

# San Joaquin County Grand Jury



## **Crime - Budget Cuts + AB 109 ≠ Safe Communities 2012-2013 Case No. 0912 – AMENDED REPORT 5/23/13**

### **Summary**

Crime is a serious issue in our local communities. Declining budgets have taken their toll on staffing throughout the law and justice system in San Joaquin County. The 2010-2011 Grand Jury issued a report titled *Budgetary Impact on Administration of Justice in San Joaquin County*, which provided an overview of crime in the County at that time and how budget reductions and staffing shortages negatively impacted public safety. Today, local newspapers continually report violent crimes. People are becoming more and more concerned about their safety. Even though the law and justice system is doing all it possibly can to protect public safety, countless issues are working against their efforts because of staff shortages and diminished resources.

The 2012-2013 San Joaquin Grand Jury (Grand Jury) studied the County's law and justice system in an effort to develop ideas to help reduce crime throughout the County. While the Grand Jury does not have the authority to change the system, it does have the responsibility to investigate, to determine findings, and to develop recommendations that could have a positive impact on the present situation. This report addresses three areas within the law and justice system: law and justice staffing, county jail capacity and law enforcement leadership.

Staffing has been reduced in all areas of the law and justice system. These reductions have negatively affected the level of all services provided. The Grand Jury is recommending the County and Cities adopt policies to increase law enforcement staffing.

The County Jail is overcrowded. In order to stay within a court-mandated capacity, inmates are regularly released before serving their full sentences. The Grand Jury recommends the County Board of Supervisors approve funding for much needed jail bed capacity, and that the approval include sufficient staffing to supervise the additional capacity.

San Joaquin County has talented people in leadership positions within the various law enforcement entities. However, the limited coordination between the different agencies must be increased. The Grand Jury is recommending that a committee be established to study methods and options to increase efficiencies in county-wide law enforcement.

## **Glossary**

<b>AB 109</b>	California Assembly Bill 109 passed in 2011 provided relief for overcrowding in State prisons; also known as realignment.
<b>AB 109 Inmate</b>	A person serving a sentence in the county jail that would have been in a State prison prior to AB 109.
<b>CBO</b>	Community Based Organization.
<b>CCP</b>	Community Corrections Partnership; the County group tasked with receiving and distributing AB 109 funds.
<b>CDCR</b>	California Department of Corrections and Rehabilitation.
<b>CHP</b>	California Highway Patrol.
<b>Court Cap</b>	The County Jail capacity that was set by the San Joaquin County Superior Court.
<b>DA</b>	San Joaquin County District Attorney.
<b>Defendant</b>	Someone who has been arrested but not tried for a crime; might be held in jail.
<b>FBI</b>	Federal Bureau of Investigation.
<b>GPS Monitor</b>	A device usually worn on the ankle that uses signals from satellites to determine location.
<b>Honor Farm</b>	A component of the San Joaquin County Jail that houses low risk inmates.
<b>ICE</b>	Immigration and Customs Enforcement; a federal agency.
<b>Inmate</b>	Anyone who is detained in a jail or prison; jail inmates include defendants and offenders.

<b>Stockton's Marshall Plan</b>	A plan to address the city's crime issues; with <i>Operation Ceasefire</i> as a major component.
<b>Metropolitan Police</b>	Merger of local police/sheriff's departments into one law enforcement agency which serves a metropolitan area/county.
<b>Non/non/non</b>	A non-serious, non-violent, non-sex crime as identified by AB 109.
<b>Offender</b>	Someone who has been convicted of a crime; often serves time in jail.
<b>Operation Ceasefire</b>	Stockton's partnership-based violence reduction strategy that employs respectful, direct communication with youth and young adults at highest risk of violence; primary goal is to reduce shootings.
<b>Parole</b>	Post-release supervision after serving time in a State prison.
<b>Probation</b>	Supervision of offender not in county jail.

## **Background**

Local news has featured stories about law and justice issues throughout the County. Headlines used have included "S.J. Jail full", "Prosecutors: Man raped, killed grandmother, Suspect freed early from crowded jail days before slaying", "County OKs \$15.2M for realignment", "S.J. expected 82 parole violators, instead got 1,752", and "Bullets fly during lunch-hour shootout".

The 2010-2011 San Joaquin County Grand Jury wrote an informational report titled "*Budgetary Impact on Administration of Justice in San Joaquin County.*" This report provided statistics regarding crime in the County. It also analyzed the impact of reduced budgets on our law and justice system which includes police departments, the Sheriff's Department, courts, the County Jail, Probation, the District Attorney and the Public Defender. That report included no recommendations but it painted a bleak picture regarding the rise in crime.

The Grand Jury toured the Deuel Vocational Institution and the San Joaquin County Jail in September and October of 2012. Members of the Grand Jury also participated in numerous ride-alongs with different law enforcement agencies. During these interactions with law enforcement professionals, AB 109 was frequently mentioned and examples were provided regarding the law's impact to County public safety organizations. As this complex information was being discussed, it became apparent that additional information was required to understand the far-reaching issues associated with AB 109. As a result of the press reports, discussions and tours, this investigation was initiated.

During the investigation, the Grand Jury observed many examples of the community's concern about public safety. On September 27, 2012, Sacramento's Channel 10 News hosted "Stockton, A City in Crisis" at the University of the Pacific (UOP) and drew a standing-room-only crowd.

On November 14, 2012, hundreds of citizens attended a meeting to learn about *Project Ceasefire*, a program instituted by the Stockton Police Department targeting violence. On November 15, 2012, hundreds attended another meeting at UOP to hear a panel of County law and justice leaders discuss the issues they are facing and what citizens could do to help. On February 8, 2013, hundreds attended a meeting to hear about the proposed *Stockton's Marshall Plan*. The large participation, the range of questions asked and the frustration exhibited by those attending these meetings supported the Grand Jury's conviction that it was investigating a topic of wide-spread interest and grave concern to our communities.

Two goals were established for this investigation. First, the Grand Jury wanted to help the County's law and justice agencies during this crisis of crime. At the same time, the Grand Jury wanted to give the public hope that crime could be reduced. The Grand Jury realized that new and creative solutions were needed: Doing more with less was not enough. Comments repeated during interviews such as "*We can't do that...*" and "*...that is the way we have always done it*" were not acceptable. Joint meetings between law enforcement agencies, county-wide task force efforts and some multiagency operations lasting a day or two were typical approaches observed. The Grand Jury used its unique county-wide perspective along with extensive research to determine creative findings and recommendations.

The Grand Jury also determined that this investigation could not include all aspects of the law and justice system. The Grand Jury made a conscious decision to not study many of the programs in the County that dissuade individuals from the life of crime. Three of these areas are: Support provided to our communities by Community Based Organizations (CBOs) to deter people from committing crimes; Programs in jails and prisons for inmates to obtain the education, training, and resources to help them on their reentry into society; and Support provided by CBOs to offenders after their release so they will not reoffend.

San Joaquin County is comprised of seven incorporated cities, one community services district and one large unincorporated area. The San Joaquin County Sheriff's Department (Sheriff's Department) is responsible for the County Jail and court services (bailiffs/prisoner security) at the Superior Courthouses in Stockton, Manteca and Lodi. In addition, the Sheriff's Department is responsible for law enforcement in all of the unincorporated areas and for the Mountain House Community Services District. The City of Lathrop's Police Services consists of a contracted force provided by the Sheriff's Department. Each of the other cities has its own police chief and police department. The Sheriff is an elected position and all police chiefs are appointed.

The County also supports certain aspects of other law enforcement within the justice system: For example, the Probation Department provides supervision of offenders in lieu of incarceration or after their release. This department is also responsible for the operation of the juvenile hall. The Superior Court, and staff necessary for its operation, is under the auspices of the State. To support the courts, the County's District Attorney's office prosecutes cases and the Public Defender's office provides for the defense of the accused. The District Attorney is elected and all other leaders are appointed.

When studying the law and justice system, it becomes obvious that all components are interconnected. Police departments, the Sheriff's Department, courts, the County Jail, Probation, the District Attorney and the Public Defender are all intertwined. A problem in any one component affects all other components.

## **AB 109**

Early in this investigation, the Grand Jury learned about AB 109/Realignment and its impact on public safety. This bill was the State's response to the 2009 ruling by a federal three-judge court which found that crowding in California's prisons was a primary cause of inadequate health care for prisoners. The federal court ordered California to reduce its prison population. The U.S. Supreme Court upheld that order in May 2011.

The provision of AB 109 that most affected the County was that offenders of non-violent, non-serious, non-sex felonies (referred to as *non, non, non*-offenses) would serve their sentences in county jails rather than state prisons. The implementation of AB 109 has caused major operational and budgetary problems for county jails throughout the state, including San Joaquin County Jail. An offender of a *non, non, non*-offense serves his/her sentence in a county jail regardless of whether he/she has been convicted before of any serious felonies; Prior to AB 109, the maximum sentence served in a county jail was one year; AB 109 offenders can be sentenced to as many as nine years at the county jail.

California county jails were not designed for multi-year incarceration of inmates convicted of serious crimes. In addition, rehabilitation programs for county jail inmates were not intended for multi-year sentences.

AB 109 has been very effective in easing the overcrowding in the State prisons, but all too often at the expense of the counties, in terms of financial and public safety costs. Hundreds of AB 109 inmates that would otherwise be in State prisons are now detained in county jails. According to *"Realigning the Revolving Door? An Analysis of California Counties' AB 109 Implementation Plans"* published by the Stanford Criminal Justice Center "AB 109 transferred an unprecedented amount of responsibility to counties."

Another provision of AB 109 has yet to be implemented but will further impact our County. Currently, the California Division of Adult Parole Operations system is responsible for all state prison parolees. Commencing July 1, 2013, most post-release supervision of offenders from the State prison system will be conducted by the County Probation Department. The State will then only supervise parolees who were convicted of a serious or violent offense; were convicted of a third strike offense; are classified as a Mentally Disordered Offender; or are high-risk sex offenders.

Major implications of AB 109 were cited in a study by The Chief Justice Earl Warren Institute on Law and Social Policy at the University of California, Berkeley's School of Law. Their article titled *"Thinking Critically About Realignment in California"* stated in part:

“Transferring individuals from overcrowded state prisons to overcrowded county jails will likely lead to more [inmate] lawsuits.” “County jails were not built for long term sentences, but with realignment a greater number of individuals will be staying in county jail for much longer than a year.” Studies such as this have validated local concerns about the impact of AB 109.

In February 2013, a woman was murdered in San Joaquin County and an AB 109 offender was charged with the crime. The AB 109 offender had reportedly been in and out of jail on parole violations five times or more in the last year. Over the last eight months, there were at least seven instances where he tried to tamper with his GPS monitor or tried to hide from authorities. On February 20, 2013, he pled guilty to charges of failing to register as a sex offender and was sentenced to serve 30 days in jail. The next day, he was released from jail because the population exceeded the court cap. Six days after his release, his grandmother was raped and murdered. He was apprehended, charged with the murder of his grandmother and sent back to jail.

California’s 2009 Senate Bill (SB) 678 created a Community Corrections Partnership (CCP) in each county. The passage of AB 109 expanded the role of the CCPs and established an executive committee for each CCP. This executive committee is comprised of:

The Chief Probation Officer (who chairs the executive committee)

A Chief of police

The Sheriff

The District Attorney

The Public Defender

A presiding judge of the superior court (or his/her designee)

A representative from either the County Department of Social Services, Mental Health or Alcohol and Substance Abuse Programs

Under AB 109, the CCP was tasked with drafting a realignment plan for the County. The 2011-2012 plan received the necessary support of at least four of the five County Supervisors for approval as did the 2012-2013 plan. These plans include the distribution of the State’s AB 109 funding that is received by the County.

## **Staffing**

The Sheriff’s Department is now dealing with a new type of jail inmate due to AB 109 realignment. At the same time, staff has been reduced at the jail and for patrol. Police departments throughout the County have also been reduced. The Probation Department is facing an expanded role in law enforcement yet this department has also suffered reductions to staff.

The District Attorney’s office has lost 25% of its annual budget since 2008. The number of attorneys in this department has been reduced by 30%. The Public Defender’s office has suffered similar reductions. Crimes are not being prosecuted/defended to the same extent as before these reductions were made.

The Superior Court's staff has been reduced by about 25%. Tracy's Superior Court was closed in 2011. The Lodi branch of the Superior Court had two courtrooms. The first courtroom closed in 2011 and the second was closed in March 2013. These court closures have caused backlogs in the remaining courtrooms. The Stockton Superior Court Building is outdated, in poor shape, and needs to be replaced. While the State has approved construction of a new courthouse in Stockton, funding has not yet been released.

The Stockton Police Department has suffered as much or more than any other law and justice agency in the County. The City filed for bankruptcy in June 2012. Its police force has been reduced by about 25%. Many officers are leaving Stockton to work in other communities where salaries and benefits are better and there is less risk of being laid off. The police force has been reduced to the extent that officers do not respond to service calls unless the crime is serious or is in progress.

### **Crime in Stockton**

Along with the staffing issues cited above, violent crime in Stockton has increased. The year 2012 saw a record number of murders: 71. The risk of gold chain thefts was a major issue in the summer and fall of 2012. Comparing 2012 to the prior year, auto theft increased 49.3% and burglary was up by 6.8%.

Crime has risen in Stockton to the point that the city can be viewed as the *broken window*. The Broken Windows Theory was first introduced in 1982 by social scientists James Q. Wilson and George L. Kelling. The theory is that once you have a broken window in a building, the next thing you find is more broken windows. Broken windows are followed by more and more decline until the whole building is dilapidated. The theory also says that this decline could have been prevented by addressing the cause of the very first broken window. This syndrome is happening now in San Joaquin County with respect to crime. The *broken window* in our County is the City of Stockton. The violent crime Stockton is facing is also impacting other areas of the County and must be confronted.

The Stockton Police Department and the City of Stockton are taking actions to reduce crime. The City has been developing their Marshall Plan to address how the City will battle crime. One component of this plan is the reinstatement of Operation Ceasefire, a program that targets those individuals who commit the worst violence. This program was used by Stockton for five years beginning in 1998 and is again becoming operational as this report is being published. The Police Department has developed a Homicide Reduction Plan. They utilize social media (*Facebook*) to inform citizens of crime in the community and as a means to provide crime tips that help the department in its crime fighting efforts. The department has also established a non-profit foundation to obtain additional funds to support its' crime fighting efforts.

The Stockton Police Department has also been creative with its Chaplain program. This department has the largest Chaplain program in the nation with over 30 volunteer chaplains. The program has been so successful that the Chaplains are being used in the schools to replace the discontinued School Resource Officer program.

## **Issues**

The Grand Jury has found that there are many challenging issues within the County law and justice system. Most of these issues are directly related to two factors: a multi-year reduction to budgets; and the implementation of AB 109. Given the combined impact of these two adverse realities, this report will focus on the following three issues:

- Law and Justice Staffing
- Overcrowding at the County Jail
- Law Enforcement Leadership

## **Method of Investigation**

The Grand Jury studied various aspects of the law enforcement and justice systems in the County. Interviews and site visits were conducted with representatives of police departments, the Sheriff's Department, Probation, the District Attorney's office and the San Joaquin County Superior Court. There were personal meetings with one or more representatives of every city's police department within the County as well as numerous meetings with officials from the Sheriff's Department. In addition, members of the Grand Jury participated in ride-alongs with each police department and the Sheriff's Department. The Grand Jury toured every detention facility in the County. Interviews were also conducted with management and staff of the Probation Department and the District Attorney's office. Proceedings of the Superior Court were observed and discussions were held with court staff.

The Grand Jury also attended over a dozen meetings during this investigation. A number of community meetings were attended where law enforcement and crime was the main topic. Members attended and/or watched recordings of city council meetings and meetings of the County Board of Supervisors. Numerous meetings of the Community Corrections Partnership were also attended by the Grand Jury.

The Grand Jury also researched crime in San Joaquin County and the law and justice system in general.

A complete listings of documents reviewed, web sites visited, site visits/interviews and meetings attended are included in the attached Appendices.

## **Discussion, Findings, and Recommendations**

### **1.0 Law and Justice Staffing**

Almost all categories of crime are high throughout the County; in some areas, crime is rising. The downturn of the economy decreased the funding for the law and justice system. The subsequent implementation of AB 109 made these problems even worse.



Law enforcement agencies have experienced significant staffing reductions over the last five years. The Manteca Police Department lost 12 officers in 2009, 15% of its total sworn staff. The Tracy Police Department reduced the number of its officers from a high of 95 to its current number of 85, a reduction of more than 10%. Between 2007 and 2011, the Stockton Police Department lost about 100 officers, or 25% of its total sworn staff.

The level of law enforcement staffing is often expressed as the number of officers per thousand residents. The Stockton Police Department currently has approximately 1.1 officers per thousand residents. A 2010 FBI study showed that, on average, there were 2.7 officers for every 1,000 people in U.S. cities of more than 250,000. The 2006 report *Preventing Violent Street Crime in Stockton, California*, by Anthony A. Braga, a Harvard professor of criminal justice, recommended that the Stockton Police Department should have 550 officers requiring the addition of more than 200 officers. It is understandable why almost everyone interviewed supported the need for *more boots on the ground*, the phrase commonly used for adding more officers.

Officer reductions have had a direct impact on services provided. Many locales eliminated programs such as community policing, school resource officers and/or some special/tactical enforcement units.

The Stockton Police Department has experienced its own unique problems. In addition to staffing reductions, the city filed for bankruptcy in June 2012. Salaries and benefits were reduced for all city employees. One of the consequences of these actions was a larger than normal number of officers resigning or retiring. Even though the department is recruiting aggressively, the number of police officers remains approximately 325. If the Stockton Police Department could reach 344 sworn officers, a federal grant would pay for 17 additional officers. Staffing was reduced so much and crime has increased so rapidly that the City requested help from the State. This resulted in the California Highway Patrol (CHP) dedicating 10 officers to assist Stockton policing efforts for at least four months in 2012 and into 2013.

In 2012, Stockton hired 75 officers. However, during the same year, 72 officers resigned or retired resulting in a net increase of only three officers. The overall effect was a major decrease in the average level of experience within the department.

The justice system has experienced its own staff reductions. In the last five years, the District Attorney's department has reduced its personnel by more than 30% resulting in a reduction of attorneys, investigators and clerical staff. The Public Defender's office has experienced similar reductions.

When staffing is reduced, it is common for an agency to consider increasing their efficiency so that fewer people can maintain the same level of service. In many cases, implementation of new technologies can help increase efficiency. These technologies often come with a high initial price but low on-going costs.

Examples of local law enforcement agencies using new and efficient technologies include:

- Escalon and Manteca have installed video cameras in patrol cars. Ripon has installed surveillance cameras at more than 75 locations and provides 24/7 monitoring by their dispatch staff.
- Ripon has installed a license plate reader camera so that the license plate number of every car that drives by the camera location is compared to a data base of license plates. When a stolen vehicle or other wanted vehicle is identified, police are notified and respond.
- Stockton uses texting and social media to communicate with their community and to receive crime tips.
- Stockton is field testing biometric devices that capture unique features (e.g., fingerprints, palm prints, facial images). This allows a technician in the field to gather information, electronically transmit it and within minutes receive data on the individual while still in the field.

Other technologies available for law enforcement that could benefit agencies in the County:

- Predictive analytics software takes information from all crimes committed, analyzes the data and then is able to predict where future crimes may be committed.
- The ShotSpotter™ system is able to identify the location of gunfire and then alert the nearest agency to that location in order to provide a quick response.
- Smart phones with special apps are now available for officers' use in the field and for better communication between the department and the public.

With reduced staffing, law enforcement agencies need help from the public. One of the requests frequently heard by the Grand Jury in meetings and during interviews was to have the public report all crimes. It is believed by law enforcement officials that many property crimes are not being reported. Having complete crime data is critical for current analytical software to effectively target crime.

## **Findings**

**F 1.1** The staffing of all law and justice agencies in the County has been reduced increasing the threat to the safety of the citizens and their property.

**F 1.2** The Stockton Police Department has maintained an aggressive recruitment program but has not been able to increase its staffing due to the number of officers leaving the department.

**F 1.3** Some lower-level crimes are not being prosecuted due to staffing reductions within the District Attorney and Public Defender offices allowing criminals to remain on the streets without consequences for their actions.

**F 1.4** Continued and increased use of current technologies would make law enforcement agencies more efficient and offset some of the decreased staffing.

**F 1.5** When the public does not report a crime, law enforcement does not have complete statistics that are necessary for predictive policing.

## **Recommendations**

**R 1.1.1** The Board of Supervisors, before September 1, 2013, adopt a policy that states it is a priority of the County to increase staffing for law enforcement, including patrol and probation.

**R 1.1.2** Each City Council, before September 1, 2013, adopt a policy that states it is a priority of the City to increase law enforcement staffing.

**R 1.2** The Stockton City Council, before December 31, 2013, identify provisions that promote the retention of law enforcement staff and approve a plan for the implementation of the retention provisions identified.

**R 1.3** The County Board of Supervisors, before December 31, 2013, approve a 2013-14 budget or budget amendment that increases staffing for the Office of the District Attorney and the Public Defender Office to adequately prosecute/defend all individuals arrested for violent crime.

**R 1.4** The Sheriff's Department and each city's police department review their current use of crime prevention technologies and develop a plan to implement new technologies that could help increase the efficiency of their agencies.

**R 1.5** The Public Information Officer for San Joaquin County, by September 1, 2013, coordinate efforts with local law enforcement agencies to have local print, radio, TV and cable media outlets use Public Service Announcements (PSAs) to inform the public to report all crimes.

## **2.0 County Jail Capacity**

Law enforcement staff often state the ongoing requirement for keeping *one empty bed* available at the jail (so that the next person arrested can be detained). The Grand Jury found the inmate population at the San Joaquin County Jail often exceeds its capacity. Without this *one empty bed*, those arrested are not always being detained; in fact, some detainees are released early. The habitual lack of bed space prevents officers from incarcerating individuals who have warrants for failure to appear in court. This limited bed space problem has created an arrest-incarceration system that borders on *catch-and-release*.

It has also changed the rules for the criminal element; they realize that they usually will not serve full sentences. And they could realistically be released early.

Prisons and jails in California have struggled with overcrowding. As a result of a law suit regarding jail overcrowding, the federal court ruled that jail and prison populations must be reduced. Locally, a Superior Court Consent Decree established what is known as the court cap at the County Jail.

The San Joaquin County Jail (jail) has 1,411 beds between the housing units of the jail and the honor farm. Due to budget reductions in 2010, staffing was reduced by 33 correctional officers. At this time, the jail is staffed to supervise 1,252 inmates. When the inmate population exceeds 1,252 inmates, additional correctional officers must be brought in and paid overtime to staff the jail and supervise inmates assigned to these additional beds.

The jail has been overcrowded for many years. In response to this issue, the Sheriff's Department submitted a proposal in March 2008 requesting funds for the construction of a 1,280 bed expansion of the current jail. In 2008, the State of California awarded San Joaquin County \$80 million in construction funds for the expansion. The County also authorized \$25 million of its own money and \$10.5 million of in-kind matching contributions for a total project budget of \$115.5 million. A design team was created in January 2009 to plan and coordinate the construction of the expansion. To date, approximately \$9 million has been spent for architectural and engineering design work but construction plans have not been produced and construction approvals have not been received.

Even though the County has funds for the construction of the jail expansion, there is no provision for the additional funds necessary to staff the expansion. In April 2012, the County's Chief Administrative Officer (CAO) estimated the annual staffing cost for the completed 1,280 bed expansion to be about \$55 million for the Sheriff's Department plus an additional \$14 million for health care, plant engineering and probation. These amounts do not include a factor for inflation and there is no new revenue to cover these expenses. Quoting from the CAO's report "Should any phase of the expansion occur without new revenue, several departments would have to be totally eliminated and, in effect, render County services unmanageable."

The Grand Jury reviewed an internal study provided by the Sheriff's Department that focused on options for staffing the jail expansion. However, all options studied only shifted inmates and staff from current jail buildings into the proposed expansion with no net increase of beds being used. The Sheriff's Department has not made a presentation on jail expansion to the Board of Supervisors since February 14, 2012. Also, the Board of Supervisors has not publicly addressed the jail expansion since the CAO's cost analysis study was presented on April 24, 2012.

At this time, ground has not been broken for the jail expansion even though funding was reserved five years ago. The Grand Jury was told the jail expansion project will not move forward until the County Board of Supervisors approves a staffing plan for the expansion. Even after receiving Board approval, it will be at least two to three years before construction would be finished and the jail beds could be used.

The Grand Jury reviewed the presentation “*Jail Expansion & Infrastructure Construction Project*” given by the County Sheriff on February 14, 2012, to the County Board of Supervisors. The Sheriff’s Department reported on AB 109’s impact on the jail in the early stages of its implementation. There were 549 AB 109 inmates detained at the County Jail from October 2011 through January 2012. As of January 31, 2012, 286 AB 109 inmates were in custody and 263 had been released. Of those released, 128 (48.7%) returned to custody for committing a new crime or parole/probation violation. In other words, almost half of those released had been detained, released, and then returned to jail, all within four months. The reasons for the return to custody, as of January 31, 2012, are shown in Table 1.

REASON	NUMBER	% OF TOTAL REARRESTED	% OF TOTAL RELEASED
Parole Violation	65	50.8	24.7
Probation Violation	36	28.1	13.9
Property Crimes	7	5.5	2.7
Narcotics	4	3.1	1.5
Weapons	3	2.3	1.1
Violence	2	1.6	.08
Other	11	8.6	4.2
TOTAL	128	100.0	48.7

Table 1

When the inmate population exceeds the court cap, inmates must be released early. A Superior Court judge is assigned to monitor jail inmate capacity data and to determine which inmates should be released. The release of defendants is based on the charges they currently face. When considering which offenders should be released, the decision is based on the length of their sentence and what portion has been served. In 2012, over 2,000 offenders were released before the end of their sentences and many defendants (those individuals not yet sentenced but awaiting a court date) were released from the jail while still awaiting a trial.

The Grand Jury heard from officials that an expansion of 1,280 beds is not the only option. Table 2 lists the options known to the Grand Jury for additional bed space and for alternatives to incarceration. It is recognized that many of the alternatives to incarceration do not directly decrease the need for jail space. The final solution to reach the goal of always having *one empty bed* could be a combination of some or all of these options.

OPTIONS	DESCRIPTION	ISSUES	
INCARCERATION	Jail expansion	1,280 bed expansion adjacent to current jail; could be downsized by not building all 10 housing units	Funding for staff has not been approved; 1,280 beds may be more than necessary if alternatives to incarceration are used
	Community Corrections Center	Inmates are held in a non-secure facility; provides skills and resources to help reentry into society	Study of this option has just begun; would require funding to build/modify a facility as well as for staffing
	Honor Farm Conversion	Portions of the Honor Farm are not being used; requires extensive modifications to increase security	Honor Farm facility was designed for minimum security housing; conversion would require significant funding
	Send inmates to other jails that have capacity	Other counties/states have jails with excess capacity; inmates can be sent to these jails and the county would pay for the custody	Cost of other facilities may be greater than the County's cost; may be difficult to meet restrictive conditions and follow extensive procedures
ALTERNATIVES to INCARCERATION	Pretrial assessment	Use validated tool based on criminal history, prior failures to appear, alcohol use, and other criteria to determine whether to release or incarcerate	County is just starting to explore this option; funding is needed for staffing and operations
	Home Detention	Monitor is worn on leg; allows defendant/offender to live at home	GPS device can be removed or rendered ineffective by defendant/offender
	Day Reporting Center	Offender lives at home and periodically checks in with probation staff; may include substance abuse testing	Must have staff to seek out those who fail to report

Table 2

## **Findings**

**F2.1** The savings from eliminating 33 correctional officer positions have been partially negated by overtime paid to officers when there are more than 1,252 inmates and therefore does not provide the intended savings.

**F2.2** County jail inmates who are being released due to jail overcrowding are then able to commit crimes when they otherwise would have been incarcerated, which is increasing the crime problem in the County.

## **Recommendations**

**R2.1** The County Board of Supervisors, before November 1, 2013, approve an increase to the staffing level of correctional officers to fully staff the County Jail including the Honor Farm.

**R2.2** The San Joaquin County Board of Supervisors, by December 31, 2013, approve an increase of jail beds (whether at the county jail, a new Community Corrections Center or other options) as well as the necessary associated staffing.

## **3.0 Law Enforcement Leadership**

After extensive study and interviews, the Grand Jury discovered law enforcement agencies within the County typically work independently. Examples of interagency task forces for specific issues and some cooperative efforts were found but these were the exceptions. It is the norm that law enforcement agencies focus their efforts within their jurisdiction.

The law enforcement leaders of the County attend periodic meetings where common issues are discussed. The CCP meetings provide a chance for those interested in law and justice to share and discuss a wide range of topics. There is also a monthly meeting hosted by the Sheriff where city police chiefs from throughout the county are invited to attend. This meeting allows the law enforcement leaders to interact within a group that is much smaller and more focused than the CCP.

The Grand Jury observed examples of law enforcement agencies working together. Multiagency events which focus on a particular crime issue are conducted periodically. Representatives of the Grand Jury observed Operation Safe Holidays that focused on parole/probation searches and saturation/surveillance operations. This two-day event in December 2012, was coordinated by the Sheriff's Department and included representatives from city police departments, probation, CDCR, ICE, CHP and other agencies.

There are also a number of multiagency task forces in San Joaquin County. These groups are ongoing and target a specific law enforcement issue. The County and each City decide whether they assign one or more officers to each task force.

The Grand Jury contacted each agency to determine which multiagency task forces they supported with staff. Table 3 shows the results of this survey. The CCP Task Force is a new effort to deal with AB 109 offenders.

AGENCY	MULTIAGENCY TASK FORCE			
	Gangs	Narcotics	Auto Theft	CCP Task Force
Escalon	None*			
Lathrop	Services provided by Sheriff's Department			
Lodi	√		√	√
Manteca	√		√	√
Ripon	None*			
Sheriff	√	√	√	
Stockton	√	√	√	√
Tracy				√

Table 3 \* Escalon and Ripon police forces are so small that it is difficult to commit staff.

The Grand Jury also surveyed law enforcement agencies to identify the special unit categories within each agency. Table 4 shows the results of this survey.

AGENCY	SPECIAL UNITS							
	Crisis Negotiations	Explosive Ordnance Disposal	Gangs	Mobile Command Post	Narcotics	Riot	Special Enforcement Group *	SWAT
Escalon	None							
Lathrop	Services provided by Sheriff's Department							
Lodi	√	√	√	√	√	√	√	√
Manteca	√	√	√		√		√	√
Ripon			√	√	√			√
Sheriff	√	√		√		√	√	√
Stockton	√	√	√	√		√	√	√
Tracy	√			√	√		√	√

Table 4 \* Patrol groups who focus on high crime areas.



After studying Table 3 and Table 4, the Grand Jury found areas of duplication of services. The most noticeable examples are:

Four cities have their own gang unit and there is a multiagency task force with representatives from the same four cities.

Four cities have their own narcotics unit and there is a multiagency task force with representatives from only Stockton and the Sheriff's Department.

Six agencies have their own SWAT teams, units that are used infrequently; each agency must provide extensive training for its SWAT team which takes the officers away from their other duties and often require overtime pay.

Four cities and the Sheriff's Department each have special enforcement groups; while there may be some communication between the groups, they largely function independently even though they are addressing common problems.

Similar issues can be found with the explosives units, mobile command posts and riot units. The duplication of services and the specialized training of officers for these services create higher costs to serve the residents and businesses of the County.

In addition to the special units, there are similar concerns for other common functions of each law enforcement agency. Each law enforcement agency has its own property room. Each agency (except for Escalon) has its own dispatch center. Each agency has its own investigation technicians (or staff trained to conduct crime scene investigations). Most agencies have their own detective group. It could be more efficient if some or all of these functions were coordinated throughout the County.

The number, differences and variety of equipment used can also cause inefficiencies. This is most noticeable in computer systems. Different agencies use different software programs. These computer programs do not easily share information. Each agency operates its own computer network creating additional inefficiencies. Therefore, when a police officer enters data into his/her agency's program, the same data may need to be re-entered into the County's system when the defendant is booked into the jail.

The artificial boundaries separating the cities from the County also create inefficiencies. The Sheriff's Department serves the unincorporated areas of the County. Within their service area, the seven cities in the County have their own police departments. As the Sheriff Deputies patrol their area, they sometimes travel through a city jurisdiction to reach unincorporated areas. The Sheriff's Department serves pockets of unincorporated areas within the Stockton city limits. Therefore, Stockton officers often drive through unincorporated areas during their regular patrols and the Sheriff Deputies drive through Stockton to reach the unincorporated pockets. Service would be more efficient if these pockets were eliminated.

These jurisdictional boundaries mean nothing to those who commit crimes. A prime example of this is the fact that three of the four murders in Tracy in 2012 were committed by gang members from Stockton. Since crime is a county-wide issue, county-wide efforts are needed. At this time, there is no mechanism to coordinate county-wide law enforcement to best meet the specific needs of a community.

Examples of multiagency cooperation and integration exist in the region and throughout the nation. A small scale example of cooperation is Ripon hosting dispatch services for Escalon. On a larger scale, the Sheriff's Department has contracts to provide law enforcement for the City of Lathrop and the Mountain House Community Services District. *The Manteca Bulletin* reported on February 4, 2013, that Manteca and Lathrop are in discussions to form a single, joint law enforcement agency.

Large scale examples of cooperative efforts can be found in northern California. The Stanislaus County Sheriff's Department has contracts to provide policing in five of its nine cities, reducing by half the number of law enforcement agencies in the county. In San Mateo County, the Sheriff's Department provides law enforcement for the Cities of San Carlos and Millbrae. It has been reported that this joint effort is saving the cities millions of dollars each year.

A sheriff's office can merge with all the city police departments within the county to form what is known as a *metro police agency*. The city of Las Vegas and Clark County, Nevada, union is a well-known example. In 1973, the Las Vegas Metropolitan Police Department was formed by merging the Las Vegas Police Department with the Clark County Sheriff's Department. A 1999 audit by an outside firm commended the department for having fewer managers and supervisors than are typically found in large police agencies.

## **Findings**

**F3.1** The duplication of special units, specialized training and police functions (e.g., property room, dispatch, investigation technicians) cause inefficient use of limited resources.

**F3.2** There are examples of cooperation between different agencies in the County but each agency still operates autonomously most of the time.

## **Recommendations**

**R3** The Board of Supervisors and the City Councils of Escalon, Lathrop, Lodi, Manteca, Ripon, Stockton and Tracy, before September 1, 2013, each appoint two representatives, one to represent law enforcement and one to represent the governing body or management, to form an *ad hoc* committee. The committee's purpose is to conduct a study on how to increase countywide efficiency of law enforcement agencies by taking a regional approach to some or all of their services. A preliminary report is to be released before December 31, 2013, of actions already taken to increase efficiency and additional actions that will be taken between January 2014 and June 2015.

## **Conclusion**

Crime in San Joaquin County has put our collective backs against the wall. It is the ever present cancer in our public body and threatens our community's health. Crime works against recovery from the challenges of the economic downturn, adversely impacts Stockton's bankruptcy, creates negative perceptions and diminishes scarce public resources. The Grand Jury tackled this high priority, complex, multi-faceted and difficult issue as an investigation in an effort to showcase the challenges and contribute in a meaningful way to the community dialogue.

Investment in law enforcement staffing, expanded jail capacity and inter-agency cooperation are those areas which make up but three of many key and interrelated pieces of the puzzle for a comprehensive solution. The recommendations are put forward with the intention of supporting an immediate change as well as creating a foundation for long-term improvements. In addition, there are many good ideas and programs already under consideration including Stockton's Marshall Plan and the Community Corrections Partnership's study of community corrections centers. No recommendation the Grand Jury puts forth should be construed as replacing, contradicting or opposing either of these or any other initiative under development. Instead, they are conceived to be complementary and offered as potential ideas to integrate with other approaches to address the crime issue. Finally, the economic health of our communities requires a balance of insuring a safe environment for our residents, while at the same time being fiscally responsible. The responsibility of our public officials, elected and appointed alike, is to manage that balance for both our personal and economic wellbeing.

Those working in the law and justice system must continue to work for solutions. Most important of all, the citizens of our County must stay concerned and work with our leaders to make the streets safe for everyone. The Grand Jury's recommendations, if properly interpreted and effectively implemented, will help to support the restoration of our hope for San Joaquin County to become a safe and secure place to live, now and into the future.

## **Disclaimer**

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

## Acknowledgement

The Grand Jury wishes to express its appreciation for the professional efforts made by the many individuals working in the law and justice system. As the Grand Jury rode along with officers during their patrols, toured the County Jail, and talked with our law and justice leaders, the Grand Jury was impressed by the work they were accomplishing.

## Response Requirements

California Penal Code Sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of the San Joaquin County Superior Court. The San Joaquin County Board of Supervisors and the various City Councils, where applicable, shall report to the Presiding Judge of the San Joaquin County Superior Court within 90 days. The San Joaquin County Sheriff, where applicable, shall report to the Presiding Judge of the San Joaquin County Superior Court within 60 days.

Agency/Elected Official:	Required to Respond to the Following:	
	Findings	Recommendations
Escalon City Council	F1.1, F1.4 F3.1, F3.2	R1.1.2, R1.4 R3
Lathrop City Council	F1.1, F1.4 F3.1, F3.2	R1.1.2, R1.4 R3
Lodi City Council	F1.1, F1.4 F3.1, F3.2	R1.1.2, R1.4 R3
Manteca City Council	F1.1, F1.4 F3.1, F3.2	R1.1.2, R1.4 R3
Ripon City Council	F1.1, F1.4 F3.1, F3.2	R1.1.2, R1.4 R3
San Joaquin County Board of Supervisors	F1.1, F1.3, F1.5 F2.1, F2.2 F3.1, F3.2	R1.1.1, R1.3, R1.5 R2.1, R2.2 R3
San Joaquin County Sheriff-Coroner-Public Administrator	F1.4 F2.1, F2.2	R1.4
Stockton City Council	F1.1, F1.2, F1.4 F3.1, F3.2	R1.1.2, R1.2, R1.4 R3
Tracy City Council	F1.1, F1.4 F3.1, F3.2	R1.1.2, R1.4 R3

**Mail or hand-deliver a hard copy of the response to:**

Honorable David P. Warner, Presiding Judge  
San Joaquin County Superior Court  
222 East Weber Ave., Room 605  
Stockton, CA 95202

Also please email the response to Trisa Martinez, Staff Secretary to the Grand Jury at [grandjury@sjcourts.org](mailto:grandjury@sjcourts.org)

**Appendices**

- A. Web Sites Visited
- B. Site Visits/Interviews
- C. Community Meetings Attended

## Appendix A

### Web Sites Visited

Bureau of Alcohol, Tobacco, Firearms, and Explosives (Federal). <http://www.atf.gov>.

Department of Corrections and Rehabilitation (California). <http://www.cdcr.ca.gov>.

Department of Homeland Security (Federal). <http://www.dhs.gov>.

Escalon Police Department. <http://cityofescalon.org/departments/police>.

Federal Bureau of Investigation. <http://www.fbi.gov>.

Highway Patrol (California). <http://www.chp.ca.gov>.

Lathrop Police Department. <http://www.ci.lathrop.ca.us/lpd>.

Lodi Police Department. <http://www.lohi.gov/police>.

Manteca Police Department. <http://www.ci.manteca.ca.us/police>.

National Institute of Justice. <http://www.nij.gov/welcome>.

Ripon Police Department. <http://www.riponpd.org>.

Stockton Police Department. <http://www.stocktongov.com/government/departments/police>.

Tracy Police Department. <http://www.ci.tracy.ca.us>.

San Joaquin County Sheriff Department. <http://www.co.san-joaquin.ca.us/sheriff>.

San Joaquin County District Attorney. <http://www.sjgov.org/da>.

San Joaquin County Probation Department. <http://www.sjgov.org/probation>.

San Joaquin County Superior Court. <http://www.stocktoncourt.org>.

San Joaquin County Board of Supervisors. <http://www.sjgov.org/board>.

San Joaquin County Public Defender's Office. <http://www.sjgov.org/pubdefender>.

U.S. Marshals Service. <http://www.justice.gov/marshals>.

## **Appendix B**

### **Site Visits/Interviews**

Deuel Vocational Institution, CDCR. Tracy, CA

Escalon Police Department

Lodi Police Department

Manteca Police Department

Northern California Youth Center, California Department of Juvenile Justice. Stockton, CA

Ripon Police Department

San Joaquin County Jail. French Camp, CA

San Joaquin County Juvenile Probation. French Camp, CA

San Joaquin County District Attorney's Offices. Stockton, CA

San Joaquin County Sheriff Office. French Camp, CA

San Joaquin Superior Court. Manteca, CA

San Joaquin Superior Court. Stockton, CA

Stockton Police Department

Tracy Police Department

## Appendix C

### Community Meetings Attended

Anti-crime Event. Held at Victory Park, Stockton, CA. (September 27, 2012)

City of Stockton Marshal Plan Symposium. Held at Stockton Progressive Church, Stockton, CA. (February 8, 2013)

City of Stockton Operation Ceasefire Presentation, held at Stockton Progressive Church, Stockton, CA. (November 14, 2012)

Community Corrections Partnership. Held in Stockton, CA. (Various Dates)

San Joaquin County Board of Supervisors. Held in Stockton, CA. (Various Dates)

Stockton City Council. Held in Stockton, CA. (Various Dates)

Stockton in Crisis: Searching for Solutions. Held at University of the Pacific, Stockton, CA. (September 27, 2012)

Town Hall Forum Addressing Violence in Our Community, held at University of the Pacific, Stockton, CA. (November 15, 2012)

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