

1973 Grand Jury

ADMINISTRATION OF JUSTICE COMMITTEE

INTERIM REPORT

June 12, 1973

The Committee began the year by visiting city jails in Oakland, Berkeley, Hayward, and Livermore. In addition visits were made to two county facilities: the Hayward holding facility and Santa Rita. The Committee found the city jails to be cleaner and less crowded than the county facilities, and in doing so concur with the 1972 Grand Jury recommendation that the excess space in city facilities be used by the county for the holding of persons awaiting court appearances. The 1972 Grand Jury recommended the closing of the Livermore city jail, but the city responded negatively. Our visit to Livermore discovered they were painting, redoing the plumbing and making all other necessary corrections to make the facility usable.

The Committee found the Hayward county holding facility to be in deplorable condition. During our visit to Santa Rita, we made Sheriff Madigan aware of the filthy conditions and he assured us this situation would be rectified. A future visit by this Committee will be made to that facility as a follow-up.

In lieu of the one million dollars already spent in repairing the Santa Rita facility, this Committee has no recommendations to make in regard to the conditions of that facility except to recommend to the Public Welfare Committee a complete investigation of the Health Care services at Santa Rita. This Committee found the medical facility there to be in a deplorable state. Since spending additional dollars to improve Santa Rita would be futile, due to the inevitability of that facility being condemned, we would urge the Board of Supervisors to keep spending down to a minimum. We would further urge the Board of Supervisors, who have already allocated one million dollars for the purchase of the land adjacent to Oakland City Hall, to expedite with all rapidity the planning and building of the planned holding facility to be built on that site. In our meeting with Bob Hannon he suggested a five to ten year delay in the construction of this facility because of the problem of how to finance its building. This Committee would suggest the costs of busing prisoners from Santa Rita to Oakland for court appearances over the next five to ten years will be such that it would be a

savings to the county to expedite the building of the new facility. This Committee is presently awaiting the annual budget figure on the cost of busing from Sheriff Madigan.

With reference to city police departments, this Grand Jury Committee would urge them to seriously consider requiring all night patrolmen to patrol in pairs, especially in cases where an officer is in an unmarked vehicle without a cage, for safety reasons. We understand such a measure may decrease the efficiency of the department with respect to response time, however on the other side the ecological impact and the decrease in cost to the county should be considered. Of utmost importance, however, due to the loss of life of several officers while patrolling alone, is the safety factor.

The Committee met with Judge Purchio of the Superior Court, Juvenile Division, and later made a visit to his court at Juvenile Hall. We were very impressed with the informality of the court, and the complete protection given to juveniles by not allowing visitors in the court.

This Committee, upon receipt of a letter from Judge Brobst, Presiding Judge of the Oakland-Piedmont Municipal Court requesting consideration of the Grand Jury in recommending additional judicial positions in the Oakland-Piedmont municipal courts for the 1973-74 fiscal year, met with Judge Brobst to further discuss the situation. We found the court's request justifiable and brought before this Grand Jury a resolution which was passed. We were, however, concerned with questions posed by this Grand Jury as to alternative methods of improving court efficiency. Although we feel additional judicial positions are warranted, we have requested from Judge Brobst copies of any efficiency studies made of the court, and any programs implemented as a result. We are also planning to look into the feasibility of night court for such things as traffic violations, which would free three municipal court departments to handle other matters.

This Committee attended a Juvenile Justice Commission meeting and learned juveniles are being held in Santa Rita. One juvenile, Alonzo Roberts, was detained there in solitary confinement for three months. This Committee forwarded letters to Judge Wilson, Captain White, and James Callahan with regards to this matter. To date, we have received a response from Mr. Callahan alone. His letter stated Mr. Roberts was found unfit to be processed by Juvenile Court, and thus he was held accountable under General Law in Superior Court for the crime of attempted murder. The Probation Department, Sheriff's Department and the Legal Aid Society all tried to get the Superior Court judge to modify his order which stated Mr. Roberts would be detained in Santa Rita. This was contrary to the usual

court order which was to say the juvenile would be re-manded to the Sheriff's Department and detained in a place the Sheriff finds suitable, which usually meant Juvenile Hall. Because Mr. Roberts was a sixteen year old, he had to be kept in solitary confinement away from the rest of the adult population at Santa Rita. This Committee is still looking into this matter and has forwarded an additional letter to Judge Purchio of the Juvenile Court, to try to find out why Mr. Roberts was unfit for Juvenile Court processing.

This Committee visited the Courthouse Jail on the tenth floor and as a result wrote Sheriff Madigan about several concerns we had on the conditions of that facility. As a result on May 24, 1973 he responded to the following concerns as indicated. Our first observation upon exiting from the elevator were the large number of visitors standing waiting in the vestibule. We noted space should be provided so visitors can sit while waiting their turn. He responded, to help the situation, two 8-foot long benches in each visiting corridor are being installed as a measure to aid in the comfort of the visitors until they have their visit. We stated, there was a general overcrowding in the units and dayrooms, and as a result there was no room for exercise. Sheriff Madigan responded by saying plans are in motion to install some exercise equipment in each dayroom. There are also plans to install an additional security door in each of the units which will allow the dayrooms and the connecting corridor to the cells to be left open. The inmates will then be able to go to and from their cells to the dayroom on a full-day schedule. At the present time, this movement is allowed on weekday mornings only.

The tin pans the inmates eat breakfast in were in deplorable condition. He responded the use of baking pans for dishes has been discontinued and the pans have been removed from the kitchen. In its place the regular stainless steel tray and a stainless steel 3/4 quart bowl are now in use. Lighting in the dayroom facility is very poor, making reading almost impossible. He responded, lighting is by three incandescent fixtures; admittedly this needs improvement. This will be reviewed and appropriate action taken. Next we noted there was only one razor per cell block, and asked if a battery operated razor could be installed. He responded, each morning one razor with a high-quality stainless steel blade is given to each dayroom. This blade is changed daily. Those men attending court are first to shave and then the razor is available for the rest of the unit. Keeping in mind that there is an optimum maximum of 17 inmates in each unit, and a high-quality stainless steel blade is capable of up to thirty good clean shaves, it appears that there is no deficiency in this area. Because of the unreasonable abuse the electric razors receive, their use has been discontinued.

There was a shortage of towels and sheets in each cell block. The shortages of towels and sheets, he responded, was caused by a logistics and supply problem which was only temporary. There is no shortage at this time. We reported both the cooling system and heating systems were in use. He responded the Courthouse Jail is presently ventilated by forced and natural air flow. It is heated by steam radiators. Some of the radiators have broken handles, others have defective valves which allow some steam to flow even when the valve is shut tightly. This is a normal maintenance problem. The maintenance engineers make routine inspections and will be requested to check each heater. It should be noted that the jail has now been included in this year's time phase of the air-conditioning program of the building.

We further asked if it would be possible to get paper cups for drinking water, instead of the tin cups they now use. He responded it is impractical to use paper cups in an institution such as the Courthouse Jail. After use, the cups are so often thrown in the toilet and it becomes a severe plumbing problem.

Lastly, we noted the Inmate Welfare Fund has somewhere between \$10,000 and \$20,000 in it. Who decides how this money is to be spent? Where did this money come from if the store is non-profit? Why has such a large amount been allowed to accumulate? He responded, the Inmate Welfare Fund has a substantial balance from which all of the recreational equipment, games, television sets, etc., and many recurring charges are purchased. The fund is administered by the Sheriff through a designated subordinate according to the provisions of law in Section 4025 of the California Penal Code which specifically allows for a small margin of profit. We attempt to keep our margin of profit at 10%. Planning is now in progress to install several recreational color television sets in the Courthouse Jail. Exercise equipment appropriate for a maximum security jail is being purchased for installation and use. These expenses will be borne by the Inmate Welfare Fund. The costs of the above-mentioned items will approach \$10,000.

A further call to the Sheriff's Department to find out how many Inmate Welfare Funds there were produced the following answer. There is only one fund which draws from profits from the stores at Santa Rita, the Courthouse Jail, and will also draw from the new Work Furlough facility in Oakland. As of April 30, 1973, there was a balance of \$29,748 of which \$12,000 to \$15,000 will be spent purchasing equipment for the Courthouse Jail and the Work Furlough facility.

This Committee recommends new phones be installed in the Courthouse facility which allow for visual contact between the prisoner and the visitor. In addition, we recommend additional phones per cell block. Currently there are only three per cell block of 17. Although plans are under way to eliminate this facility as soon as the new pre-sentenced facility is constructed in Oakland, it will still be used as a daytime holding facility which would justify this expense.

As a result of the much talked about marijuana initiative in Berkeley the Committee met with the Chief of Police, Bruce Baker. We discovered marijuana was already one of their lowest priority items, and that of the 142 arrests involving marijuana this year, most were incidental to other arrest. At the time the officer makes the arrest, he discovers marijuana in conjunction with another crime. The issue then was not marijuana but the City Council authority for arrest. Although the purpose of the meeting was to discuss the problems of Berkeley's police department as a result of this initiative, several other problems were discovered.

The Health and Safety Code says a seller of hard drugs must go to state prison and the sentence for a first offender is one to five years, and two to ten years for the second. In 1972, however, no heroin dealer arrested in Berkeley went to state prison. All were sentenced to county jail. This Committee has forwarded a letter to Judge Wilson to inquire further into this matter.

An even greater problem for the Berkeley city police was the Mutual Aid disclosure initiative which passed. This initiative says every understanding, arrangement, or agreement Berkeley Police Department has with any other law enforcement department must be put in writing, go to public hearing and brought before the City Council within ninety days (July 24, 1973) and approved by the Council or it does not exist. If any or all of the agreements are not passed, Berkeley's police department would not be allowed to operate with any other agency to keep peace. The city would be totally isolated.

In our meetings with several police personnel we discovered Alameda County has some serious problems with prisoners. In our meeting with the Oakland Police Department we learned approximately 33% more criminals were paroled to Alameda County than committed crimes here. From Berkeley we learned 35-40% of the arrests for serious crimes in that city were of non-residents. This Committee would urge the Board of Supervisors Law Enforcement Committee to look into this problem and suggest some solutions.

This Committee has worked intermittently with the Education Committee and shares its concerns with respect to truancy in the Oakland Public Schools. We are anxious to add our support to any solutions they have with respect to Sections 625 and 625.1 of the Welfare and Institutions Code and its effect on truancy, loitering and other misdemeanor arrests.

This Committee has received a letter from an inmate at Santa Rita requesting our assistance. We plan to meet with him during our upcoming visit to Santa Rita. In addition, future meetings with the Public Defender, and an evening visit to the Work Furlough Facility are planned.

As you will note, this Committee has many pending requests. We hope to be able to report in more detail in future reports.

GRAND JURY
COUNTY OF ALAMEDA

COURT HOUSE, OAKLAND, CALIFORNIA 94612

RESOLUTION 1-73

Re: Additional Judicial Positions --
Oakland-Piedmont Judicial District

BE IT HEREBY RESOLVED that the Grand Jury of Alameda County hereby approves the establishment of two (2) additional judicial positions for the Oakland-Piedmont Municipal Court, County of Alameda, State of California.

Dated this 5th day of June, 1973.



RICHARD M. FLORES
Foreman of the 1973 Alameda County
Grand Jury