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September 23, 2011

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Brad R. Hill, Presiding Justice
Court of Appeal, Fifth District
2424 Ventura Street
Fresno, CA 93721

**Re: Information on SB 1407 Projects; New Santa Barbara County
Criminal Courthouse**

Dear Justice Hill,

Thank you for your request for additional information on our immediate needs project to construct a criminal courts building for the Santa Barbara Superior Court within the City of Santa Barbara. You have set forth some important suggested questions: (1) why this project is of value to our court; (2) why it should move forward; and (3) what are the implications if it should be delayed or cancelled?

Obviously, there is a wealth of material in our Project Feasibility Report which was published on January 15, 2010. However, your committee is burdened with a daunting task, so I would not expect its members to wade through a 39-page report which is only one report among many when the rest of the SB 1407 project courts are considered. Thus, I will attempt to be brief but highlight the major issues and critical need for this project to move forward.

A. What is the Set-Up and Condition of the Current Facilities?

The south region of Santa Barbara Superior Court is located in Santa Barbara. There are two primary court buildings which contain twelve (12) courtrooms. The Figueroa Building was constructed in 1954 (which will be replaced by this project), has six (6) courtrooms devoted to criminal matters. The Historic Courthouse was constructed in 1927 and is directly across the street

from the Figueroa Building. It houses six (6) courtrooms, two (2) of which are devoted to criminal cases and four (4) of which are devoted to general civil and family law matters. The Figueroa Building houses an under-sized holding facility in its basement. The Historic Courthouse has no criminal holding facility whatsoever.

B. The Startling Lack of Security

The primary issues with this bifurcation of criminal cases between two building is the total lack of security and inability to move in custody defendants to the courtrooms without going through public hallways, elevators, and crossing the public street. **(Attached are several pictures which illustrate this problem).**

In order to move a prisoner from the Figueroa holding facility to any of the trial courtrooms, a prisoner must be escorted in shackles and handcuffs directly through the public hallways, stairwells, or elevator to get to the courtroom. Only one of these eight (8) courtrooms is directly accessible from the holding facility and it is the arraignment courtroom. Worse, to move in custody defendants into the two (2) criminal courtrooms which operate in the Historic Courthouse requires them to be escorted through the crosswalk on Figueroa Street.

Ironically, the Historic Courthouse is a major attraction drawing tourists from all over the world and it is common for 5 or 6 buses to be parked in front of it unloading its sightseers every morning and afternoon. The pictures attached to this letter, depict an odd sight. Prisoners in orange and blue jumpsuits are escorted by deputies across a public street. As they reach the other side, they encounter scores of international tourists who are debarking from their respective buses to enjoy the sights of our historic Spanish colonial courthouse. The contrast between these “two worlds” is startling. Once the so-called “chain gang” reaches the inside of the Historic Courthouse, the deputies rope off the public hallways so they can travel to the criminal courtrooms. When court breaks for lunch this process is repeated in reverse.

In short, this situation is a tragedy waiting to happen. Like many cities, Santa Barbara has a definite gang problem. It would be easy for a rival street gang to lay in wait and attack an in custody gang member being escorted across the public street in broad daylight.

C. The Inadequacy of the Figueroa Building Holding Facility

The Sheriff daily transports a large volume of in custody defendants at one time to the Figueroa Building holding facility for their various court appearances in both court buildings. The holding facility is located in the basement of a 57-year old building which is only 1,344 square feet. Many of the defendants are “classified” and are supposed to be segregated for certain reasons such as high security risk, mental health, etc. Given the sheer volume of prisoners, the Sheriff is often unable to properly segregate such classified prisoners. Further, the capacity is often overcrowded by 200% beyond its rated capacity.

The control booth is a tiny crowded room barely large enough for two deputies when space is needed for 4-5 including transportation. **(See attached pictures)**. It is obvious that this holding facility and the entire building (circa 1954) was not designed to conduct the volume of cases we experience in 2011.

There are only two (2) tiny attorney conference rooms adjacent to the holding facility and attorneys line up to discuss their cases with their custody defendants all day long. This often delays cases proceeding in court and backs up the calendars.

D. Operational Efficiencies to be gained by Court and Sheriff

There are numerous operational efficiencies that can be gained by consolidating all criminal operations into a single safe and secure new building. The most obvious ones are related to elimination of the above current practices which the Sheriff is forced to use due to the inadequacy of existing facilities. In custody defendants would be moved through separate internal, secure corridors directly into criminal courtrooms in a single building. Prisoners could be properly segregated and overcrowding associated with an inadequately sized holding facility would be overcome. Transportation would not have to escort prisoners across a public street through crowds of tourists.

There are also operational efficiencies for the Court. Case files would not have to be delivered to each building from our central criminal records department in the Figueroa Building. Court reporters could be housed in a single building rather than constantly going back and forth with their steno machines. Our jury operations would be relocated from another building and relocated to the first floor of the new criminal building. Large pools of jurors would not have to walk across two sets of crosswalks to reach the criminal court building.

E. Public Access and Service to the Public

Public service can be greatly improved with the construction of a consolidated criminal courts building. Currently, the public, litigants and even lawyers are often confused about which building they should report to for a given case. This is exacerbated when cases are transferred between judges or re-assigned on short notice and the judges are in separate buildings. It is commonplace for a member of the public to approach a court staff member and inquire: “Where is department 12? The sign outside says my case was reassigned to Department 2? Where is it?”

Criminal case files could stay in one building and the constant “churning” and movement of files would be greatly reduced along with a reduction in misplaced files and/or documents. Public and media requests to view files could be handled more effectively and efficiently.

F. Value of the Project; Why It Should Move Forward

Hopefully, much of the foregoing discussion demonstrates the overall value of the project. The most dramatic and critical need relates to the abhorrent security situation that exists. If the building project does not go forward, eventually the “Big Law of Averages” will catch up to Santa Barbara. A tragic violent act will be perpetrated and the newspaper will run a story the next day asking how could it be possible that this project was halted and this violent act allowed to happen? We somehow must not allow funding cutbacks to compromise basic public safety.

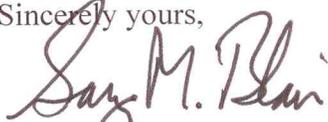
This project has advanced significantly forward to date. The site for the new criminal building has been acquired and is now owned by the state. A deal for a second parcel for parking is about to be finalized. The project architect has been hired and is prepared to commence the design phase. We project that acquisition of the final parcel will happen in December.

G. What are the Implications if Project is Delayed or Cancelled?

Delay of the project will obviously delay a solution to all of the dangerous security issues described in Sections B and C above. Operational inefficiencies will continue. Economic stimulus to the community described in Section 2.4 of the Project Feasibility Report will be forestalled or lost. The \$7.2 million already spent on the land acquisition for the building and certain associated costs will become sunk costs.

In sum, it would clearly be an absolute waste of public funds to have come this far and stop short of the goal line. In the parlance of football, "We are inside the Red Zone," meaning that one is inside the the 20-yard line and very close to scoring a touchdown. Nothing should stop us from completing this critically needed criminal courts building!

Sincerely yours,

A handwritten signature in black ink that reads "Gary M. Blair". The signature is written in a cursive style with a large, stylized initial "G".

Gary M. Blair
Superior Court Executive Officer

Attachments

Cc: Brian Hill, Presiding Judge





