

FINAL REPORT
CASE #1302 DISTRICT ATTORNEY OFFICE SPACE
IN COUNTY COURTHOUSE

REASON FOR INVESTIGATION:

On February 27, 2003, the San Joaquin County Civil Grand Jury (SJCCGJ) toured the facilities in the Courthouse. Included in the tour were the courtrooms, holding cells and office space on most floors including the area occupied by the District Attorney and his staff.

OBSERVATIONS:

The office space assigned to the District Attorney's office appears to include space that is not conducive to professional operation and the control of sensitive issues routinely addressed by that office. There are multiple problems with the space. Various portions of the floors that are supposed to be occupied by the District Attorney's office are unfinished. In fact, one whole floor had open metal stud walls and other areas, on separate floors, only had partially completed cubical partitions. Even if those partitions were finished, they would not provide the privacy a witness would expect if they were considering the possibility of testifying in a criminal matter.

METHOD OF INVESTIGATION:

Information was requested from the County Administrator's Office concerning vacant space in the vicinity of the Courthouse and the amount of space being rented and the price paid for that space by San Joaquin County that is in proximity to the Courthouse.

FINDINGS:

San Joaquin County is currently paying \$26,974.00 per month for 20,887 square feet in the Cort Tower for the District Attorney's office. According to the County Facility Management Division, the project to remodel space within the Courthouse for the District Attorney began construction in 1994. That means that, if the County has continuously been paying the rent listed above since 1994, San Joaquin County residents have paid roughly \$2,600,000.00 for rent. If it had cost \$100.00 per square foot to complete the remodel in 1994, the County would have saved at least \$500,000.00 as of 2003. The lost to county residents will increase by at least an additional \$320,000.00 each year. This is admittedly a hypothetical calculation based on broad assumptions, but it does serve to indicate that the cost to County residents has been significant.

RECOMMENDATIONS:

1. San Joaquin County needs to conduct cost-effective analysis on all property rental. The economic viability of construction versus continued rental should be evaluated on each location currently occupied by county staff.
2. Permanent construction by County staff does not appear to be a viable option. The existing remodel of the vacant space initiated in 1994 is still not complete in 2003. All future construction should be put out to bid to the construction industry.
3. The partially constructed partitions within existing space in the District Attorney's office should be immediately completed. Partitions in those areas that will be occupied by attorneys or investigators should reach all the way from the floor to the ceiling to insure privacy.
4. The County Administrator should immediately request bids on the completion of the existing remodel of the vacant floor of the Courthouse. Subsequent construction on additional floor space in the Courthouse should be bid when that project is completed.
5. A five-year capital improvement plan must be maintained and progress toward its implementation should be evaluated on an annual basis.

RESPONSE REQUIRED:

Pursuant to §933.05 of the Penal Code:

The San Joaquin County Board of Supervisors and County Administrator shall comment in writing, to the Presiding Judge of the Superior Court - within (90) days of the publication of this report.

As to each finding in the report, a response indicating one of the following:

- a. The respondent agrees with the finding.
- b. The respondent disagrees with the finding with an explanation of the reasons therefore.

As to the recommendation, a response indicating one of the following:

- a. The recommendation has been implemented, with a summary of the action taken.
- b. The recommendation has not yet been implemented, but will be with a time frame for implementation.
- c. The recommendation requires further analysis, with an explanation of the scope of the analysis and a time frame not to exceed 6 months.

d. The recommendation will not be implemented, with an explanation therefor.