

1980-81 Grand Jury

ADMINISTRATION OF JUSTICE COMMITTEE REPORT

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The Administration of Justice Committee enjoyed a busy and instructive year, beginning with a tour of all County jail facilities, and meetings with numerous public officials. Among those visited or who visited the Grand Jury were:

pages -  
(not  
included)

Judge Joseph Carson  
Judge Allen Broussard

Judge Alan Lindsey  
Sheriff Glenn Dyer

Robert Coney, County Superintendent of Schools  
Charles Plummer, Chief of Police, Hayward  
Don Becker, Chief of Police, San Leandro  
Carl Pierce, Chief of Police, Newark  
Don Blubaugh, City Manager, Hayward  
Robert Shaner, Chief of County Probation Department  
Dennis Handis, Director, Los Cerros Ranch

The Administration of Justice Committee visited many probation officers and County employees. Committee members visited homes and business establishments of numerous citizens who had written to the Grand Jury critical of service they had received from members of various law enforcement divisions.

At times the Committee was frustrated by the maze of bureaucratic red tape that prevented it from quickly reaching the core of obvious problems. It was found that many County employees were equally frustrated.

The Committee found employees doing an outstanding job, others doing a very poor job and some employees hanging on, just waiting for early retirement. Complaints were heard: "The system doesn't allow me to do a good job," "No support from above," and "No authority." However, it was also found that those individuals who really wanted to do a good job somehow managed to do so.

#### LOS CERROS RANCH

Several visits to Los Cerros Ranch, a County juvenile detention facility for boys, gave cause for a real concern for the future of the young people who pass through this facility.

It is recognized that adults who are placed in jails or prisons have a very high rate of recidivism because their characters are firmly established and extremely difficult to change. But does this factor also have to apply to the 16 to 18 year-olds incarcerated in Los Cerros? Are the countless juvenile facilities in America serving to prepare juvenile offenders to become adult offenders and to ultimately increase the need for additional police officers, more court cases, additional jails and prisons?

The best efforts of the most sincere probation officers and counselors can have little positive impact on a juvenile during his short stay at Los Cerros. On his release, the young man will revert normally to his old neighborhood, his old friends, and the same bad habits, with little effective supervision from his probation officer. Most have no money, the majority cannot find employment because of their background and lack of any wanted skills, so they revert to the one ability in which they have some degree of proficiency and experience . . . crime.

## VOCATIONAL TRAINING

This Committee, however, feels that there is a way to motivate many of these young people to seek a positive new direction and that is: Give them a skill in something they enjoy doing. That is the success key . . . give them a skill that will assist them in finding employment when they are released from Los Cerros.

American males of all ages - particularly young males - are "automobile happy" and have been for 50 years. Virtually every youth from the age of 12 looks forward to the day he will own a car (that is why they steal so many). Owning a car gives a juvenile a sense of importance, recognition by his peers, and the ability to escape the confinement of his usually frustrating world.

RECOMMENDATION 8 : That the Board of Supervisors study the feasibility of creating a vocational school at Los Cerros designed to instruct juvenile inmates in automotive repair and automotive body and fender work.

Much of the repair work on County automobiles could be done at Los Cerros under the supervision of qualified instructors. This could result in substantial reduction in costs to the County for such repairs.

At present, budget constraints are many, but money spent on this effort will give these young men some basic skills that will enable them to find work in the automotive field; and, in the long run, will be far less costly to the County and public than future arrests, court trials, and incarceration.

If present budget restrictions make such a program impossible at this time, an attempt should be made to enroll a limited number of present inmates in the vocational school operated by the Hayward Unified School District, or the similar school operated jointly by the San Leandro, San Lorenzo, and Castro Valley School Districts. Also, those who have attended one of these schools should be carefully monitored after release as to their future direction. Even a limited effort will conclusively prove the value of such a program at Los Cerros.

## PROBATION OFFICERS AND COUNSELORS

During investigations of Los Cerros, the Committee also found that one probation officer saw his assigned inmates on a weekly basis, while the other officer (according to several inmates) rarely saw any of his. Subsequent investigation disclosed that the second officer is a daytime instructor at California State College, Hayward. No one can be completely effective in more than one full-time position. The inmates at Los Cerros deserve, and certainly need, the full-time effort and attention of the limited number of people employed there.

RECOMMENDATION 9 : That the County Board of Supervisors adopt a policy requiring all County employees to limit themselves to one full-time job.

RECOMMENDATION 10 : That a full-time Hispanic Counselor be employed at Los Cerros.

At Los Cerros it was found that more than 50% of the inmates are Hispanic, yet there is no full-time Hispanic counselor. If these inmates are to receive any effective benefit from their stay in Los Cerros, the possibility would be greatly enhanced if they were to receive counsel from someone of the same ethnic background.

## COURT OVERTIME STUDY

In 1979, the Alameda County Chiefs of Police and Sheriff's Association conducted a study relative to Alameda County Court overtime, with the following conclusions:

### A. INTRODUCTION AND MAJOR FINDINGS

In recent years, concern has been voiced on countless occasions about the high cost of appearances by law enforcement officers in court. Court appearances represent a substantial expenditure of public funds and are often assailed as unnecessary, mismanaged and, in some cases, indicative of abuse within the system.

The members of the Alameda County Chiefs of Police and Sheriff's Association identified increasing court overtime costs as their top priority for study and corrective action. Utilizing staff provided by an LEAA grant, the Association commissioned a survey and time-use study of police agencies in Alameda County.

During the two month study period, Association staff documented and examined 3766 court appearances by law enforcement personnel in Alameda County. Documented appearances represent a cost to the taxpayer of \$137,763. Because of response problems, it is estimated that this sum represents only two-thirds of the actual appearances during the two-month period. The adjusted two-month total would be 6138 appearances — the adjusted cost, \$203,670. Projected over the course of one year, law enforcement expenditures for court appearances could run to nearly \$1.2 million.

#### Other major findings include:

Law enforcement officers testified in only 41% of their courtroom appearances. No-testimony appearances cost \$62,693 in two months.

Continuations were the most frequent (40%) cause of no-testimony appearances. Such appearances cost \$25,163 during the study period.

Concerning witness utilization, of the total hours spent in the courtroom, only 17% of the time was actually spent on the stand.

During the study period, 72% of the officers appearing were off-duty at the

time of appearance. With overtime salary rates and minimum show up time, such appearances are two and one-half times more expensive, on the average, than on-duty appearances.

Traffic cases comprise 35% of the total courtroom appearances. Such appearances are most often court trials, heard by a judge or traffic commissioner.

The Alameda County Chiefs of Police and Sheriff's Association is concerned about certain of their findings and believes they should be examined by law enforcement agencies and court personnel with an eye toward the identification of corrective strategies. Included among those strategies suggested by the data are:

Careful examination of increased use of on-duty appearances;

Expanding the use of trial by declaration in traffic infraction cases along with exploration of methods to screen traffic cases not requiring a police witness;

Minimizing D.A. conferences, particularly those which cannot take place immediately prior to the actual court appearance;

Identification of significant problems with regard to witness no-shows, poor case preparation and substandard report writing;

Increasing controls on the granting of continuances.

The County-wide totals in the above report reflect a breakdown of 65% criminal, and 35% traffic cases. The report concludes that the most accessible target for lowering costs are the traffic cases, and recommends that, whenever possible, defendants be encouraged to opt for trial by declaration. In such a situation, the right to confront witnesses, etc., is waived and the defendant's case is presented in writing. The Officer issuing the citation submits a similar document outlining his or her testimony. The judgment is made on the basis of these documents without requiring a personal appearance by either party.

Obviously, traffic court appearances and their resultant costs can be substantially reduced through increased usage of trial by declaration. Encouraging its use is a touchy area for law enforcement and the courts, as it involves the waiver of the defendant's rights. Caution must be taken to ensure that the defendant's rights are not waived lightly, or in ignorance of the circumstances. (Fremont and Berkeley Municipal Courts presently use trial by declaration.)

Perhaps the greatest savings in costs and effective utilization of court time can be accomplished by using a Readiness Hearing as practiced by the Livermore-

Pleasanton Municipal Court. When the defendant requests a jury trial, he is first scheduled for a Pre-Trial Conference. At the Conference the case is discussed and, if the defendant still wants a jury trial, he is given a Readiness Hearing date followed by a jury trial date. Subpoenas are issued and jurors are summoned.

Readiness Hearings are on Wednesdays and jury trials are on Mondays and Thursdays of the following week. At the Hearing, all parties must be present: the defendant, his attorney, the District Attorney, and the Judge. At this Hearing, the defendant decides if he still wants a jury trial, and the District Attorney decides if he has enough evidence to support the charges and if his witnesses are available and willing to testify. If any of the parties fail to appear at the Hearing or, if any changes occur as a result of the Hearing, the case is dropped from the trial calendar and witnesses and jurors are given ample prior notice not to appear. A similar program is presently being implemented in the San Leandro-Hayward Municipal Court by Judge Carson.

The Readiness Hearing procedure works not only for the convenience of the Court, and the witnesses and jurors, but saves the County money as well. A jury panel consisting of 50 jurors costs the County \$250 plus mileage of \$.15 a mile one way. The County must pay all jurors for appearing whether they serve or not. When Police Officers are notified not to appear as witnesses, the cities are not required to pay overtime or to replace the Officer in the field.

Another factor that results in excessive costs and improper usage of court time is the granting of continuances. The Court Overtime Study suggests that increased controls be placed on all continuance requests.

**CONCLUSION:** The Court Overtime Study concludes that the implementation of their recommendations would save Alameda County approximately \$1.2 million each year. The Grand Jury believes that, in addition to the elimination of this huge yearly expense, it would reduce over-crowded court calendars.

**RECOMMENDATION II :** That the Presiding Judges of the Courts of Alameda County implement the suggestions made in the 1979 Alameda County Court Overtime Study and that strenuous efforts be made to expedite the flow of cases through the Courts.

**EDUCATION COMMITTEE**

## EDUCATION COMMITTEE REPORT

The thrust of this report is aimed at the problem of rehabilitation of young people under the Juvenile Court System. Because of the changing character of these children accused and found guilty of the more serious crimes of an adult nature, such as murder, rape, armed robbery and aggravated assault, it becomes imperative that a concentrated effort be made to keep those who may be capable of rehabilitation out of the jails and prisons of the future.

The excellent work done by the County Board of Education and County Superintendent of Schools, Robert C. Coney is to be commended, especially in the area of special education and various programs of aid to the local school districts. On the academic level, in the Court Schools run by the County Board of Education, the teachers are to be commended for achieving reasonable success under difficult situations.

### EDUCATION IN THE JUVENILE COURT SYSTEM

RECOMMENDATION 12 : That the County Board of Supervisors require compliance with the law that mandates the acceptance by the local school districts of the high school credits earned at the Juvenile Court Schools.

These credits should be applied to the students' records when they return to their local high schools after release from the courts. Proper recognition for accomplishments is important to a child's rehabilitation and would encourage the completion of high school, making further education a possibility.

RECOMMENDATION 13 : That the Alameda County Board of Education establish vocational classes in auto mechanics, small electrical repair work, or job-related training in addition to the high school academic subjects presently taught at the Juvenile Court Schools. These classes should be held at Los Cerros or other juvenile facilities in order to reach as many students as possible.

The subject of juvenile vocational training is also discussed in the Administration of Justice Committee report Recommendation No. 8.

RECOMMENDATION 14 : That the County Board of Education provide ways to help students at Los Cerros gain admission to vocational programs at the various local school districts and junior colleges.

These admission requests should be made after careful screening, testing, and upon recommendation of Probation Officers.

RECOMMENDATION 15 : That the County Board of Supervisors approve the 1979-80 Grand Jury Recommendation No. 22 providing for the establishment of a new Day Center School as outlined and planned by the Alameda County Juvenile Court Schools.

The full schedule of the "Continuation" school was set forth in the 1979-80 Grand Jury Report and subsequently agreed to by the County Board of Education and the Board of Supervisors. In a letter to the Education Committee of this Grand Jury, the County Administrator explained the County's opposition to the establishment of this school as not "cost effective." The Education Committee suggests that the urgency of the juvenile crime problem in the County presses for a reevaluation of

priorities in this regard. We strongly recommend that this money (a one-time expenditure of approximately \$50,000) be appropriated for this school before another year is lost.

#### INDUSTRY FOR YOUTH

RECOMMENDATION 16 : That the Board of Supervisors more actively support the program of the Industry for Youth organization in which management of Alameda County businesses and industry, the County Board of Education, and the Alameda County Central Labor Council actively cooperate in finding and placing young people in paying jobs.

This program entails the working together of local schools districts, law enforcement agencies, and the probation department. The program is planned to prevent juvenile crime by finding jobs for habitual truants or students found in other trouble-making situations.