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## Who should pay to fix county courthouses?

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 -- an attempt 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 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 overcrowded that inmates must be held in vans or shackled to furniture.

No one disputes that California's courthouses need to be replaced, renovated and updated. Unfortunately, Senate Bill 1407, a bond measure by Senate President Pro Tem Don Perata to fund courthouse repairs, would 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. Serious offenders don't pay fines, they go to prison. The biggest chunk -- 86 percent, according to a 2006 report on who pays fines and penalties -- will come from traffic violators, drivers caught speeding or who failed to show proof of insurance or weren't wearing seat belts.

Someone caught driving under the influence pays a base fine of \$1,000 today. But with fees, surcharges and penalties, the real cost is \$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. Depending on how vigorous a county's collection efforts are, some fines never are paid.

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

Finally, criminal penalties ought to be based on the gravity of an offense, and set at levels necessary to deter crime, and no more. It's not fair to shake down criminals to pay for courthouse repairs. Safe and adequate court facilities are the responsibility of all citizens.