

## 2015-2016 Case No. 1507

### Homelessness in San Joaquin County

#### *“Time for Collaboration, Commitment and Communication”*



*Tim Daly, ABC News 10, My Neighborhood, January 16, 2016*

Homelessness is a complex, emotional and multi-faceted problem in San Joaquin County. Pinning down the exact number of homeless county-wide is difficult. It's hard to determine even how many shelter beds are available. That being said, it doesn't take much effort for even a casual observer to see the problem is huge. And growing.

A months-long investigation by the Grand Jury showed that there are numerous well-intended public and private groups and agencies working on the problem countywide. However, often they are working at cross-purposes.

One of key findings of the Grand Jury's investigation was that the county has no over-arching strategy for dealing with homelessness. The jury did find one example of a solid, coordinated effort in the City of Lodi.

The jury made several recommendations, the key one being that county officials take a leadership role in creating a single, focused and coherent plan to address homelessness. Other recommendations included:

- That measurable short- and long-term goals with a timeline and an annual evaluation process be part of the plan.
- That one person in the county government – a “homeless czar” if you will – be appointed to oversee all matters related to homelessness.
- That the “homeless czar” report directly to the county administrator and have the authority, resources and respect to bring together the necessary entities to develop the county's Strategic Plan on Homelessness.

In recent months efforts have moved in the direction of the jury's recommendations, largely the result

## 2015-16 Case No. 1503

### San Joaquin County Registrar of Voters *Make Every Vote Count*

The San Joaquin County Civil Grand Jury chose to investigate the issue of 800 uncounted vote-by-mail (VBM) ballots discovered after the Gubernatorial Primary Election held June 3, 2014. The issue came to light publicly via a newspaper column in *The Record* on May 14, 2015, 345 days after the election. In this day and age of sometimes suspected voter fraud and political hyper partisanship, the citizens of San Joaquin County deserve and need a system they can trust to faithfully count every legitimate ballot.

Due to lack of San Joaquin County Registrar of Voters (ROV) documentation, the Grand Jury could not determine why the VBM ballots were not received in time to be counted. The Grand Jury did not find that ROV personnel acted with non-feasance. The Grand Jury did discover the U.S. Postal Service does not guarantee the time it takes for mail to be delivered. After taking all pertinent information into consideration, the Grand Jury did recommend additional policies for safer caretaking, handling and storage of VBM ballots once they are received.

#### Here are the resulting improvements:

- The ROV has implemented written policies and procedures for daily tracking of VBM ballots picked up at the Post Office. Tracking includes who picked up the ballots, when they were picked up, how many were received, and when they arrived at the ROV office.
- The ROV developed and implemented a written policy to publicize election discrepancies before election certification.
- The ROV now stores all ballots and equipment in a more secure location with 24-hour surveillance and the surveillance data is now kept as long as the actual ballots are kept.
- The ROV is in the process of modifying existing chain of custody practices to document movement of critical election materials between ROV facilities.



## 2015-2016 Case No. 1506

### San Joaquin County Public Defender Fees

Criminal defendants have a 6<sup>th</sup> Amendment right to fair and competent defense counsel, a right established in a 1963 U.S. Supreme Court case. If a defendant cannot afford an attorney the court is obliged to appoint legal representation paid for by taxpayers.

In California, the state Government Code allows the county Board of Supervisors to appoint a "county financial evaluation officer" to determine if a defendant is able to pay for an attorney. However, a Grand Jury investigation found San Joaquin County does not

have such an officer; that, little, if any, effort is made to determine if a defendant is truly indigent; and that virtually no effort is made to reimburse the Public Defender's Office fees allowed under the state Penal Code.

The cost of providing Public Defender services is not insignificant. In fiscal 2014-2015 the county spent \$18.3 million to provide public defenders to defendants claiming indigency. In that same period the county recovered \$21,520 as allowed by the state Government

Code from the nearly 6,500 misdemeanor and felony cases handled by the Public Defender's Office.

#### Based on its investigation, the Grand Jury recommended, among other things, that county supervisors:

- Study the feasibility of hiring an evaluation officer or other person to vet defendants' ability to pay and to track and collect public defender fees.
- Establish policies and procedures to vet defendants and implement the policy.
- Develop a Memorandum of Understanding with the court to inform all defendants of the assessable fees.

These recommendations have been implemented.

The Grand Jury understood that not all defendants are able to pay and those that cannot have a legal right to free legal representation. But jurors also believed the county has an obligation to make sure that those defendants who can pay – even a small part – do pay.