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Editorial: Crumbling courts a problem for all

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Not long ago, a witness to an attempted gang murder was sitting in a courthouse hallway in Stockton when the defendant was escorted past him. As he passed the witness, the defendant flashed gang signs, clearly attempting to intimidate the witness. Prosecutors added witness intimidation to the defendant's charges, and he eventually was convicted. But the courthouse hallway episode should not have occurred.

Unfortunately, the Stockton incident is just one of hundreds of similar incidents that take place in California's dilapidated courthouses every day. Because space is limited and security inadequate in courts across the state, shackled defendants are regularly paraded past witnesses and jurors.

In Sacramento's criminal courts, the prisoner elevators do not extend beyond the fourth floor. Prisoners have to use public elevators and corridors to get to fifth- and sixth-floor courtrooms. Since December 2007, two prisoners have escaped using the courthouse emergency stairwells.

Many county courts have no jury assembly rooms. Citizens summoned for jury duty wait in their cars or on sidewalks. Courthouse holding cells are so dangerously overcrowded that inmates have to be held in vans or shackled to furniture.

No one disputes that there is a need to replace, renovate and update California's courthouses. Unfortunately, Senate Bill 1407, a bond measure by Senate President Pro Tem Don Perata to fund courthouse repairs, seeks to solve this problem by slapping new and higher fines on those least able to pay: convicted criminals.

We're not talking about murderers, kidnapers and rapists here. Most serious offenders don't pay fines. They go to prison. The biggest chunk of money – 86 percent, according to a 2006 report on who pays fines and penalties in California – will come from traffic violators, mostly drivers caught speeding or who failed to show proof of insurance or weren't wearing seat belts. Parking tickets are also a big source of fines.

Someone caught driving under the influence pays a base fine of \$1,000 today. But with fees, surcharges and penalties, the real cost to the offender is more than triple that, \$3,320, unaffordable to many. Instead of paying the fine, some choose jail, which ends up costing counties more than the fine would provide. Others default on their payments. Depending on how vigorous a county's collection efforts are, some fines are never paid.

Opponents of the courthouse funding measure suggest that, rather than increasing already expensive criminal penalties, counties ought to more vigorously pursue the collection of fines owed now and not paid. Opponents also raise legitimate questions about the multitude of state and local programs that receive fees from penalty assessments. Among them: the peace officer training fund, the corrections training fund and the traumatic brain injury fund. Perhaps some money could be diverted from these programs to repair and rebuild courthouses.

Finally, criminal penalties ought to be based strictly on the gravity of an offense, and set at levels necessary to deter crime, and no more. It's neither fair nor just to shake down criminals to pay for urgently needed courthouse repairs. Maintaining safe and adequate court facilities should be the responsibility of all citizens.

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