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July 2, 1992

Attached for your information and use is a joint report of the San Diego City Manager's Office, the City Attorney and the Chief of Police regarding local criminal justice issues.

This report is scheduled to be heard before the San Diego City Council's Public Services and Safety Committee on Wednesday, July 15th, 1992. This committee meets at 9:00 a.m. in the Council Committee Room (12th floor) of the City Administration Building, 202 C Street, San Diego, California.

If you have any questions or comments, please call me at 533-3044; my facsimile number is 533-3061.

Sincerely,

Jon Dunchack
Management Assistant

JD/dct

Attachment

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City of San Diego

SPECIAL REPORT

Office of	Office of	Office of
Jack McGrory	John W. Witt	Bob Burgreen
City Manager	City Attorney	Chief of Police

DATE ISSUED: July 1, 1992 **REPORT NO.:** 92-219

ATTENTION: Public Services and Safety Committee, Agenda of July 15th, 1992.

SUBJECT: **LOCAL CRIMINAL JUSTICE ISSUES**

SUMMARY

Issue

What actions should the City Council take in enhancing the effectiveness of our local criminal justice system?

Manager's Recommendations

1. City Criminal Justice Task Force. Authorize the Task Force to continue work towards implementation of the recommendations presented in this report.

2. Private Collection of Fines. Continue City Council support of legislation enabling the County to use other public agencies and/or private collection agencies to allow recovery of costs incurred in recovering outstanding fines, fees and forfeitures.

3. Warrants. Support legislation that would exempt persons accused of serious misdemeanors or having three or more outstanding misdemeanor warrants from the current prohibition on nighttime warrant service.

Manager's Recommendations — continued

4. Bail. Authorize the City's Criminal Justice Task Force to work with the San Diego Judicial District's Bail Committee to reduce the number of bails on the current bail schedule.

5. Incarceration Fees. Authorize the City's Criminal Justice Task Force to evaluate cost recovery programs for jail operations and to return with a proposed pilot program for the City Jail.

6. Las Colinas.

   A. Because of concerns regarding security, durability and operating costs, do not acquire the Las Colinas facilities.

   B. Unless existing or new revenue sources can be identified, do not construct new City Jail facilities.

   C. Continue to encourage the County to construct additional jail capacity.

7. Extended Arraignment Hours.

   A. Forward an official communication to the San Diego Municipal Court requesting an evaluation of extended arraignment hours.

   B. Request the San Diego Municipal Court to formally report back its findings regarding the need for extended arraignment hours.

8. Sentencing Alternatives. Continue to utilize public work service programs and expand their use as opportunities for broader applications arise.

9. Report Automation. Authorize the City Manager to continue working with the County in support of coordinated criminal

Manager's Recommendations — continued

justice automation and the development of regional standards for digitized data, shared access, and related issues.

10. Special Grand Jury Investigation. Direct the City Manager to continue efforts to develop a regional criminal justice coordinating entity to oversee improvements to our local criminal justice system.

Other Recommendations

Decriminalization. Direct City staff to work with State of California legislators and appropriate State agencies in developing legislation to make Metropolitan Transit Development Board (MTDB) violations, certain minor Municipal Code violations, minor traffic offenses and parking tickets administrative violations rather than criminal offenses.

Fiscal Impact

None with the actions recommended above. Anticipated fiscal impacts for implementation of specific programs are discussed in the report's text.

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BACKGROUND

Committee Meeting of February, 1992

At the Public Services and Safety Committee meeting of February 19, 1992, a number of concerns were raised regarding a wide range of significant local criminal justice issues.

Because most of these issues affected several City departments, the City Manager's Office assembled a broad-based task force (City's Local Criminal Justice Task Force) to prepare a response. Initially, the Task Force included representatives from the City Manager's Office, the Police Department, the City Attorney's Office and the City Treasurer's Office. The Task Force was subsequently expanded to include data processing expertise as well as input from the Department of Legislative Services.

Limitations and Opportunities

In developing this response, three factors became readily apparent to the Task Force:

First, there are no "quick fixes." The criminal justice system, even at the local level, is exceedingly large and complex. The recommendations that follow will require time, resources and much effort if they are to be implemented. For this reason, it is recommended that the City's Local Criminal Justice Task Force be directed to work towards implementation of the proposals presented in this report and to continue to evaluate methods to improve the local criminal justice system.

Secondly, a number of issues concerned the enhancement of revenues. Where possible, recommendations to either create new revenues or increase revenues from existing sources have been developed. However, because of the limited economic resources of many of the defendants, and due to the nature of warrants (discussed in Part II of this report), truly significant revenue increases will not likely be forthcoming, and certainly not revenues sufficiently robust to offset operating costs.

Thirdly, wish as we might, there are very real limits on what the City of San Diego can directly control within the larger local criminal justice system. The City has no authority over the operations of the County, the judiciary, the Sheriff or probation programs.

Nevertheless, there is much the City **can** do with its own programs. Furthermore, the City can use its resources to press other State and local policy makers within our criminal justice system to adopt those measures that can improve the system's effectiveness.

The Recommendations

The recommendations presented in this report offer a real opportunity to effect meaningful improvements.

Several of the recommendations will require the enactment of legislation. One of the recommendations requiring major legislative change, decriminalization, offers a chance to not only reduce court workload but also to increase revenues.

Other recommendations will require further study but present good possibilities for implementation if the developed findings are positive.

The recommendation addressing the need for additional jail space frankly speaks to the City's limitations upon its authority and fiscal capability to build new jail space and highlights the County's own limitations in meeting what is perhaps San Diego's highest criminal justice priority.

Finally, the recommendation regarding the creation of a regional criminal justice coordinating entity is an acknowledgement that while many of the concerns addressed in this report are beyond the City's authority, they nevertheless profoundly affect our residents' quality of life. The need for such an entity also raises disturbing questions regarding the effectiveness of the coordination efforts that are now ongoing.

I. JAIL IMPACT

What is the Impact of the City Jail upon the Local Court System?

Opening of the City Jail will undoubtedly have a significant impact upon our local misdemeanor court system. One impact will be fiscal, the other will be operational.

Fiscal Impact

Based on prior agreement, the City will provide the County with some measure of funding to meet costs resulting from the City opening its jail.

The City will provide a minimum of $150,000 annually to the County to offset costs to the County for processing misdemeanant arrests. For the first two months, these funds will be applied toward Public Defender costs (four attorneys, one legal assistant) and Municipal Court costs (ten support positions). In addition, the City is paying for the video equipment needed for the video arraignments.

To allow time to safely solve early operational problems, the City Jail will open gradually over a 60-day trial period. For the first week or two, the City will book a maximum of 20 prisoners a day. At the end of this 60-day trial period, a more accurate cost estimate for Fiscal 1993 can be developed. Currently, County staff estimates a full year cost of $2.0 million for Fiscal 1993 for County support of the City Jail.

There is a $1.85 million gap in funding between the currently agreed upon payments of $150,000 and the estimated $2.0 million annual costs. Court staff has recommended that this matter be referred to the San Diego City Council-County Board of Supervisors Subcommittee on Jails for renegotiation.

Operational Impact

The opening and operation of the City Jail will have an impact on almost every part of the criminal operations of the Municipal Court. Although there will be no increase in police officers, there will be an increase in workload and a need for much quicker handling of cases throughout the court system.

Since the defendants will be in custody, the complaints that are filed by the City prosecutor by 9:00 a.m. on the day of the arraignment will need to be docketed, stamped, put in court files, updated in the computer and transferred to the arraignment department before the 1:30 p.m. court calendar. In the past, the court has had between three days and two weeks to perform these same tasks. Now the same task will have to be accomplished in a few hours each morning.

Before the opening of the City Jail, approximately 75 percent of the people cited for violations for which they will now be jailed failed to appear. Once the court issued the warrant, there was no further handling of the case until it was dismissed five or more years later when the warrant is purged. Because people held in jail will be making their initial court appearances, there will be greater demands on resources in order to handle defendants who, heretofore, consistently failed to appear for court. They will need interpreters, revenue and recovery staff, court-appointed attorneys and all the paperwork that accompanies these functions. Realizing that they are now subject to being booked for a warrant on these charges, a significant number of defendants may actually continue making appearances all the way through trial. At each stage, judges, clerks, bailiffs and interpreters will be needed. Paperwork accompanies each of the appearances. An additional impact may be felt if other people become fearful of being caught and start coming to court to clear up old warrants and to stay current on new cases.

All of these impacts remain the duty of the Municipal Court. Municipal Court Presiding Judge Domnitz has said that the court stands ready to process the defendants who are brought before the

court. For years, however, the Municipal Court has been able to operate with fewer resources than necessary because not all misdemeanants made their court appearances. The City Jail will ensure that many more misdemeanants at least make their arraignment while in custody.

The actual impact of the City Jail on all the related parts of the criminal justice system will need to be measured and analyzed during the first few months of operation of the jail. The Police Department and SANDAG will provide the statistics and analysis of the overall impact of the jail on the system. These reports will be presented to Council when available.

II. WARRANTS

Introduction

San Diego's outstanding warrants are comprised of "arrest warrants" and "bench warrants." Bench warrants are by far the most prevalent. A bench warrant is issued by a judge whenever a defendant fails to keep his promise to appear or fails to obey a court order. Before sentencing, a bench warrant is issued when a defendant breaks his promise to appear for arraignment or trial. When a defendant fails to honor his promise to appear in court, the City Attorney files a new charge for failure to appear. After sentencing, a bench warrant is issued when a defendant fails to fulfill a court-ordered condition of probation. The distinction between "pre-sentence" warrants and "post-sentence" warrants is an important one. Defendants with pre-sentence warrants have not been convicted, whereas defendants with post-sentence warrants have been convicted.

Defendants who have not signed a promise to appear in court are sent a "notify" letter by the prosecutor requesting them to appear for arraignment. If the defendant does not voluntarily appear, the prosecutor asks the court to issue an arrest warrant by submitting an affidavit. The affidavit must show "probable cause" that the defendant violated the law. After the showing of

probable cause is made, an arrest warrant is issued. In the case of pre-sentence warrants and arrest warrants, the defendant has not been found guilty or sentenced on any charge. Accordingly, no fine or punishment has been imposed and there is no outstanding debt to society.

In theory, both the underlying charge and any failure to appear on pre-sentence warrants represent **potential** convictions for which fines or other punishment could be imposed. In reality, the vast majority of outstanding pre-sentence warrants do not result in convictions. Many misdemeanants are not caught because they move, die or otherwise avoid the court process. Police resources are simply not available to track these people down, and unless misdemeanants are taken to court, they cannot be punished or fined. Even if a defendant is caught, he may not be held in jail until his court date because of the current lack of jail space in San Diego. Another promise to appear is signed by the defendant which is often ignored. Finally, every defendant is presumed innocent until proven guilty, and a portion of those who have outstanding warrants will be acquitted.

Many of those with outstanding warrants who are ultimately sentenced do not pay fines. A large number of San Diego's misdemeanants are homeless or indigent and have no ability to pay fines. Others convert fines to public work service or to time in custody. Those who are fined are almost never sentenced to the maximum amount by the judge. For these reasons, fines are not recovered from the majority of pre-sentence warrants and maximum fines are almost never realized.

Most of the remaining bench warrants in San Diego are issued for failure to comply with a court ordered condition of probation. In contrast to defendants having pre-sentence warrants, all defendants with post-sentence warrants have been found guilty. Although some of these warrants are issued because a defendant fails to pay a fine, most are issued for other reasons. For example, defendants often fail to complete the program for drunk driving offenders, the domestic violence batterer's course, public work service or volunteer work. Such violations are not

associated with recoverable fines. Moreover, when a defendant is brought into court on a warrant for failure to pay a fine, more often than not it is because of an inability to pay. Accordingly, the fine is often converted to public work service or some other punishment.

The most effective deterrent to violations which result in both pre-sentence and post-sentence warrants is the prospect of going to jail. When there is no jail space, however, the prosecutor and judge must work without their most important tool for compliance. Without the threat of custody, the court can only release violators after making another **promise** to comply. As would be expected, many defendants fail to keep their subsequent promise and still more warrants are issued.

It is a mistake to view the large number of outstanding warrants as representing millions of dollars in potential fines. Most defendants with outstanding warrants will not be caught and sentenced. Of those sentenced, few will have the ability to pay fines. Those that have the ability to pay will often not comply without the threat of custody. In short, violators will continue to thumb their nose at the system so long as we are unable to force compliance by putting the culprits in jail.

II. A. City Manager Deliver a List of People with Outstanding Warrants.

The San Diego County Marshal's Office has advised us that a fundamental data list of persons with outstanding warrants can be printed. The data will include the person's name, date of birth, criminal history index number, Marshal's system number, and a list of outstanding warrants, date of issuance, original charge, and bail.

The approximate cost to the City for the paper, programming and clerical time is:

Warrants issued for City arrests:	$2,500
Warrants issued for County arrests:	$6,000

The programming/printing process is estimated to take two to three weeks.

If the Council wishes to make this list public, the criminal history index numbers will have to be removed manually. This information is confidential.

Because of the acquisition and manual processing costs, delivery of the requested list is not recommended.

II. B. Request the City Attorney Return to the Committee with Legislation Which Would Permit the Reporting of Outstanding Warrants to Credit Reporting Agencies.

Credit reporting agencies currently do not include outstanding warrants in their reports. Banks and department stores that issue credit cards rely upon credit histories when they extend credit. If credit reporting agencies would report outstanding warrants on an individual's credit history, the information would be used in obtaining credit cards as well as other forms of credit. If California's three major credit reporting agencies, TRW, CBI Equifax, and Trans Union Credit, would report outstanding warrants, providers of credit across the state would have access to this information.

Credit reporting agencies are governed by the Federal Fair Credit Reporting Act and the California Consumer Reporting Agencies Act. Both the Federal Act and the California Act permit the reporting of pre-sentence and post-sentence warrants. The California Act, however, will not allow reporting of warrants after a full pardon or when a charged misdemeanor does not result in a conviction.

In order to report warrants on an individual's credit history major hurdles must be overcome. The County of San Diego, not the City, issues and records warrants. The County would have to agree to release warrant information and would have to provide the data to agencies in some useable computer record. Agencies will not send an employee to the courthouse to sift through thousands of misdemeanor cases. Another hurdle is that each

agency would have to agree to report the information. Preliminary investigation reveals that Equifax is willing to report warrant information, TRW is not; the position of Trans Union Credit is unknown.

II. C. City Attorney to Draft a Resolution in Support of Legislation which Allows Private Collection of Fines, Fees and Forfeitures.

II. D. City Attorney Reevaluate State Laws Regarding Reimbursement of Collection Fees. Propose Legislation that Allows City to Recover Collection Costs before Money Is Distributed to State and Local Government.

Current Legislation Regarding Private Fee Collection

Although arguably existing law allows private collection of criminal fines, the County has no ability to recover the costs paid to collection agencies. The inability to recover costs is the major obstacle to using private collection agencies to recover fines. Both the City Treasurer and the Director of the Department of Legislative Services are monitoring legislation which would rectify this situation.

Legislation on court realignment now working its way through the Assembly Judiciary Committee includes provisions which would clarify the counties' authority to use collection agencies and would allow recovery of collection agency fees. Tentative agreement has been reached with Assemblymember Isenberg, who authorized the original court realignment legislation, to include amendments meeting the County's needs in AB 2409 when this bill is heard in the Senate. AB 2409 is currently on the Assembly floor awaiting a third reading. Reports regarding the progress of this legislation will be issued as the adoption process continues.

II. E. City Attorney Pursue Legislation to Permit Nighttime Service of Misdemeanor Warrants.

Current Law

A warrant charging a defendant with a misdemeanor or an infraction cannot be executed between 10:00 p.m. and 6:00 a.m. unless (1) the arrest is made in a public place, (2) the defendant is otherwise lawfully in custody, or (3) the warrant "for good cause shown" directs that it may be served at any time of the day or night.

Attempts to circumvent these requirements have been unsuccessful. The courts have held that the mere fact that the defendant has committed a misdemeanor does not constitute sufficient "good cause" for authorization of nighttime service. A magistrate must exercise discretion in each case in order to authorize nighttime service. A change in existing law is necessary because there are insufficient resources in San Diego's criminal justice system to seek nighttime service exemptions in each case where grounds for an exemption arguably exist.

Possible Legislative Changes

The law prohibiting nighttime execution of arrest warrants (PC § 840) can be repealed by the legislature. It is not grounded in the Federal Constitution. The purpose of the statute is to protect rights to security and privacy in one's home and to avoid the danger of violent confrontation which exists when officers make unannounced intrusions at night. However, there is no constitutional requirement that the state afford this protection.

One legislative approach is to attempt an outright repeal of the ban on nighttime service of misdemeanors. However, as strong opposition can be anticipated, alternative proposals short of outright repeal of the restriction are worth pursuing. Current law balances privacy/security interests against the seriousness of the defendant's offense and comes down on the side of permitting nighttime service in the case of felons.

Rather than seeking to allow nighttime service for all misdemeanants, legislation could be crafted to allow nighttime service for the most serious misdemeanors. Penal Code section 840 could be amended to allow nighttime service of warrants for misdemeanor cases which could have been filed as felonies (so called "wobbler" offenses), for example, spousal abuse. Similarly, the legislation could address the problem of scofflaws who collect numerous misdemeanor warrants by allowing nighttime service for defendants who accumulate some specified number of outstanding misdemeanor warrants, for example, three.

Another alternative would strike the balance more on the side of the privacy/security interests by simply reducing the number of nighttime hours during which service is prohibited. For example, legislation could cut back the current 10:00 p.m. to 6:00 a.m. prohibition to midnight to 6:00 a.m.

Although any of these legislative alternatives could be pursued, none would have an immediate effect on San Diego's warrant problem. Law enforcement resources are necessary for service of warrants and those resources do not currently exist. Even if service could be accomplished, San Diego has insufficient jail space at the present time to accommodate many more misdemeanants.

Since passage of such legislation may be a lengthy process, the Council may want to authorize drafting legislation for introduction at the beginning of the next legislative session. By the time it passes, resources may be more available for serving warrants and more jail space may be available.

Recommendation

We believe the best alternative is to pursue legislation exempting persons with a "wobbler" offense or three or more outstanding misdemeanor warrants from the nighttime service prohibition. Law enforcement agencies would want to serve warrants on persons charged with such offenses. The seriousness of the offenses weighs in favor of enacting such legislation.

Draft legislation will be prepared as well as an appropriate resolution to implement the Council's final decision.

III. BAILABLE OFFENSES.

City Attorney Clarify Bailable Offenses and Evaluate Minimum Bail Amounts.

The final arbiter of the bail amounts for each offense and whether there is a mandatory court appearance is the San Diego County Misdemeanor and Infraction Bail Schedule enacted annually pursuant to California Penal Code section 1269(d). The Municipal Court's Bail and Jail Committee has a hearing on the bail schedule every November. It solicits the input of the City, as well as other municipalities and law enforcement agencies in the county. The court strives to give leeway to each governing body in those areas that do not impinge on other jurisdictions and do not cause great disparity across the county in how like offenses are treated.

The current bail schedule provides that if the bail on an offense is less than $150, unless otherwise specified, a court appearance is not mandatory and one may simply post and forfeit bail. This is the familiar procedure for moving violations such as speeding. But, it is also available for many Municipal Code misdemeanors as well as infractions. As exceptions to the general rule, some offenses with bail of less than $150 are denoted in the bail schedule as requiring a court appearance. Notwithstanding the low bail, a mandatory court appearance may be justified where the violator needs to be haled into court to allow the judge to verify that the violator has complied with some requirement. One example would be proof of obtaining and paying for a permit.

Persons who are cited for offenses which do not require a court appearance are sent a courtesy notice by the court advising them that they may simply post and forfeit bail. Persons who are charged without benefit of a citation (e.g., because the violation was not committed in an officer's presence) are sent a

notice by the City Attorney advising, where applicable, that they may simply post and forfeit bail. So, everyone has an ample opportunity to forego unnecessary court appearances.

Members of the court's Bail and Jail Committee have met with Senior Chief Deputy City Attorney Susan Heath to review the bail schedule in order to increase the number of offenses for which one may post and forfeit bail without a court appearance. The interest among members of the criminal justice system in doing this has already resulted in some progress toward the Council's goal. It should also be noted that the City is discussing with Judge Lawrence Stirling how to simplify the bail schedule. Bail could be standardized according to types of offenses. This effort could also ensure that court appearances are appropriately required. Judge Stirling was recently appointed to chair the San Diego Judicial District's Bail Committee. The results of this effort will be described in future reports. (Note: Efforts regarding decriminalization of certain minor offenses are discussed in Section XI of this report and are also relevant to the issue of reducing required court appearances.)

The suggestion has been made that minimum fines should be specified for violation of municipal ordinances. It is legally permissible to do so. However, as a matter of comity between the legislative and judicial branches, it may not be desirable. Mandatory minimum sentences are generally disfavored by the judiciary. In those instances where mitigating factors render the minimum sentence unwarranted, the judge is put in an awkward position. The judge may enforce the letter of the law and perpetrate unfairness, or may ignore the law and defeat the apparent intent of the ordinance. Both results are destructive of public confidence in the system. The literature is replete with examples of how participants in the criminal justice system circumvent mandatory minimum sentences.

Because cooperation from the bench is necessary in order for imposition of a minimum fine to be effective, we advise that the Presiding Judge be consulted before enacting mandatory minimum fines. If there is strong opposition from the bench, ensuring

appropriate penalties are invoked can still be addressed through reviewing the bail schedule and recommending increases on a case-by-case basis.

As previously noted, reviewing bail amounts for appropriateness and eliminating required court appearances that are not well founded is a sound approach. It ensures that persons who ought to be able to post and forfeit bail can do so and that the amounts forfeited are adequate. Where defendants do not simply post and forfeit bail but enter a guilty pleas at arraignment or are convicted at some later stage in the process, judges often look to the bail amount as a rough indication of an appropriate fine. This is not universally true. But it is a general tendency for low-level misdemeanors and infractions. Reviewing and, where appropriate, raising bail amounts will tend to raise the amounts of fines. For the reasons noted above, taking this approach rather than mandating minimum fines, may be a more beneficial approach.

Although there are not minimum fines for Municipal Code violations, minimum bail amounts do exist. Where the bail schedule does not list a particular violation, the bail for unlisted Municipal Code misdemeanors and infractions is set at $50 and $25, respectively.

IV. INCARCERATION FEES

Recovery of Incarceration Fees – City Attorney Prepare Ordinance Allowing Recovery of Incarceration Fees for Sentenced Prisoners.

Introduction

Incarceration fees may only be recovered from sentenced prisoners, not persons held for arraignment. Recovery of incarceration fees from prisoners sentenced to the City Jail is legally possible. Some cities in California are successfully recovering incarceration fees. A study of the existing programs

and the feasibility of implementing similar programs in San Diego is currently planned.

Legal Basis for Recovery

Penal Code section 1203.1c allows the City to recover incarceration fees. An ordinance empowering the City Manager to recover incarceration fees will be forthcoming as research by the Task Force continues.

Obstacles to Recovery

A potential impediment to the recovery of fees is the legal requirement of showing that the defendant has the ability to pay. The time and expense necessary to conduct a hearing to determine whether a defendant has the ability to pay can be prohibitive. Problems associated with such hearings have been eliminated by many city jails by requiring payment of fees in advance. In other words, a defendant is not allowed in the jail unless he pays up front. This system completely eliminates the necessity for court hearings and guarantees recovery of fees.

Defendants may be willing to pay to be in a city jail because they do not want to be housed in less desirable county jails. Other cities operating a city jail have the same lack of county operated jail space as San Diego. Thus, many sentenced prisoners are released early by the County. Nevertheless, many defendants would rather pay to stay in their city jail than run the risk of being remanded to a county jail.

This system raises the issue of whether allowing more affluent defendants to buy their way out of county jail is fair. One court implied that where a two-tier county and city jail system results in a wealth-based classification discriminating between poor defendants and their more affluent counterparts, the system may violate the constitutional right to equal protection of the law. Surprisingly, few cities have had a public perception problem with this system. In those jurisdictions where the public has objected to the system, the cities have developed a

sliding fee scale for court-recommended indigent defendants. We must take pains to avoid any system of invidious discrimination based on a defendant's financial means.

The fact that our jail is a "type I facility" poses another obstacle to recovery of incarceration fees. In our jail, after booking defendants, we can detain them pre-arraignment for not more than forty-eight hours, excluding weekends and holidays. In addition, the court may order persons detained for their own safe-keeping. Sentenced defendants may be remanded to the City Jail if they are consenting "inmate workers." Inmate workers are the only prisoners in a type I facility subject to incarceration fees. While "inmate workers" is not defined, it refers to a minimum security inmate or "trustee" engaged in regularly scheduled work activity to assist in operating the facility.

Each jail is different and a cost recovery program must be tailored to our specific needs. In the cities of Azusa and Monterey Park, which operate a cost recovery system, each city jail manages only four beds. Management of our sixty-four beds for incarcerated prisoners poses greater organizational obstacles. Nevertheless, it appears that a system for recovery of incarceration fees may be successfully implemented on this scale.

Our research has not uncovered another city jail operated by a private corporation. Our agreement with a private corporation poses novel legal issues concerning cost recovery. The need for legal research and a comprehensive study and plan for implementation is obvious.

Planned Evaluation Effort

It is proposed that City personnel, including representatives of the police department, visit jails which currently operate a cost recovery system and to consult with experts in the area of jail revenue. If at the conclusion of our research, a jail revenue program appears feasible, plans for the implementation of a "pilot project" at our City Jail will be submitted to the

Council. It should be emphasized that this program could only be applied to those beds allocated in the City Jail for **sentenced** inmate workers.

V. LAS COLINAS FACILITY

City Manager Evaluate the Feasibility of the City Purchasing Las Colinas Men's Modular Jail and Relocating and Operating It As a City Jail.

Background

The County of San Diego purchased the Modular Jail Facility three and one half years ago and located it on property adjacent to the Las Colinas Women's Detention Facility in Santee. The San Diego Sheriff's Department has operated the 600-bed jail with a total staff of 110 (100 sworn, 10 non-sworn). The Sheriff plans to vacate this facility around January, 1993 when the East Mesa Detention Facility is opened.

The County General Services Department provided the following estimated costs just to acquire and prepare the facility for operation as a jail:

Retrofit, Moving and Miscellaneous Costs

Item	Cost	Cost per bed
Retrofit to proper standards	$1.5 M	
Moving units to new site	$ .5 M	
Site preparation, utilities, EIR & permits	$2.0 M	
	$4.0 M	$6,667

The above estimate assumes that the County will give the City the actual modular units and the land to place them on as the City would be taking on a significant program that is legally the responsibility of the County. If not, it is estimated that the used modular units would cost $3.0 million and the land (11 to 15 acres) another $6.0 million. Total project cost would be $13.0 million. This would raise the total cost per bed to $21,667.

One-Time Start-Up Costs

In addition to the above costs, there are start-up costs; the projections shown below are based on the assumption that the relocated facility would be operated by a private entity similar to the City's current agreement with the Wackenhut Corrections Corporation.

Item	Cost	First-year Start-Up Cost per bed
Start-up costs/staff training	$1.35 M	
Furniture, fixtures & equipment	$1.50 M	
Administrative costs	$ .75 M	
Contingency	$ .50 M	
	$4.1 M	$6,833

Annual Operating Costs

Annual operating cost is estimated at $8.2 million, or $13,667 per jail bed.

The above estimates to set up and operate this facility are based upon the assumption that it will be operated as a jail for sentenced inmates. Utilizing it as an additional pre-arraignment

facility would increase the start-up and operating costs since Police and City Attorney support staff would be required.

Due to the noncontemporary design of the modular units, additional staff is required to properly operate the facility as compared to the new City Jail.

County General Services staff report that maintenance and repairs of this modular facility are very high. The prefab materials utilized do not withstand the daily stress and require constant attention. The Sheriff's staff reports numerous security deficiencies and have had several successful escapes. They have added numerous outdoor perimeter alarms, sensors, lights and fencing. They also utilize dogs in the perimeter area 24 hours a day.

County staff projects that the modular facility will require major refurbishing every five years.

Although the initial cost of purchase, refurbishing and relocating is significantly lower than building a new facility, the long-term constant maintenance costs, five year refurbishing expense, and security problems are a major concern. Additionally, the high operating costs continued over ten or more years would exceed operating a contemporary designed jail.

Sheriff's East Mesa Alternative

The City could present to the County an offer to rent/lease beds in the Sheriff's East Mesa Detention Facility. The Sheriff continues to seek Federal and State contracts to house inmates and raise enough money to open the entire East Mesa Jail. The County Special Projects Office states that current contracts for beds are in the $75 to $90 per day range ($27,375 per year to $32,850 per year). The County has hopes of being able to open this facility by January 1, 1993. This alternative is not a good solution. The City would be paying for beds that will at least in part be available to us anyway.

New City Jail Alternative

Yet another option would be for the City to construct a new City Jail for **sentenced** prisoners (as opposed to its new pre-arraignment facility).

The City could exercise its option listed in the current ground lease with the County and construct an additional 200-bed housing module adjacent to the new City Jail. This would eliminate land acquisition and up-front development costs. The project start-up costs and ongoing operating expenses would also be less than the current City Jail since many of the facilities and administrative staff could be shared.

The estimated costs for construction and start-up are:

	NEW JAIL		COMPARATIVE COSTS: CURRENT CITY JAIL	
Cost Item	New Housing Unit	Cost per Bed	Current City Jail	Cost/Bed
Raw construc.	$5,400,000		$5,800,000	
Construction contingency	200,000		400,000	
F.F. & E.	250,000		550,000	
Start-Up costs/ training	300,000		450,000	
Admin. costs	200,000		250,000	
Totals	$6,350,000	$31,750	$7,450,000	$37,250

The estimated annual ongoing operational costs are:

Item	New Housing Unit	Annual Cost per Bed	Current City Jail	Annual Cost/Bed
General Operations	$2,464,000		$3,768,000	
Debt service	$ 924,000		$1,080,000	
	$3,388,000	$16,940	$4,848,000	$24,240

Conclusions and Recommendations

The seemingly low initial acquisition and operating costs for acquisition of the Las Colinas facilities are seductive. However, assuming that the City could identify funding for acquisition and re-siting of the Las Colinas facilities, the problems described above regarding prisoner security, the dubious durability of the units and projected high operating costs over a ten year or greater period all argue against this option. Acquisition of the Las Colinas facilities is not recommended.

Furthermore, because of the significant financial restraints facing the City, unless the City Council can identify an **existing** revenue source or adopt a **new** revenue source, construction of a new City Jail for convicted misdemeanants is similarly not recommended. Even if revenues can be identified, this option must be evaluated against other City-wide programs that are either unfunded or underfunded.

One final caveat on any City Jail program: To the extent that the City enters the "jail business," we are effectively removing any impetus for the County to make hard funding choices in meeting its legal obligation to provide adequate jail inventory. Clearly, the County is not fulfilling its obligation in this area.

The best recourse for the City is to continue to work with, and frankly pressure, the County to provide additional jail capacity.

The current lack of jail space is a gaping hole in our local criminal justice system. Until such time we can incarcerate most of the misdemeanants who ought to be incarcerated, the effectiveness of the other recommendations presented in this report will never be fully realized.

VI. EXTENDED ARRAIGNMENT HOURS

Introduction

A defendant arrested and taken to court for "immediate" arraignment is known as a "field arrest." Field arrests require that officers be out of service for three to four hours processing the arrestee. This is because police reports must be written and then reviewed by a prosecutor. A complaint must be written and filed. Any offer to reduce a charge for a guilty plea must be conveyed and the defendant must be counseled by a defense attorney before entering a plea. If the defendant is to be incarcerated, someone will have to transport him to jail. This process is extremely time-consuming. It is also expensive because court officers and personnel are required as well as prosecutors, public defenders and the arresting officers. Moreover, there will be little impact on the number of outstanding warrants if those who plead not guilty cannot be incarcerated due to a lack of jail space. This is because defendants released on their own recognizance continue to fail to appear for their scheduled arraignments and more warrants are issued.

Besides extending arraignment hours for field arrests, arraignment hours could be extended for the convenience of people who receive citations. Traffic court now stays open late on Thursday nights for the convenience of people who need to be arraigned on traffic tickets. Far fewer resources are needed in order to extend arraignment hours for defendants who have

received citations, but this system does little to prevent defendants from failing to appear.

The Feasibility of Extended Hours

A. Arraignment of Field Arrests: At present, our entire local criminal justice system – the police, prosecutors, public defenders, and the courts – is neither budgeted nor prepared to handle field arrests on a **routine basis**. In addition to the fiscal impact on the court system, extended arraignment hours would increase personnel costs within the City Attorney's Office and reduce the police officers' time in the field. The arresting officer would accompany the defendant through much of the extended arraignment process.

It has been suggested that an extended arraignment program for field arrests would reduce pressure upon our local jail population by disposing of cases immediately. In fact, being able to arraign more defendants will exacerbate the pressure on the Jail. More people who ought to be in jail would be brought into Court.

In 1985, the County contracted for an analysis of extended court hours and shared courtrooms. While the study noted there were factors supporting the need for extended hours, it concluded that this need was outweighed by the increased costs, lack of interest by the public, and the lack of widespread support by judges.

Municipal Court Presiding Judge Ronald Domnitz has suggested basing the need, if any, for extended arraignment hours on an objective analysis of a number of related factors after some operating experience with the new City Jail. These factors include:

a. The number of persons arrested per day;

b. The percent of guilty pleas entered at arraignment;

c. The creation of a pretrial service program;

d. The number of defendants released because of jail overcrowding after pleading "not guilty" at arraignment and the failure to appear rate of those released; and

e. The ability of the City Attorney's Office to process the caseload.

Judge Domnitz has stated that the Municipal Court stands ready to serve should extended arraignment hours become necessary to ensure that defendants are arraigned in a timely fashion. We support his recommendation for a workload/capabilities analysis. It offers the opportunity to collect and analyze data in view of our needs before committing additional resources.

B. Extended Hours for Defendants who Walk into Court: The workload analysis also offers the opportunity to examine extending municipal court arraignment hours for the benefit of defendants who walk into court.

Currently, extended arraignment hours are limited to one night a week and apply only to traffic infractions. Services could be extended for arraignment on other violations as well. Misdemeanor arraignment hours could be extended both at the Clairemont Mesa traffic court and the downtown Municipal Court. Extending court hours may result in more cases being resolved and thereby reduce the number of outstanding warrants.

Recommendations

We recommend that the City Council:

1. Encourage the Municipal Court to thoroughly evaluate the ability to facilitate arraignment by extending the court hours;

2. Request the Municipal Court to formally report back its findings regarding the need for extended arraignment hours.

VII. PROSECUTORIAL POLICY

A. Request the City Attorney Provide the Police Department with a Written Report on Misdemeanor Violations They Will Not Prosecute.

This request stems from the Council's concern over cases rejected by the District Attorney and City Attorney. If differences exist between the police and prosecutors over the kinds of cases that ought to be prosecuted, the Council wants those differences worked out.

In Fiscal Year 1991, the City Attorney's Criminal Division rejected 6,563 of 65,493 cases, or 10 percent. The rejected cases do not represent an inconsistency between the police and City Attorney concerning the categories of offenses which ought to be prosecuted. The biggest reason why cases forwarded for prosecution are not filed is because of evidentiary or constitutional defects. The number of such cases is kept to a minimum because of the close working relationship between the police and the Criminal Division. Some cases are not filed because the police or victim request no prosecution. Other cases show up as rejected even though they were deferred from prosecution and successfully mediated in the Dispute Resolution Office.

There have been times when, because of a lack of resources, the City Attorney has had to restrict prosecution to health and safety offenses. At times in which there have been classes of crimes which could not be prosecuted, such austerity measures have been widely publicized to the law enforcement community.

Even under the best of circumstances, there are legal constraints arising out of such things as the exclusionary rule, unavailability of witnesses, or other evidentiary considerations which may cause a case to be rejected. Each case which is forwarded by the police for review is evaluated on its own merits. If the prosecutor rejects it, a written explanation is sent to the police stating the reasons. This is done to inform

the officers why the case was not filed in court. Where possible, it instructs the officer how the situation could be handled differently in the future in order to be prosecuted. Historically, close liaison has been maintained between filing deputies and police lieutenants concerning what is required in order to file a case.

Still, there is an age-old tension which exists between police and prosecutors over the handling of cases for prosecution. Traditionally, prosecutors suggest if the police had their way every case forwarded to the prosecutor would be prosecuted; the police suggest prosecutors are reluctant to file a case unless it is open-and-shut. Differences over how justice should be meted out are grounded in the different standards of proof with which the two institutions operate. While police are permitted to make an arrest based merely on "probable cause" to believe a crime has been committed, a conviction can be sustained only when the crime has been proven beyond a reasonable doubt to a moral certainty. So, it is entirely routine that some cases fall between the two standards and must be rejected.

There will always be some shortfall between the number of arrests and citations versus the number of cases filed. Currently, it is about ten percent. The reason for that shortfall, however, is not because of an inconsistency or lack of communication between the police and prosecutors concerning the kinds of charges that ought to be filed.

B. The Council, City Manager and Police Chief Should Ensure that Persons Contacted by Police Officers During Regular Court Hours, Who Have Outstanding Warrants Issued for Their Arrest, Are Taken Before the Court Immediately.

On March 12, 1992, the Police Department formally implemented a new procedure to process defendants with outstanding arrest warrants during normal court hours. Officers are now allowed to take such individuals directly to the Presiding Court, instead of issuing additional citations for failure to appear. This process

was initiated by the Honorable H. Ronald Domnitz, Presiding Judge, San Diego Municipal Court.

VIII. SENTENCING ALTERNATIVES — PUBLIC WORK

Public work service is a valuable tool of the sentencing judge where defendants cannot pay fines and there is no room in jail for them. There is a long list of defendants who want to perform their public work service on weekends.

The City is already utilizing available resources from various public work service programs, including County Probation, Public Service Workers (PSW) and the California Youth Authority (CYA).

Recommendation

We recommend that the City continue to work with the courts and the County Probation Department in developing expanded work service programs. At the same time the City should continue to investigate methods for managing liability potential connected with such programs.

IX. REPORT AUTOMATION

Background

The City of San Diego has recognized for some time the need to enhance the automated flow of information within and between the San Diego Police Department, the City Attorney's office and the Municipal Court. We have begun to address these needs with several pilot projects in the San Diego Police Department. Although both departments continue to augment their automated systems and to develop electronic data interfaces with each other and with other County criminal justice agencies, there is currently no common statement of goals and needs. We are currently developing a list of needs within the City Attorney's

office, which will be presented to the City Council for funding at a later date.

Automation of the criminal justice system is a massive challenge that has been addressed in studies by a variety of governmental entities, including County-wide studies such as the Arthur Young consulting group's long-term IJIS (Integrated Justice Information System) study, court studies, and projects with the District Attorney's Office, the Police Department, and all the other elements of the criminal justice system.

The City Attorney's Office has, for the past several years, been involved in IJIS/Inslaw project meetings with County criminal justice agency administrators and supervising data system personnel to define the requirements for a common criminal justice database to replace the current County-wide database, JURIS. This project is currently stalled due to a lack of funding.

Existing data links between SDPD and the City Attorney's Office via ARJIS substantially reduce redundant rekeying of arrest report information in the City Attorney's database. The City Attorney's database also receives updated court calendar and case disposition data directly from the County mainframe. The municipal courts, County Marshal, City Attorney, and SDPD use a common database from which electronic subpoenas are generated, which is currently being enhanced to accommodate data transfer from the court's new ISD docket information database, and to reduce data entry required to issue subpoenas.

All of the pilot projects within the San Diego Police Department are in their earliest stages of implementation. Each deals with a different step in the process of moving the information that a field officer collects through the San Diego Police Department and into the City Attorney's Office and/or court system as rapidly as possible.

These efforts share the following objectives:

1. To reduce the amount of time police officers spend on paperwork and maximize their time for work in the field.

2. To reduce support personnel costs through the elimination of data entry and related clerical tasks.

The pilot programs are in two specific areas, field reporting and records management.

Field Reporting

Under the current system, large numbers of reports are produced manually. Reports are sent through the chain of command to ensure accuracy. Once they have cleared the area stations where they are produced they are then sent on to police headquarters.

Then these reports are copied and distributed to various sections within the San Diego Police Department. The reports are then manually entered into one of several automated systems. It is a system of redundant, oftentimes menial tasks. Information captured in one place is entered in another. Each time a paper document is processed there is an increased chance of loss or error.

In April, 1992, a $240,000 pilot program on report automation was initiated by the Police Department. The program is financed through seized asset funds. The main emphasis of the project is to automate report taking for patrol officers. A secondary goal is to develop a strategic plan for full automation of police reporting. Utilizing the Department's Northeastern Area, various technologies will be tested. The lap-top/notebook computer is the most likely candidate for use in the future.

Computer programs and data are loaded into the computer for use by the officer in the field. Some of the devices have "electronic pencils" connected to them that allow the user to fill in information right on the screen.

One means of uploading would be for the officer to take the computer in at the end of the shift and connect it to a device called a docking station. This station would allow all the information stored in the laptop computer to be sent directly to the City of San Diego's computer system. A second possibility would involve the connection of a modem (a product that allows computers to talk to each other over standard telephones) to the City computer system. Officers could then pass information directly into the City's computer network from wherever they happen to be.

An additional pilot automation project is underway in the east county. Funded with State grant monies, east county courts and the Sheriff's Department will utilize portable (hand-held) computers to write traffic citations. ARJIS consultants will assist in the program design, equipment purchase and evaluation. The goal is to design a completely automated system for all traffic citations in the county. Members of the San Diego Police Department are participating in this project.

There are several advantages to automated field reporting. First, the information would be available sooner to whomever may need it. Second, it would eliminate the multiple handling of documents. Third, it would reduce the risk of errors.

The Dallas System

Inquiries have been raised regarding the field reporting program now in use by the Dallas Police Department. Begun in the late 1970s, the Dallas system utilizes a standard arrest form set up on the department's mainframe computer. This form is then electronically filled in by six to eight (per shift) specially-assigned data entry operators who receive information via telephone from officers in the field. Dallas is also now testing the addition of an accident report form to the system. It should be emphasized that this system provides data access **only within** the Dallas Police Department; access between other elements of the Dallas criminal justice system, such as the prosecutor's office and the court system, is **not** available.

Interestingly, while this system has increased the speed and accuracy of information gathering, Dallas is currently planning to replace their present system with a direct access program like the San Diego pilot effort described above. As noted, the lap-top computer completely eliminates the need for data entry operators, speeds information flow and reduces errors.

Records Management

The City has started a second pilot test of imaging technology. Imaging is the general description for a group of products that allow documents to be transformed into an electronic "picture" of the text and graphics. This is done by placing the paper document into a scanner, which creates a digital (computer image) copy of the document. The digital image can then be filed, retrieved and edited at will. Since the document resides in a computer, it can be accessed by more than one person at the same time. Any changes to the document are captured by an "overlay".

This process ensures that only one version of a document is in place at any one time, with all the necessary supporting documentation in place. It also provides an audit trail of all changes that have been made, and who made the changes.

The pilot program will evaluate several methods of implementing an imaging system within the City of San Diego. The Police Department has been chosen as the test site for the pilot because they have various types of records and processing needs.

A key component of a successful imaging project is a comprehensive evaluation of the information flow **within** an organization. Within the Police Department this will be done in conjunction with the imaging study. However, an evaluation of the information flow within the City Attorney's Office and rest of the criminal justice system is also needed.

As an initial effort to address these concerns, an evaluation will be conducted of the City Attorney's information needs in relation to the Police Department's automation process. These

discussions are in their most preliminary stages. Once there is an accurate assessment of the City Attorney's needs, recommendations for coordinating the City Attorney's needs with those of the Police Department will be presented.

Need for Regional Data Automation

In order to harmonize the flow of data between the City and County, the City Manager's Office is working to bring together senior staff from all of the affected departments within the City and the County to develop regional standards for digitized data.

It is well recognized at this time that standards for imaging are still being set by the industry. Developing a joint City/County agreement would avoid the problem which would be posed if the two jurisdictions end up with incompatible products. Another gain may be the ability to make group purchases of equipment to maximize savings for all the participants.

It is absolutely vital that the City automate as much of its criminal justice paperwork as possible. Our largely manual system is overtaxing our personnel, it is error-prone and it is costly.

It is equally vital that the City and the County – and the other incorporated cities as well – reach accord soon regarding consistent data formats. Unless such system-wide compatibility is achieved, it will frankly make little difference what progress is made by the individual governmental entities operating within our local criminal justice system. These entities must be able to communicate with each other and that requires a consistent format.

Furthermore, the City's efforts to automate are severely and unnecessarily limited if we cannot work in tandem with our local court system. The courts are the hub of the criminal justice system. If our automation efforts are not coordinated and integrated with theirs, then the City's automation program cannot be fully realized.

X. GRAND JURY INVESTIGATION

City Manager to Request a Special Grand Jury Investigation of Local Criminal Justice Issues.

On May 4, 1992 representatives from the City met with Superior Court Presiding Judge Arthur W. Jones to discuss convening a Special Grand Jury investigation regarding local criminal justice issues. During the course of this meeting, we discussed two major factors that would limit the effectiveness of a Special Grand Jury.

First, an effective investigation of criminal justice issues requires a high level of expertise. Acquiring such expertise and knowledge of our local criminal justice system would probably take upwards of a year or even two.

Secondly, a Special Grand Jury has a service lifespan of only one fiscal year; so, once a sitting Special Grand Jury got up to speed regarding the issues, it would be retired, only to be replaced by another Special Grand Jury that would then have to start its own orientation process.

Lastly, the Presiding Judge cannot direct a grand jury's investigative scope. Specific issues and problem areas could not be assigned for evaluation.

The Need for Regional Coordination

In place of utilizing a Special Grand Jury, it is recommended that a regional criminal justice coordinating task force be formed. This task force would include senior representatives from the City and the County, including representatives from both the Superior and Municipal Courts, the District Attorney, the Sheriff, Probation and the Public Defender's Office.

The City Manager's Office is now meeting with County staff to ascertain if use of one of the existing criminal justice

coordinating bodies would be effective or if an entirely new entity should be created. Progress on this issue will be reported as discussions proceed.

XI. DECRIMINALIZATION OF MINOR OFFENSES

Introduction

Decriminalization of minor offenses is the wave of the future in criminal justice management. As recently as 1968, California citizens had a right to a jury trial for traffic infractions. That right has since been eliminated in favor of a less expensive and less time-consuming court trial. The state of Washington, among other states, has gone a step further by decriminalizing minor traffic offenses and parking tickets. Decriminalization of these offenses, combined with the use of collection agencies, has decreased much of the court workload and has increased collection of fees.

The Seattle System

In 1981, Washington enacted comprehensive legislation decriminalizing minor traffic offenses and parking tickets. Extensive court rules aid the administration of the system. A person cited with a traffic offense is given three options: (1) pay a fine; (2) request a court trial; or (3) request a mitigation hearing. If the person fails to pay the fine or appear for trial, a civil default judgment is entered against that person. Because the offense is no longer criminal in nature, the prosecutor needs to prove the case by a preponderance of the evidence, rather than beyond a reasonable doubt. Misdemeanors are not affected by these laws.

The civil judgment is reported to Washington's equivalent of the Department of Motor Vehicles. A failure to appear may be charged as a criminal offense at the discretion of the prosecutor, but is dismissed if the fine is collected. Records of uncollected fines and mandatory penalties are sent electronically to a private

collection agency. Records of fines on misdemeanor cases are also sent. The collection agency then attempts to collect the judgment. Statutes authorize the Municipal Court to add collection costs to the fine.

When Washington enacted this system, fines for traffic offenses were significantly increased. The Administrator of the Seattle Municipal Court, Charles Foster, reports the following results from decriminalization: (1) a substantial decrease in the Municipal Court's workload; (2) an increase in court trials and hearings due to the new rights granted in the legislation; (3) an increase in revenue due to increased fines and penalties coupled with aggressive collection. In Mr. Foster's opinion, this statutory scheme has been advantageous to Washington's criminal justice system.

Similarly, decriminalization could be advantageous to California. While Seattle has experienced an increase in court hearings, Mr. Forster reports that the steep increase in fines was the primary reason more people came to court. There is no reason to expect we would experience such an increase if fines remain the same. We can expect decriminalization of minor offenses to decrease court paperwork and, perhaps even, increase revenue. We have little doubt it would be beneficial.

Effects on San Diego's Criminal Justice System

The City of Seattle, with a population of over one-half million people, provides an encouraging model for San Diego. The decriminalization of minor traffic offenses, parking tickets, MTDB violations, and certain violations of the Municipal Code would significantly improve the current system.

Nearly 350,000 of San Diego's outstanding warrants are for failure to appear on traffic tickets. In addition, warrants for trolley violations make up another roughly 88,000 of the 680,000 warrants in the county as of March, 1992. The criminal justice system is an inordinately costly – not to mention ineffective – means of compelling traffic offenders and trolley riders to obey

the law. The whole enforcement procedure needs to be examined and restructured to reduce the extravagant costs borne by the courts, prosecutors and marshals.

Decriminalization could potentially reduce the number of warrants going into the system by one-half. Default judgements would be sent to collection agencies which are not subject to the restrictions on nighttime warrant service. The need for extended arraignment hours and some jail space would also be reduced. The workload of the courts would be decreased and revenues would be increased. Decriminalization offers the encouraging prospect of substantial benefits to the City and the entire criminal justice system.

The Need for State Legislation

Decriminalization requires an ambitious legislative effort at the **State** level. The necessary changes could not be accomplished by simple amendments to current law. A new statutory scheme would need to be developed. Nevertheless, with City Council direction, our Task Force stands ready to coordinate with the Department of Legislative Services as well as the County's criminal justice agencies to become a catalyst for legislative change. The long-term benefits to San Diego could be enormous. We recommend that action in this area be undertaken.

XII. ALTERNATIVES

Direct the Task Force to amend, expand or modify specific recommendations presented in this report.

Respectfully submitted jointly,

Jack McGrory	John Witt	Robert Burgreen
City Manager	City Attorney	Chief of Police

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