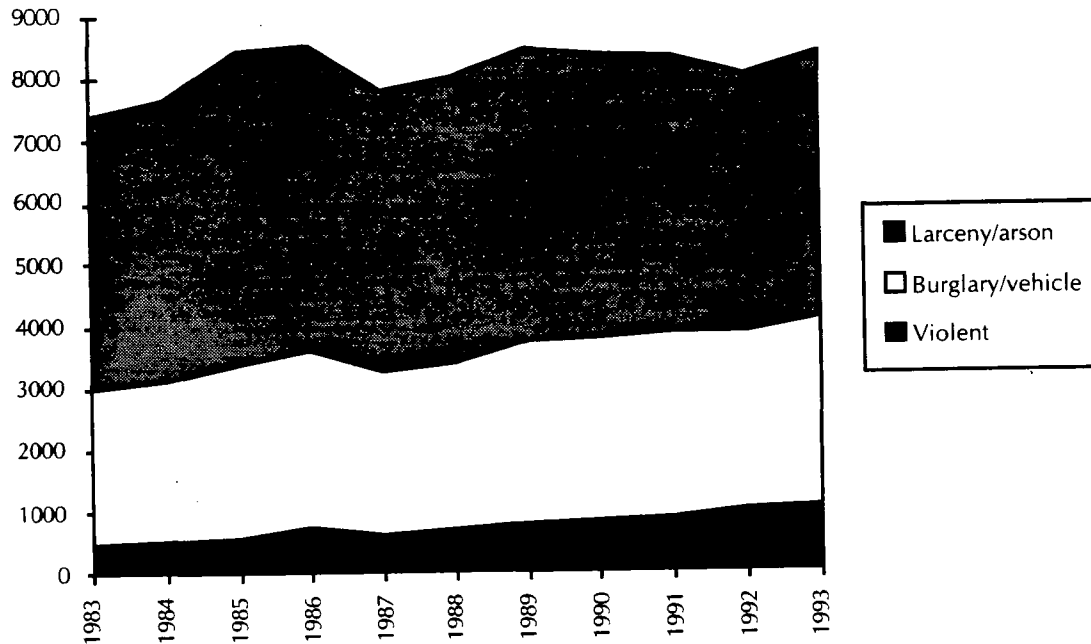


FIGURE 2.2  
FBI INDEX CRIME RATES



San Joaquin County experienced a significant shift in its demographic profile in the period from 1990 - 1993. During this time there was a 15% growth in the portion of the population between the ages of 10 and 17, in contrast to an 8% growth in the population overall. In fact, the 10 - 14 age category is now the single largest section of the San Joaquin County population aged 10-40 (see Table 2.1). Not surprisingly, the growth of this age group has had an impact on crime in San Joaquin. While arrest and crime rates remained relatively stable in the 1990-93 period, there was an abrupt increase of approximately 40% in the total amount of juvenile felony arrests, (a 23% increase in the rate) and a 21% increase in the number of misdemeanor arrests (a 5% increase in the misdemeanor rate).

TABLE 2.1  
POPULATION AGE GROUPS IN SAN JOAQUIN COUNTY

Age Group	1980	1985	1990	1995	2000	2005
10-14	8.0%	7.5%	7.6%	8.5%	8.3%	8.1%
15-19	9.4%	7.6%	7.3%	7.4%	8.3%	8.1%
20-24	9.0%	9.1%	7.5%	6.9%	6.9%	7.8%
25-29	8.3%	8.3%	8.5%	6.9%	6.3%	6.4%
30-34	7.7%	8.6%	8.8%	7.9%	6.6%	6.0%
35-39	6.0%	7.6%	7.9%	8.3%	7.6%	6.4%

Statistically, the propensity to commit crime shows a strong relationship to age. Figure 2.3 shows national arrest rates for index level violent and property crimes, by age groups. To the extent that arrests reflect the actual ages of the perpetrators, the figure shows that property crime peaks in the mid to late teens. For violent crime the picture is slightly more complex. The violence curve rises more slowly but continues longer than the curve for property crimes. In fact, the rates for murder, rape and robbery peak at the ages of 18 to 19, while assault rates are almost flat for a decade, producing the double humped curve shown. Thus, the increase in the juvenile population is bound to impact crime and crime rates in San Joaquin County. Moreover, as Table 2.1 indicates, growth in the juvenile population will continue into the next decade. By the year 2000 the juvenile population will be in the same observed proportion as it was in 1980. As recommended in our former report, the County should prepare itself for a possible repetition of the growth of crime from 1970 to 1980.

FIGURE 2.3  
ARREST RATES BY AGE USA, 1992: INDEX OFFENSES

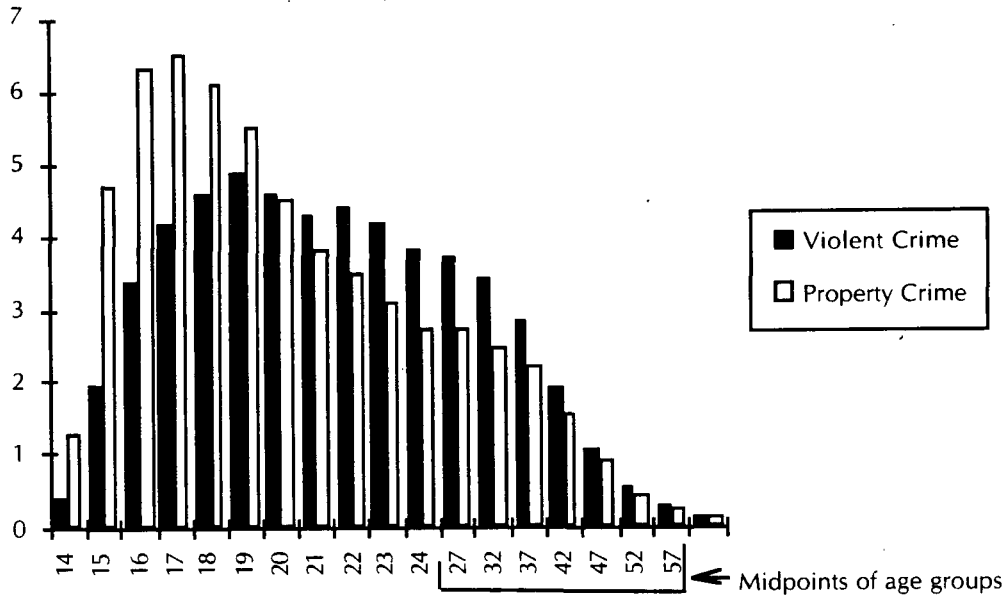


FIGURE 2.4  
SAN JOAQUIN COUNTY VIOLENT CRIME RATES (FBI INDEX)

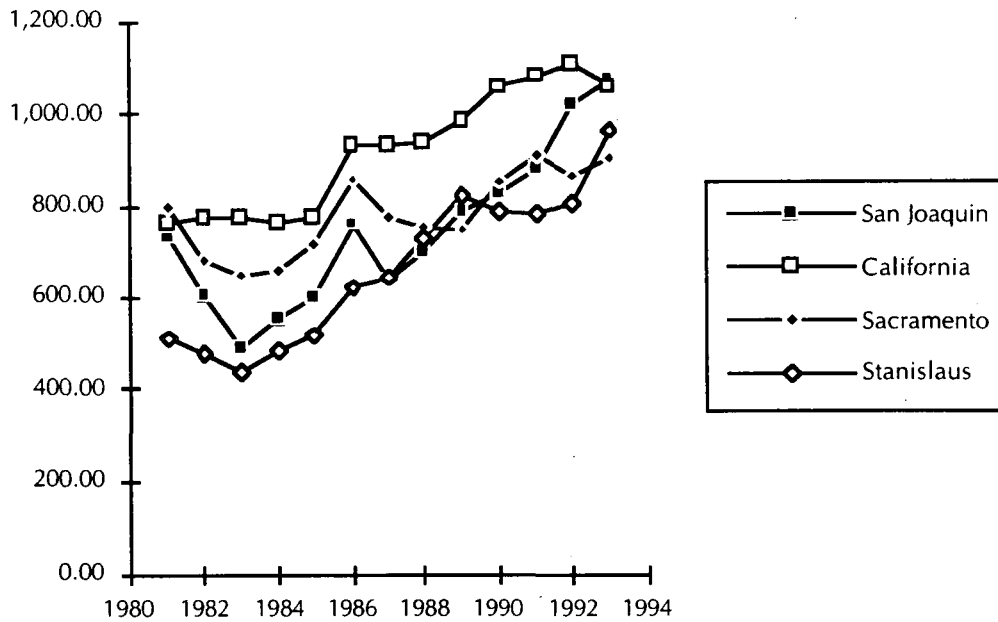
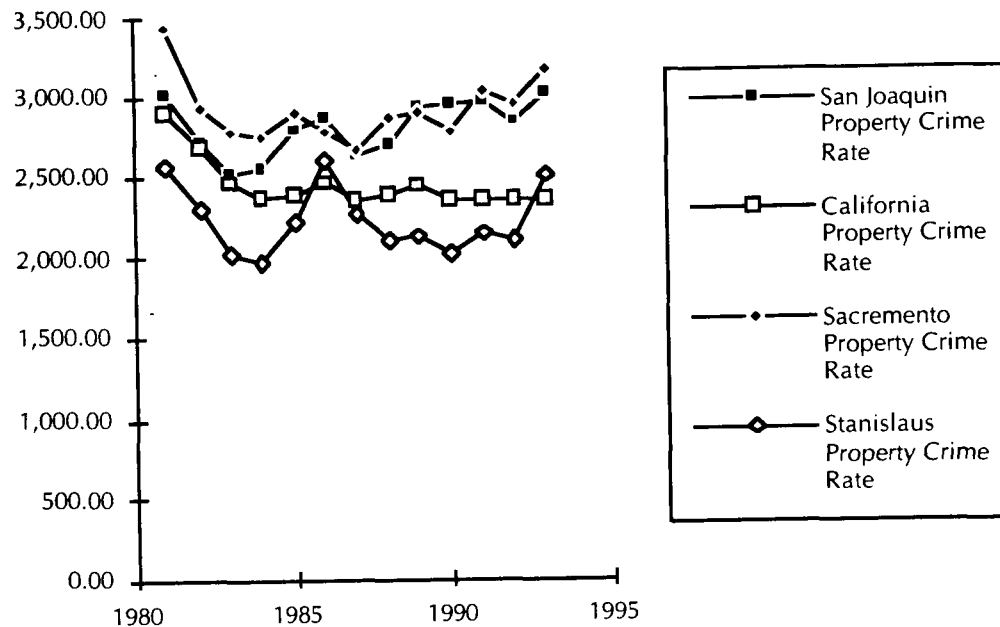


FIGURE 2.5  
PROPERTY CRIME RATES (FBI INDEX)

In Figure 2.3, the violent and property crimes are put on similar vertical scales to show the difference in the patterns. Yet, of course, property crime is several times more common than violent crime. If the county population has an usually high percentage of teenagers in a certain time period, it is to be expected that there will be much property crime. As these persons age, they would be expected to commit fewer thefts. Crime rates overall will drop, but the proportion of violent crime will increase.

While the San Joaquin County crime rate decreased by approximately 1% in the 1990 - 93 period, there was a 30% increase in the rate of violent crime. This increase is directly linked to the growth of aggravated assault. In fact, in the period under study, aggravated assault is single handedly responsible for the increase in the rate of violent crime, the rate of all other categories of violent crime - homicide, forcible rape, and robbery - decreased during this time. A detailed breakdown of the category of aggravated assault was not available in the materials used for this report (nor in any reliable materials that ILPP is aware of). Further analysis of the causes of the increase in the violent crime category of aggravated assault will depend on access to additional information.

Figures 2.4 and 2.5 show crime rates for San Joaquin County, two adjacent counties, and the state as a whole. Violent crime in the counties has continued the upward trend identified by ILPP in our 1992 report, but has stabilized on the state level after a slight peak in 1992. For the other jurisdictions, the property crime rates fell off significantly in 1991, while San Joaquin County's rate remained stable throughout the 1990 - 93 period.

### C. Arrests and Arrest Rates (1990 -1993)

18% decrease in misdemeanor arrests in San Joaquin County was tempered by a 7% increase in felony arrests, bringing the total county arrest rate to a level 12% lower than the one identified in 1990.

The increase in the felony crime rate is attributable to the rise in the amount of juvenile violent crime. Where the rate of adult felony arrests gained a modest 1%, the amount of juvenile crime almost doubled, moving from 1,630 arrests in 1990, to 2,326 arrests in 1993: an arrest rate increase of 23%. Growth of juvenile felony arrests was particularly severe in the areas of burglary, theft and assault.

FIGURE 2.6  
SAN JOAQUIN COUNTY TOTAL ADULT ARRESTS

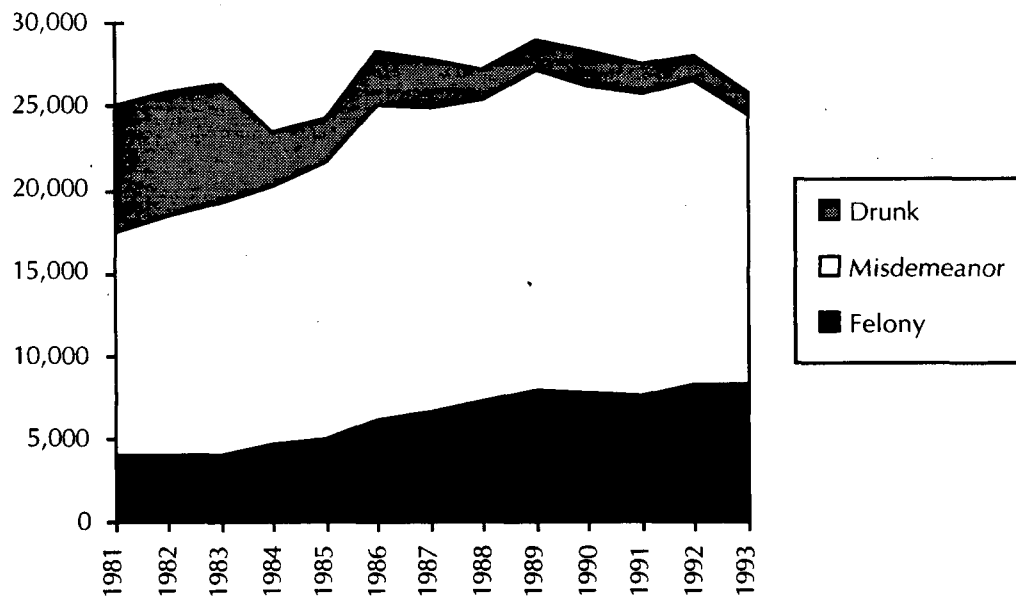




FIGURE 2.7  
TOTAL ADULT ARREST RATES

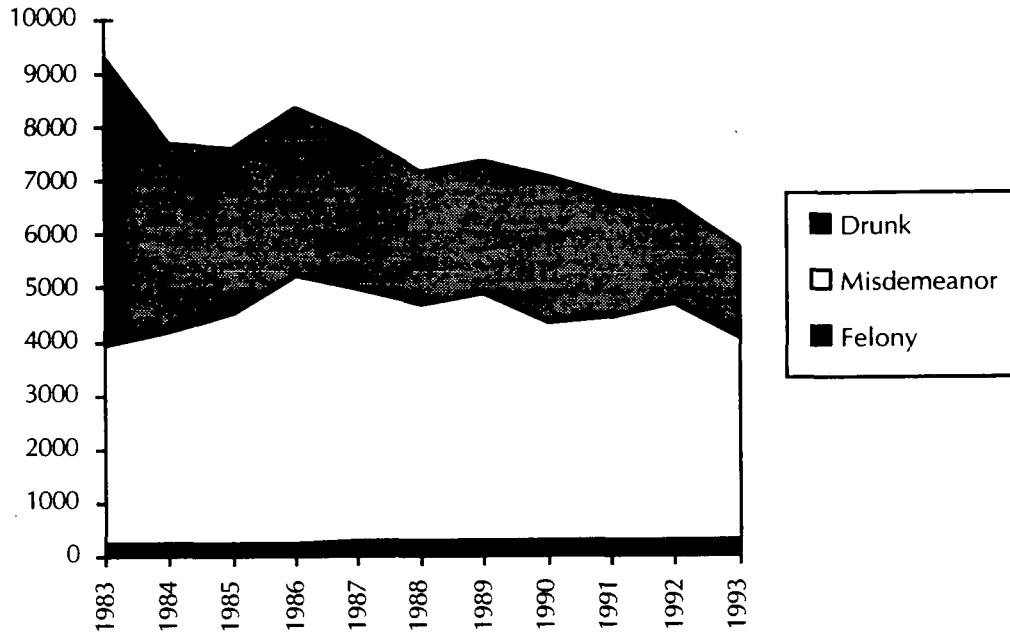


FIGURE 2.8  
SAN JOAQUIN COUNTY FELONY ARRESTS

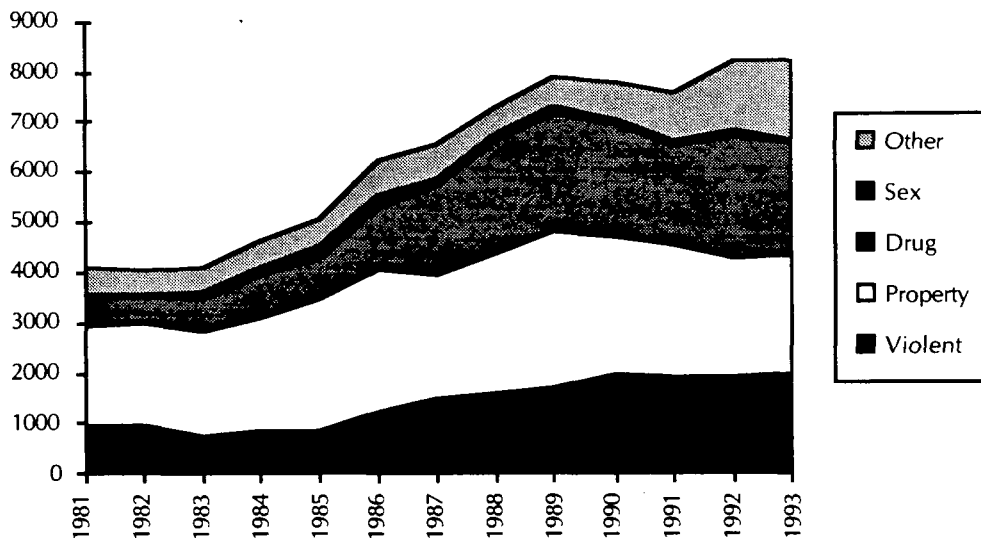


FIGURE 2.9  
MISDEMEANOR ARRESTS

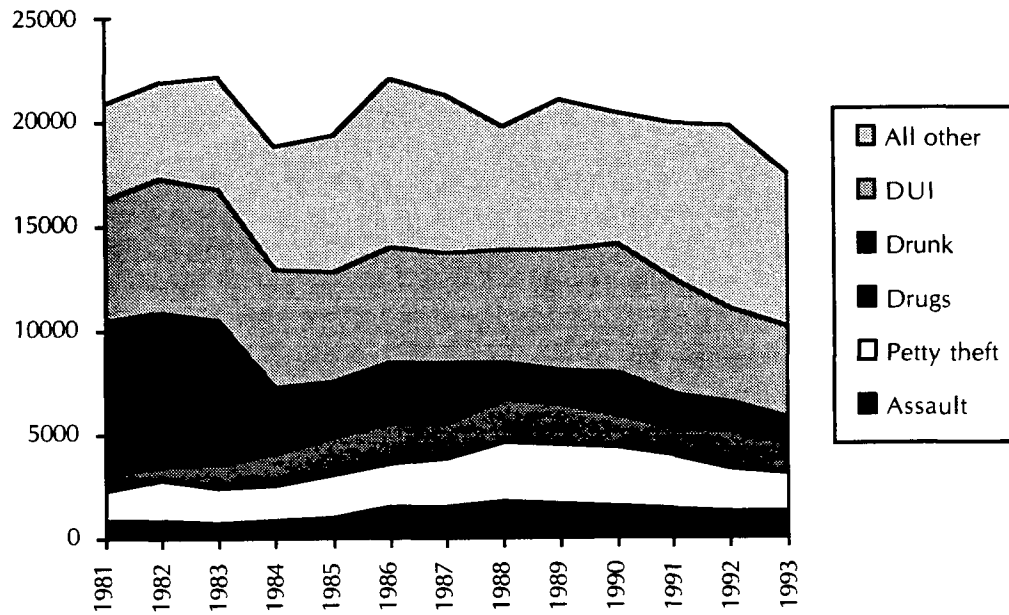
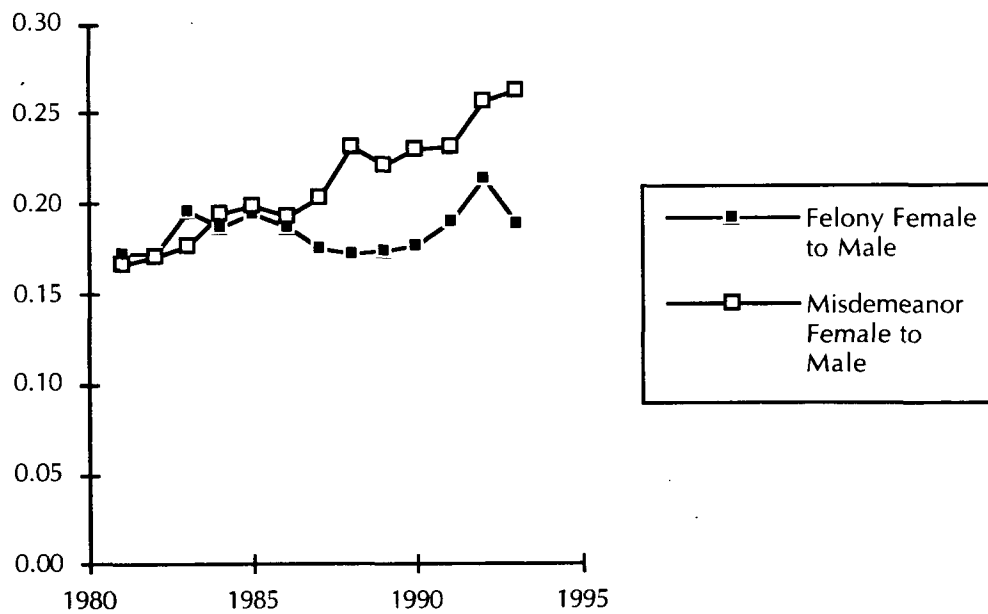


FIGURE 2.10  
SAN JOAQUIN COUNTY FEMALE TO MALE ARREST RATIOS



As observed in our prior report, misdemeanor arrests continued to drop largely as a result of flagging arrests of alcohol related offenses, (Drunk and DUI) which have fallen 35% and 60% in the adult and juvenile populations respectively. There has been a substantial increase in the number of misdemeanor drug arrests, specifically marijuana arrests, and primarily in the juvenile population.

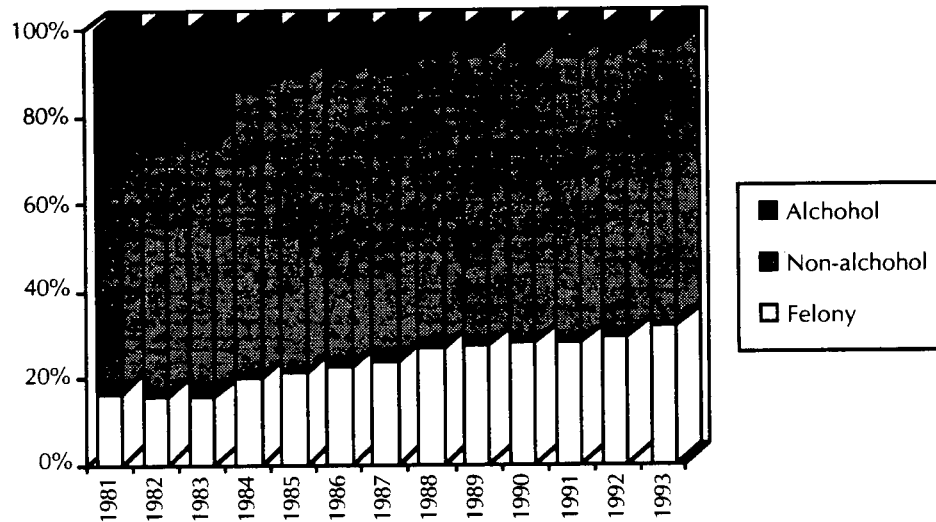
The ratio of female to male arrests continued to rise in the category of misdemeanor offenses for San Joaquin County, but, after an abrupt peak in felony offenses in 1992, the ratio of female felony to male felony offenders stabilized at around the same level it has circulated at since the mid-1980's. The historical data from California Department of Justice do not show arrests for specific offenses by sex, but there was a significant decrease in the arrests for prostitution, which is the only offense where female offenders outnumber male. Despite a fall in the number of prostitution arrests, the ratio of female misdemeanor arrests relative to male misdemeanor arrests has continued to grow.

#### **D. Impact of Crime and Arrest Trends on Jail Population**

How have crime and arrest trends affected the jail population? There have been significant decreases in the number of persons incarcerated in San Joaquin County. In the 1990 - 93 period, San Joaquin County closed both the old men's and the old women's jail, opened a majority single bunked facility, and eliminated almost 40% of the space available for honor farm male housing. These actions have significantly restricted the amount of space available for the incarceration of county arrestees.

Moreover, decreases in the amount of facility space are strictly a function of facility capacity and resource restrictions, and are not sensitive to fluctuations in FBI crime index or county arrest trends. While crime and arrest *rates* in San Joaquin County are stable or on the decrease, both the *total amount* of crime and the total number of felony arrests (crimes for which an arrestee is most likely to serve time) are on the increase. Though the crime rate is a useful measure of the seriousness of crime from the perspective of the average citizen, the total number of crimes and arrests are more relevant to the jail population since total growth (and not fluctuations in the crime or arrest "rate") will cause an increase in the number of inmates. The total amount of crime and the total amount of felony arrests have increased in San Joaquin County while facility space has been significantly reduced. *This indicates that changes in the jail population in San Joaquin County bear little relationship to crime and arrest trends.* The jail population is therefore supply rather than demand driven.

FIGURE 2.11  
UPDATE OF FIGURES FROM EARLIER REPORTS CHANGES  
IN THE PERCENTAGE OF ARRESTS



## E. Conclusion

The level of crime and arrests in San Joaquin County is essentially stable but the character of crime and arrests has seen some very real changes. Violent crime in San Joaquin County appears to be on the increase, particularly in the juvenile population, which in the coming years will comprise a larger percentage of San Joaquin County's total population. Misdemeanor arrests have continued to fall possibly as a result of limitations on resources which force law enforcement agencies to prioritize their expenditures. Crime and arrest trends do not seem to primarily drive jail population, which has been significantly reduced in the period under study.



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**K. ADULT DEMAND**

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**ANALYSIS**

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## K. DEMAND REPORT CHAPTER III ADULT DEMAND ANALYSIS

### A. Adult Tracking Analysis

In a tracking study the emphasis is on the flow of inmates, who is brought in, for what reason, how he or she is released, and in particular how long an inmate stays. Tracking the flow of inmates into, through and out of the jail system characterizes the demand for bed space, and thus the costs of the jail. Minor offenders held longer than necessary, delays in processing serious offenders into state prison, and delays in effecting appropriate pretrial release are examples of how flow affects the demand for space and other resources.

Using data from CJIS, ILPP analyzed a sample of approximately 2,400 persons booked into the jail in the first six months of 1994.<sup>1</sup> Just over a thousand had only one charge brought against them, for the remaining 1400 booked on more than one charge, ILPP selected the primary, or most consequential, charge for further analysis. Additional charges are important, for even though they are less serious, they probably raised the bail and contributed to the inmate's length of stay in the jail.

One further preliminary note: some of the inmates were jailed on a commitment, that is, to serve time for an offense for which they had already been convicted. Since they are not eligible for pretrial release, the committed, or sentenced, inmates are treated separately in some of the discussion.

#### 1. Demographics

Analysis was made of 2,374 inmates. Of those, 1,924 (81%) were males. The ethnic breakdown of the overall sample was 41% white, 36% Hispanic, 19% black, and 3% others (presumably mostly Asians). That is also the approximate ethnic distribution of males; among females there was a much lower number of Hispanics (22% of women) and correspondingly higher proportions of whites (53%) and blacks (24%). "Other" women were only 1% of the sample.

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<sup>1</sup> No attempt was made to identify or eliminate anyone who might have been booked more than once in the sample. That is, if a person was booked, released and then booked again on another offense, both booking numbers were included for analysis.

The average age was 32; the oldest was 77 and the youngest was recorded as 14, but that probably reflects an error in the input data as all other inmates were over 18.<sup>2</sup> . Nearly two-thirds (64%) were listed as residents of Stockton and another 19% lived in the other incorporated cities (Escalon, Lathrop, Lodi, Manteca, Ripon, and Tracy). About 14% appeared to be from outside of San Joaquin County (some had no address listed or were transient and some place names could not be matched).

## 2. Charges

Most of the arrests on open charges (i. e., excluding warrants, remands, etc.) were made by the Stockton Police (54%), the Sheriff's Department (16%), or the Highway Patrol (19%). Some came from the police of Escalon, Lodi, Manteca, Ripon, and Tracy (9% combined).

Nearly half of those booked (45%) came in with other than open charges: warrants and holds, 21%; civil or traffic warrants, etc., 9%; commitments 10%; and remands 5%. Primary charges were determined both for those with open charges and for those with warrants, commitments, etc. (The table shows the breakdown.)

TABLE 3.1  
LEVEL BY CHARGE CATEGORY

	Open	Other
Felony	48%	35%
Misdemeanor	52%	65%

A very few inmates 32, or 1% were booked solely on an infraction, and practically all of them were on an AMOS warrant, remand, or commitment. (AMOS is the Automated Minor Offender System, used principally for traffic offenses.)

<sup>2</sup> A juvenile mistakenly booked as an adult would have been transferred to the Juvenile Hall as soon as the error was detected, but that one inmate had a stay of 120 days.



Over half of those booked (1,397, or 59%) had bail set on the primary charge.<sup>3</sup> When misdemeanants with commitments were removed the proportion of those with bail rose to 61%. However, looking at the data from the other direction showed that 58% of those booked (other than for simple drunkenness) had zero bail set on at least one charge.

Just over a third of felony bookings are for property offenses (including burglary) and another third are drug offenses, equally split between possession and sale. Violent felonies are 19%, and the commonest of those is domestic violence. Grouping felonies as violent, property, drugs, and other, the ALS in the first three groups is 3 to 4 weeks, though there are variations by specific charge.

For misdemeanors, not surprisingly, the commonest offense by far is DUI (35%), followed by public drunkenness (13%). There are also many misdemeanor drug possession bookings. Violent offenses accounted for 9.3% of misdemeanor bookings.

### 3. Length of Stay

The average length of stay was 12.8 days (23.4 days for felonies and 6.3 days for misdemeanors). Those numbers do not, however, give the full picture. The *median* length of stay was 1.4 days, meaning that half the inmates are out within that time. The average is skewed high because of a few inmates who stayed a very long time: the maximum was 282 days, and there were 7 inmates still in custody on January 5, 1995 (the sample date) with an average stay of 243 days to that point. Figure 3.1 shows the distribution of length of stay. The half of the inmates who stay no more than 1.4 days use only 0.8% of the beds while the 6% staying over 90 days occupy 34% of the space. This shows that *how long people stay* in jail has a more significant impact on demand than *how many are booked* into jail.

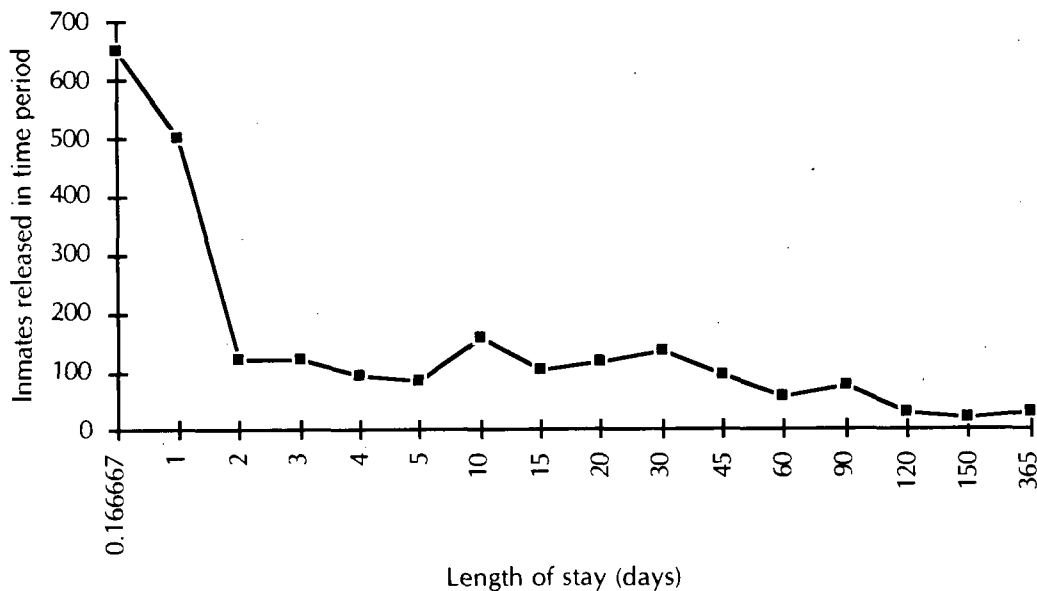
If the primary charge involved a warrant, hold, remand, or probation violation, the average length of stay (ALS) was only a little longer (15 vs. 12 days) than for an open charge. The difference lay primarily in misdemeanors: 9.6 days with a warrant and 3 days if open.

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<sup>3</sup> According to CJIS records, the highest bail was \$50000 and the average was \$4991. For felons, 66% had bail set at an average of \$8850, while 53% of misdemeanants had bail averaging \$1713. However the bail figures on CJIS are reportedly inaccurate for defendants with multiple charges since they are assigned by the system and there is no provision for manual override.

When there was a hold because a person failed to appear (FTA) in court (as either the primary or a secondary charge) the effect on length of stay was striking. Considering all charges, ALS for those without an FTA was 12.0 days while for those with an FTA the ALS was 21.1 days. The effect of FTA was also examined for two of the commonest primary charges, DUI and drug offenses (all types, sales and possession, combined). For DUI the ALS for inmates with an FTA was four times as long (20.2 days) as for DUI offenders without one (5.5 days). For drug offenses an FTA doubles length of stay (40.4 days) compared with those without one (20.7 days).

FIGURE 3.1  
LENGTH OF STAY  
SAN JOAQUIN COUNTY JAIL



A crosstabulation of the ALS for pretrial inmates as a function of charge and release mode showed the following<sup>4</sup>:

<sup>4</sup> Because of missing data and slightly varying definitions of minor categories, the total numbers are not always in perfect agreement among the analyses. The percentages are a better indicator of the situation.

TABLE 3.2  
PRIMARY CHARGES  
NUMBER AND LENGTH OF STAY

Felonies	No	%	ALS
Murder	12	1.3%	87.3
Rape	6	0.7%	16.6
Kidnap	5	0.6%	44.2
Robbery	29	3.2%	36.3
Assault w/ Deadly Weapon	35	3.9%	24.8
Domestic Violence	69	7.6%	15.0
Sex	10	1.1%	41.4
Assault	4	0.4%	11.6
Battery on Law Enforcement	2	0.2%	20.6
<b>Subtotal Violent</b>	<b>172</b>	<b>18.9%</b>	<b>28.0</b>
Burglary	111	12.2%	29.0
Theft	99	10.9%	24.5
Other Property	62	6.8%	8.7
Vehicle Theft	54	5.9%	11.6
Forgery	7	0.8%	14.2
<b>Subtotal Property</b>	<b>333</b>	<b>36.7%</b>	<b>20.8</b>
Drug Sale	148	16.3%	23.9
Drug Possession	146	16.1%	19.2
<b>Subtotal Drugs</b>	<b>294</b>	<b>32.4%</b>	<b>21.6</b>
Parole	1	0.1%	67.4
Weapons	35	3.9%	11.3
DUI Felony	21	2.3%	19.1
Felony Auto	7	0.8%	10.6
Felony VOP	18	2.0%	1.3
Misc Felony	27	3.0%	7.1
<b>Subtotal Other</b>	<b>109</b>	<b>12.0%</b>	<b>10.6</b>
<b>All Felonies</b>	<b>908</b>	<b>100.0%</b>	<b>21.2</b>

TABLE 3.2  
PRIMARY CHARGES  
NUMBER AND LENGTH OF STAY (CONT.)

Misdemeanors	No	%	ALS
Battery	82	6.8%	5.4
Resist Arrest - Violent	13	1.1%	4.4
Domestic Violence	17	1.4%	12.1
<b>Subtotal Violent</b>	<b>112</b>	<b>9.3%</b>	<b>6.3</b>
Resist Arrest	38	3.2%	9.1
Sex	3	0.2%	3.6
Theft	71	5.9%	14.6
Other Property	21	1.7%	10.6
Other traffic	73	6.1%	6.2
Prostitution	14	1.2%	7.3
Public offense	27	2.2%	3.5
Weapons	22	1.8%	4.1
Misc Misd	18	1.5%	9.0
<b>Subtotal Property/Other</b>	<b>287</b>	<b>23.8%</b>	<b>8.8</b>
Drugs	125	10.4%	8.8
DUI	421	35.0%	3.7
Drive w/ License Suspended	99	8.2%	7.6
Public Alcohol	160	13.3%	0.3
All misdemeanors	1204	100.0%	5.5
FTA	33	66.0%	5.6
Contempt	1	2.0%	3.6
Administrative	3	6.0%	13.9
Fugitive	11	22.0%	11.0
Federal	2	4.0%	1.6
All Miscellaneous	50	100.0%	7.1

#### 4. Releases

Release information appears in Table 3.3. Some of the release modes are not self-explanatory. "Law Enforcement Releases" appears to be primarily population cap releases, but also includes the PC 849 releases for simple drunkenness and releases to other agencies on their holds. It is also sometimes used when it is known that an inmate is to be released but the official court documents are slow in arriving. The ALS distribution for this mode is extraordinarily wide: 22% of releases are made within a day and 25% take over 20 days, confirming the observation that it is used for a number of different purposes.

"No Local Sentence" can be dismissals or defendants held to answer at a later date. Furthermore, both Law Enforcement and No Local Sentence refer to the booking on the particular charge and do not necessarily mean that the inmate is physically freed if he or she has other charges.<sup>5</sup>

Compulsory releases, however, apply to all charges; the inmate leaves the jail. Compulsory releases come on court orders and also include capacity releases.

Promises to Appear (sometimes known as Sheriff's Citations) dominate pretrial misdemeanor releases, while most pretrial felony releases use the Own Recognizance (OR) program, which requires some investigation into the suspect's background. Although the average time for felony OR releases is 4.5 days, 35% of them were made in less than one day and 45% in less than two days. Bail and bond are much less frequently used than OR or citations, and for misdemeanors take as least as long as the citation.

Law Enforcement releases are very important; they account for nearly half of felony releases and nearly a third of misdemeanor releases. Those appear to be mainly population capacity releases, but the multiple uses to which this code is put make its exact significance unclear.

It appears that the first five categories of release in Table 3.3 are pretrial releases and the rest are post-adjudication. Those definitions are used for the summaries in the last line of the table despite the uncertainty in the use of some of the codings.

TABLE 3.3  
RELEASE MODES BY CHARGE LEVEL

Release	Felony		Level/% of group				Infraction		ALS
	No	%	ALS	Misdem No	%	ALS	No	%	
Promise to appear	64	7%	0.4	699	57%	0.1	11	37%	0.1
Own recognizance	184	20%	4.5	12	1%	5.9	0	0%	
Cash bail	3	0%	4.5	1	0%	0.6	0	0%	
Surety bond	61	7%	2.0	24	2%	0.7	0	0%	
Compuls. unsentenced	25	3%	10.1	20	2%	3.3	0	0%	
Bench order	1	0%	9.0	1	0%	80.0	0	0%	
Law enforcement	419	46%	23.5	372	31%	11.3	14	47%	14.1
Time served	82	9%	32.0	64	5%	22.4	5	17%	3.8
Compuls. sentenced	12	1%	17.7	4	0%	29.7	0	0%	
No local sentence	59	6%	88.5	3	0%	53.9	0	0%	
Work program	7	1%	25.3	16	1%	21.1	0	0%	
Escape	3	0%	19.8	2	0%	26.9	0	0%	
<b>Totals</b>	<b>920</b>	<b>100%</b>	<b>21.2</b>	<b>1218</b>	<b>100%</b>	<b>5.5</b>	<b>30</b>	<b>100%</b>	<b>7.1</b>
Pretrial	338	37%	3.7	757	62%	0.4	11	37%	0.1
Postadjud.	582	63%	31.1	461	38%	13.7	19	63%	11.4

<sup>5</sup> Despite the definition of Law Enforcement and No Local Sentence releases, the lengths of stay shown in this and other tables do refer to physical release.

## 5. Comparison with ILPP's 1992 Tracking Study

In ILPP's 1992 study, 37% of felony bookings and 28% of misdemeanor booking were for warrants, holds, and probation violations. In the current study it was possible to determine the underlying charges on most of these. To make the analysis comparable, the 1992 proportions have been recalculated by removing warrants and parole/probation violations. Table 3.4 shows the relative percents of bookings using the 1992 categories. FTA is here included with misdemeanors, so the misdemeanor percentages differ slightly from those in the previous table.

TABLE 3.4  
PRIMARY CHARGES, 1992 AND 1994 STUDIES

	1992		1994
	Reported	No warrants or VOP	
<b>A. Felonies</b>			
Violent	45	25%	19%
Burglary	20	11%	12%
Other Property	45	25%	25%
Drug possession	32	18%	16%
Drug sales	30	16%	16%
Parole/probation	28		
Warrants	79		
Other	10	5%	12%
<b>Total felonies</b>	<b>289</b>	<b>100%</b>	<b>100%</b>
<b>B. Misdemeanors</b>			
Violent	27	7%	9%
Property	25	6%	7%
Weapons	11	3%	2%
Drug possession	24	6%	10%
Drug sales	3	1%	0%
Probation	2		
DUI	111	28%	34%
Other auto	7	2%	6%
FTA, DWLS	88	22%	11%
Drunk	66	17%	13%
Warrants	154		
Other	37	9%	8%
<b>Total Misdemeanors</b>	<b>555</b>	<b>100%</b>	<b>100%</b>

The first observation is that the proportion of felony bookings is up: the felony to misdemeanor ratio rose to 3:4 from 1:2 in 1992.

Comparing the 1992 and 1994 populations, there are not great differences within the felony bookings. Violence is down slightly and "other" is up; that category includes weapons and felony DUI. With misdemeanors there are more shifts. Drug, DUI, and other automotive arrests are up while FTA/suspended license and drunk bookings are down. However, the apparent drop in FTA bookings is probably because the underlying charges for some FTAs were also determined.

In particular it should be noted that there was a decrease in bookings for violent felonies, whereas in the 1995 profile sample the proportion of violent felony offenders had increased for both men and women. Assuming that there was no statistical anomaly in the sampling process, the results indicate that the relative lengths of stay for violent offenders has increased.<sup>6</sup>

The number of inmates admitted on a commitment in 1992 was much smaller. Table 3.5 shows the 1992 numbers and lengths of stay by offense.<sup>7</sup> DUI, simple assault, theft, and drug possession dominate the group. Lengths of stay were about a month for felonies and violent misdemeanors and about a week for all other misdemeanors except drug possession.

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<sup>6</sup> The ALS for violent felonies was not given in the 1992 study.

<sup>7</sup> The commitments for rape, robbery, and perhaps some other felonies probably do not represent the entire sentence.

TABLE 3.5  
COMMITMENTS: NUMBERS AND LENGTH OF STAY

Felonies	No	%	ALS
Rape	3	5.5%	29.3
Robbery	1	1.8%	31.1
Assault w/ Deadly Weapor	4	7.3%	23.5
Domestic Violence	1	1.8%	33.9
Sex	6	10.9%	41.4
<b>Subtotal Violent</b>	<b>15</b>	<b>27.3%</b>	<b>33.0</b>
Burglary	5	9.1%	34.5
Theft	5	9.1%	45.5
Other Property	3	5.5%	38.8
Vehicle Theft	1	1.8%	24.3
Forgery	2	3.6%	50.1
<b>Subtotal Property</b>	<b>16</b>	<b>29.1%</b>	<b>40.0</b>
Drug Sale	3	5.5%	95.2
Drug Possession	8	14.5%	26.0
<b>Subtotal Drugs</b>	<b>11</b>	<b>20.0%</b>	<b>44.9</b>
Weapons	3	5.5%	8.8
DUI-Felony	6	10.9%	42.4
Felony Auto	1	1.8%	16.3
Misc Felony	3	5.5%	27.0
<b>Subtotal Auto/Weapons</b>	<b>13</b>	<b>23.6%</b>	<b>29.1</b>
<b>All felonies</b>	<b>55</b>	<b>100.0%</b>	<b>36.5</b>



TABLE 3.5  
COMMITMENTS: NUMBERS AND LENGTH OF STAY (CONT.)

Misdemeanors	No	%	ALS
Battery	11	8.4%	19.6
Domestic Violence	8	6.1%	35.1
<b>Subtotal Violence</b>	<b>19</b>	<b>14.5%</b>	<b>26.1</b>
Resist Arrest	3	2.3%	4.7
Theft	14	10.7%	7.0
Other Property	3	2.3%	5.9
Public offense	1	0.8%	8.2
Weapons	7	5.3%	5.5
Misc Misd	4	3.1%	9.0
<b>Subtotal Other</b>	<b>32</b>	<b>24.4%</b>	<b>6.6</b>
Drugs	12	9.2%	21.8
DUI	68	51.9%	9.5
All Misdemeanors	131	100.0%	12.4
FTA	6	100.0%	39.1
Total, All Offenses	192		20.0

Table 3.6 gives ALS by charge level and release mode for the commitments. Law Enforcement releases, time served, and assignment to the work program are the only significant release modes. Time served is substantially shorter for misdemeanors than the other two modes.

TABLE 3.6  
COMMITMENTS: RELEASES BY CHARGE LEVEL

Release	Felony		Level/% of group				Infraction	
	No	%	ALS	Misdem No	%	ALS	No	%
Own recognizance	1	2%	76.2		0%			
Law enforcement	31	56%	39.4	57	43%	19.9	1	50%
Time served	12	22%	23.3	71	53%	8.9	1	50%
Compuls. sentenced		0%		1	1%	18.2		0%
Work program	11	20%	34.9	5	4%	15.9		0%
Totals	55	100%	35.6	134	100%	13.9	2	100%

## B. Adult Profile Analysis

There are two types of inmate samples: profiles and tracking. Profiles show who is in the hall at a particular point, while tracking shows who flows through in a given period. The two types of sample give different information even when they are gathered from the same data universe. Profiles focus on those inmates who have the longest stay. The average inmate in the jail at any time is a more serious offender than the average admittee since the less serious are released sooner.

A "snapshot" or profile of jail inmates on January 25, 1995, was taken from CJIS.<sup>8</sup> There were 347 men and 146 women in the sample, which combined the pretrial jail and the Honor Farm. The female sample is essentially the entire population while the men are about 37% of the total. Inasmuch as ILPP made an intensive study of the jail in 1992 the present work is more limited in scope and is used primarily to discover whether there have been significant changes in the intervening period.

The 493 inmates had far more than 493 charges against them. ILPP selected only the "primary" (most significant) charge against each inmate for analysis. It should be kept in mind, however, that over 80% of the inmates were booked on more than one charge, which could raise their bail and thus affect their length of stay in jail.

### 1. Demographics

This discussion includes male inmates only. The average age of the male inmates was 31 (the oldest was 70). Nearly half (42%, n = 147) were white. The proportion of Hispanics was nearly as high (37%) and of Blacks, lower (19%). (Whites rose by 7%, and blacks fell by 5% from what was found in the 1993 profile.) The number of all others was very small (2%), which is interesting since their proportion is much higher (10%) in the Juvenile Hall.

Sixty percent of the males (209) were residents of Stockton, 85 (24%) of Lodi, Manteca, and Tracy, and 8 (2%) of other towns and cities in San Joaquin County. Ten percent of the men were from outside of the county and 13 (4%) were transient or had no residence listed.<sup>9</sup>

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<sup>8</sup> ILPP gratefully acknowledges the efforts of the Data Processing Department in extracting the information and providing follow-up assistance.

<sup>9</sup> For contrast, the county's population was 61% non-Hispanic white, 23% Hispanic, 6% black, and 12% other, primarily Asians (all persons age 18 - 65, 1990 Census).

Over a third of the men (35%) were in jail on a warrant or a remand, and another 16% were reporting for a commitment. Of the 157 brought in on open (new) charges, 64% were arrested by the Stockton police, 17% by the Sheriff, 6% each by the Tracy and Manteca police, and 5% by the Highway Patrol. No open bookings were made on arrests by the Lodi police.

TABLE 3.7  
MALE INMATES WITH WARRANTS

Charge	Legal Status		Total
	Pretrial	Adjud.	
AsltDW	2	0	2
AttBurg	1	0	1
AttMurder	1	0	1
Battery	1	0	1
Burg	5	1	6
DrugP	7	3	10
DrugS	8	4	12
DUI	3	4	7
F/DUI	1	1	2
Fraud	1	0	1
M/Battery	3	1	4
M/BattLEO	0	1	1
M/DomViol	1	1	2
M/DrugP	1	5	6
M/Fraud	0	1	1
M/Theft	2	2	4
M/VehTh	1	0	1
M/Weapon	0	2	2
Mansltr	1	0	1
MiscF	2	0	2
Murder	4	0	4
OProp	1	0	1
Rape	2	0	2
Robbery	2	0	2
Sex	2	0	2
Theft	2	2	4
VehTh	2	0	2
Weapon	1	0	1
Grand total	57	28	85

The inmates did not appear to lead a very stable lifestyle. Only 65 were married (11%); the rest were single (218), divorced, or separated. Though most (279, or 80%) were unemployed, 64 (18%) claimed to be employed or self-employed. Sixty were specifically identified as substance abusers (17%); if alcohol or drug-related primary charges were included the total with substance problems rose to 169 (49%). Eleven were considered suicide risks (3%), but only 2 were adjudged escape risks.

## 2. Charges

A quarter of the inmates (25%) had been charged with a violent felony, including 23 homicides and attempts. Almost the same numbers (23% each) had been arrested for drug felonies (23%) and for property felonies (23%), including burglary, car theft, and larceny. Ten percent were jailed for non-violent misdemeanors and 8% for misdemeanors DUI or suspended licenses. Tables 3.8 and 3.9 show the breakdown of charges for male and female inmates. The column headed "% of all" is that offense as a percent of all offenses (felony and misdemeanor). "% of level" is the percent of all felonies or misdemeanors, as applicable.

TABLE 3.8  
MEN'S PROFILE SAMPLE: PRIMARY CHARGES

N= 347	1995		1992 (Jail & H.F.)		
	Number	% of all	% of level	% of all	% of level
Murder, attempted murder, manslaughter	23	7%	9%		
Rape, other felony sex	14	4%	5%		
Carjack, robbery, attempted robbery	19	5%	7%		
Domestic violence	13	4%	5%		
Assault, battery, kidnap	17	5%	6%		
<b>Subtotal: felony violent</b>	<b>86</b>	<b>25%</b>	<b>33%</b>	<b>15%</b>	<b>21%</b>
Felony property	80	23%	30%	23%	33%
Felony drug	79	23%	30%	26%	38%
Other felony	18	5%	7%	5%	7%
<b>Subtotal: all felony</b>	<b>263</b>	<b>76%</b>	<b>100%</b>	<b>69%</b>	<b>100%</b>
Misdemeanor violent	15	4%	18%	1%	5%
Other misdemeanor	36	10%	43%	11%	35%
FTA, VOP	4	1%	5%	5%	16%
DUI, DWLS	29	8%	35%	14%	45%
<b>Subtotal: all misdemeanor</b>	<b>84</b>	<b>24%</b>	<b>100%</b>	<b>31%</b>	<b>100%</b>
All charges	347	100%			

TABLE 3.9  
WOMEN'S PROFILE SAMPLE: PRIMARY CHARGES

N= 146	Number	1995		1992 (Jail & H.F.)	
		% of all	% of level	% of all	% of level
Murder, attempted murder	5	3%	5%		
Carjack, robbery	8	5%	8%		
Assault, domestic violence	5	3%	5%		
<b>Subtotal: felony violent</b>	<b>18</b>	<b>12%</b>	<b>17%</b>	<b>10%</b>	<b>17%</b>
Felony property	50	34%	48%	18%	30%
Felony drug	34	23%	32%	24%	39%
Other felony	3	2%	3%	5%	15%
<b>Subtotal: all felony</b>	<b>105</b>	<b>72%</b>	<b>100%</b>	<b>57%</b>	<b>100%</b>
Misdemeanor violent	7	5%	17%	3%	8%
Other misdemeanor	24	16%	59%	32%	73%
DUI, DWLS/E	6	4%	15%	7%	16%
VOP, contempt of court	4	3%	10%		3%
<b>Subtotal: misdemeanors</b>	<b>41</b>	<b>28%</b>	<b>100%</b>	<b>43%</b>	<b>100%</b>
All charges	146	100%		100%	

Comparable figures from the 1992 study are presented in the last column.<sup>10</sup> The percentage of violent offenders at both the felony and misdemeanor levels has risen considerably while that of felony drug offenders has slipped. There have also been shifts in the makeup of nonviolent misdemeanants.

### 3. Adjudication Status and Length of Stay

In terms of their legal status, 64% of the men were pretrial felons, 11% pretrial misdemeanants, 13% adjudicated felons and 12% sentenced misdemeanants. Half of the pretrial inmates had no bail set. Nine percent (31 cases in the sample) were "three-strikes" eligible, but only 6 of them had been arrested for violent offenses; the commonest third-strike charges were burglary, theft, and drugs.

<sup>10</sup> The figures are for the old main jail and honor farm combined, and warrants and VOPs have been eliminated since in the current study the underlying charges are used. (Inherent in that procedure is the assumption that the underlying charges for warrants and VOPs in the old study were distributed in about the same way as the open charges.) The numbers as shown in the table do not therefore directly match any in the earlier study, and that is also true for the other comparisons of the two studies presented later in this section.

The average length of stay as of the profile date was 57 days (64 for pretrial and 39 for sentenced), and the median was 34 days. (A discrepancy between the mean and the median indicates a lopsided distribution.) The longest stay was 580 days, while 48 inmates (14%) had been in custody less than a week. The observed length of stay reflects only the time from intake to the sampling date and does not show the inmate's total time spent in custody; that type of information comes from a tracking study.

TABLE 3.10  
CHARGE LEVEL BY ADJUDICATION STATUS

	Pretrial	Sentenced
A. Males		
Felony	221	46
Misdemeanor	37	43
B. Females		
Felony	91	17
Misdemeanor	24	14

#### 4. Women

The women's average age was 32, ranging from 18 to 52. Nearly half (46%, or 67) were white, with most of the rest being black and Hispanic (39 and 37, or 27% and 26% respectively). Almost all (77%) resided in Stockton (112), and most of the rest (16%) came from Lodi, Manteca, and Tracy. Only 8 were not county residents. Slightly over half were single (56%, 82), with 22 each married or separated (15%) and 19 divorced. Virtually all (95%) were unemployed. Sixty-four (44%) had substance abuse problems of some sort, and applying the extended measure of substance problems as above the number rose to 91 (62%). Sixteen (11%) were considered suicide risks, and there were no escape risks noted.

There were some serious violent female offenders in the sample (5 murders and attempted murders, 8 robberies and carjackings, 5 felony assaults). In all, 12% had been arrested for violent felonies, but most were charged with lesser offenses: 49 property felonies (34%), 34 drug felonies (23%), and 23 in a group of non-violent misdemeanors such as drug possession, forgery, petty theft, and prostitution (16%). Only 4% were booked for DUI or suspended/expired licenses. Two were 3-strikes eligible, one for theft and one for drug possession.

Even more than the men, most of the women had been arrested on a warrant, remand, or commitment. Only 47 (32%) were booked on open charges. In that group, 60% of the women were arrested by the Stockton police, 26% by the sheriff and 11% by the other cities' police forces.

Most of the women (115, or 78%) were in pretrial status. Of those 91 (62% of all females) had a felony as the most serious charge. Of the 31 sentenced, 17 (12%) had felony and 14 (10%) had misdemeanor charges. The average time in jail as of the sample date was 55 days, but the distribution was even more widely skewed than for males: one person had been detained for nearly three years, while 29 (20%) had been held less than a week. The median length of stay was 23 days. Average stays by adjudication status were 59 days for pretrial and 37 days for sentenced.

Male and female inmates differed in their criminal characteristics in that many more men were booked for violent felonies, while women were most often detained for property offenses. Drug bookings were about a quarter of each sample. Twice as high a proportion of men were held on DUI and suspended licenses.

Most of the men and virtually all of the women were unemployed. Most were single, separated, or divorced. Reported drug use was particularly high among women, and measurements of that characteristic will often underestimate the true extent of the problem. Over 10% of the women were reported to be suicide risks.

## 5. Classification

The Detention Division classifies all inmates by security level. It begins with the objective classification scheme developed by the National Institute of Corrections (NIC), but in about 30% of the cases it modifies the scores because of gang affiliations, enmities, or other personal characteristics uncovered by the interviewer.

The jail has 8 classification levels. Levels 5 through 8 are maximum security. Level 8 is for those who pose a high risk to other inmates and staff. Level 7 is disciplinary segregation, level 6 is protective custody, and level 5 is medical segregation. Level 4 is general population in the main jail.

Level 3 is not used; it was the highest level at the Honor Farm. Level 2 is Honor Farm restricted, and Level 1 is Honor Farm general population.

The jail does not normally tabulate statistics on classification level, but a special run on February 21 showed the following:

- Levels 6-8, 198. The largest was level 6, with 102
- Level 5, 64
- Level 4, 558
- Levels 1-2, 371, of which 220 were level 1.

In terms of percentages, levels 6-8 were 17% of the total, level 4 was 47%, level 2 was 13%, level 1 was 18%, and medical was 5%. No breakdown by sex was made, but there are women at all levels. Women are probably over-represented in level 5 as their medical costs are about 40% of the total medical budget. (Some are pregnant and they have high rates of drug addiction.)

#### 6. Comparison with ILPP's 1992 Study

Because the jail is a new facility opened after ILPP's first study in 1992 it is of interest to compare the populations then and now. In the present study the main jail and honor farm male populations are combined. The main jail is used for virtually all the pretrial defendants, while sentenced inmates can be in either facility. (Inmates at the Honor Farm can be sent back to the jail for behavioral problems.)

The proportion of men by ethnicity has changed compared to 1992. Black men were 26% of the combined Main Jail/Honor Farm population but appear as only 19% in the current sample. White men have made up the difference; the proportion of Hispanics is essentially unchanged. In the female population there appear to be a few more black women and a corresponding drop in Latinas, but the numbers are small enough that this may be a random fluctuation. The average ages of inmates have not changed appreciably.

In 1992 proportion of unsentenced felons in the male population at the two facilities together was 41%. That figure has risen to 64%.<sup>11</sup> Most of the women then were sentenced, whereas now they resemble the men in being primarily pretrial. The ratio of felonies to misdemeanors is about the same for both men and women (three to one), but has risen since 1992.

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<sup>11</sup> The current number is biased upwards in part because the capacity of the Honor Farm, which holds only sentenced inmates, has decreased much more than that of the pretrial jail, which is used primarily for the unsentenced.



Another difference is that the proportion of violent offenders is higher today among males. In 1992 it was 15% of felons in the combined jail populations, but in 1995 it had risen to 25%.<sup>12</sup> For violent misdemeanors the corresponding figures were 1% (old) and 4% (new). The proportion of violent felonies among women also rose, from 10% to 12% of the total. For men, felony property charges did not change much and felony drugs dropped a little. Among the women felony property charges rose and misdemeanor property (and other) charges fell.

Warrant arrests were important for both groups then, and remain so, but the proportion of warrant arrests for women rose from 28% in 1992 to 41% in 1995. For men, by contrast, it dropped from 38% to 24%. About 40% of the total sample had at least one warrant, though it was not always on the primary charge. Surprisingly the number of Failures to Appear (FTA) was very small, only about 1% of all charges.

In 1992 the majority of commitments appeared to be for substance abusers. That may still be the case. Only a few commitments were of identified substance abusers, but if commitments for DUI and drug offenses are included the total rises to 41 of 68 commitments. There were also several commitments for minor property crimes and even 3 for personal felonies (sex, kidnap).

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<sup>12</sup> In 1992 about one-third of the men had been arrested on warrants, for which the underlying charges were not given. In the current study the underlying charges are used to calculate the totals. It is assumed that the 1992 warrants were distributed proportionally to the identified charges. Because of this string of assumptions there is by necessity a large range of uncertainty in comparing the charge distribution between the two studies. Nonetheless it appears that the ratio of violent felons to property or drug offenders detained in the jail has grown.

The increase in the proportion of violent felons appears to be due both to an increase in the numbers of such inmates and to a reduction in the number of less-serious offenders. There appear to have been about 80 more violent male felons in the jail on the sampling dates in 1995 than in 1992.<sup>13</sup> Since the tracking study shows no increase (in fact a small decrease) in the proportion of violent felony bookings compared to 1992, the increase in violent offenders can only be due to an increase in their length of stay.<sup>14, 15</sup>

The reduction in other offenders arises because of a decrease in the total jail population. The male inmate population in San Joaquin County in May, 1992 was 1157 (698 in the jail and 459 on the Honor Farm). On January, 25 1995, it was 941 (629 and 312, respectively), so there was a decrease of over 200 inmates with the replacement of the old jail and closing of some Honor Farm beds. When fewer beds are available it is the lesser offenders who should be released first.

One of the reasons for the increased length of stay may be the three-strikes law, whose impact on local justice systems is just beginning to be understood. Reports from other counties suggest that most inmates on their third strike and even some first-time violent offenders are choosing to go to trial rather than plead because of the three-strikes law. If they go to trial they will stay in jail longer before adjudication, so their numbers in a profile sample will be increased.

### C. Jail Population Projections

In 1992 ILPP presented a detailed and rather complex discussion of the issues affecting the growth of the jail population. Most of the points made there still hold, in particular the concept that the jail population is what the county is willing to make it be. The following seeks mainly to build upon that study, not to replace it.

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<sup>13</sup> The extrapolation of the sample to the population and the correction for warrant arrests make that number subject to some uncertainty.

<sup>14</sup> The absolute length of stay for violent offenders need not have increased; it must only have grown relative to the length of stay for all other offenses.

<sup>15</sup> Adult arrests for violent felonies grew by less than 1% from 1992 to 1993. The 1994 data is not yet available, but the Sheriff's department reports a decrease in reported violent felony offenses from 1993 to 1994. However the number of reported offenses is not a good measure of the numbers of arrests or bookings.

## 1. Changes in Projection Variables Since 1992

With the opening of the new pretrial jail in 1993 and the partial closing of the Honor Farm, the baseline assumptions must shift. At the current time, for example, it appears that the Honor Farm is saturated. (Figure 3.2) Unless more beds become available the population will remain at its current levels indefinitely regardless of system demand or changes in crime and arrests.

For the main jail, there are two changes since ILPP's 1992 analysis. One is that the jail now houses both men and women, and the housing is flexible enough that beds are effectively interchangeable; in other words there are some beds which can be occupied by inmates of either sex so that it is not necessary to reserve capacity on both sides. Second, the new jail was opened with single bunking while the old jail was double bunked, with the result that the total men's and women's maximum security capacity fell by about 140 beds. Subsequent gradual double-bunking has allowed the capacity to slowly rise.

## 2. Current Inmate Projections

Figures 3.3 to 3.5 show three important quantities: total jail population, monthly bookings, and average lengths of stay. Since the new jail houses both men and women, the male and female populations and bookings are summed before 1993 to give comparable figures.

Jail population crept upward by 15 people or so per year from 1986 to 1992, dropped with the opening of the new jail, and then began to rise at about the same rate. Bookings, likewise, rose only gradually during that period. The average length of stay, which is calculated by dividing population by bookings, remained nearly constant for felony detainees. For misdemeanors ALS rose sharply in the new jail. That may be in part due to the addition of the women since ALS for female misdemeanants has been higher and more erratic than that for men (as is shown in Figure 3.5).

Taken together, the above data suggests that jail population growth rates have not been much affected by the change of facilities. That being the case, the rates of growth from 1992 still appear valid. They were based upon the growth of population in the county, particularly of persons in the age groups most likely to be arrested. The opening of the new jail and the closure of part of the Honor Farm reduced the number of available jail beds. The rate of growth has nonetheless remained at a level comparable to that when the county had a larger total number of jail beds available. Thus the jail population continues to grow at the same rate, but from a lower base number. Figure 3.6 shows a projection based on this pattern. The 1992 population was the annual average for the old jail (men and women combined) and the 1993 and 1994 figures are the annual averages for the new facility.

FIGURE 3.2  
HONOR FARM POPULATION

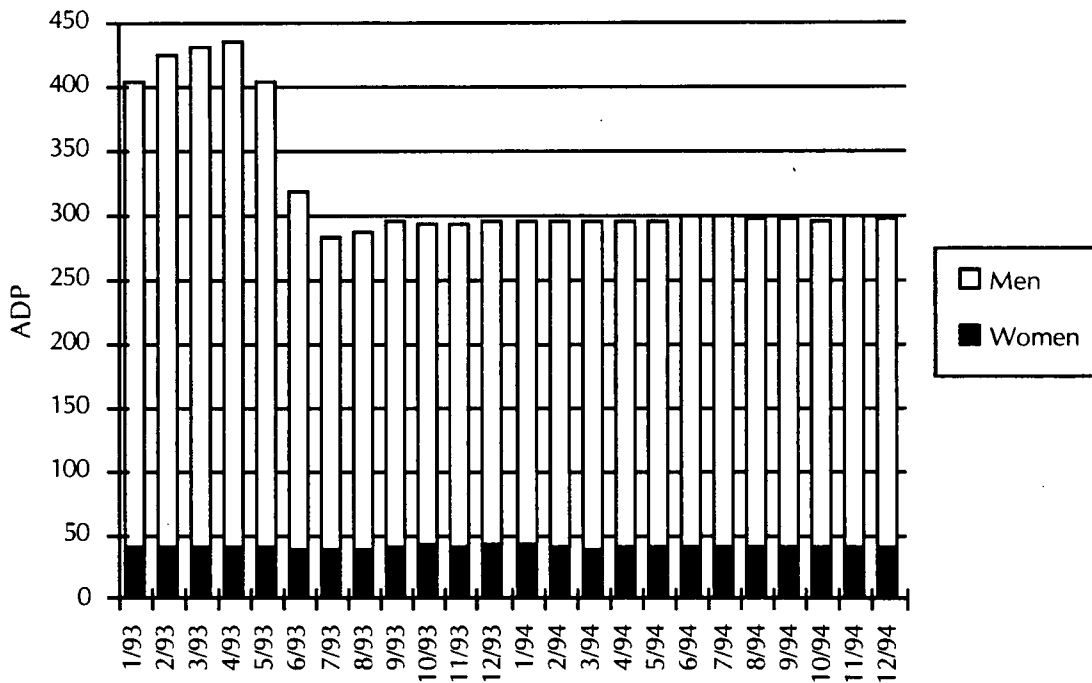


FIGURE 3.3  
TOTAL JAIL POPULATION

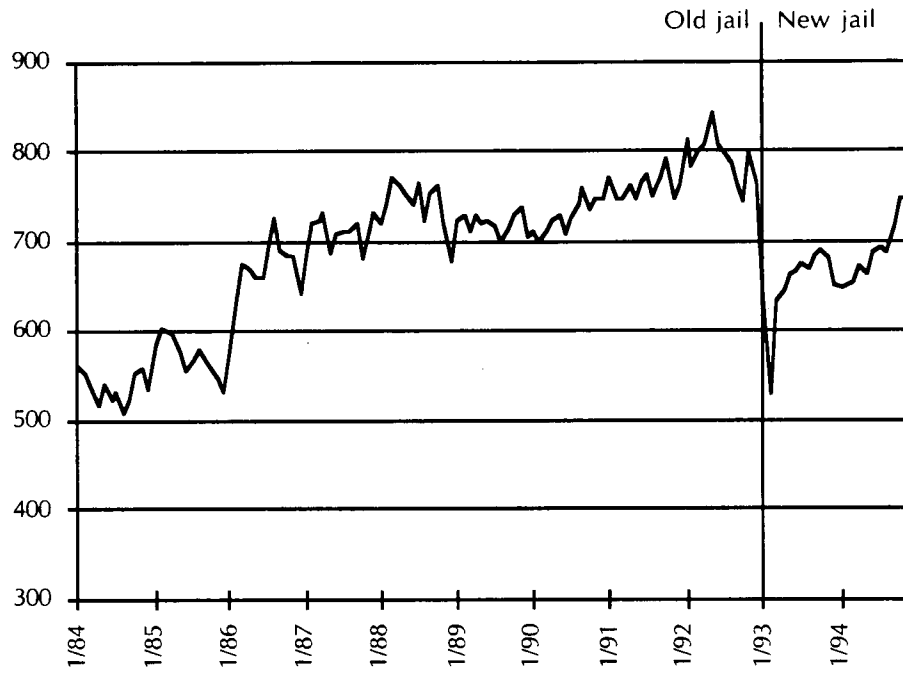


FIGURE 3.4  
TOTAL BOOKINGS

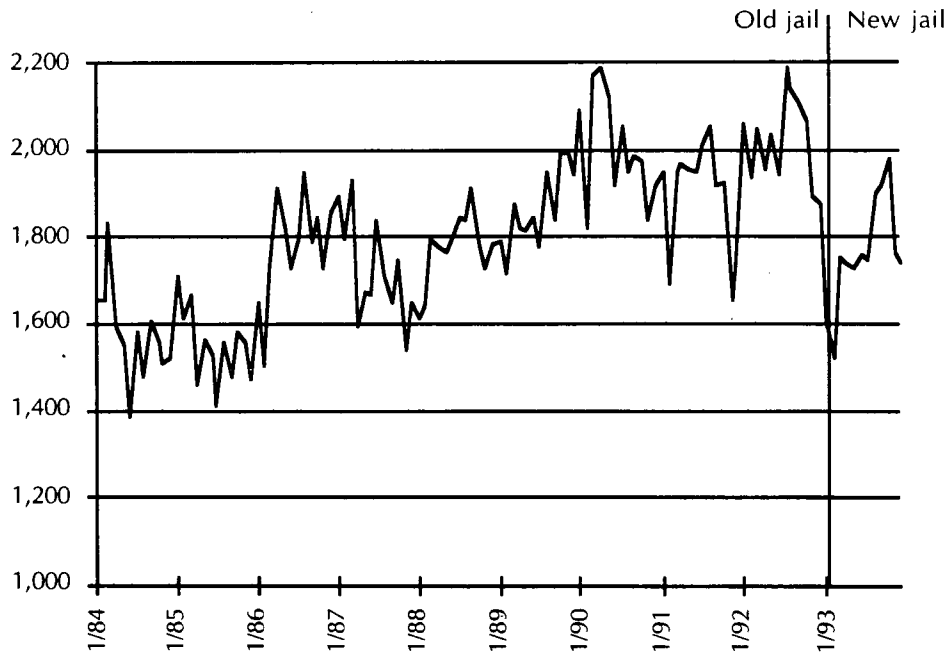


FIGURE 3.5  
AVERAGE LENGTH OF STAY  
MAIN JAIL

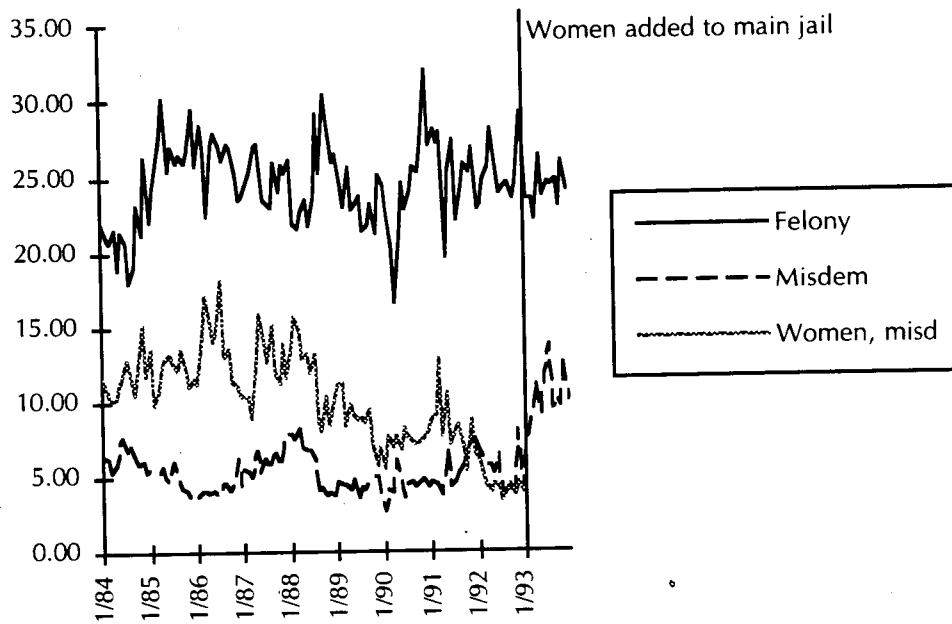
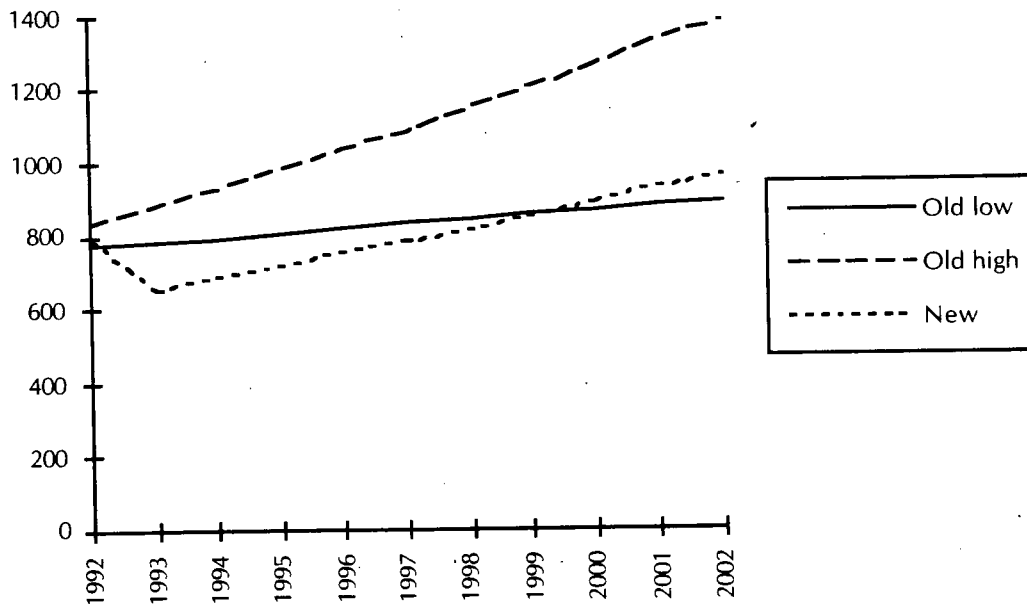


FIGURE 3.6  
JAIL POPULATION PROJECTIONS



The security level of housing is also important. In 1992, ILPP performed a classification study and found that 19% of the men in the main jail could be classified as maximum security risks. Using the county's somewhat more restrictive guidelines, the county would classify 25% of the population in the maximum security category. ILPP also found that 30% of men in the jail could be considered minimum security risks. Since general population (level 4) is the lowest level used for the jail no comparable figure can be derived for the lowest level of pretrial inmates.

The Honor Farm population is all minimum level inmates, and about 60% of them could be called low-minimum, that is, inmates who can leave voluntarily for work duty. Even some of the Honor Farm inmates segregated in restricted housing (but who could easily escape if they wished) are so classified because of limitations on their abilities to work and not because they pose any risk.

The 1992 conclusions remain: The inmate population is forecasted to be mostly non-maximum security risks; if any expansion is undertaken it should be primarily at the medium and minimum security levels.

### 3. Discussion

There must be assumed a wide range both up and down about the projections. Many factors can increase or decrease the projected rate of jail growth, and none of them other than general population growth can be accurately predicted over a period of years. Most are policy decisions rather than an organic factor like population.

An important but perhaps subtle point is that policy changes tend to have a one-time impact. If jail population is growing at the same rate as county population and a change is made, say to double the commitment for DUI, the ADP will rise to a higher level to reflect the change, and will then settle back to the same *rate* of growth. The longer the sentence, the more time is required to attain the new equilibrium, but it will eventually occur.

The discontinuous nature of policy impacts is obscured by having a number of small changes going on more or less in overlapping sequence where their individual effects cannot easily be distinguished. The importance of this point is that jail populations will not continue to grow more rapidly than the county unless there is something forcing them to do so, and the forcing factors cannot level off; they must be continually accumulating.

As noted in the section on crime in the county and reflected in the jail profile study, the fraction of reported crime which is violent appears to have grown recently. About a quarter of the male inmates are now accused of a violent felony, two-thirds more than the proportion of just three years ago. Part of this is a concentration effect caused by decreasing the numbers of lesser offenders, but the reports of aggravated assault and the arrests for that offense have risen. (The most serious violent crimes, murder and rape, have not grown.)

The apparent growth in violent crime suggests further inquiry. Is it real, and if so, are certain types of violence growing faster than others? Two areas which have been mentioned are domestic violence and gang violence, with the latter in particular involving weapons. From the tracking study, where the distinction is made, it appears that much of the felonious assault is domestic violence, with weapons not far behind, yet domestic batterers are not a large part of the profile sample since they have a relatively short length of stay. How the numbers of those offenses may have changed over the past few years is yet to be determined.

With domestic violence the explanation may lie more in how it is handled than in how often it occurs. The justice system response to domestic violence is evolving, with increasing emphasis on arrest incarceration and on prosecution.

The availability of firearms, especially among youth, converts simple assault arrests to assault with a deadly weapon arrests. Juvenile authorities note a strong trend in that direction, and it probably will extend to younger adults as well. With the expected growth of the late teen-aged population through the end of the century inmates charged with that offense will probably grow.

#### **4. Three Strikes Impact**

The effect of the three-strikes law is under study by the county justice agencies at the time of this writing. Though the results are not yet in, certain changes in system operation are expected. Some have been described as having already happened elsewhere in a report by the California Legislative Analyst's Office. The number of felony trials is increasing because defendants on their third strike have nothing to gain by plea-bargaining, and might as well take their chances on reduction of the charge or even acquittal by a jury. Where they once might have gone to prison or been sentenced to probation, now they wait in jail.



There is still another unintended consequence of the new law: As described in the profile study, most of the third strike inmates are not accused of a violent crime. Most were arrested for burglary, theft, or drugs. With charges of that nature they might otherwise have been eligible for OR release, but when facing the lengthy mandated imprisonment they are at greater risk of becoming fugitives and should be detained.

Finally, the appetite of the public for increased punishment seems not to have abated, though their willingness to pay for it is not as strong. And, one of the most difficult tasks of criminal justice officials in elective positions is to show their constituencies the difference between treating different kinds of criminals efficiently and justly versus treating all criminals leniently.

All of the above considerations suggest a more rapid growth of the jail population. There can, however, be moderating factors. In 1992 ILPP projected what the jail population might have been without the population cap, i. e. no court-ordered capacity restrictions. Unrestricted growth would have been much faster than what was observed. But, as already noted, when the old jail was closed the system was able to adapt to a lowered bed capacity. That experience proves it can be done when there is no reasonable alternative.

There are other possibilities for lowering population growth that lie within the current state of the art. Certain types of offenders, in particular low-level substance abusers and others whose impulses outrun their judgment, still are jailed when jail has not been shown to be an effective solution to their problems. The emotionally disturbed are often sent to jail also, though the available data for San Joaquin shed no light on that issue locally. The application of intermediate sanctions, punishments where the convicted are out of jail but severely restricted in their activities has not been fully explored.

Despite all the positive and negative considerations, the final decision on jail population lies where the funding is. Jail population will not grow faster than money can be raised to build and operate the facilities, and public support for funding is volatile and unpredictable. Some expansion at a relatively affordable cost is possible through the use of minimum security facilities such as the Honor Farm, which cost less both to build and to operate than full jails, but the possible hardening of the inmates and the incentive to escape from the third-strike prosecution will require medium-level beds also, which offer less of an economy. Perhaps the real mission of county governments is to align the public's demand for criminal justice with its willingness to pay for it. The level of the incarceration rate is not important; the equalization of supply and demand is the core issue.



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**L. JUVENILE DEMAND**

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**ANALYSIS**

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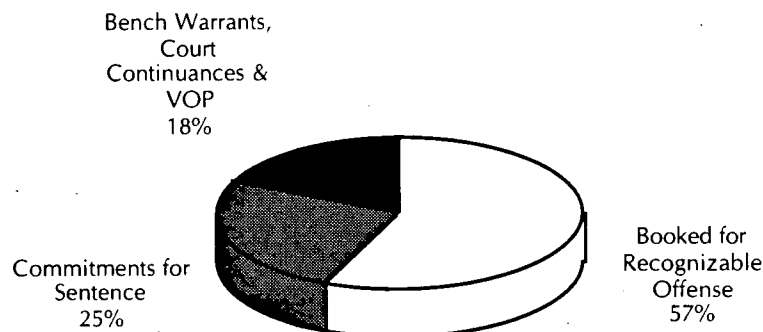
## L. DEMAND REPORT CHAPTER IV JUVENILE DEMAND ANALYSIS

### A. Juvenile Tracking Analysis<sup>1</sup>

#### 1. Demographics

The intake logs were examined for the months of January and June 1994. There were 606 minors admitted during the period, 526 males and 83 females. The largest group was Hispanics (220, 36%), then blacks (149, 24%), whites (141, 23%), and Asians (94, 16%). Most of the females were white (35) or Hispanic (30). For comparison, the population aged 10-17 in San Joaquin County in 1990 was 49% white, 28% Hispanic, 6% black, and 16% "other" (mostly Asian).

FIGURE 4.1  
JUVENILE INTAKE POPULATION (JANUARY-JUNE, 1994)



<sup>1</sup> All of the juvenile data is maintained manually in paper files. There is inherent inconsistency in a paper system since entries are not always made legibly or in the same format. File folders go in different directions, especially those for prior arrestees who have reached the age of 18 and are thus no longer under the jurisdiction of juvenile probation. Despite heroic efforts by the staff of the Juvenile Hall, some of the data could not be located, so the totals in different parts of the following analysis are often not equal.

FIGURE 4.2  
MALE JUVENILE INTAKE POPULATION ETHNIC BREAKDOWN

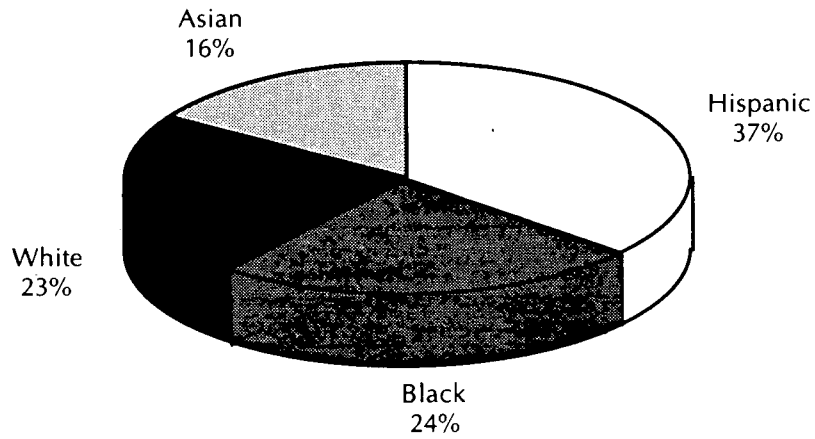


FIGURE 4.3  
FEMALE JUVENILE INTAKE POPULATION ETHNIC BREAKDOWN

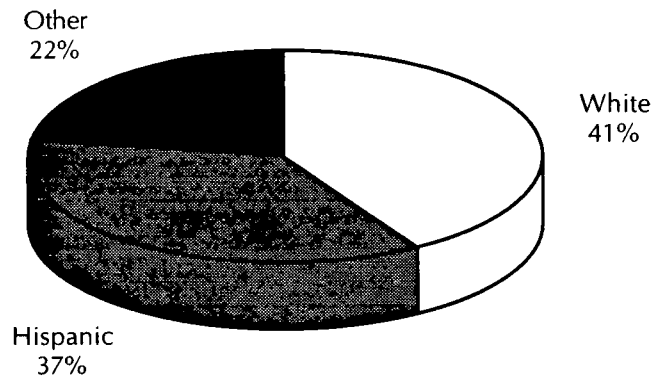
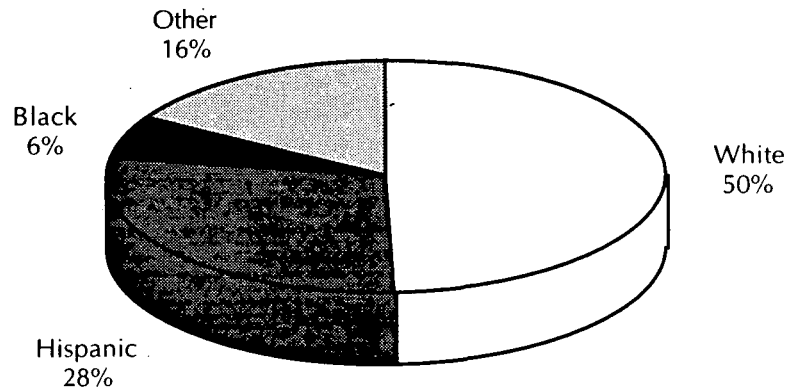


FIGURE 4.4  
SAN JOAQUIN COUNTY POPULATION AGED 10-17 (1990)



Visual inspection of the Asian names suggests that nearly all were Southeast Asians, primarily of Cambodian and Lao origin (including Laotian minority such as Hmong) with fewer Vietnamese. The relatively high number of Asian youth is in contrast with the situation at the adult jail where the "other" population is only about 3% of those booked.

The average age was 15.9 years; the oldest was 18.7 at booking and the youngest was 11.6. Six persons over 18 were booked and 3 under 12 (20 under 13).

## 2. Charges

The logs showed that 331 were booked for an instant offense and the others were admitted for procedural reasons, the largest being commitments for sentence (150 cases). It was possible to identify the underlying offense in 141 of the procedures, and they are added to the totals below. For some types of offense such as battery and weapons the logs did not specify whether the offense was at a felony or misdemeanor level.

By far the most frequent offense was vehicle theft (106 cases), followed by burglary (69). There were 27 batteries and 27 assaults with a deadly weapon; 24 robberies (including carjacks); 33 weapons and use of firearms in a felony; 78 other property offenders (theft, vandalism, stolen property); and 19 drug cases. The most serious bookings were 3 homicides (including attempted), 1 manslaughter, 1 rape, and 2 other sexual assaults. It appeared from several multiple bookings that in cases of vehicle theft all occupants of the car were booked on that offense, so the actual number of cars stolen would be much lower.

### 3. Releases and Lengths of Stay

A release date was recorded for 570 of the juveniles. Their overall average length of stay (ALS) was 13.1 days.

The complete record of offenses, release modes, and release dates was available for 448 arrestees. Because of the relatively small number of cases, for analytical purposes the offenses are sometimes grouped into violent, property, and other offenses, and the releases into home, home-restricted, promises to appear, and transfers to other institutions.

Violent offenses include robbery, sexual assaults, and use of a firearm as well as homicide and assault or battery. Property offenses are burglary, thefts, arson, trespass, vandalism, and stolen property. Other offenses include drugs, weapons possession, DUI, and disorderly conduct.

Home releases are unconditional, including the emergency release program. Restricted home releases are house arrest, home surveillance, electronic monitoring, and the work program. Promises to appear are treated separately. Transfers are to the CYA, jail, the juvenile halls of other counties, and group homes.

The first table shows the numbers of juveniles released by mode for offense category, and ALS for those same combinations.

TABLE 4.1  
JUVENILE RELEASE BY MODE AND ALS

Offense Group		Home	Release Class			Grand Total
			PTA	Restricted	Transfer	
Assault	Number	14	8	11	10	43
	ALS	4.2	1.8	3.8	29.3	9.5
Asslt deadly weap	Number	10	2	5	10	27
	ALS	5.5	1.4	8.0	47.2	21.1
Burglary	Number	29	13	16	12	70
	ALS	10.5	0.4	8.3	41.7	13.5
Drugs	Number	7	3	4	2	16
	ALS	12.9	0.3	2.4	0.5	6.4
Homicide	Number	1	0	0	2	3
	ALS	2.1	NA	NA	95.5	64.4
Misc.	Number	8	0	1	4	13
	ALS	9.3	NA	4.7	24.5	13.6
Nuisance	Number	4	5	0	6	15
	ALS	3.1	0.3	NA	32.6	14.0
Obstruct justice	Number	2	2	1	2	7
	ALS	1.9	0.4	0.0	36.2	11.0
Other property	Number	27	8	11	8	54
	ALS	10.3	0.3	6.9	19.1	9.4
Rape	Number	1	0	0	1	2
	ALS	5.9	NA	NA	126.1	66.0
Robbery	Number	12	0	3	7	22
	ALS	15.0	NA	12.8	60.4	29.1
Sex	Number	2	0	0	2	4
	ALS	3.6	NA	NA	46.9	25.2
Theft	Number	17	8	5	2	32
	ALS	23.3	0.1	11.5	9.6	14.8
Vehicle code	Number	3	1	1	0	5
	ALS	3.8	0.5	10.3	NA	4.5
Vehicle theft	Number	22	52	22	7	103
	ALS	10.7	2.0	11.3	46.6	8.9
Violate probation	Number	10	0	4	0	14
	ALS	12.8	NA	3.1	NA	10.0
Warrant/hold	Number	3	1	3	1	8
	ALS	6.1	0.0	0.9	7.9	3.6
Weapons	Number	12	7	10	3	32
	ALS	6.3	2.0	3.6	5.5	4.4
Grand total	Number	184	110	97	79	470
	ALS	10.5	1.3	7.3	37.8	12.3

Tables 4.2 gives a breakdown, first by offense and second by release mode.



TABLE 4.2  
RELEASE BY OFFENSE CLASS

Offense Class		Home	Release Class			Grand Total
			PTA	Restricted	Transfer	
Violent	Number	40	10	19	32	101
	ALS	7.7	1.7	6.3	49.9	20.2
Property	Number	95	81	54	29	259
	ALS	12.8	1.4	9.5	34.4	11.0
Other	Number	49	19	24	18	110
	ALS	8.5	0.9	3.2	21.7	8.2
Grand Total	Number	184	110	97	79	470
	ALS	10.5	1.3	7.3	37.8	12.3

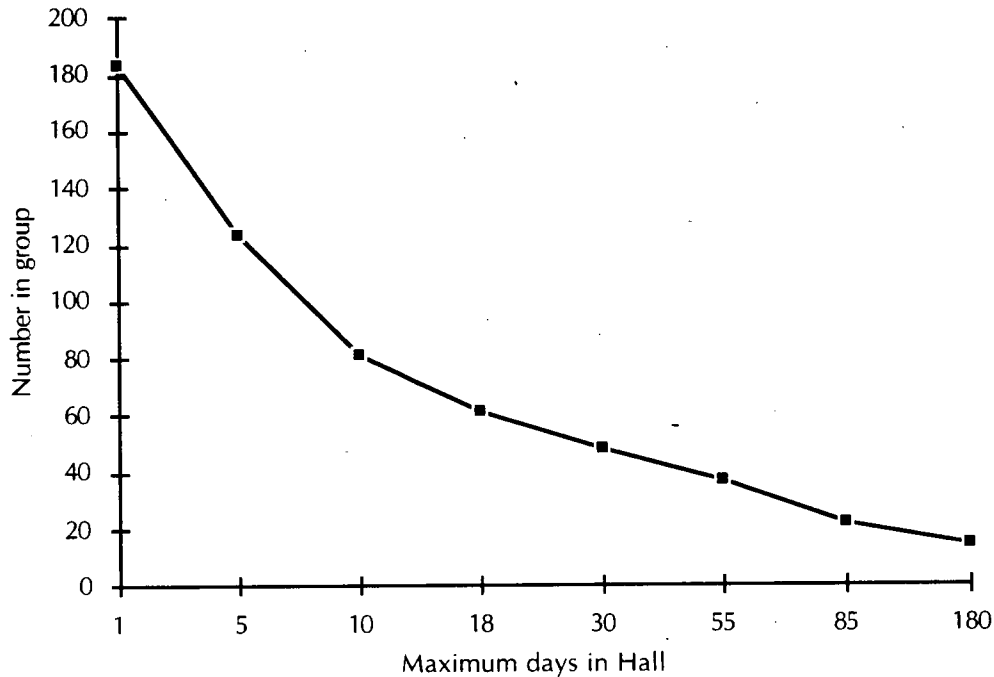
Most of the juveniles were released to home, though often on a promise to appear (PTA) or under some supervision or control. Relatively few (17%) were transferred to other agencies, but they remained in the hall much longer, accounting for half of the bed days.

Juveniles eventually transferred to CYA had by far the longest stays: 81.3 days, followed by transfers to group homes. The shortest stays were for those released on a promise to appear (PTA). They stayed only a little over a day, and there was not much of a difference by type of offense, except that vehicle theft and weapons took more than a day (but those two constituted more than half the PTA releases). The house arrest (HA) and home surveillance (HS) releases were made relatively quickly – 4 or 5 days – while electronic monitoring (EMP) took a few days longer. Straight home releases averaged 11 days; it included a number of commitments, but they took no longer than those without commitments.

The chart shows the distribution of 571 juvenile offenders by their length of stay. The axis "Days in Hall" shows the maximum; thus the point "5 days" is the number of those staying more than one and up to five days.

Most juvenile offenders are released quickly, over half of them in less than five days; but that group occupies only 5% of the beds. It is those who stay a long time that consume the bulk of the resources.

FIGURE 4.5.  
JUVENILE LENGTH OF STAY



As described earlier, nearly half of the juveniles are admitted to the Hall for "procedural" reasons rather than for an instant new offense. These are the procedures which result in the recording of a new admission:

- On a bench warrant: arrested for some violation of conditions such as a failure to appear;
- On a court commitment after appearing voluntarily following a pretrial release;
- On a remand by the court before the case is adjudicated (listed as a continuance);
- By transfer in from some other agency, for any of several reasons;
- On a hold for another agency;
- For a probation violation.

There were 211 procedural cases not originally in custody. Nearly all were admitted for one of four reasons: bench warrants (53) commitments (98), continuances (23), and probation violations (23). Most of the releases were to home (168), though many of those were under restriction, particularly electronic monitoring (38 cases). Overall ALS for this group was 14.8 days, slightly longer than for the "identified offenses." The distribution also shows far fewer released in under one day.

FIGURE 4.6  
BREAKDOWN OF PROCEDURAL CASES

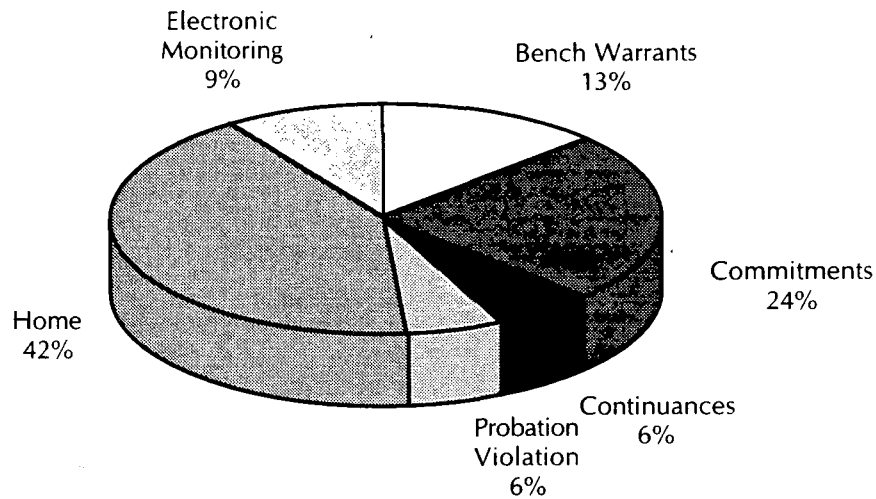
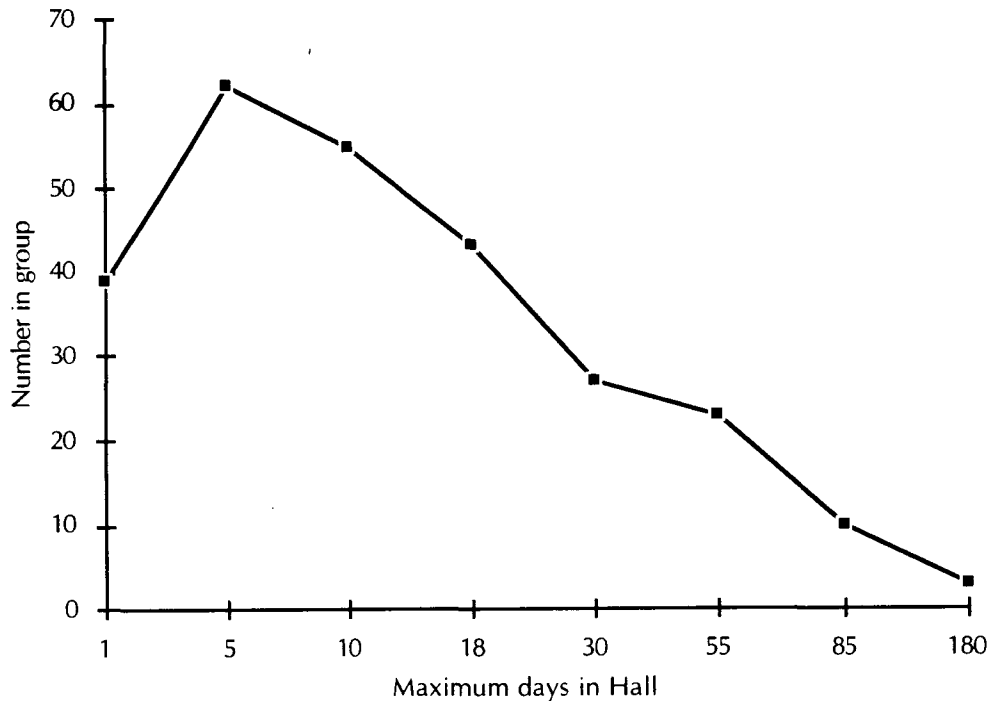


FIGURE 4.7  
LENGTH OF STAY PROCEDURAL ADMISSIONS



There were 147 commitments where the release date was recorded. The average nominal length of the commitment sentence was 26.7 days but the actual time served was only 10 days.

#### 4. General Conclusions

The tracking study suggests that the Hall is releasing large numbers of youth quickly, yet the few inmates who stay for a long time are the ones who occupy most of the beds. Presumably they are the ones who have high custody scores and may be tried as adults (that information is lacking from the intake sheet).

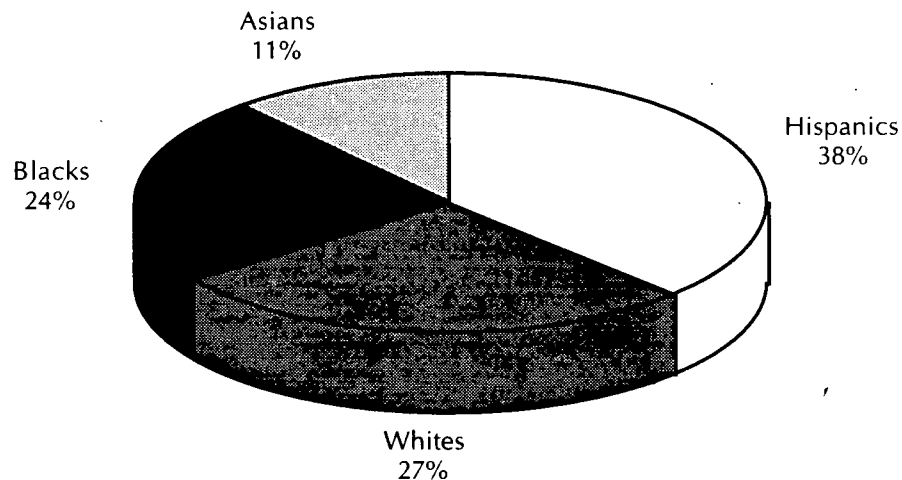
ILPP notes that the manual records system is a serious barrier to the Juvenile Hall's ability to summarize and analyze its own operations. Data are missing, inconsistently recorded, and occasionally impossible (two admissions in sequence without an intervening release, for example). While most of the relevant information is recorded somewhere, the effort to retrieve it and resolve inconsistencies means that in practice systematic analysis is nearly impossible.

## B. Juvenile Hall Profile

### 1. Demographics

Data was gathered primarily from the files of the juveniles in custody on December 15, 1994.<sup>2</sup> There were 118 inmates in the Hall on that day, of whom 102 were males. The oldest was 17.9 years, the youngest 12.4, and the average was 16.2 years. Ethnically there were 40 Hispanics, 31 whites, 28 blacks, and 12 Asians. (The numbers do not always add to the totals as small groups are left out.) The proportions of the total population are 34% Hispanic, 26% white, 24% black, and 10% Asian. Those proportions are quite different from the (male) sample in the adult jail which is 47% white, 37% Hispanic, 19% black, and only 2% Asians and others.

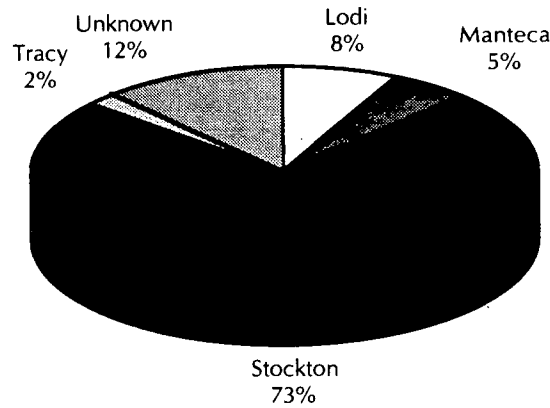
FIGURE 4.8  
JUVENILE HALL PROFILE SAMPLE ETHNIC BREAKDOWN  
(DECEMBER 15, 1994)



Eighty-five lived in Stockton, 8 in Lodi, 2 in Tracy, and 5 in Manteca. There were 12 other cities of residence plus "unknown" and missing information.

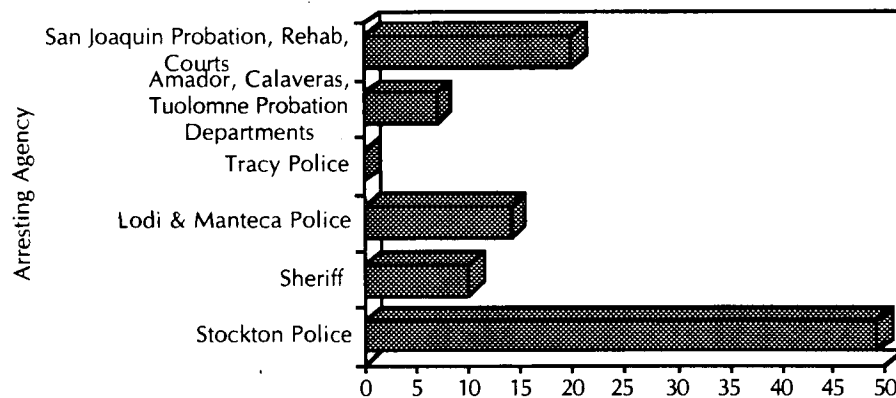
<sup>2</sup> ILPP expresses its appreciation for the efforts of the Juvenile Hall staff who wrestled with an antiquated manual records system in helping to gather much of the data used in this report.

FIGURE 4.9  
JUVENILE HALL PROFILE SAMPLE CITY RESIDENCE BREAKDOWN



The principal arresting agency was the Stockton police, 58 arrests. Others were: the sheriff 10; Lodi and Manteca police together, 14 (Tracy none); Amador, Calaveras, and Tuolumne County Probation departments, 7. (San Joaquin Probation, Rehab and courts were listed for 20 juveniles, but these were not the originating agencies.)

FIGURE 4.10  
PROFILE SAMPLE ARRESTING AGENCY BREAKDOWN

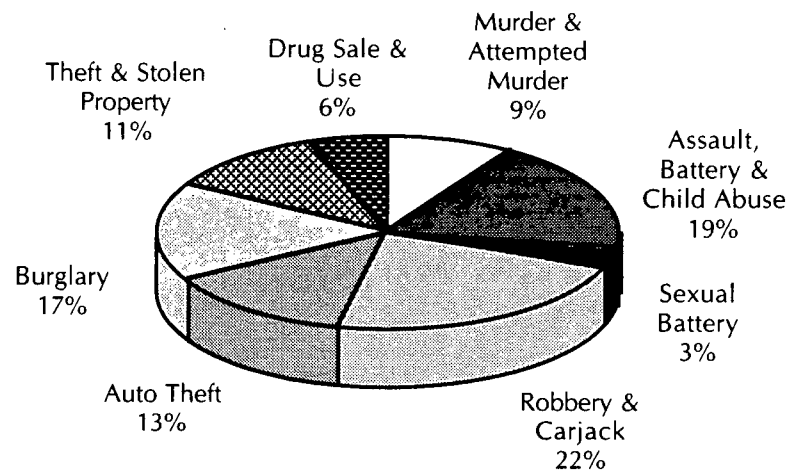


## 2. Charges

There were 23 juveniles held on secondary charges such as commitments, continuances, bench warrants and VOP. Underlying charges were listed for 18 of those and are included in the following compilation. In all the charges were located for 112 inmates. Over 90% of the inmates were held on felony level charges.

More than half (58 of the 112) were held for violent crimes. They included: murder and attempted murder, 11; assault, battery, and child abuse, 20; sexual battery, 1; robbery and carjack, 26. Other serious offenses were auto theft 11; burglary 18; theft and stolen property, 12; drug (sale and use) 5. It appears that many juveniles were arrested in groups or gangs as they have similar charges at the same booking times, and are of the same ethnic background.

FIGURE 4.11 PROFILE SAMPLE BREAKDOWN BY VIOLENT OFFENSE



### 3. Severity, Classification, and Length of Stay

The Juvenile Hall performs a risk assessment for all juveniles at intake to indicate their eligibility for release. Of the 103 in the sample who had risk assessment scores, 89 totaled 10 points or more (automatically detained), and 39 had a score of 10 on the instant offense, indicating maximum seriousness (707 (b) offenses). At least 17 were being held as adults. The risk assessment is repeated after the jurisdictional hearing as the charge is frequently reduced.

The average length of stay as of the sampling date was 40 days. For the 17 juveniles being held as adults it was 61 days, and for the others, 30 days. The person longest in custody had been there for 406 days. Even those who had been in custody only a single day were charged as serious offenders (robbery, burglary, drug sales).

Some indication of the rate of case processing is given by the average length of stay for those whose jurisdictional hearing had been completed (74 juveniles, ALS = 41 days) and dispositional hearing completed (24 inmates, ALS 26 days). The average for the jurisdictional hearings was longer because only that hearing had been completed for some serious offenders who had been in the hall for many months.<sup>3</sup>

### C. Juvenile Hall Population Projections

As can be seen from the juvenile profile and tracking, San Joaquin County has a large number of serious juvenile offenders. How will their numbers change in the next several years?

There are several trends which have an impact. The county's population is growing, and the juvenile population will grow with it. According to the California Department of Finance (DOF), the population aged 10-17 will grow by 44% between 1990 and 2000. Growth will slow to 16% in the succeeding decade. Growth will be fastest among Asian youth, followed by Hispanics; after 2000 the numbers of African American youth will grow much more slowly while non-Hispanic whites will actually decrease.

The fastest growth in the 10-14 year old group has already occurred. The 15-17 year old group, which is much more likely to be booked than the younger children, will grow most rapidly in the next five years. (In ILPP's tracking study the older youth constituted nearly three-quarters of the bookings.)

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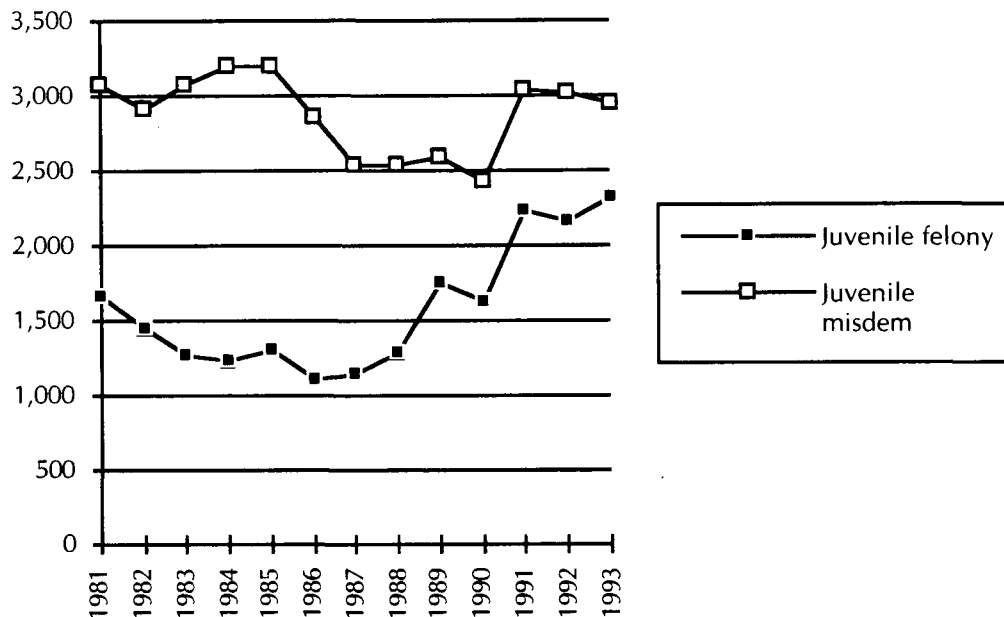
<sup>3</sup> The figures should not be interpreted as giving a measure of the average time from arrest to completion of the hearings.



Senior personnel at the Juvenile Hall are of the opinion that the juveniles arrested today are charged with much more serious offenses, especially crimes involving violence or firearms, than was true a decade or two ago. That observation is in agreement with the numbers of arrests of juveniles in the county for violent felonies. It rose from 149 in 1987 to 470 in 1993. Robbery arrests rose most steeply, by 350% in that period, with assaults not far behind. (California Department of Justice, Law Enforcement Information Center; 1994 figures are not yet available.)

Bookings must be preceded by arrests, so it is instructive to examine arrest trends. The historical record of arrests of juveniles in San Joaquin County for both felonies and misdemeanors of all types shows three distinct phases. From 1981 to 1987 the numbers decreased, slightly for felonies and more unmarkedly for misdemeanors. Felony arrests grew sharply from 1988 to 1991. There was a parallel increase in misdemeanor arrests but it all came in 1991. From 1991 to 1993 the numbers of arrests at both levels have been essentially constant. (Figure 4.12)

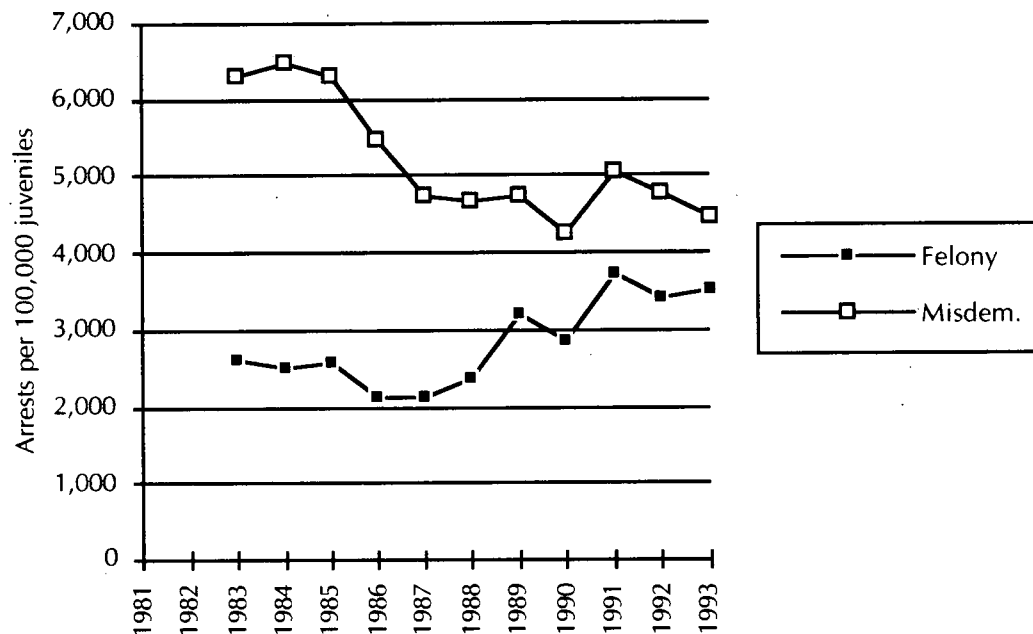
FIGURE 4.12 JUVENILE ARRESTS



The increase in felony arrests from 1988 to 1991 was primarily due to increases in violence (all types), larceny, vehicle theft, and weapons, the last very sharply from 1990 to 1991. Burglary arrests grew only in 1993, and drug arrests hit a plateau in 1987.

The arrest rates (arrests per 100,000 juvenile residents) for felonies were steady from 1983 to 1988. There was a moderate increase from 1989 to 1991 and a slight decline through 1993. Misdemeanor arrest rates have fallen measurably since 1983. (Figure 4.13) The increase in juvenile arrests is due primarily to an increase in juvenile population.

FIGURE 4.13 JUVENILE ARRESTS RATES



Taken together, these observations suggest that the expected growth of the juvenile population would cause juvenile hall bookings to increase at a fairly noticeable rate from the present at least until 2000. The trend has not yet set in: the annual monthly admissions in 1994 were virtually the same as in 1989, with insignificant fluctuations in the years between. Perhaps that is because the population growth to date has been primarily in the under-15 age group. The patterns of misdemeanor arrests (much lower for minor offenses such as drunkenness, liquor law violation, and trespassing, as well as nearly a discontinuation of status arrests) suggest a change in police behavior as well.

Despite the trend it would be prudent to anticipate an increase in admissions over at least the next five years since the numbers of older juveniles will increase in that period. Application of ILPP's demographic arrest model says that, based on population growth and demographic shifts alone, the juvenile arrest rate will grow by 34% from 1990 to 2000 and by 17% from 2000 to 2010. Juvenile felony arrests would grow by 28% and 18% in those two periods, while for misdemeanors the rates are higher in the first decade (39% and 16%). Violent felony arrests would exhibit one of the sharpest growth rates (40% from 1990 to 2000). The 1991-1993 arrest data show increases that are in general consistent with the projections, though there are some differences in detail (e. g., a tripling of weapons arrests in 1991).

In summary, an increase in Juvenile Hall bookings of 20% to 25% by 2000 would not be surprising.

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**M. COURT DEMAND**

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**ANALYSIS**

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## M. DEMAND REPORT CHAPTER V COURT DEMAND ANALYSIS

### A. Introduction

Municipal courts handle the lesser offenses, misdemeanors and infractions, including parking. Felonies are initially filed in municipal courts, but many are bound over to the superior court for disposition. Municipal courts do not hear juvenile criminal cases.

The superior court is the court of general jurisdiction: it hears all matters except those delegated to the municipal courts. It deals with adult felonies and all juvenile offenses except minor infractions such as traffic violations.

### B. Court Demand Analysis Issues

Analysis of court statistics revolves around two questions: Can the courts handle the volume of work presented to them, and can they do it within a reasonable amount of time? Their ability to do that depends on having an adequate number of judges with supporting staff and on efficient court rules and procedures. To some extent it is also a matter of luck, since the occasional very difficult case can consume many times the resources required on the average, especially in the superior court.

A complication arises in analyzing only the criminal caseload of a court system. Both levels of court handle civil matters in addition to criminal cases, and judges move between criminal and civil, sometimes on a long-term rotation and sometimes at much shorter intervals. If the criminal load suddenly increases, for example, the court may temporarily shift some judges to cover it. (An alternative is to utilize a temporary judge, who is frequently one that has recently retired from service.)

Because it is up to the court itself how to allocate judicial time between criminal and civil matters, the criminal caseload alone does not reflect the court's entire workload. Furthermore, most courts do not maintain statistics that distinguish the amounts of time spent by judges on criminal and on civil cases. Since the present study is concerned only with the criminal justice system, a finding, for example, that the criminal caseload per judge is light and yet backlogged could be interpreted to indicate either an inefficient system or a heavy civil burden that swamps the judges.

Summary data is collected for all courts in California by the state Judicial Council. Because it is all in the same format it is possible to compare the courts' performance with statewide averages. ILPP obtained FY 1991-92 through 1993-94 data from the Judicial Council, and supplementary current information from the court administrators' offices: FY 1993-94 data for the Superior Court and calendar 1994 data for the three municipal courts (MRET through November only).

### **C. Court Coordination Impact**

The San Joaquin County courts took an innovative step forward in 1993 by piloting the "court coordination" process, which modifies the handling of felony cases. The usual practice had been for felonies to be heard first in the municipal courts and then bound over to the superior court. The case had to be filed in each court, and each court kept its own records on it.

However many felony defendants are willing to plead almost from the first. In the old days the plea would have to be sent to the superior court for sentencing anyway. San Joaquin County courts now allow the municipal courts to accept a plea from, and impose sentence on, felony defendants, freeing the superior court from hearing the case at all. Only the felony cases where there was not a plea would go to superior court, in particular those headed for trial.

The second part of the coordination program applies to "trailing misdemeanors." Many defendants come in with a number of charges of varying levels. Under the old system, a defendant with both felony and misdemeanor charges would have the felonies heard in the superior court and the misdemeanors in the municipal court. Now when a felony level defendant is adjudicated by the superior court, any trailing misdemeanors are adjudicated and sentence imposed at the same time and the case need not be returned to the municipal court.

Finally, for a few complex felonies (capital/life cases, plus some with multiple or notorious defendants) the superior court accepts the filings directly after arraignment, so that the municipal courts are relieved of practically the entire load.

The administrative load on the municipal courts was not changed much by adding felony sentencing because they were arraigning all felonies anyway, and they were spared the burden of dealing with trailing misdemeanors. The superior court, on the other hand, saw a dramatic drop in felony filings and, consequently, in its administrative and record-keeping burdens. Adding the trailing misdemeanors did not increase the load much; they can be easily adjudicated at the same time as the felonies because they are adjuncts to the same criminal act.

#### **D. Municipal Courts**

San Joaquin County has three municipal courts. The largest, in Stockton, has 7 judges and a commissioner; the Lodi court has 2 judges; and the Manteca-Ripon-Escalon-Tracy court (MRET) has 3 judges and a commissioner. Commissioners relieve judges' loads by dealing with the very numerous but simple traffic, parking, and other infractions.

As expected, the Stockton court has by far the largest volume of cases. In 1994 there were 3300 felony filings, 9700 non-traffic misdemeanors and infractions, and 58000 traffic misdemeanors and infractions (excluding parking). MRET had about a third as many non-traffic cases, and Lodi, about half of MRET. However MRET and Lodi are not so far behind in traffic filings. Figures 5.1 - 5.3 show filings for 1994 and the two prior fiscal years. The numbers fluctuate and it is difficult to detect a clear trend, but it is reasonable to expect that over the long run filings, especially for traffic, will more or less follow the growth of population in the county. (In the short run the filings are strongly influenced by law enforcement priorities.)

FIGURE 5.1  
MUNICIPAL COURT FILINGS  
FELONY FILINGS

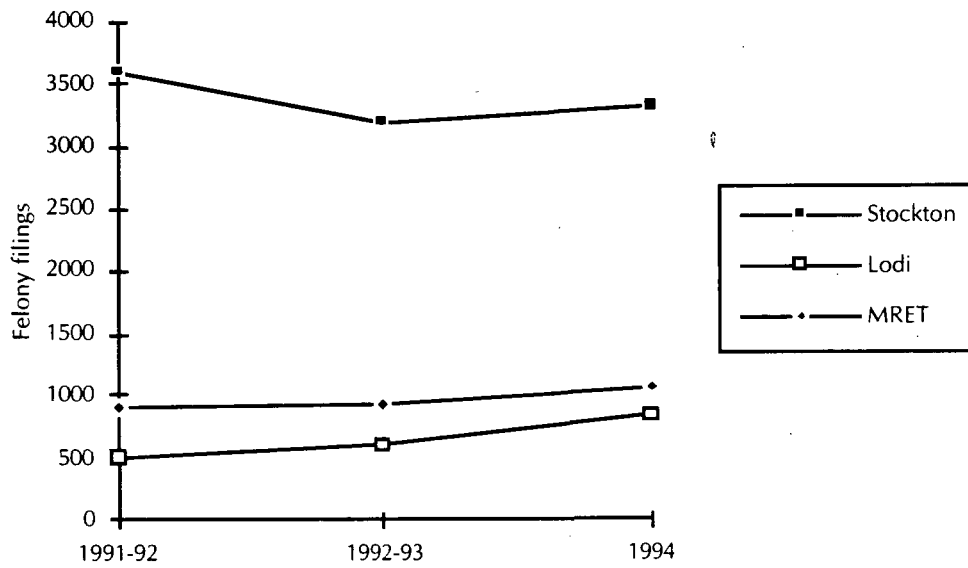


FIGURE 5.2  
MUNICIPAL COURT FILINGS NON-TRAFFIC MISDEMEANOR/INFRACTION FILINGS

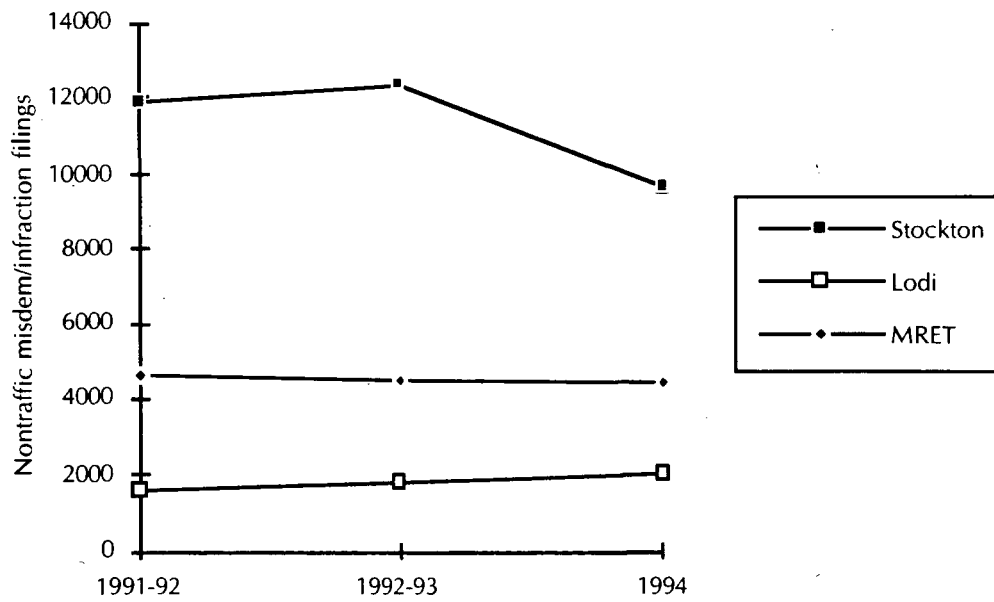
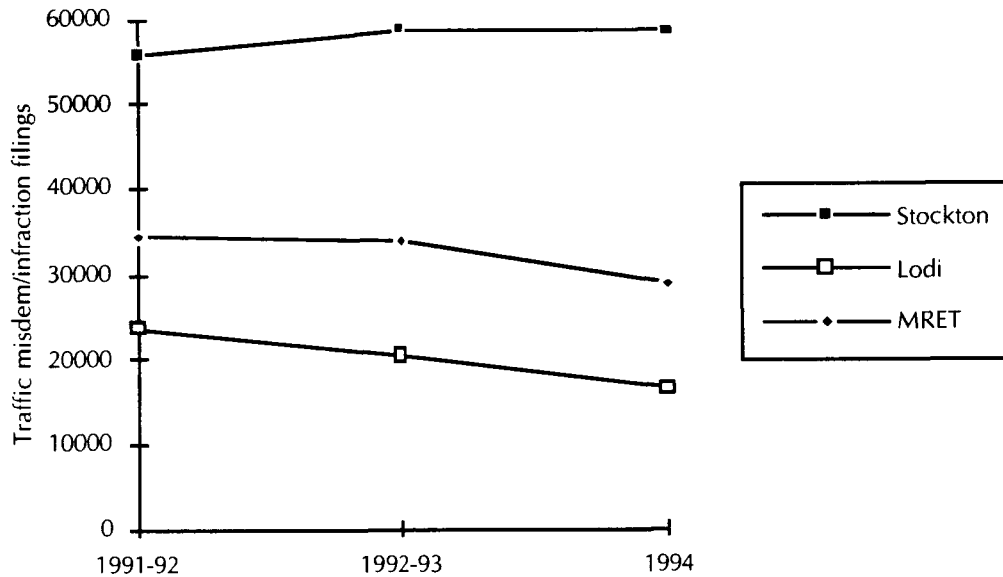




FIGURE 5.3  
MUNICIPAL COURT FILINGS TRAFFIC MISDEMEANOR/INFRACTION FILINGS



Comparative data is available for FY 1992-93. The Judicial Council groups municipal courts into 5 categories by the number of judges and makes comparisons within the groups as well as statewide. The Lodi court is in the smallest group (1 - 2 judges); MRET is in the second (3 - 4 judges), and Stockton is in the fourth (7 - 10 judges). The Council calculates the total numbers of cases awaiting trial and nonparking dispositions per judicial position equivalent (judges plus a fraction for commissioners).

In summary, here is how the San Joaquin municipal courts compare with others statewide:

- Stockton: Case load, 84% of state average; dispositions, 95% of group average.
- MRET: Case load, 70% of state average; dispositions, 91% of group average.
- Lodi: Case load, 101% of state average; dispositions, 97% of group average.

If all courts in a group were arranged in order of the workloads per judge, Stockton and Lodi would fall very close to the middles of their groups, while MRET would lie at the midpoint of the lower half.

Both criminal and civil cases are combined in the above figures. The San Joaquin County municipal courts had a slightly higher proportion of criminal filings (68% - 73%) than the statewide averages for FY 1991-92 and 1992-93 (66%)<sup>1</sup> and were thus not swamped with civil cases. Court consolidation meant that some misdemeanors were filed in the Superior Court in FY 1993-94, producing a drop in non-traffic misdemeanor filings in the municipal courts so that they fell to a criminal filing proportion of 60 - 64%. In the latest report, therefore, the statewide comparisons lose their validity.

The statewide average for criminal and traffic jury trials per judicial position was 7, though some (e.g. Sacramento) had many more. Stockton had 6, MRET 6, and Lodi 2; Lodi was nearly at the bottom of the state in that characteristic. In 1994 the criminal trials per position were Stockton 6, MRET 4, and Lodi 7, showing how the numbers can fluctuate for the smaller courts.

The patterns of the disposition of cases for the state in 1991-92 through 1993-94 showed that 14% of felony cases were dismissed, 39% pled in municipal court, 9% were reduced to misdemeanors, and 36% were bound over to superior court. The San Joaquin courts roughly followed this pattern, but with some exceptions:

- In FY 1993-94 the rate of felony pleas increased in all three courts. Stockton already had a much higher rate of felony pleas than the state, and MRET's rose to the statewide level.
- Through FY 1992-93 MRET had a much higher rate of pleas to reduced charges (20% - 25%), but it fell to 13% in the most recent year. Lodi and Stockton were above and below average, respectively, but the differences were not large.

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<sup>1</sup> Criminal filings as a percent of all filings less parking and traffic infractions, which are so numerous that they would overwhelm the other figures.

For misdemeanors, both traffic and nontraffic, the overwhelming majority of cases are disposed of before hearings. San Joaquin courts generally adhere to that pattern. The one way in which they differ is in the issuance of juvenile orders – dispositions in municipal courts of minor juvenile offenses such as traffic infractions without referral to juvenile court. The number of such orders statewide is very small, especially in nontraffic matters. The MRET court issued comparatively large numbers of juvenile orders: in 1991-92 it issued more non-traffic juvenile orders than any other court in the state, including Los Angeles, and about 10% of all traffic orders statewide. The numbers abated somewhat in 1992-93 and fell sharply in FY 1993-94. It is not clear whether there was a different policy in effect in the MRET court, or whether most courts simply do not bother to differentiate juvenile from adult infractions.

Although comparable statewide figures were not available, ILPP also examined the courts' 1994 records. Case inventories – the numbers of pending cases – are shown in Figures 5.4 and 5.5. For each court the inventory was higher at the end of the year than it had been at the beginning. The growth was gradual except for pending misdemeanors in the MRET court, which skyrocketed after July and had surpassed Stockton by September. The increase is due primarily to an increase in filings, as the numbers of dispositions was fairly steady. ILPP has not been able to determine further the reason for that remarkable spurt of cases.<sup>2</sup>

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<sup>2</sup> One of the municipal court judges fell ill in October and had to cut back, but the increase in inventory began before that time and the number of dispositions dropped only a little in November.

FIGURE 5.4  
FELONY BACKLOGS

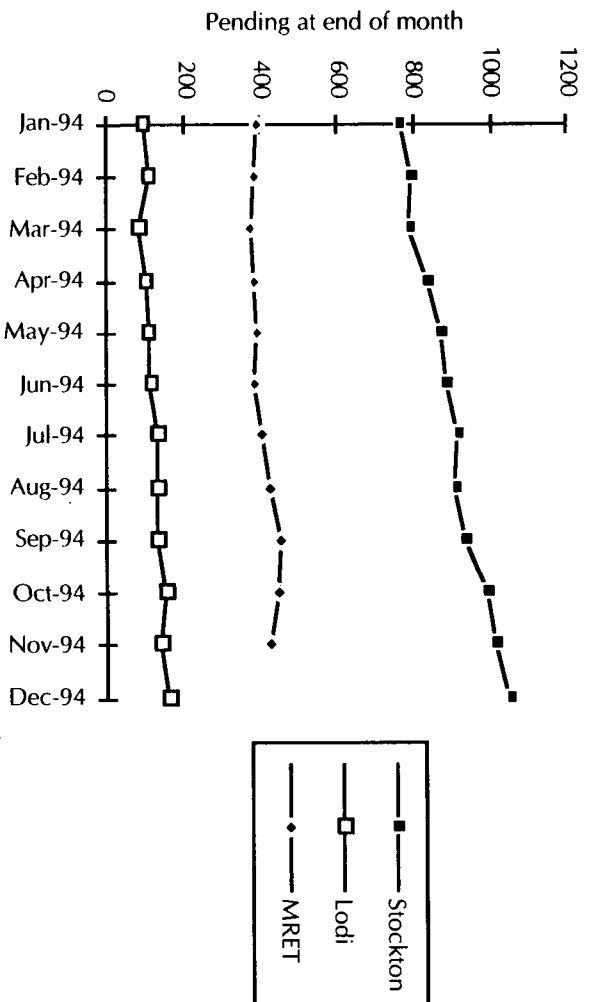
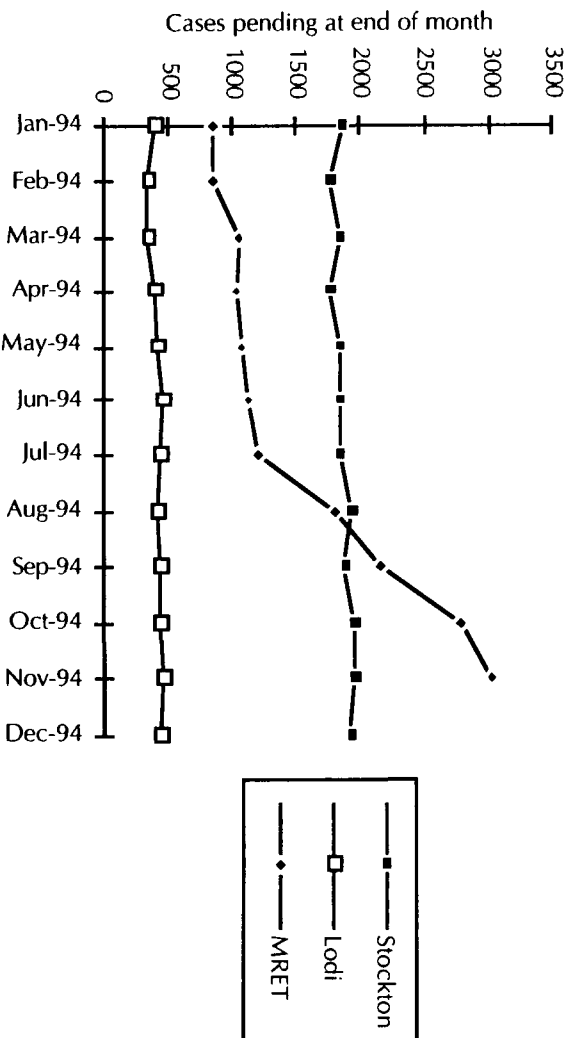


FIGURE 5.5  
MISDEMEANOR BACKLOGS



Finally, the state has established standards for the time to dispose of cases. For felonies, since they will not be tried in municipal court, the standards are short: 90% disposition within 30 days and 100% disposition after 90 days. For misdemeanors the lower figure is the same, but because of the possibility of trials the 100% disposition is set for 120 days. A flaw in the standards is that there is no distinction made between in- and out-of-custody cases, though the former impose much higher costs on the county and should be given priority.

The San Joaquin courts did not meet any of the standards in 1992-93 or 1993-94, but neither did almost any other municipal court in California.

In comparison with what was actually attained by the courts statewide, the Stockton court generally surpassed the averages. Lodi did so also except for some long-running felonies in 1992-93 and misdemeanors in 1993-94. MRET was a little better than the misdemeanor averages in 1992-93 but was considerably below average in 1993-94 and in felony dispositions both years.

In summary, the Stockton and Lodi municipal courts have about average caseloads for courts of their size, and are managing to keep up with the workload. Nothing about the data appears to be unusual in the context of statewide performance save that they are doing a little better than the average.

The MRET court, in contrast, stands out in several ways. It has a somewhat lower than average caseload, yet in dispositions it is considerably slower than the average. The felony plea rate is low but the rate of pleas after reduction to misdemeanors is high. It could be that the police in those cities are overcharging, or on the other hand the MRET judges may be more flexible in negotiating plea bargains.

The MRET court also displayed the peculiarity of issuing large numbers of juvenile orders, but the significance of that fact is unclear, especially as the number fell by two-thirds in the latest year.

Finally, it should be noted that court caseloads fluctuate and the observations made here may not hold over a longer period of time. As mentioned earlier, a few complex cases can prove disruptive to a court's schedule for a while. The number of jury trials fluctuates considerably and has a similar effect.

## E. Superior Court

Besides juvenile and felony cases the superior court hears a wide variety of civil matters, including family law, probate, guardianship, and eminent domain as well as general civil cases. The San Joaquin Superior Court is divided into two sections. There are two juvenile court judges who deal with both delinquency (crime) and dependency (not criminal) cases. All other matters both criminal and civil are assigned to the remaining 11 judges.

Judicial workloads are thus not determined solely by criminal proceedings, and there is no easy way to distinguish the relative amounts of work going into the two categories. In particular it cannot be done by the relative numbers of filings. Felony filings are only about 15% of the statewide total, yet felony cases are estimated to require nearly half of the total judicial effort.<sup>3</sup>

Because of court coordination which redistributes effort between the municipal and superior courts, the number of felony filings in superior court has decreased, from over 3400 in 1991-92 to 1900 to 1300 in 1993-94. The judicial effort required has not decreased proportionally, since under the old system the judge would merely have had to impose sentence on a defendant who had already pled, a very simple job relative to the resolution of a contested case.

Some comparisons can be made between the superior courts in San Joaquin County and the total of all superior courts in California for 1991-92 through 1993-94. In 1991-92 San Joaquin County had many more than the average number of felony filings per judicial position.<sup>4</sup> In 1992-93 that fell to about the statewide average, and in 1994 it was two-thirds of what the state had. Month-to-month filings since July 1993 have been relatively steady.

The problem in interpreting this datum, of course, is that under court coordination comparisons against statewide caseloads are no longer meaningful since about half of the felony cases are not filed in Superior Court. Many of California's counties have not coordinated their courts so there is not a uniform basis for comparison.

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<sup>3</sup> The formula devised by the Judicial Council – weights cases by the relative amount of effort required, but was developed before court coordination.

<sup>4</sup> Judicial positions are the numbers of judges plus a fraction for referees and commissioners, as well as an allowance for judicial vacancies and temporary judges. Statewide these corrections add about 10% to the actual number of judges, but for San Joaquin they have little impact.

There are also time standards for case disposition. All felony cases should be disposed of within one year after filing. That is an optimistic standard since capital cases or those with a number of defendants can take a long time to conclude. In practice not many courts are able to achieve the standard - only three small counties managed it in 1992-93. The statewide average was 94%, and San Joaquin reached 97%. In 1993-94 the county again disposed of 97% of the cases within one year.

Here the impact of court coordination can be circumvented. Before coordination the early pleas would have been included in the filing numbers. Since they take very little time to handle, the percent of filings disposed in less than a year would have been even higher. But San Joaquin County is already above the average in timely dispositions even without the benefit of those early pleas. In short, it appears that the San Joaquin Superior Court is doing quite well in terms of resolving adult felony cases in a speedy fashion.

Jury trials consume a great deal of time and resources relative to case disposition by plea. In 1991-92 and 1992-93 San Joaquin County conducted 77 and 88 jury trials, respectively. In FY 1993-94 the number had risen to 104. The statewide averages of jury trials per judicial position were 5.1 and 5.7 for the two earlier years; for San Joaquin they were 6.0 and 6.8. The numbers of jury trials are partially a measure of the skill of the judges, prosecutors, and defense, but also reflect the defendants' willingness to plea-bargain. With the advent of the three-strikes law the outlook is for a substantially increased number of felony trials, since three-strikes suspects have no incentive to bargain and have nothing to lose by risking a trial.

The Superior Court is also the juvenile court. Two judges handle juvenile matters exclusively. Here again there are criminal (delinquency) and civil (dependency) cases. Delinquency cases are divided into "original" and "subsequent" filings; original filings occur when a juvenile first appears before the court and subsequent filings are when he or she is brought back for a new offense. Statewide the original filings outnumber the subsequent filings by about 50%, suggesting that many juveniles do not return to juvenile court. The same is true in San Joaquin County except that the ratios are lower: San Joaquin has a problem with juvenile recidivism.

The total of juvenile filings in the three year period were: FY 1991-92, 1748; FY 1992-93, 1799; FY 1993-94, 1949. The jump in the last year came entirely with a large increase in original filings. Total juvenile filings increased steadily throughout the last fiscal year. The Judicial Council does not collect statistics on the time required for disposition of juvenile cases, nor does it publish caseloads per juvenile court judge, so no comparisons can be made.





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**N. BUDGET & STAFFING**

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**DEMAND ANALYSIS**

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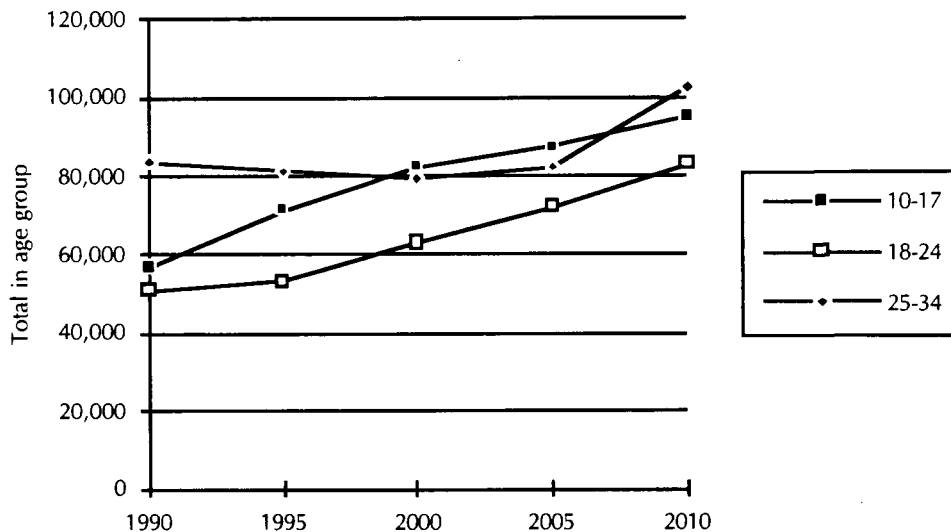
# N. DEMAND REPORT CHAPTER VI BUDGET & STAFFING DEMAND ANALYSIS

## A. Introduction

The population of San Joaquin County is growing. More importantly, the young population is growing. Figure 6.1 shows the projected population from 1990 to 2010 in three age groups: 10 - 17 (juveniles), 18 - 24, and 25 - 34 (figures from the California Department of Finance). Those are the groups most likely to be involved in criminal activity and to be arrested.

Except for a slight drop in the oldest group from 1990 to 2000 (the tail of the "baby boom" of 1946 to 1962) each group will increase by 15 to 20 thousand per decade, or a total of 46% over the 20-year period. This is the first force which will drive expansion of the county's criminal justice resources during the same span.

FIGURE 6.1  
PROJECTED COUNTY POPULATION



The following analysis is based on the assumption that San Joaquin County will not radically alter the rates of growth or allocation patterns of funding among criminal justice and other functions. It is a projection of current trends and does not pretend to reflect either the perceived needs of system elements or the actual availability of funds in the event of major state budgeting changes.

**B. Impact of Crime and Arrests on Demand for Resources**

Surprisingly, perhaps, the demand for criminal justice is not strongly dependent on the amount of crime. From 1981 to 1993 there was a 42% increase in the number of reported felonies in the county (Figure 6.2)(compare with a 43% increase in population over the same period) but a doubling of adult felony arrests (Figure 6.3). Most of the discrepancy lay in an enormous increase in drug arrests from 1985 to 1988 (crack cocaine, presumably).

FIGURE 6.2  
TOTAL CRIMES  
SAN JOAQUIN COUNTY

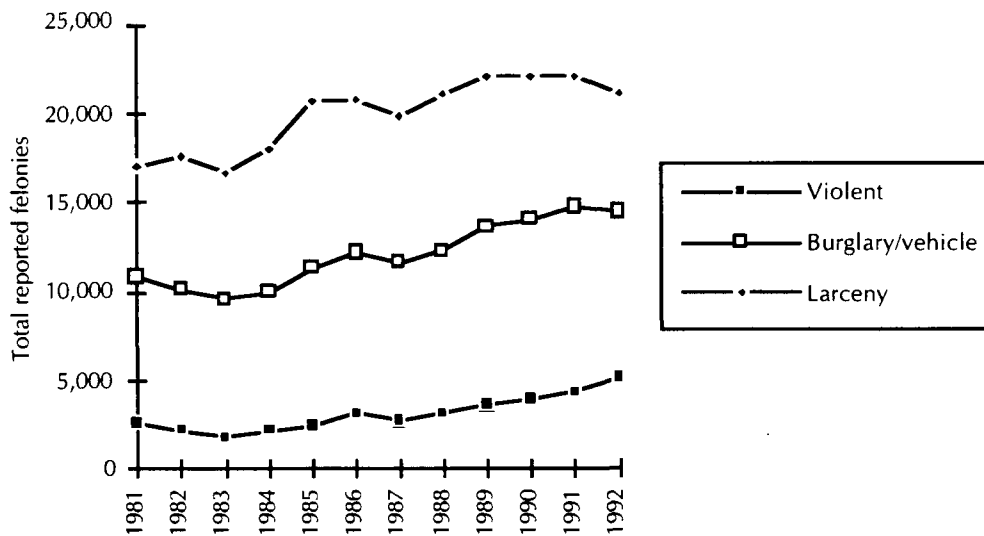
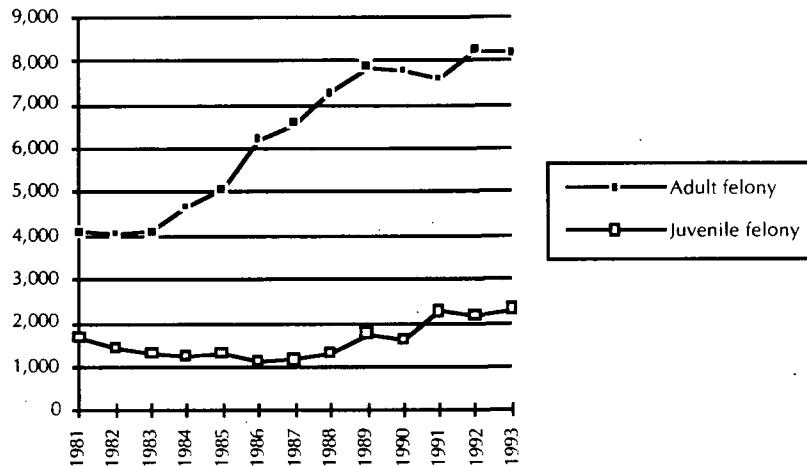
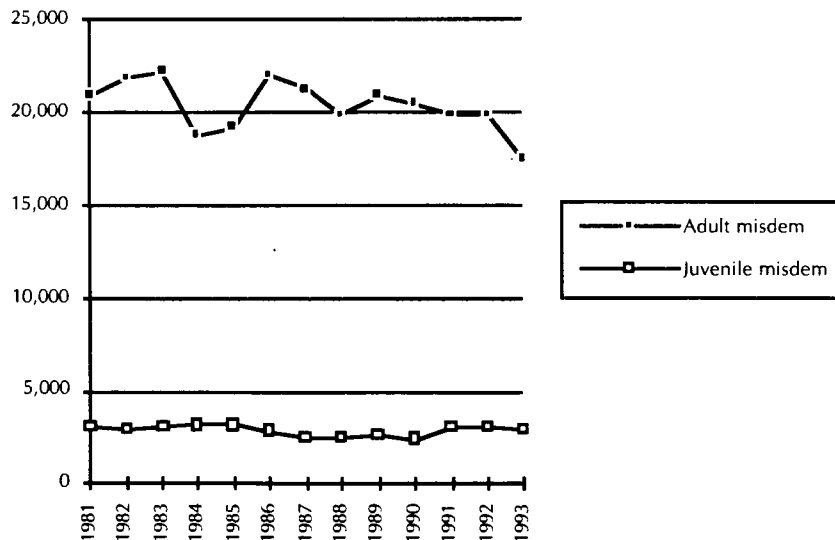


FIGURE 6.3  
FELONY ARRESTS



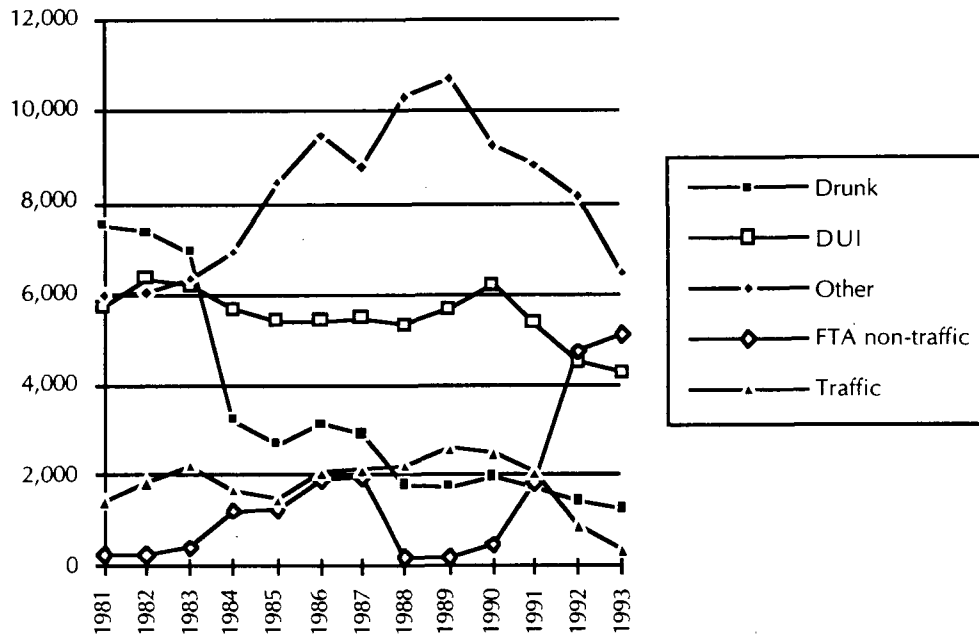
Misdemeanor arrests, which are more numerous but consume less in resources, actually fell during the decade. (Figure 6.4). Certain types of misdemeanor arrest fluctuated quite wildly (Figure 6.5).<sup>1</sup>

FIGURE 6.4  
MISDEMEANOR ARRESTS



<sup>1</sup> The recent explosive growth in arrests for Failures to Appear in court (FTAs) suggests the need for a more aggressive notification and reminder program.

FIGURE 6.5  
ADULT MISDEMEANOR ARRESTS



### C. Breakdown of Criminal Justice Costs

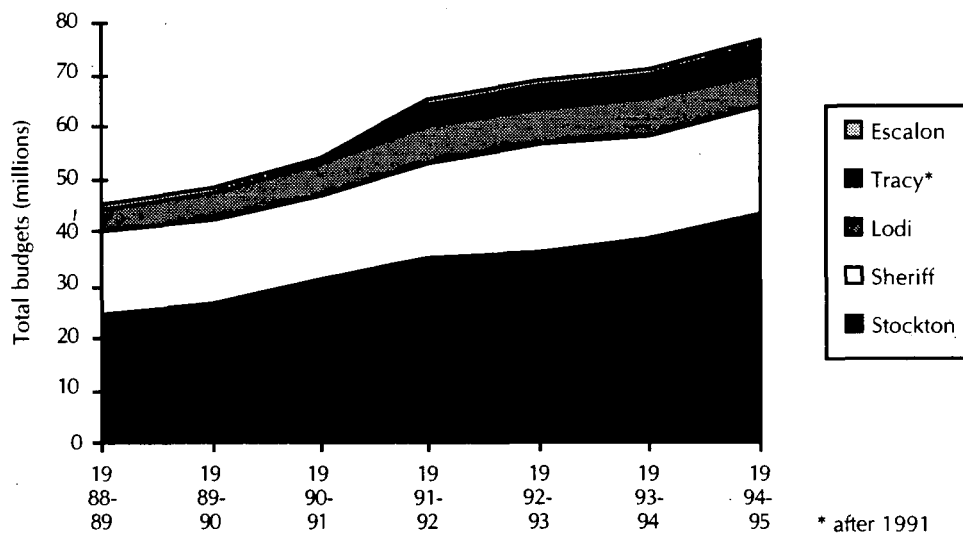
Criminal justice budgets can be grouped into seven categories: law enforcement, custody, prosecution, defense, courts, court services, and alternatives. Some of these do not correspond exactly to organizational structures. The Sheriff's operations are divided among law enforcement (patrol, detectives, etc.), custody (the jail), and court services, including civil. The marshals and the alternative dispute resolution program are also grouped with court services, as was CJIS when independently budgeted. "Defense" includes both the Public Defender's office and the contract for the court-appointed counsel. "Alternatives" is primarily the Probation Department but also includes the New Directions program.<sup>2</sup> Even though it is custody and not an alternative, the Juvenile Hall is retained with the rest of the Probation Department because of the close operational relationship.

<sup>2</sup> In the figures and tables on staffing and costs per employee the terms "Public Defender" and "Probation" refer just to those departments and do not include the court-appointed counsel or New Directions, which are unstaffed. Similarly court services per-employee costs do not include alternative dispute resolution or CJIS.

The police are the cities' most direct criminal justice agencies. In San Joaquin County the city of Stockton has by far the largest police force and makes a little more than half of all arrests. Lodi, Tracy, and Manteca have smaller forces, and Escalon and Ripon have smaller forces still. The Sheriff provides law enforcement services to the unincorporated parts of the county and, by contract, to the city of Lathrop.

The amount budgeted for all city and county law enforcement in 1994-95 is nearly \$80 million, which exceeds the cost of all other system elements.<sup>3</sup> Stockton bore the brunt of the expenses (Figure 6.6). Police are also the largest component of the cities' general operating fund budgets (Figure 6.7).<sup>4</sup> With Stockton and possibly Lodi there is an ominous steady creep in the police share of the budget, meaning that other city activities will be squeezed out if this trend continues.

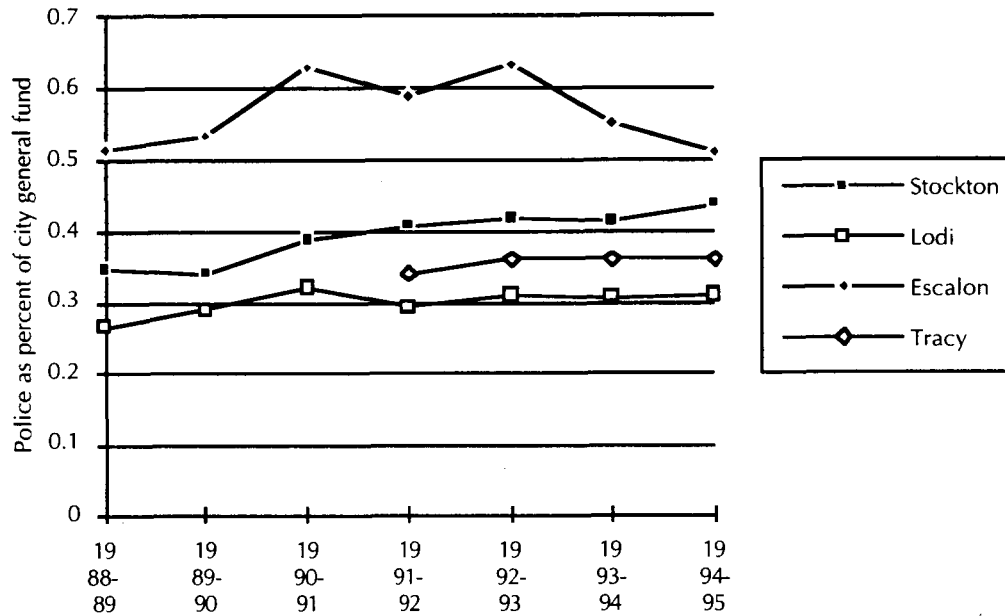
FIGURE 6.6  
LAW ENFORCEMENT COSTS COUNTY AND CITY



<sup>3</sup> Figures for Manteca and Ripon were not available, but in FY 1992-93 they were approximately the size of those for Tracy and Escalon, respectively, according to the State Controller. The figures for Lathrop are available but would be too small to show clearly in the figure and are included in the Sheriff's budget.

<sup>4</sup> General operating funds exclude designated special purpose funds such as gas tax money for roads, and revenue-generating "enterprise funds" such as public utilities. Capital expenditures and debt service are also omitted.

FIGURE 6.7  
CITY POLICE EXPENDITURE



All other justice functions are carried out or at least paid for by the county government. Figure 6.8 shows the major categories of expense.<sup>5</sup> (It should be noted, however, that the court costs include both criminal and civil functions. The courts do not separate their budgets in this way, but if half is civil then the total in 1994-95, for example, would be reduced by \$7 million to yield criminal justice costs only.) Figure 6.9 shows the county share of justice costs as a fraction of the county's general fund.<sup>6</sup>

<sup>5</sup> Note that Sheriff's law enforcement appears in both Figure 6.6, Law Enforcement, and Figure 6.8, County Expenses.

<sup>6</sup> About 80% of the county's half-billion dollar budget is supported by the state and federal governments or by charges for service, leaving \$102 million for the county to pick up. The two largest departments – health and welfare – are mostly subsidized. So are a number of justice activities, particularly court costs, so that while the total county justice cost in 1994-95 is authorized at \$94 million, the net county cost of justice is only \$53 million, or half of the County's total general fund obligations..

FIGURE 6.8  
JUSTICE EXPENDITURES / COUNTY EXPENDITURE

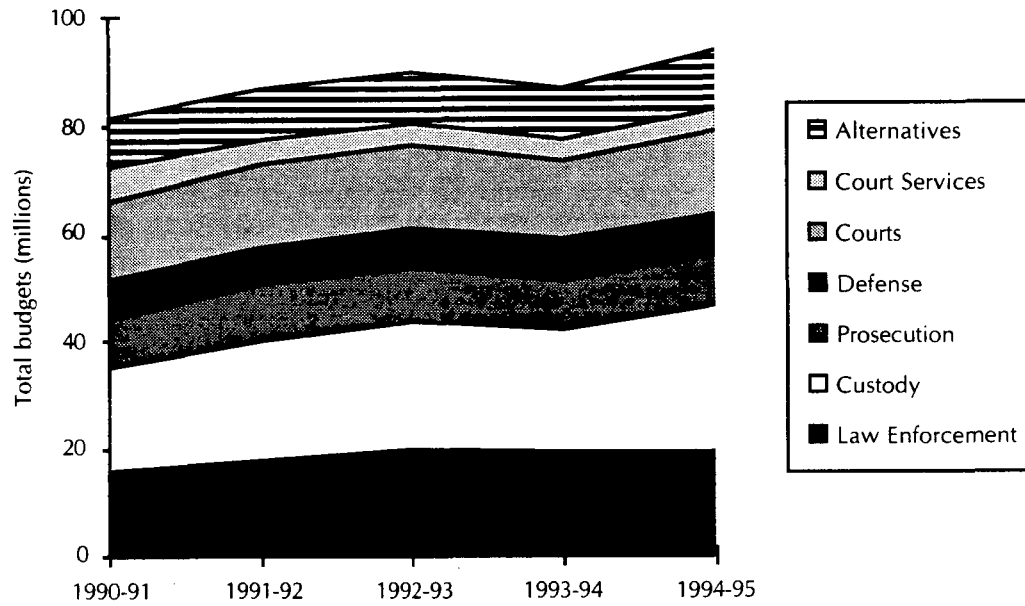


FIGURE 6.9  
LAW AND JUSTICE EXPENDITURE

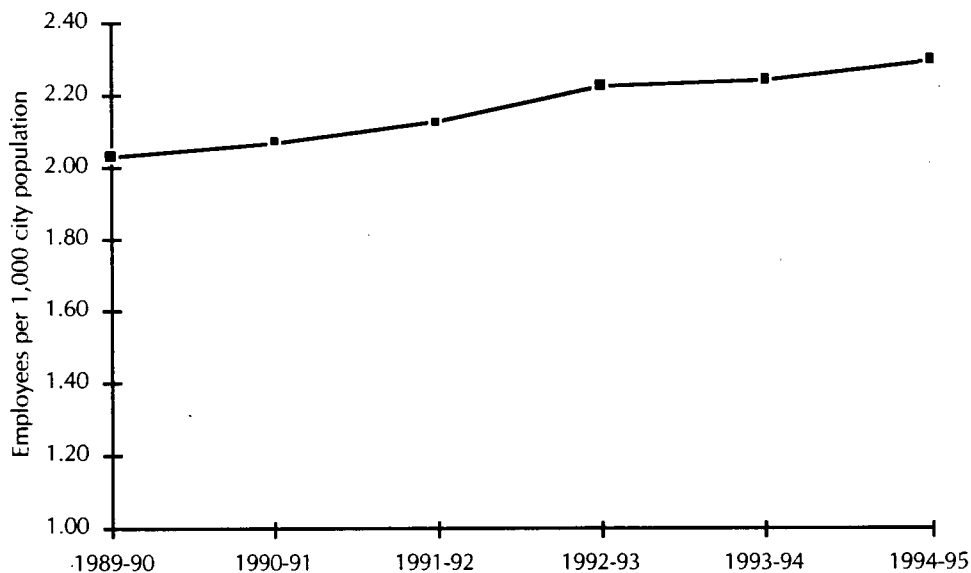


## D. Future Criminal Justice Costs



An assessment of future needs requires making some prediction as to how the costs may increase over the next decade or so. Each function and agency is different. Stockton, with the most concentrated crime problems in the county, has been steadily increasing the size of its police department. Between FY 1989-90 and FY 1994-95 the per capita staffing grew from 2.03 to 2.29 per 1,000 city residents. (Fig. 6.10) The cost per employee has also risen. Because the city has made crime a priority, and because chartered cities have some flexibility in obtaining revenues, it is expected that Stockton will be able to continue the trend for at least a few more years. At that rate a police budget of \$55 million by 2000 and \$70 million by 2010 seems likely.

FIGURE 6.10  
STOCKTON POLICE DEPARTMENT PER CAPITA STAFFING



Growth of the police in the other cities is somewhat slower. In Lodi and Tracy it has been flat (as a percent of the general fund) for the last few years, while in Escalon it has fluctuated. The police budgets for Lodi and Tracy could easily approach \$7 and \$6 million, respectively, by 2010.

Law enforcement by the county, taken as all Sheriff's activities except the jail and civil and court services, will probably not grow as fast as it will in the cities. The cities have faster population growth, they can and do annex adjoining areas, and they have more funding flexibility than the county. However some of the Sheriff's law enforcement duties such as the coroner serve a countywide population and need to keep pace with total demand.

Custody, which is mostly the jail, has been increasing at a much faster pace, and overtook the balance of the Sheriff's department several years ago.

Growth of the Juvenile Hall has been much slower despite an increase in serious juvenile crime, perhaps because the Hall is a part of the Probation Department, whose fortunes have not prospered in that period.

All other criminal functions – courts, prosecution, defense, and alternatives – have been restricted by fiscal limitations to a very moderate rate of growth in the last few years. The District Attorney seems to be "stuck" at about the FY 1990-91 level if the rapidly-growing Family Support division is excluded. The Public Defender has had a little more luck at increasing funding, but the court-assigned counsel (around half as much as the Public Defender's budget) has scarcely moved. The courts themselves grew from FY 1989-90 to FY 1991-92 and then had to retrench slightly. Court services (Marshal's and Sheriff's) followed the same pattern as the courts.

Alternatives, which are mainly probation, less the juvenile hall, has been similarly frozen for the last several years. The only growth here came with the inception of the "New Directions" program (not part of probation) in FY 1993-94.

### **E. External Influences on Local Costs and Demand for Resources**

Despite the uncertainties it would be possible to make "reasonable" projections of the funding for these county-funded activities were it not for several major imponderables. The first is the state budget. The state mandates services, but need not fund them, and it has instituted permanent ongoing withholding of tax money from the counties in order to balance its own budget. It purports to balance the withholdings with extra funding of a different type, but the formula by which it has allocated the increase in recent years returned to San Joaquin only about half of what it took away in the first place.

The sums are very large – tens of millions of dollars each year. The County Administrator estimates a loss of \$88.8 million already (FY 1990-91 through FY 1994-95) and perhaps a further loss of \$23 million in FY 1995-96, though the precise amount could change dramatically as the new budget works its way through the legislature. Since the county's own share of its budget (i. e., after deducting categorical state and federal grants) is only about \$100 million, and two-thirds of that is for mandated services, \$23 million would be an unacceptable shortfall.

If the process of state appropriation of local revenues continues, as is threatened, the county will not have the money to deliver mandated services. Drastic cuts will have to be made, and it is impossible to foresee where they will fall. The shortfall in county funding could be of the order of a quarter of the general fund.

There are other state mandates as well. Not all are deleterious. Court coordination seems to be on its way to statewide implementation. That should have less of an impact on San Joaquin than on some other counties since coordination is already well under way; and the point of it is to increase court efficiency. But the final impacts are yet to be seen.

The second problem is the federal budget. Although the federal government does not carry much responsibility for criminal justice at the state level, it occasionally inserts itself into the process. In the 1994 Crime Act there was funding to increase (for a few years only) the number of police but not to supplement the jails and courts needed to process any increased numbers of arrests, which could lead to system imbalance. However that part of the bill may be reversed by the new congress.

State and federal policies are capricious. Funding can be withdrawn, or, less frequently, added, and new requirements can be imposed. Both funding and mandates appear to be determined more by electoral politics than by system needs. The county must nevertheless operate in the face of large and unpredictable policy shifts that could render its plans unworkable.

One example of the effect of state mandates on local operations is the "Three-Strikes" law, which was made nearly impossible to modify with the passage of Proposition 184 in November, 1994. The local impact was scarcely discussed in the rush to pass the law, but as expected by most criminal justice systems professionals, and recently supported by research by the Legislative Analyst, the law has the effect of crowding the jails with those arrested on their second and third strikes. Even though in a great majority of cases the instant offense is not serious (e. g., theft) the arrestee is a bad risk for pretrial release because of the fear of absconding. Furthermore, the plea rate, especially on the third strike, has dropped essentially to zero, as the accused has nothing to lose by holding out for trial. (It is probable that "Three Strikes" will reduce the amount of crime somewhat – though by how much is a topic hotly debated by justice researchers – but the effect is likely to be gradual whereas the increased system demand is immediate.)

Jails become more crowded and the number of jury trials increases several fold as a result of the law. With limited resources facing a jump in demand, something has to give. The only loophole in the three-strikes law itself is that prosecutors may, against their usual practice, elect to charge serious offenses as misdemeanors rather than felonies and thus make the law inapplicable. The other possibilities include increasing the releases from jail of almost anyone who is not on the second or third strike; shifting judges from civil to criminal duty; and simply eliminating any service which is not mandated. The District Attorney is at this time attempting to assess the impact of "Three Strikes" on the county agencies.

In brief, "Three Strikes" and perhaps other future state mandates will accelerate the demand for criminal justice resources while state budget actions will reduce the ability to meet the demand. San Joaquin County, if it cannot get relief from the state, will be forced to make what would otherwise be unacceptable choices as to who it will investigate, arrest, put in jail, and prosecute. Ironically, the cities, who contribute 75% of the arrests, are through their charters somewhat less subject than the county to the whim of the state. Avoiding system breakdown will require close and patient cooperation between the cities and the county.

## **F. Criminal Justice Demand Projections**

Despite the major uncertainties just recounted, ILPP will venture budget projections on the following assumptions. The cities and counties will probably have to severely curtail or even terminate non-justice programs in order to continue operating the justice system in this fashion.

- City law enforcement efforts will continue, but Sheriff's law enforcement will slow down because of funding limitations.
- Growth at the jail will continue, but Juvenile Hall will not receive funds to expand its population
- The courts will not have the funds to expand much and will be forced to accommodate the increase in jury trials by neglecting civil cases.
- Prosecution and defense will also grow slowly, and will accommodate the increased workload by devoting less effort to each defendant.
- Probation will grow only slowly, if at all.

ILPP expects county justice system costs to grow from \$94 million in FY 1994-95 to \$110 million in 2000 and \$145 million in 2010. ILPP is not projecting the total county budget, but the net county cost of justice in 2010 will undoubtedly exceed its 52% share today. The Stockton Police budget will grow from \$44 million to \$69 million in 2010.

Using the expected available funds and the trends in costs per employee, ILPP also estimated the total staffing for the county departments and the Stockton Police Department. The county's justice workforce will grow from 1,310 to 1,451 in 2000 and 1,680 in 2010. The jail will remain the largest function, with 481 employees in 2010. The Stockton Police will grow from 532 to 688 employees by 2010.

The projected figures are, it should be emphasized, only estimates. It is not possible to project budget or staff with great confidence for many years into the future when there are so many potential interfering variables. Likewise they are **not** recommended values. Most department heads will immediately recognize that the resources will be inadequate to carry out their mandated functions. The projections are ILPP's picture of what is *likely* to happen, not what *should* happen.

FIGURE 6.11  
COUNTY CRIMINAL JUSTICE BUDGET PROJECTIONS

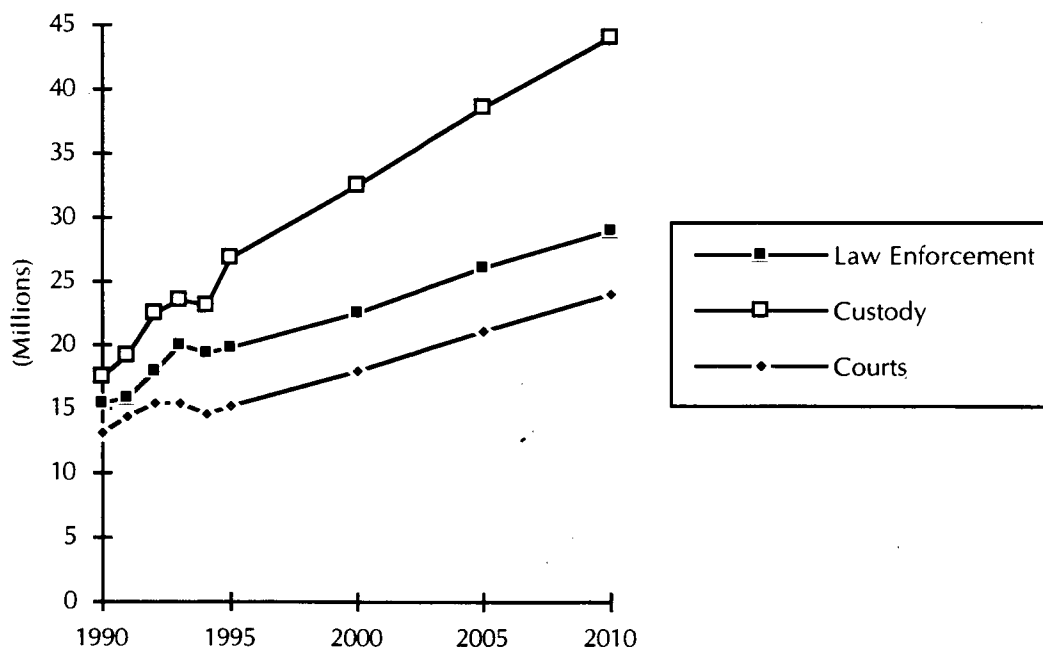


FIGURE 6.12  
COUNTY BUDGET PROJECTIONS  
JAIL, COURTS AND LAW ENFORCEMENT

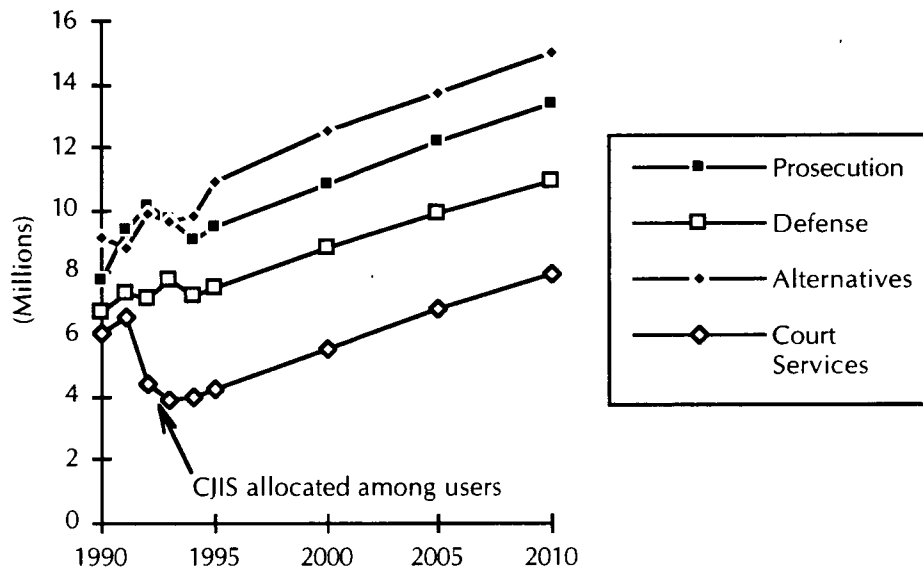
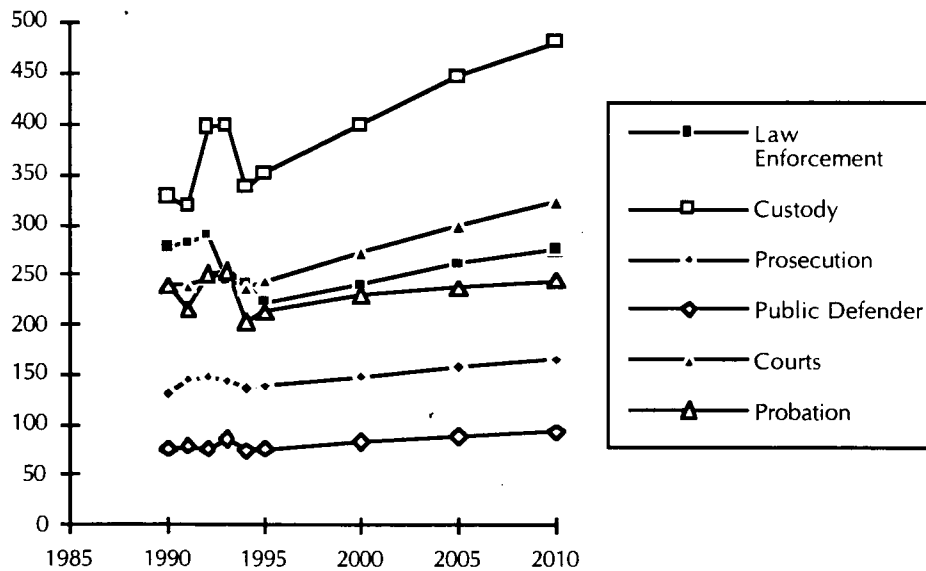


FIGURE 6.13  
PROJECTIONS OF CRIMINAL JUSTICE EMPLOYEES





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**O. FACILITIES DEMAND**

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**ANALYSIS**

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## O. DEMAND REPORT CHAPTER VII FACILITIES DEMAND ANALYSIS

### A. Introduction

This inventory provides an overview of the facilities currently occupied by the San Joaquin County departments identified as part of the Criminal Justice System. This chapter identifies major short-term and long-term facility issues.

#### 1. County Agencies

This facility inventory presents only information on county facilities; information about city or private facilities are not included. The county agencies addressed in this inventory include:

- Courts - Court Administrator
- Courts - Municipal
- Courts - Superior
- District Attorney
- Probation - Adult
- Probation - Juvenile
- Probation - Juvenile Detention
- Public Defender
- Sheriff's Department - Administration and Operations
- Sheriff's Department - Detention

#### 2. Previous Studies

San Joaquin County has conducted a number of studies in recent years addressing specific facility issues. Where relevant, these studies are cited.

##### *Juvenile Hall and Juvenile Detention System*

- "Program Description: Life Safety, Security and Functional Upgrades," Design Partnership, December 1993.

This study describes program requirements for life safety, security, and related operational upgrades at Juvenile Hall. These improvements did not address the safety and functional issues with the older units IV and V. Construction of these upgrades occurred in late 1994/early 1995.

- "San Joaquin County Juvenile Hall and Justice System: Description and Master Plan Issues," Mark Morris Associates, December 1993.

This study reviewed system trends, discussed intake/release and alternatives to detention, provided a profile, and reviewed programs and services. It also provided recommendations regarding the facility and operations and programs.

- "Recommendations for Modifications to the Security/Life Safety for San Joaquin County Juvenile Hall, " Robert Glass and Associates, Inc., June 1992. (Updated December 93 as part of the Mark Morris Associates report.)

*Downtown Office Functions*

- "San Joaquin County, California; Downtown Stockton Facility Master Plan, (Draft)," August 2, 1990. Steinmann, Grayson, Smylie.

This study addressed the facility needs of departments located in the downtown area for the years 1988 through 2005. It presented existing space allocations and recommendations; court and judicial position requirements; personnel and space requirements summary; and adjacency requirements. The findings of this study are summarized below.

TABLE 7.1  
PROJECTIONS OF THE 1990 SAN JOAQUIN COUNTY. MASTER PLAN

	1988	1990	1995	2000	2005
Population	451,415				
Staff*	1,877	2,262	2,602	2,849	3,079
Sq.ft.		561,500	621,500	680,000	725,000
Superior Court JEP**	11				21
Muni Court JEP**	11				27
Stockton Muni Court	8				15
MRET Muni Court	3.5				8
Lodi Muni Court	2				4
* All departments in study.					
** Judicial Equivalent Positions					

The study included six alternative facility plans. Graphics and spreadsheets were presented for each alternative. Alternative E was the recommended alternative, but the county has not acted on this report.

- Alternative A.
- Construct a new 150,000 NSF West building
  - Long-term utilization of approximately 70,000 NSF of lease/other space in downtown Stockton
- Alternative B
- Develop 80,800 NSF East Court Facility adjacent to the Courthouse Complex
  - Four floor expansion of the Canlis building
- Alternative C
- Develop consolidated County municipal court District in newly created North and South County Regional Justice Center (Lodi and Manteca)
  - Shift approx. 85,000 NSF of court and court support space to the new Regional Center
  - Construct a 110,000 NSF new general government facility within several blocks of the downtown Stockton Courthouse Complex
- Alternative D
- Reallocate all superior courts and the Stockton Municipal Court District into a new 240,000 NSF Justice Center located at Matthews Road
- Alternative E
- Maintain superior court in the Courts Wing building
  - Relocate all but the high volume non-criminal (Civil and Traffic) municipal court departments to a new 100,000 NSF Regional Justice Center at Matthews Road
  - Maintain Administration/Court building, Canlis building, new HSA building
  - Long-term utilization of approximately 135,000 NSF of lease/other space

- Assumes decentralization of court facilities will require approximately 30 additional staff.
- Alternative E-2
- Identical to Alternative E except that the Present Value life-cycle model assumed that only 10 of the anticipated staff would be hired by the county

Table 7.2 presents the staffing and space projections for those departments involved in the criminal justice system. Needs of the departments located at the jail center were not included in this study.

This study is also the source of diagrams used in this chapter to illustrate space needs in the downtown area; these are credited when used.

TABLE 7.2  
CJS DEPARTMENT STAFFING & SPACE PROJECTIONS

Department	Staff				Net Sq. Ft. Needed			
	1990	1995	2000	2005	1990	1995	2000	2005
County Clerk/Sup. Ct. Admin.	111	133	155	161	23,145	25,591	28,013	28,953
District Attorney/Investigations	21	25	28	31	3,848	4,339	4,753	5,146
District Attorney/Legal & Admin. Svs.	104	122	135	145	20,956	24,338	26,540	28,488
District Attorney/RA	23	25	30	34	4,707	4,951	5,607	6,125
District Attorney/RA	22	25	27	29	4,476	4,909	5,180	5,452
Law Library	2	2	2	2	4,026	4,704	5,570	6,101
Municipal Court/Stockton	11	13	15	17	31,734	37,227	42,876	48,368
Municipal Ct.Clk./Stockton Jud. Dist.	69	78	89	101	12,725	13,627	15,034	16,291
Municipal Court Clerk - RA	14	15	16	18	2,181	2,272	2,364	2,456
Municipal Court Clerk - RA	13	14	16	18	4,704	4,770	4,998	5,131
Probation-Adult	69	87	107	127	16,125	19,759	23,640	27,186
Probation - RA Adult Probation	21	25	32	36	4,740	5,218	6,177	6,782
Public Defender: Public Defender	89	108	133	161	18,436	21,686	26,429	31,448
Public Defender-RA	29	33	36	42	5,705	6,218	6,792	7,650
Sheriff: Court Services	24	28	32	34	9,985	11,466	13,910	16,066
Superior Court	14	17	20	21	43,628	52,061	61,815	64,984
Marshal	31	35	39	43	3,620	3,963	4,382	4,726
TOTAL	667	785	912	1,020	214,741	247,099	284,080	311,353

### ***Sheriff's Operation Center and Jail***

- "Schematic Design Presentation, Sheriff's Operations Center and Jail Complex," Dworsky Associates, Architects and Planners.

This study presents a master plan for the Jail Complex and Sheriff's Operations Center. The project, as originally designed, was comprised of a Sheriff's Operations Center and Jail Complex with 1,254 beds and supporting facilities, located on the county property on Matthews Road near Interstate 5.

Funding restrictions resulted in scaling back these plans to a facility with a rated capacity of 708.

- "San Joaquin County Jail Population Study," ILPP, September 1992. This study addressed jail crowding and facility problems.

It included a facility evaluation and remodeling options for both the Women's Jail and the Men's Jail, and also included a discussion of the potential for double bunking in the new jail.

### **B. Summary of Issues**

The following brief summary presents the major facility issues that will have either short-term or long-term impacts on the criminal justice system.

#### **1. Downtown Office Space**

The facilities in downtown Stockton occupied by the Public Defender, Municipal and Superior Court administration and support, and Adult Probation adequately meet current needs and will provide for short-term (five-year) growth and changes. Many of these spaces have been recently remodeled and provide attractive and efficient work space. The county has not yet identified how medium and long-range growth of these departments will be provided.

#### **2. District Attorney**

The space occupied by the District Attorney in downtown Stockton is not adequate for current needs and there are significant issues that must be addressed. However, the County is currently pursuing plans to relocate and increase the amount of space occupied by the District Attorney. When this planned expansion and relocation is complete, the major issues of the District Attorney should be relieved. Long range plans are not decided.

### **3. Courtrooms**

Only six courtrooms have direct access to holding cells and a secure elevator. Because the courts handle both civil and criminal cases, cases with in-custody defendants are heard in courtrooms without direct access to holding cells or secure elevator, requiring inmates to be moved through other courtrooms or through public corridors. Remodeling of the first floor of the Courts Wing has provided more secure inmate movement for some court departments.

Courtrooms are adequate for current needs, but additional courtrooms needed for medium and long-range time-frames cannot be met in the existing courthouse. The "Downtown Master Plan" completed in 1990 recommended that the long-range need for additional courtrooms be met by construction of a new facility at the Matthews Road site. Other alternatives considered construction adjacent to the existing Courthouse. The county has not decided on a long-range plan.

### **4. Sheriff's Administration**

The Sheriff's Administration and Operations Center adequately meets current and medium-long range needs. This facility was designed to meet needs of the department until the year 2010, and with a few minor exceptions, should allow for departmental growth for the foreseeable future. This department has a generous amount of space for training and assembly; these spaces are not generally shared because of lack of immediate adjacency to the departments located downtown.

### **5. Adult Detention (Jail)**

The new county jail opened in December, 1992. At that time, the Women's jail and the men's jail were vacated. The women's jail now houses a private drug treatment program; the men's jail is still vacant. The Honor Farm and a minimum security facility are adjacent to the jail. Adult detention presents several major facility issues: what to do with the old men's jail, continued use of the women's jail, and (depending on demand and funding) how to operate additional beds.

### **6. Juvenile Probation**

These facilities are adequate for existing departmental needs, although the building is old and there are some maintenance issues. Space for short-term growth from additional office staff is limited; medium and long-range plans for providing for future growth is not decided.

## **7. Juvenile Detention**

Juvenile Detention, because of recent budget cuts and staffing cutbacks, currently has more rated beds than are used. However, some of the vacant beds are in two older units of Juvenile Hall and recent engineering and architectural studies have identified fire/life/safety problems in these two units.

## **8. Records Storage**

Records management and records storage procedures are determined by the department. Some departments have adequate record storage space; some have significant problems. The county maintains a Records Warehouse, but is not accepting new files from most departments because of lack of space. A significant quantity of files are stored in spaces that could be used for office space.

## **C. Criminal Justice Facilities Overview**

The primary location for county criminal justice functions is either at the Matthews Road site or in downtown Stockton in one of three buildings in the Courthouse area. In addition to these primary locations, facilities and staff (either full time or part time) are located in Lodi, Manteca, and Tracy.

TABLE 7.3  
EXISTING FACILITIES INVENTORY

Downtown Stockton Area		Existing Net Sq. Ft.	
Adult Probation	Main office	Canlis Building/second floor	12,862
	Pretrial Services	Courts Wing/basement	3,500 *
Courts			
Superior Ct.	5 Courtrooms	Courts Wing/third floor	12,200 *
Superior Ct.	6 Courtrooms	Courts Wing/first floor	14,629
Superior Ct.	current & future Mediation	Courts Wing/third floor	2,026
Superior Ct.	Superior Ct. Clerk	Admin. Wing/third floor	14,298
Superior Ct.	"Extra" courtroom	Admin. Wing/fourth floor	1,413
Superior Ct.	Court Reporters	Admin. Wing/fifth floor	2,312
Municipal Ct.	5 courtrooms	Courts Wing/second floor	14,216
Municipal Ct.	Court clerk	Courts Wing/second floor	692
Municipal Ct.	Municipal Court Clerk	Admin. Wing/first floor	8,261
Municipal Ct.	Courtroom	Admin. Wing/first floor	2,380
Municipal Ct.	Traffic Courtroom	Admin. Wing/fourth floor	2,672
Law Library		Admin. Wing/fourth floor	4,094 *
Jury Assembly		Admin. Wing/basement	3,310
Grand Jury		Admin. Wing/sixth floor	1,900
Marshal	Locker room	Courts Wing/basement	2,800 *
	offices & holding cells	Courts Wing/second floor	2,490
Sheriff	Ct.Svs. (holding cells)	Courts Wing/basement	3,636
	Holding cells	Courts Wing/first floor	2,500 *
	Ct. Svs.	Courts Wing/third floor	462
Records Storage	Sup.Ct., Mun.Ct., DA.	Courts Wing/basement	7,500 *
District Attorney	Investigators	Admin. Wing/basement	2,200 *
	Main Office	Admin. Wing/second floor	13,468
	Consumer Fraud, etc.	Admin. Wing/second floor	4,000 *
VACANT	(future DA)	Admin. Wing/fifth floor	
Public Defender		Human Services Agency Building	21,856



TABLE 7.3  
EXISTING FACILITIES INVENTORY (CONT.)

Mathew's Road Site	Existing Net Sq. Ft.
Men's Jail (vacant)	45,000 GSF
Women's Jail (contract Drug Treatment program)	11,600 GSF
Juvenile Probation	NA
Juvenile Detention	NA
Jail	NA
Honor Farm	NA
Tracy Municipal Courts and office	2,700
Lodi Municipal Courts and office	2,448
Manteca Municipal Courts and office	7,812
* Indicates that square footage is estimated.	

### 1. Courthouse Area, Downtown Stockton

Criminal justice functions occupy space in three different buildings in the downtown area: the Canlis Building, the Human Services Agency Building, and the Courthouse, which consists of a Court Wing and an Administration Wing. When the Sheriff' Operations and Jail Complex and the new Human Services Agency Building were completed, space was vacated in the Courthouse. As a result, a number of spaces were remodeled and occupancy changed in the past few years. Significant additional changes are being planned.

#### *Canlis Building*

This building contains approximately 70,000 NSF. The only criminal justice department to occupy this space is Adult Probation on the second floor. Other occupants include Data Processing & Communications, Auditor Controller, Veterans Services, Personnel, Registrar of Voters, and Assessor, Recorder. There is a potential move of Public Administrator into this building.

#### *Courthouse - Courts Wing*

The four-story Courts Wing of the Courthouse houses only criminal justice agencies. These include holding cells, locker rooms, Adult Probation - Pretrial Services, Superior Court courtrooms, Municipal Court courtrooms, Municipal Court Clerk, Marshal and Grand Jury

### *Courthouse - Administration Wing*

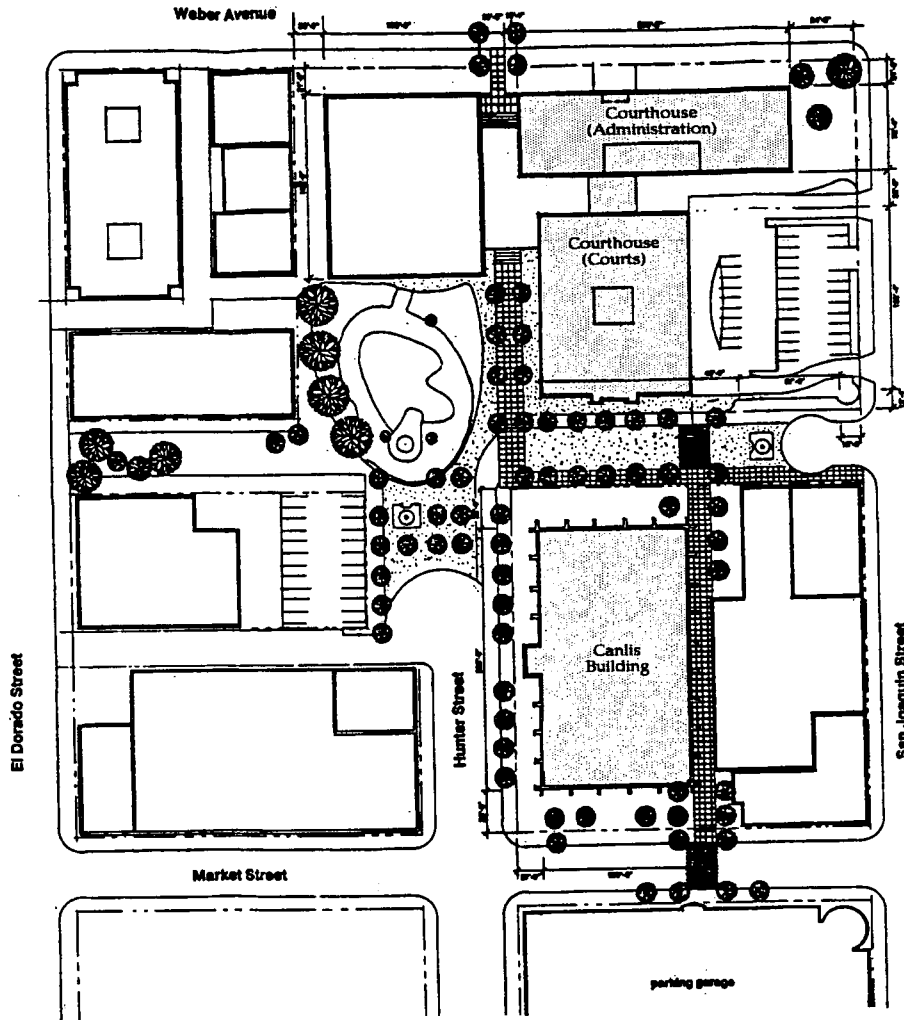
The eight-story Administration Wing of the Courthouse houses criminal justice departments in the basement through the sixth floor. These include Jury Assembly, Court Reporters, Municipal Court courtrooms and Administration, Superior Court and Administration, District Attorney, and Law Library.

Other occupants include General Services, Mailroom; Duplicating, Central Services, Capital Projects, General Services, Emergency Services, County Counsel, CAO, COB, Arts Council, and the Board of Supervisors.

### *Human Services Agency Building*

The Public Defender is the only criminal justice agency located in this building. The primary occupant of this building is the Human Services Agency.

FIGURE 7.1  
DOWNTOWN STOCKTON AREA<sup>1</sup>



<sup>1</sup> Steinmann, Grayson, Smylie.

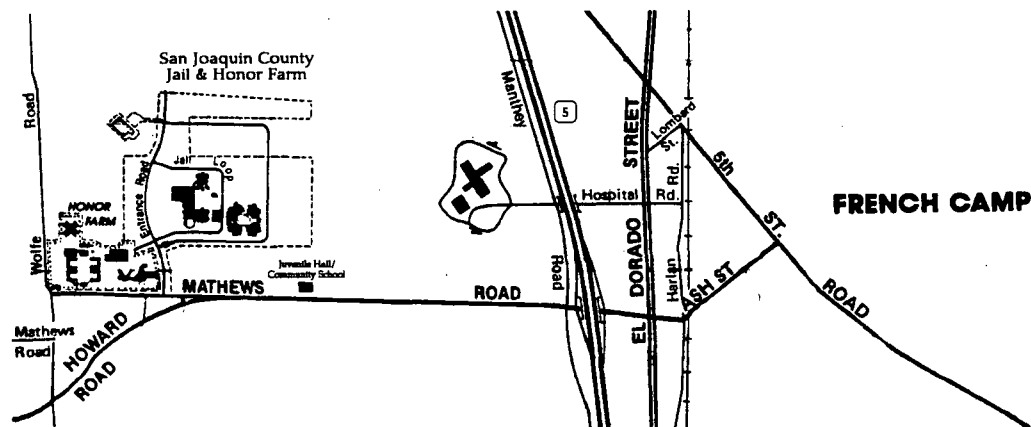
## 2. Matthews Road Complex

The Matthews Road Complex is the site for the County Jail, the Honor Farm, Sheriff's Administration, Juvenile Detention, Juvenile Probation. The building previously used as the Women's Jail now houses a drug treatment program; the building previously used as the Men's Jail is vacant. In addition to these criminal justice functions, the County Hospital and migrant family housing (provided by the federal government on land leased from the county) are also located on the site. A small cemetery was removed prior to construction of the new Sheriff's Operations and Jail complex.

The 370-acre site is approximately five miles south of Stockton, and is bounded on the east by Interstate 5 and on the south by Matthews Road. Extensive site studies were done in 1987 as part of the County's Master Plan for the Sheriff's Operations Center and Jail Complex. These studies addressed drainage, utilities, off-site traffic, and climatic conditions.

Figure 7.2 presents the overall plan of the site. More detailed discussion of the site and buildings is presented in the section dealing with each department's analysis.

FIGURE 7.2  
MATTHEWS ROAD COMPLEX



### 3. General Facility Issues

#### *ADA issues*

None of the departments identified problems with ADA compliance. Although there may be specific architectural features that are not in compliance with ADA guidelines, the county is generally addressing these issues as remodeling and other projects are completed.

#### *Parking and Public Transportation*

In general, parking is adequate for employees and visitors. At peak times, parking immediately adjacent to the agencies may be limited. Only a small percentage of staff carpool or ride the bus.

In the Downtown Stockton area, most employees must pay for their own parking; visitor parking is either on-street or in adjacent parking garages and lots. At the Matthews Road site, parking for both visitors and employees is available near the agencies.

#### *Maintenance Issues*

In general, there are few deferred maintenance or upkeep issues with these facilities. Specific issues are noted.

### D. Department Space Use Summary/Issue Identification

The following discussion presents a brief summary of the facility needs of each of these departments.

#### 1. Adult Probation

This section addresses the facility requirements of the Adult Probation Department. Juvenile Probation and Juvenile Detention are addressed separately.

The Adult Probation Division has staff in the following locations:

- Main offices, second floor of the Canlis Building
- Pretrial Services, Courthouse basement
- Pre-trial Services, Jail
- Probation Officers do provide services in other communities, although permanent county offices are not maintained.

### *Main Offices, Second Floor of the Canlis Building*

There are approximately 54 staff, including both clerical support and Probation officers. This office is staffed 8 am to 5 pm.

The main offices of the Adult Probation Department re-located to the Canlis Building in February, 1994, after thirty years in the courthouse. The move into the current space was planned by the county for approximately two years. There are currently two extra offices, now being used by student interns, and very limited space for any clerical expansion.

(The space now occupied was previously occupied by the Public Defender, who relocated to the Human Services building. The space vacated by the Probation Department is mostly still vacant - it is intended for occupancy by the District Attorney.)

Adjacency: The current location works well for adjacency to courts, but distance from jail does result in increased commuting time for staff members that visit jail regularly.

Records: The department uses CJIS for record keeping. All workstations have terminals. Typists have PC's. The records warehouse is used for closed file storage. Active and open files are stored in office with the assigned officers. Some are stored in extra offices.

Maintenance Issues: Although HVAC problems occur in a few offices, these are not major issues and Building Services is working to address any problems.

Parking: The department feels that a reserved parking space immediately adjacent to the building would assist in cases when a probation officer arrests some one (i.e., drug or alcohol violations) and needs to transport the client to the jail.

#### Special Space Use:

- Break conference room. Conference space is not large enough for all staff, but it is adequate for departmental needs.
- Vault (courier service transports money). Fiscal records are locked.
- Fingerprint table to take client fingerprints.

- Lab with male and female restrooms for drug and alcohol testing. The waiting area is adequate, except during reporting times, when clients are lined into the hall. There are approximately 25 chairs; at peak times, there can be up to 50 people waiting.

### *Other Locations*

Pretrial Services has two or three staff members located in the Courthouse basement and at the jail. They have at least one officer located in the Jail on a 24-hour basis. Adult Probation also uses space in other communities, usually space provided by the community police department.

### *Summary of Major Issues*

Downtown Stockton office space is adequate for current services and short-term growth. However, there is only minimal room for expansion or for housing any additional staff that might be funded in the future. Possibilities for meeting long-term growth include relocating Elections (giving Adult Probation adjacent space for growth) or expanding into leased space.

The current space layout does not entirely meet internal adjacency requirements of the department, but this does not present a critical issue.

## **2. Public Defender**

The main office of the Public Defender's Office is located in the Human Services Agency Building, a few blocks from the Courthouse. In addition, the Public Defender also has staff located at Juvenile Hall.

### *Main Office: Human Services Agency Building*

The main offices of the Public Defender occupy approximately two-thirds of the fourth floor of the Human Services Agency. In addition, a small waiting and interview space is provided on the ground floor of the building. This facility adequately meets the needs of the department. This department was relocated here in February, 1991, when the HSA building was completed. (Other occupants of this building are Human Services, Council of Governments, Employees Clinic, Aging, Family Services.)

Adjacency Issues: The Public Defender has some need for adjacencies to the Mental Health and courts hearing Dependency cases. Some staff inefficiencies result from this lack of adjacency.

Records and Computers: Records are stored in the office. Old files are put onto microfilm; although this process is somewhat behind because of recent budget cuts, the system works well. (All active juvenile records are maintained in the office at Juvenile Hall.) Most workstations are equipped with PCs; CJIS hookups are available at eighteen workstations.

Special Space Use:

- Library: The library is also used for conferences by interns
- Supply room
- Break room
- Interview and waiting areas

*Other Locations*

The Public Defender also occupies space at Juvenile Hall; two attorneys and two clerical staff are stationed there. This space is adequate for their needs.

*Summary of Major Issues*

The space provided by HSA is available until required by that agency to meet future growth. At that time, the Public Defender would have to vacate this space, and obtain new space; a potential space has not been identified.

**3. District Attorney**

The main offices of the District Attorney are located in the second floor of the Courthouse - Administration Wing. The department also has staff located on the fourth floor of the same building, and in the basement. Additional staff are located at the Juvenile Justice Center, and in other communities (Manteca, Lodi, and Tracy). The Family Support Division of the District Attorney's office is not addressed as part of this facilities review.

*Main Offices: County Courthouse*

The main offices are located on the second floor of the Courthouse. In addition, offices on the fourth floor house Environmental, Insurance Fraud, and Child Abductions divisions and offices in the basement house Investigation and Consumer Fraud.



The Department is scheduled to be relocated onto the fourth floor of the courthouse, and the offices on the second floor vacated (to be made available for Municipal Court Administration and the Law Library). Eventually the District Attorney would expand into additional space on the fourth floor. The plans to expand occupied spaces to the fourth and fifth floor have been under discussion for several years and have been delayed because the moves of the Public Defender and Probation Department occurred more slowly than anticipated.

The department has plans for an internal reorganization in January. The plans for moving to the new location take into account the new organization.

Records and Computer Use: 75% of attorneys have their own computer; every clerical has a PC. Records are retained in the main building for five years. Misdemeanor files are purged after five years; felony records are permanently retained.

#### *Other Locations*

Tracy: The Tracy DA office is located in a modular unit, shared with the courts and law library. There is no bathroom and the department uses the one in the adjacent courts facility. Two attorneys share one office, clerical space is small for the two clerical that occupy it. Inactive files are stored at the main office.

Manteca: The DA office in Manteca is currently located in modular unit. This space is adequate and it is not a priority to relocate these functions. Staff includes two clerical personnel and two attorneys.

Lodi: The Lodi facility is a private rented space. The space for both clerical and attorneys is adequate for privacy and space needs, although there are some problems with configuration and adjacencies. The county is exploring the possibility of relocating into a different facility. Staff includes two clerical and two attorneys.

Juvenile Justice Center: Two clerical and three attorneys are located here for juvenile cases. Space needs are met by current facility. Three attorneys are now stationed here; there is an extra office that is used as a conference room. File space is cramped.

#### *Summary of Major Issues*

There are a number of problems associated with current space use in the Stockton Courthouse. The problems should be solved when the planned remodeling and relocation is complete. Specific issues include:

- Inadequate interview rooms.
- No break room.
- Record storage problems. The department is currently keeping closed files in the main offices; these files have a significant impact on general appearance of offices and mobility through corridors.
- Conference space is limited; currently, a dedicated conference room is available only on the fourth floor.
- Police waiting room.
- Witness waiting room.
- SPD waiting room.
- Attorney offices: space limitations results in some attorneys sharing offices.

#### **4. Court and Court Support Functions**

Court and court support functions include Superior Courts, Municipal Courts, the Law Library, Grand Jury, Superior Court Administrator, Municipal Court Administrator, and the Marshal's office.

The main location for these functions is in downtown Stockton, in the Courthouse. In addition to downtown Stockton, there are Superior Court functions located at Juvenile Hall and Municipal Court functions in other communities in the county. The County is currently exploring video arraignment.

A downtown master plan, done by Steinmann Grayson Smylie in August, 1990, addressed needs of the courts. This report contains extensive information on projections and programming for future needs. The county has not taken formal action on the recommendations.

##### ***Municipal Courts***

The Municipal Courts have the eight courtrooms in the Stockton Courthouse. Three of these are located in the Administration Wing and five are on the second floor of the Courts Wing.

The Municipal Court Clerk is located on the second floor of the Courts Wing, and on the first floor of the Administration Wing. The space currently occupied by Municipal Court Administration on the first floor of the Administration Wing is planned for eventual conversion to two Traffic Courtrooms. Space now occupied by a Municipal Courtroom will be remodeled for Traffic Administration offices.

### *Superior Court Courtrooms and Court Clerk*

There are currently eleven Superior Court courtrooms in the Stockton Courthouse. These are all located in the Courts Wing, six on the first floor and five on the third floor. The courtrooms located on the ground floor are the most modern courtrooms in the county, and were recently remodeled to include cameras, recording equipment, and access to holding cells and elevators for secure movement of inmates.

Space previously occupied by Superior Court Administration on the third floor of the Courts Wing (now vacant) is being considered for conversion to three mediation rooms. One mediation room is currently located adjacent to this space.

In addition, planned remodeling will add an additional courtroom for the Family Support caseload, remodeling a space that was previously Sheriff's Administration and is now being used for records storage.

The County Clerk/Superior Court Administration is currently located on the third floor of the Administration Wing.

### *Grand Jury*

The Grand Jury currently occupies space on the sixth floor of the Administration Wing. The Grand Jury also uses multi-use space on the third floor of the Courts Wing (NSF are included with Superior Court square footage) These spaces are adequate for current and medium range growth.

### *Jury Assembly*

The Jury Assembly is located in the basement of the Administration Wing; space is generally adequate and there are no planned moves. When there is an especially large jury assembly, the assembly room in the Courts Wing is also utilized.

### *Court Reporters*

Court reporters are currently located on the fifth floor of the Administration Wing. They are scheduled for relocation to the basement of the Administration Wing, when the DA Investigator relocates.

### *Law Library*

The Law Library relocated to the fourth floor the Administration Wing; eventually they will relocate to the second floor of the administration building. The space they previously occupied was remodeled for Superior Court Administration as of December 1994.

### *Other Locations*

Courts are located in several other communities.

Tracy: Two modular units in this location provide space for the courts, Public Defender, and District Attorney. The two modular units share restroom facilities.

Manteca: The Manteca space is located in one modular building and has two courtrooms. A private residence was recently purchased and will be used to provide additional office space.

Lodi: The Lodi facilities include two permanent courtrooms; one is located in the city complex. Space for the Marshal is leased in adjacent space.

### *Summary of Major Issues*

The major issue with the courts is how to accommodate long range growth: through a gradual decentralization to Matthew's Road, or through expansion in the Downtown Stockton area. Adjacency issues with other agencies (whether they stay downtown or relocate) must be considered at the same time. Potential court consolidation could impact the decision of future facility locations.

Additional issues are court security and inmate movement, and continued use of courtrooms for traffic and civil functions in other communities outside of Stockton. There are restrictions to expansion of current facilities at all three locations.

## 5. Juvenile Detention

The county's Juvenile Hall is located at the Matthews Road site, and is comprised of a series of buildings built over a period of fifty years. (See Figure 7.2) The facility is currently licensed for 195, but budgeted for only 120. The department does not operate any facilities at any other location; there are no camps or ranches.

### *Units I, II, and III*

The primary housing units for Juvenile Hall are Units I, II, and III. Modifications to address security and life safety issues were started in late 1994. The remodeling of these units established a central control, an administrative segregation unit, and a booking unit. Detention spaces will be changed from key control to central control. The administrative segregation will consist of a 29 bed high risk maximum security unit.

### *Units IV and V*

The oldest portion of the building contains two units. One of these (Unit V) has been vacated completely and is not scheduled to reopen; the other (Unit IV) was used temporarily to provide 30 beds because of recent remodeling in the main units. Unit IV will close down when remodeling is complete. Although both units are still licensed, the Probation Department does not anticipate housing juveniles here. Because of the cost of remodeling these two older units, they have not been upgraded in terms of sprinkler systems and other functions. These requirements are identified in the report by Robert Glass and Associates, 1992.

### *ACTS Unit*

Soft unit/co-ed dormitory housing. This facility was completed in 1991 and has a capacity of 60, although occupancy is usually below that number.

### *Olympic Center*

The Olympic Center is used as the main meeting spot for the community work program. (In Lodi, participants may meet at the work site.) This program functions primarily in the summertime and after school for community service credit. Olympic Center is equipment only. Staff use it for electronic monitoring. These staff could be accommodated in other facilities.

### *Laundry and Kitchen*

Laundry and kitchen services are provided through contract with the county hospital. (The Juvenile Hall shut down its own operation of these functions. The department feels that this results in cost benefits because when the census is low, savings result. The spaces occupied by the laundry and kitchen are designated as part of Phase II remodeling and expansion.

### *Juvenile Justice Center*

The court portion of Juvenile Hall contains one traffic hearing room, and 1 Superior Court courtroom. Adjacent space provides offices for District Attorney, Public Defender, and County Clerk staff.

Transportation to downtown courtrooms is provided by Probation officers when needed, which results in occasional space and time management problems.

### *Summary of Major Issues*

Because of funding cutbacks, Juvenile Detention currently has more beds than they can provide staffing for. However, some of these currently licensed beds are located in Units IV and V, which have serious fire, life and safety problems. Previous studies indicate it is not cost effective to solve these problems by remodeling.

## **6. Juvenile Probation**

Juvenile Probation is located at the Matthews Road site in a building that was previously used for juvenile detention. Administration for the Probation Department overall is also located in this building. Programs provided by Juvenile Probation include court school, intake, screening and diversion, Project 654, investigation, supervision, and gang intervention. There are approximately 50 staff members located in this building.

The building was constructed in 1949 and was the original juvenile detention facility; juvenile probation moved in 1986. A metal building was added on in 1986.

Adjacency issues: Because the hospital provides food service, the adjacency is helpful. Transportation of juveniles is required because of the separation from the downtown Stockton courts.

The department uses an internal mail courier between Juvenile Hall, Probation, Stockton PD, Sheriff's Department, etc.

Records: The Probation Officer handling a case keeps active case folders. Closed files are sent to central file, and are kept until after close of jurisdiction. Files stored in the central archives are mostly administrative. All juvenile files are paper copies.

Some officers have brought in privately owned computers to do work. There are three clerical workstations with computers and two administrative workstations with computers (Unisys access and one terminal for CJIS).

Maintenance Issues: Facility problems include roof leaks; repairs have improved but not solved the problems. Asbestos was removed or contained when the building was remodeled for occupancy by Juvenile Probation.

Special Space Use:

- Library/form room.
- Large break room (28 seated); shared with Juvenile hall.
- Two conference rooms: large (seats 20) and small (seats 12).
- Restitution payments are done through cashier. A locked drawer is used, and deposits are made by courier.
- Registration/waiting is adequate with approximately 25 chairs.
- The department uses the adult probation lab for drug and alcohol testing.

Other Locations:

Juvenile Probation also has officers located at Manteca (1), Lodi (2), and Tracy (2). These staff operate with the cooperation of local police departments, and have offices located in the police departments.

*Summary of Major Issues*

Existing space is adequate for staff and functions. The department currently operates with probation officers occupying offices (most have private offices), and using interview spaces to meet with clients. Currently, there is one extra office and one interview space for expansion. Space to house long-term staffing growth has not been identified. Lack of space is not a short-term issue, as there have been no staff increases since 1988, and 32 staff were eliminated from the 1993-94 budget. If needed, officers could double up, rather than have private offices.

There is significant movement of juveniles by probation officers. Officers have cellular phones, but do not have "cage" cars; if necessary, cars can be borrowed from Juvenile Hall.

If additional staff are located in this facility, there may be some problems with adequate phone and electricity capacity.

## 7. Jail

A number of previous reports have addressed the county's detention needs. These studies address site and facility requirements, and include projections, schematic diagrams and illustrations. Among the studies conducted were the 1992 ILPP study; Fred Campbell Population Projections; and Dworsky Design Study.

### *Sheriff's Operations Center and Jail Complex*

San Joaquin County opened the new Sheriff's Operations Center and Jail Complex in December, 1992. Planning for this complex, which cost approximately \$20 million, started in the mid-1980's. The facility was originally planned as a 1240 bed pretrial facility, but when a sales bond measure failed (by 400 votes), the project was scaled back to a facility with a single-cell capacity of 708; forty medical beds increased the total capacity to 748 beds. The jail initiated double-bunking in 1994, and 100 bunk beds were on order as of December, 1994.



TABLE 7.4  
CURRENT JAIL FACILITY

Intake 1	66 Beds	Booking / Co-Ed
Intake 2	66 Beds	Booking / Co-Ed
Medical Unit	39 Beds	(No rated beds.) Attached to Medical Unit; includes step-down medical and psychiatric
Sheltered Housing	66 Beds	
6 General Population Units	64 Beds Each	
GP 1	64 Female	
GP 2	64 Protective Custody	
GP 3, 4, 5, 6	64 Beds Each (All Male/General)	
2 Administrative Segregation Units	63 Male Administrative Segregation	
	63 Co-Ed & Female Protective Custody (1 GP Unit was converted to Protective Custody after jail opened.)	

Medical and sheltered housing are in the only one-story portion of the building. The medical cells include psychiatric cells and observation cells. The five medical isolation cells are not rated jail beds, and the medical staff determines who goes into this unit.

### *Old Men's Jail*

This facility was vacated in 1993 when the new jail facility was opened. The rated capacity (1963 standards) is 356; the court-ordered cap at time of closure was 66. The 1988 Implementation Program and Master Plan calls for demolition of this building so the site can eventually be used as the location for the County Law and Courts Complex.

The 1992 ILPP study reviewed remodeling options for this facility. This included:

- A. Minimum fire and life safety upgrades
- B. Upgrade to 1990 BOC standards.

- C. Convert to an unlocked, direct supervision facility
- D. Convert only first floor to locked housing, 1990 standards
- E. Convert only first floor to unlocked housing

After reviewing capacity, cost, staffing and impacts of these alternatives, the ILPP report concluded that "the fire and life safety problems, as well as general conditions make it impossible to recommend continued use. The cost of solving these extensive problems would be great, without providing a significant number of new beds."

### *Old Women's Jail*

The old women's jail is an 11,600 gross square foot facility that was built in 1955. On completion of the new jail complex in 1992, women inmates were transferred to the new facility. At that point, BOC rated capacity was 64 (1963 standards), and the court-ordered population cap was 99.

The 1988 Implementation Program and Master Plan called for demolition of this building to make use of the site for future location of the County Law and Courts Complex. The 1992 ILPP study addressed two scenarios for this facility:

- A. Sentenced Men's Facility
- B. Unlocked Program Facility

The building currently houses a Residential Treatment Program operated by a private organization (New Directions) under contract with State Parole. The ADP under this program is 20-25.

### *Honor Farm*

The San Joaquin County Honor Farm consists of a number of barracks-type buildings. Currently, a number of these are vacant, due either to funding cuts or to transfer of functions to the new jail complex. The following table presents current use.

ABC units	ADAP - Day Treatment Drug and Alcohol program. These units were vacated by patrol when the new headquarters were constructed.
DEF	Vacated 93-94, because of budget cuts. Rated at 48, cap at 70

JKL	Barracks; Board rated @ 48 Can house up to 70 One barrack reopens in January Two others reopen in March
HI	Each rated for 70 Facility is closed because of funding cuts.
G	40-bed sentenced female unit Unit is currently closed. Sheriff would like to convert to women's honor farm.
JKL	Renovated 198; rated 48/48/46, respectively. Honor Farm
Unit I:	124 beds
Honor farm:	Rated a 47

### *Kitchen Facilities*

New kitchen facilities were not constructed as part of the new jail complex. Previous planning studies determined that a new kitchen facility would be required when jail capacity reaches around 1,600 to 1,700. The current facility is half dining and half kitchen. Current food preparation is provided through a contract with a private provider.

### *Other Locations*

The only other detention cells in the county are the holding cells in the Stockton Courthouse. The one large tank and nine individual holding cells frequently hold 80-90, and have held as many as 125.

## **8. Sheriff's Administration**

The Sheriff's Administration and Operations moved into the newly constructed facility in 1991. Among the functions located in this building are Sheriff's Administration, Patrol, Detention Administration, Civil, Records, Custody Office, and Coroner's Office.

When programmed, departmental needs through the year 2010 were considered. Although the original plans were modified for cost savings, the building size and functions remained as programmed.

There are no major problems with the existing use. Minor problems include an inadequate number of lockers (currently solved by some officers sharing a locker.) The office space was designed with an "open-office" layout; there are only three private offices (occupied by the Sheriff and two Chief Deputies). Although this has resulted in some problems with privacy/staff issues, small conference rooms are available.

Growth in the past four years, since moving into facility, has been less than was projected. Adequacy of the facility for the future will depend on funding, but there are no problems in foreseeable future. Although there are potential changes in merging the Sheriff's Office and Bailiff Office court-support functions, these would not have a significant impact on space requirements, either way.

The department does not currently have a firing range, and contracts with the City of Manteca to use their firing range for training functions. Plans for a new firing range are being discussed; the location identified is north of the Jail on county property.

Records: The Department has just started a "paperless" automated system for records. Field staff dictate all reports into a hand-held tape player, which is then transcribed by departmental staff. Additional information on the case (photos, fingerprints, etc.) is maintained in a paper file, and some reports (including child abuse, domestic violence, auto theft) still require paper forms. The department stores records both in the department and at the county Record Distribution Center, run by General Services. Record storage space is adequate at both locations for this department, in part because the county has a 10-year retention period for all but murder cases.

Special Space Use: Special space allocations are generous for this department, and allow for long-range growth. With minor exceptions, these spaces are not used by other departments. Special space use by the Sheriff's Administration includes:

- Meeting and small conference rooms
- Briefing room for patrol officers
- Training rooms and multi-purpose room
- Lab (photo and fingerprint functions)
- Communications center
- Central control for jail

- Holding cell
- Snack bar and break area
- Locker room (men's and women's)

Other Locations: The Court Supervisor (one staff member) is located in the Courthouse.

The County Morgue is located in a separate facility. (Offices for Coroner staff are in the Operations Center). This facility was remodeled and adequately meets current needs. The county contracts with private medical services for autopsies.

