



OFFICE OF
SHERIFF-CORONER
COUNTY OF SAN JOAQUIN

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July 1, 2009

Steve Moore
Sheriff-Coroner
Public Administrator

*Honorable William J. Murray, Jr.
Presiding Judge of the Superior Court
222 E. Weber Avenue, Room 303
Stockton, California 95202*

RE: 2008-2009 GRAND JURY RESPONSE

Dear Judge Murray:

*Following are the Sheriff's Office responses to recommendations made by the
2008-2009 Grand Jury.*

FINDINGS

Finding # 1: The Jail's main kitchen facility continues to be in desperate need of replacement. The California Corrections Standards Authority reported on the need to rebuild the kitchen facility.

Response to Finding # 1

The Respondent agrees with the Finding.

Finding # 2: Recent events at the San Joaquin County Courthouse, including the stabbing of a Superior Court Judge and multiple prisoner escapes requires vigorous and impartial investigations.

Response to Finding # 2

The Respondent agrees with the finding.

RECOMMENDATIONS

Recommendation # 1: The Sheriff, District Attorney, Public Defender and the Court re-visit the feasibility of utilizing video arraignments.

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Response to Recommendation # 1

The Sheriff's Office would like to see the recommendation be implemented; however, it does not appear that this process can be implemented any time soon. There have been ongoing discussions between the Sheriff, the District Attorney, the Public Defender, the Superior Court of San Joaquin, the County Bar Association, and Legal Referral Services with regard to implementation of video arraignment, with the last discussion occurring on June 3, 2009. Unfortunately, video arraignments are not at the sole discretion of the Sheriff, and these discussions have met with serious opposition by the Public Defender, Legal Referral Services, the County Bar Association, as well as some concern on the part of the District Attorney.

As noted by the Grand Jury, technology such as video arraignment has proven to be a valuable tool to help conserve law enforcement, court, and corrections systems resources. With video arraignment systems, the offender may appear before a judge for arraignment without ever leaving jail. This reduces transportation and security costs, keeps the defendant secure at the jail, and reduces the possibility of escape, all the while increasing the safety of court personnel and visitors to the courthouse.

The recommendation as to feasibility of utilizing video arraignments is under purview of the Unified Courts and the Administrative Office of the Courts (AOC) for funding and operation. Implementation will be accomplished at their funding and direction as the process is a function of the Court and not a function of the Sheriff's Court Security. The Sheriff will work diligently with the AOC to install furnished equipment in the housing units at the Jail to provide the link between the Jail and the Courts for video arraignment.

You, as well as Assistant Presiding Judge Robin Appel, have expressed interest in the video arraignment concept for criminal defendants. This philosophy is in direct line with the strategic goals and policy revisions of the AOC to encourage and sustain innovation in the use of new information-sharing technologies necessary to meet the needs of the judicial branch and public.

The Sheriff's Office is working with Judge Appel and the AOC who offered to supply equipment and implement video proceedings in Family Court Hearings. The appearance of in-custody persons on family law issues is difficult as that courthouse has no inmate holding facility. Use of video arraignment in Family Court tests the system for all courts in San Joaquin County, and will prove or disprove its viability.

Prior to implementation, further analysis is required to assuage the Public Defender's reluctance to participate due to perceived confidentiality issues

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(attorney/client privilege). The law also allows the defendant to choose whether or not to participate in video arraignment. The Sheriff has no desire to abridge the rights of defendants. The Sheriff's Office goal is the same as the AOC: to utilize technology where appropriate to increase efficiencies and lower costs of government services.

As those involved get used to the new technology of video conferencing for arraignments, there will be more and more uses for the resource. In addition to court arraignments, it can be used for attorney/client conferences, by probation officers for pre-sentence investigations prior to court sentencing, video conference meetings between courts and Sheriff's staff. Each of these concepts will increase efficiency, lower government costs for services, and provide a higher level of service to citizens.

Recommendation # 2: The Grand Jury be provided with copies of completed investigative reports relating to Finding # 2.

Response to Recommendation # 2

The Recommendation has not yet been implemented, but will be with a time frame for implementation.

The Grand Jury can and will be provided, upon request, with copies of any escape investigation materials within the control of the San Joaquin County Sheriff's Office relative to escapes from the courthouse facility in Stockton. It is the practice of the San Joaquin County Sheriff's Office to provide a vigorous and impartial investigation of any incident involving the escape of an in-custody defendant. These documented reports are thorough so that proper administrative decisions can be made to improve security and lessen the potential for future similar incidents as well as provide evidence for prosecution of the escape.

The unfortunate assault on a Superior Court Judge and the subsequent killing of the suspect resulted in invoking the San Joaquin County Protocol Investigation procedure, which is administered by the District Attorney. Use of a multi-agency protocol investigation provides exactly what the Grand Jury requests; a vigorous and impartial investigation that begins immediately and is concluded in a timely manner after all investigative leads and questions have been asked and answered. Pursuant to provisions on page 21 of the October 2008 version of the Officer-Involved Critical Incident Protocol Manual, the report can be made available to the Grand Jury. Section VI reads:

VI. Public Access to Reports

A. Governmental and Reviewing Bodies

Investigative reports prepared by the Task Force and the results of the Investigation may, of course, be disclosed to the governing body or civilian reviewing body of Task Force Member Agencies. However, to preserve the integrity of the investigation and to preserve the fair trial rights of potential criminal defendants, Task Force reports will be provided to such bodies only after the District Attorney's Office has ruled that no charges will be filed or after the disposition of any criminal prosecution filed as a result of the investigation.

At present the investigation has yet to be reviewed by the District Attorney's Office. When the District Attorney has completed his review, a copy of the report can be made available to the Grand Jury through request to the District Attorney, which will include the findings of the District Attorney.

Recommendation # 3: Adopt viable contingency plans to maintain the current daily cost for prisoner meals and minimum jail standards in the event that it becomes necessary to close the main kitchen due to mechanical/health problems.

Response to Recommendation # 3

The Recommendation has not yet been implemented; however, the time frame for its initiation will be provided.

The Sheriff agrees with the finding that the Jail Kitchen is in desperate need of replacement. The County Administrator is also in agreement and is studying the viability of a 'Super Kitchen' to serve the needs of multiple County and State agencies for meal service in San Joaquin County.

It is anticipated the County Administrator will be able to authorize and build the 'Super Kitchen' within the time frame to control meal expenses, not only for the Sheriff's Office, but also for at least five other County Departments currently providing meals to customers.

In the interim, the Sheriff has identified a solution to temporarily mitigate the use of the kitchen: utilize off-site cook-chill technology to prepare inmate meals that will then be reheated (re-thermed) in the housing units. This process will eliminate use of the kitchen for all food preparation and only require its use for re-heating of Honor Farm meals and cleaning of food trays after meal service.

To that end, County Purchasing issued a Request for Proposal (RFP) in November 2008 to solicit food service vendors to provide meals prepared off-

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site, deliver them to the facility, and reheat the food trays in the housing units. The final contract is to be awarded in July 2009; and after modification of electrical infrastructure and installation of required equipment, cook-chill service should start in September 2009. Once cook-chill is initiated, the Honor Farm Kitchen will no longer be used for food preparation.

The cook-chill, re-therm process is an accepted method of food service approved by the Corrections Standards Authority, Title 15, Minimum Jail Standards. The off-site preparation and delivery of food will not allow the cost per meal to remain consistent with present expenses for food prepared on-site. It does, however, provide a built-in contingency plan as multiple days of food can be prepared in advance and stored for later service. The RFP allows for a 3-year contract with two one-year extensions to the successful bidder.

Sincerely

A handwritten signature in black ink, appearing to read "Steve Moore". The signature is fluid and cursive, with a large loop at the end of the last name.

STEVE MOORE
Sheriff-Coroner

c: *Leroy Omellas, Chairman, Board of Supervisors*
Lois Sahyoun, Clerk of the Board
Manuel Lopez, County Administrator