

**REPORT BY THE
AUDITOR GENERAL
OF CALIFORNIA**

**A REVIEW OF COURT SERVICES
IN SAN BERNARDINO COUNTY**

**A Review of Court Services
in San Bernardino County**

P-134, July 1992

**Office of the Auditor General
California**



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July 1, 1992

P-134

Honorable Robert J. Campbell, Chairman
Members, Joint Legislative Audit Committee
State Capitol, Room 2163
Sacramento, California 95814

Dear Mr. Chairman and Members:

The Office of the Auditor General presents its report concerning a review of court services in San Bernardino County.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kurt R. Sjoberg".

KURT R. SJOBERG
Auditor General (acting)

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Summary

Results in Brief Both the Sheriff's Department (sheriff) and the Marshal's Department (marshal) provide services to the courts of San Bernardino County (county), including bailiffing and court security, transporting prisoners from the jails to the courthouses, and handling prisoners within the courthouses. The sheriff serves the superior courts whereas the marshal serves the municipal courts. The sheriff and the marshal also deliver processes for the courts, which are orders and notifications issued by the courts in civil and criminal judicial proceedings. We reviewed the feasibility of consolidating the court services activities of the sheriff and the marshal and noted the following:

- The sheriff's dispatching operation, which is currently independent of the marshal's dispatching operation, has the capacity to absorb the work load of the marshal's dispatch unit at an annual savings of \$56,600; and
- In at least one of the eight¹ regions of the county, where both the marshal and the sheriff serve processes for the courts, the marshal could absorb this work load from the sheriff. In just this one region, if the work load of the sheriff were consolidated into the marshal's process work load, the county would save \$102,000 annually.

¹ Although both the sheriff and the marshal serve processes throughout the entire county, the sheriff divides the county into five regions, whereas the marshal divides the county into eight regions.

Background The county supports 34 full-time superior courts and 26 municipal courts in eight courthouses throughout the county. To provide services to the municipal courts, the marshal has established a substation, or division, within each of the eight county courthouses. To provide services to the superior courts, the sheriff has a Court Services Division, which is responsible for providing court services to the two most active courthouses that have superior courts. In the three other superior court locations, the sheriff provides court services through substations located in the courthouses; however, these substations are not part of the sheriff's Court Services Division but are part of the sheriff's Criminal Operations Division and are responsible for more than just court services.

The Work Load of the Marshal's Dispatch Unit Could Be Absorbed Into the Sheriff's Dispatch Operation Currently, both the sheriff and the marshal independently operate dispatching operations for their deputies and technicians in the field. The sheriff's and the marshal's deputies and technicians rely on their dispatchers for various needs, not the least of which is to keep their headquarters notified of their whereabouts while out in the field.

According to the communications commander for the sheriff, some of the sheriff's dispatchers are able to handle a greater number of calls than they currently handle. In fact, the sheriff's dispatch operation has the capacity to absorb much of the work load of the marshal's dispatch unit. If the dispatching operation of the sheriff were to absorb the work load of the marshal's dispatching unit, there would be a net reduction in the number of dispatchers currently serving in the two dispatching operations, resulting in a savings of about \$56,600 a year.

In at Least One Region, the Marshal Could Absorb the Sheriff's Civil Process Work Load

In one of the eight regions of the county, where both the sheriff and the marshal deliver processes for the courts, we assessed the feasibility of consolidating the work load into one department or the other, reviewing information on the work accomplished by the two staffs during a one-week period in November 1991. We found that the two departments served processes in the same geographic areas and that the work of the two departments could be handled by just one department in those mutually served areas. If the county were to consolidate the sheriff's process work load into the marshal's operation in just this one region of the county, the county would save about \$102,000 annually. Although we did not assess the feasibility of consolidating the remaining seven county regions, nothing came to our attention that would preclude this possibility. Therefore, the potential for greater countywide savings exists.

Recommendations

We recommend that the county consolidate the dispatch operations of the marshal into the sheriff's dispatch operation. Also, we recommend that the county consolidate the sheriff's civil process work load into the marshal's office.

Agency Comments

The San Bernardino County administrative officer was provided a copy of the draft report but did not file a written response. After reviewing our report, the San Bernardino County Marshal found no areas in the report that should be changed. Whereas, the sheriff states that the report fails to provide an overview sufficient enough for a reader to understand the conclusions of the report.

Introduction

California law mandates that counties maintain a system of trial courts consisting of superior, municipal, justice, and small claims courts. Superior courts have jurisdiction over felony cases that proceed past the preliminary hearing stage; civil cases involving more than \$25,000 in damages; and cases involving insanity, juveniles, probate, guardianships, and family law cases. Municipal and justice courts have jurisdiction over trials involving misdemeanor charges; and civil cases involving damages of \$25,000 or less. Small claims courts have jurisdiction over civil cases involving less than \$2,500 in damages. Judicial districts with populations of more than 40,000 maintain municipal courts whereas judicial districts encompassing populations of less than 40,000 generally maintain justice courts. In time for fiscal year 1988-89, legislation was enacted that provided the counties with grants from the State to assist in funding the courts. In fiscal year 1990-91, according to the state Judicial Council, grants provided \$202,248 for each judicial position authorized by the State for the county.

San Bernardino County (county) supports 34 full-time superior court departments and 26 municipal court departments, in eight courthouses throughout the county. The county also supports night courts as well as additional courts presided over by “assigned retired” judges. The superior court system includes a separate juvenile department.

The Sheriff’s Department (sheriff) acts as the chief law enforcement agent in the county, providing services to all unincorporated areas of the county. The sheriff also provides

service to some of the county's incorporated cities on a contract basis. In contrast, whereas state law gives the Marshal's Department (marshal) all the law enforcement powers of other peace officers, the marshal generally exercises these powers only in municipal court. The marshal also enforces orders of this court. The sheriff employed more than 1,600 people in fiscal year 1990-91 and managed a budget of more than \$111 million; the marshal was budgeted for a staff of approximately 148 in fiscal year 1990-91 and managed a budget of \$8.4 million. Approximately \$2.9 million of the marshal's \$8.4 million budget was generated through his traffic warrant program.

To provide services to the municipal courts, the marshal has established a substation, or division, at each of the eight county courthouses. The marshal provides bailiffing, court security and custody services, and delivery of notifications and enforcement orders. To provide services to the superior courts, the sheriff has a Court Services Division, which is responsible for court services in the two courthouses with the most departments and for all the sheriff's civil enforcement. In the three other superior court locations, the sheriff provides court services through substations located in the courthouses. However, these substations are not part of the Court Services Division, functioning instead under the command of the Criminal Operations Division and providing many other law enforcement services, including patrols to the surrounding areas. Court services represent only a portion of these substations' total work load.

Since 1980, seven counties have consolidated court services under either the sheriff or the marshal as each county chose. Appendix A lists these counties and the results they have reported from consolidation. Six of these counties report savings as a result of their consolidations. However, some of the savings are from providing certain court services more efficiently rather than from the consolidation of either the marshal's organization into the sheriff's or vice versa. For example, two of the six counties have lowered their costs by using lower paid personnel to provide bailiff services in certain courtrooms.

San Bernardino County considered consolidating the court services activities of the marshal and the sheriff in 1987. At this time, the consulting firm of Deloitte Haskins & Sells issued a report concluding that, if the county were to consolidate, it could save between \$471,000 and \$801,000 in the first year of consolidation, depending on whether the consolidation was into the marshal's organization or the sheriff's organization. A consolidation did not occur at this time, however.

In 1991, legislation was passed directing superior, municipal, and justice courts throughout the State to achieve increased access to the courts through the efficient use of judicial branch resources. By March 1992, each county was required to prepare a trial court coordination plan. Statewide, these trial court coordination plans must realize a cost savings of 3 percent in fiscal year 1992-93 and an additional 2 percent in each of the following fiscal years. In response to this legislation, the superior and municipal courts of the county have drafted a plan to reform the county's trial courts. The plan calls for numerous reforms including merging the courts' administrative activities, cross assigning judges without regard to the subject matter under jurisdiction, and holding vacant positions open until appropriate staffing levels are determined. The plan also discusses consolidating court services provided by the marshal and the sheriff. The unification plan is designed to slow the rate of spending growth in the county's superior and municipal courts to 3 percent a year while the caseload grows at the rate of about 6 percent a year. On March 1, 1992, the county submitted the plan to the State's Judicial Council.

As part of the effort to streamline the trial courts in the county, the issue of whether the court services provided by the marshal and the sheriff should be consolidated into one organization has resurfaced. Senate Bill 242, if passed, would authorize the county to proceed with the consolidation.

**Scope and
Methodology**

The purpose of this audit was to review the feasibility of consolidating the court services of the marshal and the sheriff in the county. We were asked to update the 1987 review by Deloitte Haskins & Sells concerning this issue; however, because the consulting firm has been unable to locate its working papers for its study, we could not update it. Instead, we conducted a comprehensive review of our own.

We started by developing an overall understanding of court services in the sheriff's and the marshal's offices. We then reviewed in greater depth each of the functions of the county's court services. These functions include the following: the county's delivery of the notifications, enforcement orders, and warrants of the municipal and superior courts; the provision of bailiff and court security services to both courts; the transporting of prisoners within the courthouses and to and from the jail and the courthouses; and the dispatching functions within the marshal's and the sheriff's offices. We also reviewed the number of supervisors that the sheriff and the marshal have allotted to oversee the various court services activities. The objectives of our reviews of each of these functions were to identify any unnecessary overlap of duties under the current allocation of court services responsibilities and to identify the availability of any staff time in either the sheriff's office or the marshal's office that could be used more effectively.

We did not identify any potential for cost cutting under the sheriff's and the marshal's current systems of delivering most of their court services. Specifically, we reviewed the way the sheriff and the marshal deliver bailiffing and court security, transport inmates to and from the courthouses, and hold inmates while they await court appearances, but we did not identify any changes in the delivery of these services that would cut the county's cost. However, we did identify the possibility for cost cutting in the ways the sheriff and the marshal currently serve civil processes and in the ways that the sheriff and the marshal handle their respective dispatching responsibilities.

To determine whether a consolidation could lead to more efficiency in the sheriff's and the marshal's current delivery of civil processes, we reviewed this activity for the two organizations. We focused on one geographic region within the county and reviewed the records of the sheriff's and the marshal's process servers for a one-week period in November 1991.

Similarly, we focused on the possibility of consolidating the dispatch operations of the marshal and the sheriff. Specifically, we discussed the possibility of this consolidation with the sheriff's communications commander at the Rialto communications center and with the marshal's captain, who oversees the marshal's dispatch unit. We also reviewed the actual records of these units. Furthermore, we asked the sheriff's communications commander to construct a hypothetical model of how he would absorb the work load of the marshal's dispatch unit if the marshal's dispatch unit were to be consolidated into the sheriff's dispatch operation.

We also estimated the savings associated with any reduction in staffing that would result from a consolidation of the county's civil process work load and the sheriff's and the marshal's dispatching operations. We accomplished this by reviewing pertinent salary schedules and by interviewing appropriate officers in the sheriff's and the marshal's offices.

Finally, we contacted officials from seven other counties that have consolidated their court services to ask about their consolidation experiences. The administrative offices of two of these counties provided us with evaluations of the effectiveness of their consolidations.

Chapter 1 San Bernardino County Should Consolidate the Marshal's Dispatch Operation Into the Sheriff's Dispatch Operation

Chapter Summary Currently, both the Sheriff's Department (sheriff) and the Marshal's Department (marshal) have independent dispatch operations in San Bernardino County (county). We reviewed the possibility of consolidating these operations and found that it makes the most sense for the marshal's dispatch unit to be consolidated into the sheriff's dispatch operation because the sheriff operates a dispatch center seven days a week, 24 hours a day, whereas the marshal generally operates a dispatching unit five days a week - 16 hours on Monday through Thursday and 11 hours on Fridays. Additionally, according to the communications commander for the sheriff, some of the sheriff's dispatching positions handle a smaller volume of calls than they are capable of handling. The sheriff's communications commander believes that the sheriff's dispatch operation has the capacity to absorb much of the work load of the marshal's dispatching unit, although the operation would need to increase its number of dispatchers slightly. However, if the dispatching unit of the marshal were consolidated into the dispatching operations of the sheriff, there would be a net reduction in the number of dispatchers currently serving in the two dispatching operations, leading to an estimated savings to the county of about \$56,600 a year.

Marshal's Dispatch Operation The marshal provides dispatch services to his deputies primarily from the central command center in his office in the city of San Bernardino. The marshal's dispatch unit provides this service between the hours of 6:00 a.m. and 10:00 p.m. Monday through

Thursday and between 6:00 a.m. and 5:00 p.m. on Friday. In addition to providing dispatch services for his deputies, the marshal's dispatch unit provides radio dispatch services for the agents of the county Probation Department and the county Department of Public Social Services, Child Welfare Fraud Investigators (welfare fraud investigators). As of March 1992, the marshal's dispatch unit consisted of a lieutenant, a sergeant, and five dispatchers. The lieutenant and the sergeant spend only part of their time working with the dispatch operations.

According to the marshal's communications commander, the marshal's deputies, the probation agents, and the welfare fraud investigators, who spend much of their day out in the field, typically use the marshal's radio dispatchers from field positions, for example, to notify their headquarters periodically of their present location or to search a data base for information, such as outstanding warrants.

The marshal's dispatch unit currently provides dispatch services for an annual volume of approximately 23,000 calls from marshal's deputies; it handles an estimated annual volume of 26,400 dispatch calls for the probation agents and 1,800 dispatch calls for the welfare fraud investigators. When not handling calls, the marshal's dispatchers perform clerical duties.

**Sheriff's
Dispatch
Operation**

According to the sheriff's communications commander, the sheriff provides 24-hour radio dispatch services to his deputies primarily from the sheriff's regional dispatch centers in Rialto and Victorville. The Rialto dispatch center is budgeted for 48 dispatchers but currently employs 36, and the Victorville dispatch center has 33 dispatchers. On each of three daily shifts, the sheriff's Rialto dispatch center usually operates five radio dispatch positions and three to six "call takers" 24 hours a day. The sheriff's dispatch operation handles 911 emergency response calls, and it is the sheriff's call takers who initially respond to these calls.

The sheriff's dispatchers also handle other types of communications, such as calls from deputies in the field who are notifying headquarters of their present location. These types of calls are similar to those typically handled by the marshal's dispatchers.

**Available
Capacity at the
Sheriff's
Dispatch
Operation**

According to the sheriff's communications commander, the sheriff has the available capacity at its Rialto location to provide radio dispatch services for the marshal's deputies, the Probation Department, and the Department of Public Social Services. The communications commander stated that, although some of the radio dispatch positions on the two shifts that would serve the marshal's agents carry a heavier volume in terms of dispatch incidents, the work load of other dispatch positions is moderate to light. One of the dispatch positions handles as many as 3,000 dispatch incidents, or calls, a month while other dispatch positions handle as few as 1,700 calls a month. Those dispatchers who now handle a lighter load are able to handle more calls.

During our review, the communication's commander identified 4 dispatchers—2 on the day shift and 2 on the swing shift—who could absorb the additional work load handled by the 5 dispatchers in the marshal's dispatch unit. The sheriff's communications commander would delegate to each of his dispatchers a portion of the marshal's dispatch work load, which would increase their total work load. Under the communications commander's proposal, 2 of these dispatch positions each would be required to handle just over 3,000 calls a month. The communications commander pointed out, however, that if his dispatch operation were to absorb the additional work load, these 4 dispatchers could not handle all the marshal's work load, and he would be required to bring into his operation an additional 2.6 dispatchers. The cost of these additional dispatchers would be offset against the savings resulting from the elimination of the 5 positions in the Marshal's dispatch unit. Also, the communications commander cautioned us that, if the county were to consolidate the marshal's dispatching operations into the sheriff's, he would reserve the right to reevaluate this action once

experience had been gained because he does not have first-hand experience in dealing with the marshal's demand for dispatching services.

The communications commander further stated that, since the marshal's deputies, the probation agents, and the welfare fraud investigators do not work on a call-for-service basis, if the consolidation were to occur, it would not impact the sheriff's 911 call-intake operation. Instead, all three groups would usually be generating "on-view" incidents over either their voice radio or mobile data terminals as they made their planned field contacts. On-view incidents are initiated by the deputy in the field rather than assigned to the deputy by the sheriff's dispatcher.

Even though the sheriff might need to add 2.6 additional staff positions, the consolidation of the marshal's dispatch unit into the sheriff's dispatch operation along the lines of the proposal discussed above would create a net savings. Such a consolidation could save the county about \$56,600 each year.

Marshal's Objections

The marshal objects to our suggestion that the work load of his dispatching unit could be absorbed by the sheriff's dispatching operation. First, the marshal stated that the number of calls that his dispatchers are handling has increased since we did our analysis. While this may be true, the marshal has only presented us with one month of current data, which the marshal acknowledges does not represent a trend. Our analysis covers dispatch calls received by the marshal's dispatchers over the 12 months from January 1 through December 31, 1991.

Second, the marshal is concerned that a consolidation of the marshal's dispatch work load into the sheriff's dispatch operation does not take into account the fact that the marshal's dispatchers handle many clerical duties associated with their dispatching activity. We do not doubt that the marshal's dispatchers are involved in these various clerical duties. However, the sheriff's

dispatchers are also required to undertake clerical duties. In fact, the job description for a sheriff's dispatcher in the county states that the sheriff's dispatchers will also handle clerical duties.

Third, the marshal states that, for the sheriff to take on the dispatching work load of the marshal, the sheriff's dispatchers would need to be trained in the marshal's standard operating procedures, management policies, and unique field operations. In response to this issue, we would like to point out that the sheriff's dispatchers also support their own deputies in the field, who are performing duties similar to those performed by the marshal's deputies and technicians.

Fourth, the marshal has expressed a concern about his deputies and technicians not receiving the same priority of service from the sheriff's dispatchers as they are now accustomed to receiving from the marshal's dispatchers. It is difficult to predict the kind of priority that the sheriff's dispatchers will place on the marshal's calls. Certainly, this is an issue that will have to be addressed when a consolidation takes place of the sheriff's and the marshal's dispatch operations.

Finally, the marshal is concerned that a consolidation of the sheriff's and the marshal's dispatch operations would result in a loss of jobs even though the legislation that authorizes a consolidation prohibits such a move from adversely affecting any personnel of either the sheriff's department or the marshal's office. We suggest that a reduction of 2.4 jobs could be absorbed through normal attrition. Certainly, the sheriff's dispatch operation, with a total staff of more than 50 personnel, would experience an annual rate of attrition that could accommodate the reduction of 2.4 positions.

Conclusion If the two dispatching operations are successfully consolidated, there will be an overall reduction in cost to the county without a loss of effectiveness. This is because the sheriff's dispatching operation is able to handle more calls than it currently handles. The

sheriff's communications commander estimates that his dispatching operation could absorb all of the dispatching work load of the marshal with an increase in his dispatching staff of only 2.6 positions. The net savings to the county of such a consolidation would be about \$56,600 annually. The marshal has specific concerns about the possibility of consolidating his dispatching unit into that of the sheriff's; however, in our judgement, his concerns are not insurmountable, and the idea of consolidating the two dispatching activities is worthy of further consideration.

Recommendation

We recommend that the county consolidate the dispatch operations of the marshal into the sheriff's dispatch operation. In implementing such a consolidation, the county should evaluate each of the objections that have been put forward by the marshal. At the end of one year, the county should evaluate the results of the consolidation of dispatching services and determine if the consolidation should be continued.

Chapter 2 San Bernardino County Should Consolidate the Sheriff's Civil Enforcement Operation Into the Marshal's Civil Enforcement Operation

Chapter Summary In San Bernardino County (county), the Sheriff's Department (sheriff) and the Marshal's Department (marshal) are required to serve civil processes, which include all orders, notices, warrants, and summonses issued in the course of civil judicial proceedings. During our analysis of the sheriff's and the marshal's civil process operations, we found that the two departments served processes in the same geographical regions within the county. We focused on one region that was served by both the sheriff and the marshal, reviewing the civil processes served by the two departments during a one-week period in November 1991. We found that the marshal's deputies and technicians have the time available within their existing schedules to absorb the sheriff's work load in this one region. We estimated that the county would save approximately \$102,000 in this region alone if it were to assign the sheriff's civil process work load to the marshal.

Background The sheriff and marshal separate their civil process work loads into three general categories: single jurisdictional, levies, and evictions. Single jurisdictional processes include summonses, complaints, garnishments, subpoenas, and notices to appear. Levies attach or assess a defendant's possessions, which could include property, income, savings, business assets, and other types of assets. Evictions seek the forcible removal of persons from real property.

To initiate service of a civil process, the plaintiff in the proceedings must decide upon a method for serving the process. For certain types of processes, the plaintiff can choose the sheriff,

the marshal, a registered process server, or an adult who is not a party to the process proceedings. In addition, although some types of processes must be served to the defendant in person, other types can be served through the mail. When using either the sheriff or the marshal, the plaintiff must submit the appropriate forms and process papers to the department the plaintiff chooses. The department will then collect a fee in advance from the plaintiff for the service of the process. The fees charged by the departments are set by state statute.

In serving civil processes, the sheriff's and the marshal's personnel must do so with reasonable speed and diligence. Reasonable speed and diligence are dependent upon the particular circumstances, but usually three attempts at different times and days is considered reasonable. If the sheriff's or marshal's personnel fail to serve the process successfully, the reason for failure must be certified and the process papers returned without delay.

**Sheriff Uses a
Centralized
System**

The sheriff's Court Services Division is the sole unit responsible for serving the sheriff's civil process work load. The Court Services Division uses a centralized system, that is, a system with one central location that receives and serves civil processes. All civil processes are accepted and routed through the sheriff's central substation, which is located in the city of San Bernardino (see Figure 1).

Locations of the Sheriff's and the Marshal's Offices That Serve Civil Processes in San Bernardino County

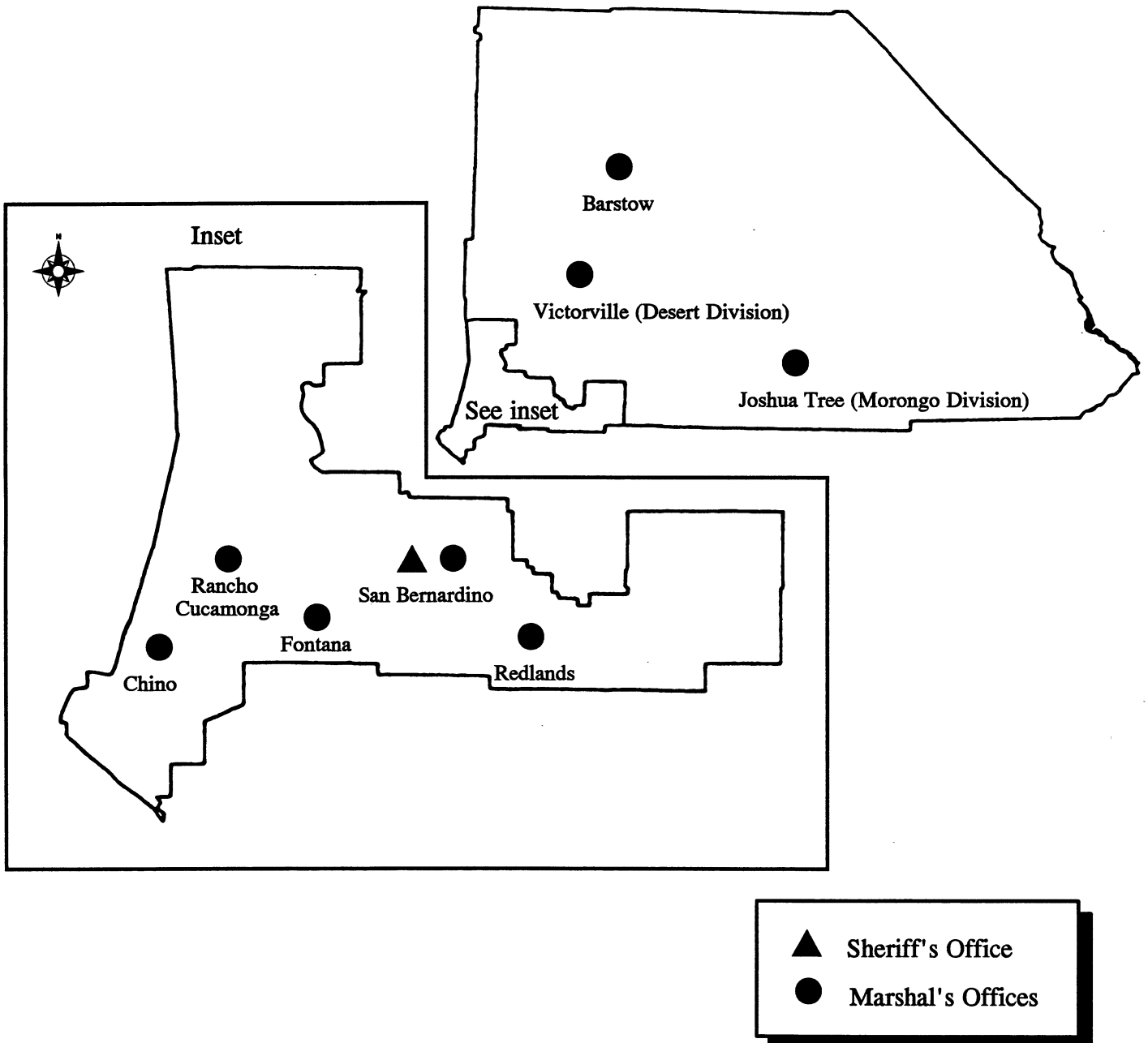


Figure 1

The sheriff uses sworn peace officers to serve civil processes. Currently, one senior deputy sheriff and five deputy sheriff IIs are assigned to serve civil processes full time. However, one deputy sheriff II has been out on a leave of absence for the last nine months. Even though these deputies are assigned to the sheriff's central substation in the city of San Bernardino, each of these deputies is assigned a specific area within the county to serve civil processes. In addition to those assigned personnel, the sheriff has, in the past, recruited deputies from other duties, such as courtroom security, to serve civil processes. According to the office manager of the Court Services Division, for towns in the outlying areas of the county, for example, Needles, Trona, and Lake Havasu, the sheriff will FAX or mail the information and instructions on how to serve the process to the nearest sheriff's substation in that area. A deputy at that substation will then attempt to serve the process. Appendix B lists the cities and towns within each of the assigned and FAX or mail areas.

According to the office manager of the Court Services Division, the sheriff relies on an automated computer system to track the status of each civil process. The sheriff adopted this system, which the marshal also uses, in October 1991. Before this date, the sheriff had used a data base system that was separate from the marshal's computer system. Because our analysis covers an earlier period, we relied on information from the sheriff's former data base system. According to statistical reports produced by this system, for the 12 months from October 1990 to September 1991, the sheriff served a total of 6,570 pieces of civil process.

**Marshal Uses a
Decentralized
System**

In contrast to the sheriff, the marshal uses a decentralized system, that is, a system with several offices throughout the county that receive and serve civil processes. Each of the eight marshal's divisions located throughout the county receives and serves civil processes (see Figure 1 on page 15). When a division receives a plaintiff's request to serve a civil process, the division's clerical staff will direct the process to the appropriate division either by the intracounty mail or by the marshal's courier service.

The marshal's civil process work load is organized so that each division will serve only those processes that are in the division's general vicinity. Appendix C lists the cities served by each division. The marshal does not serve several towns in the outlying areas of the county because these towns are within the jurisdiction of justice courts. The constable, who is responsible for providing services to justice courts, serves civil processes in those areas.

Each of the marshal's divisions has both sworn and nonsworn personnel assigned to serve civil processes. Unlike sworn deputies, nonsworn personnel are not considered peace officers and cannot perform certain law enforcement duties such as serving as bailiffs in municipal courts. In addition, nonsworn personnel cannot deliver enforcement orders or arrest warrants. Further, nonsworn personnel are paid less and receive fewer benefits than sworn deputies. The marshal uses nonsworn marshal's technicians to serve the single jurisdictional processes, which constitute the majority of his civil process work load. In addition, the marshal uses deputy marshals to serve those types of civil processes that require the presence of a sworn peace officer, such as for evictions, levies or traffic warrants.

The number of personnel assigned to serve civil processes varies from division to division. For example, the central division, which is located in the city of San Bernardino, has eight deputy marshals and seven marshal's technicians to serve civil processes, whereas the Morongo division, which is located in the less densely populated desert region of the county, has only one deputy marshal and one marshal's technician assigned to serve civil processes. Appendix D lists the number of personnel assigned to serve civil processes at each division.

According to the captain in charge of the marshal's computer systems, the marshal has been using an automated computer system to account for civil processes since April 1991. Before the inception of this computer system, the marshal maintained statistical information on civil process service manually and currently continues to do so to ensure the accuracy of the automated

computer system's statistical reports. According to the marshal, during the 12 months from February 1991 to January 1992, the marshal served 43,670 pieces of civil process.

**Analysis of the
Sheriff's and
the Marshal's
Systems**

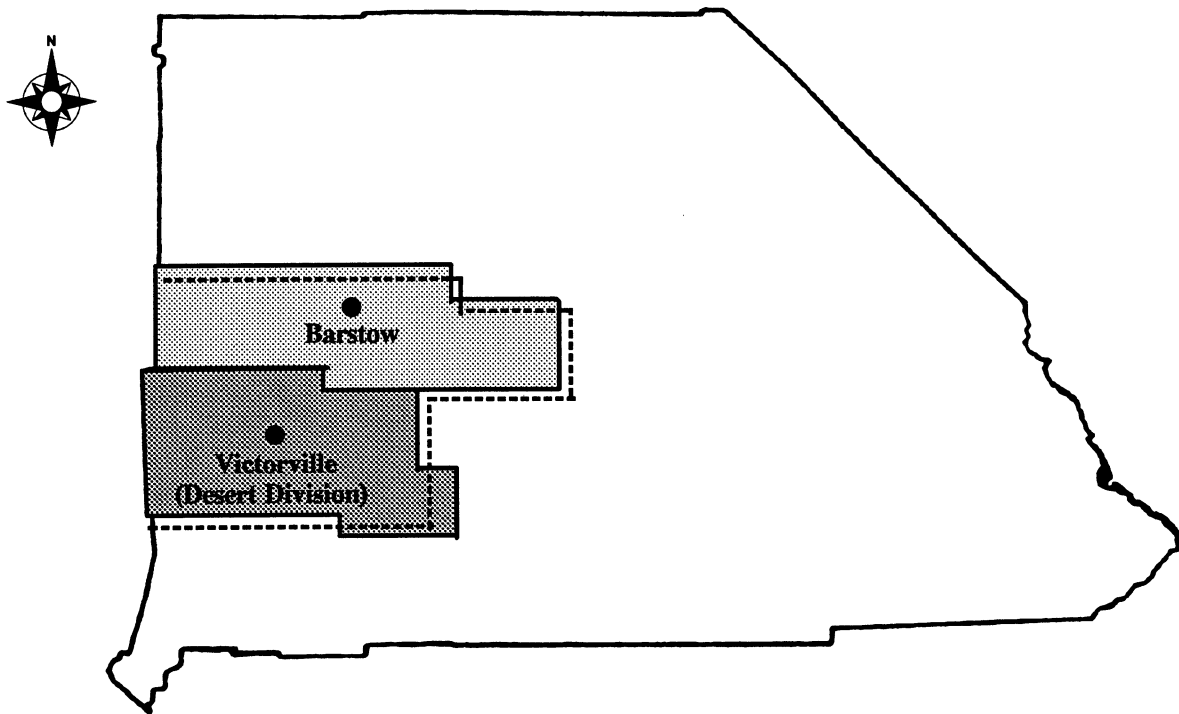
To begin our analysis of whether a consolidation of serving civil processes is feasible, we assumed that, in the event of such a consolidation, the county would implement a decentralized system. We made this assumption for three reasons. First, the marshal successfully serves more than 85 percent of the county's total civil process work load under its current decentralized system. It would not make sense to convert the bulk of the county's civil process work load to a centralized system because the logistics of such a drastic change would be overwhelming. Second, a centralized system is inconvenient for the public, especially for those living in the outlying areas of the county. Under a decentralized system, there would be more locations for the public to drop off requests for civil process service. Finally, a centralized system can lead to inefficiencies in a deputy's transit time. For example, under the sheriff's centralized system, the sheriff's deputies must pick up and drop off the civil process paper work at the central location and then drive out to their assigned areas to serve the processes. Because the county is so large, these assigned areas are as far as 105 miles away, and the transit time required to travel back and forth between the central location and the assigned area can take as long as three and one-half hours.

Conversely, under the marshal's decentralized system, the deputies and technicians are stationed at the division and serve processes only in the surrounding vicinity. The processes are delivered to the appropriate division either by the intracounty mail or by the marshal's courier system. The marshal's courier is a nonsworn marshal's clerk, whose salary is substantially less than that of a sworn deputy. According to a marshal's captain, in addition to routing civil processes, the marshal's courier carries other necessary correspondence and documents between the divisions and the municipal courts. For these reasons, we concluded that a decentralized system is more efficient than a centralized system in both time and salary costs.

**Similar
Geographic
Areas Served**

We reviewed information on the work accomplished by the sheriff's and the marshal's civil process staffs and found that at least two of the sheriff's deputies served civil processes in the same general geographic areas within the county as three of the marshal's divisions. For example, one of the sheriff's deputies, whose assigned area spanned more than 1,200 square miles, served processes within the boundaries of the marshal's Barstow and Desert divisions (see Figure 2).

Areas in San Bernardino County Served by the Sheriff's Deputy and by the Marshal's Barstow and Desert Divisions



Staff Who Serve Civil Process				
Marshal			Sheriff	
<u>Division</u>	<u>Staff</u>		<u>Division</u>	<u>Staff</u>
<div style="display: inline-block; width: 15px; height: 10px; background: repeating-linear-gradient(45deg, transparent, transparent 2px, black 2px, black 4px); border: 1px solid black;"></div> Desert	2	Deputy Marshals	<div style="display: inline-block; width: 15px; height: 10px; border: 1px dashed black;"></div> Court Services	1 Deputy Sheriff
<div style="display: inline-block; width: 15px; height: 10px; background: radial-gradient(circle, black 1px, transparent 1px); background-size: 4px 4px; border: 1px solid black;"></div> Barstow	1.4	Deputy Marshals		
	1	Marshal's Technician		

Figure 2

**Marshal's Staff
Could Absorb
Sheriff's Work
Load in Desert
and Barstow
Divisions**

Because both the sheriff and the marshal serve processes in the same geographic area within the county, we analyzed further to determine whether the marshal's personnel had the time available to assume the sheriff's work load. During the one-week period we reviewed, we found that the marshal's personnel in its Barstow and Desert divisions had the time available to absorb the sheriff's work load in those areas.

Tables 1 and 2 show the number of pieces of civil process served daily by the sheriff's deputy and by the personnel in the marshal's two divisions. We counted as served those pieces of process that the deputies or technicians had successfully served according to the requirements of the law and those that the deputies or technicians had made a final due diligent attempt to serve. The number of pieces of process served reflects only a portion of the deputy's or technician's total assigned work load.

Table 1 Pieces of Civil Process Served by the Sheriff's Deputy in the Desert and Barstow Areas November 18-22, 1991

	Monday 11/18	Tuesday 11/19	Wednesday 11/20	Thursday 11/21	Friday 11/22	Weekly Total
Desert	6	2	5	1	5	19
Barstow	0	0	0	6	2	8
Daily Total	6	2	5	7	7	27

Table 2 Pieces of Civil Process Served by the Marshal's Desert and Barstow Divisions November 18-22, 1991

	Monday 11/18	Tuesday 11/19	Wednesday 11/20	Thursday 11/21	Friday 11/22	Weekly Total
Desert	39	23	13	19	29	123
Barstow	9	1	7	6	2	25
Daily Total	48	24	20	25	31	148

As Table 2 shows, the number of pieces of processes delivered by the marshal's personnel in the two divisions varies from day to day. For example, personnel in the marshal's Barstow division served 9 pieces of process on November 18 and only one piece on November 19, while personnel in the marshal's Desert division served 39 pieces on November 18 and only 13 pieces on November 20.

Based on the civil processes served during our review period, we estimated the number of pieces of civil process that the marshal's personnel could reasonably be expected to deliver in one day. As Table 2 shows, the marshal's personnel at the Desert division can serve as many as 39 pieces of process a day. Similarly, the marshal's personnel at the Barstow division can serve as many as 9 pieces of process a day. If the marshal's personnel at these two divisions served this number of processes every day of the week, the divisions would substantially increase the amount of civil process work it accomplished. However, for our analysis, we selected a more conservative measure of productivity—the second highest number of pieces of civil process served for the week. For the Desert division, this rate was 29 pieces of civil process a day, while for the Barstow division, the rate was 7 pieces of civil process a day.

In Table 3, we compare this conservative measure of productivity with the actual production of the marshal's personnel during other days of the week.

Table 3 Available Capacity of the Marshal's Desert and Barstow Divisions To Serve Civil Processes November 18-22, 1991

Division	Monday 11/18	Tuesday 11/19	Wednesday 11/20	Thursday 11/21	Friday 11/22	Weekly Total
Desert						
No. Served	39	23	13	19	29	123
Max. No. Served	29	29	29	29	29	145
Operating Level	134.5%	79.3%	44.8%	65.5%	100.0%	84.8%
Excess Capacity	0	(6)	(16)	(10)	0	(32)
Barstow						
No. Served	9	1	7	6	2	25
Max. No. Served	7	7	7	7	7	35
Operating Level	128.6%	14.3%	100.0%	85.7%	28.6%	71.4%
Excess Capacity	0	(6)	0	(1)	(5)	(12)

As the table indicates, on three of the five days, the marshal's personnel in both divisions had the capacity to serve additional pieces of process. For example, on November 20, personnel in the Desert division could have handled 16 more pieces of civil process. For the entire week, the marshal's personnel in the Desert division had the time available to serve an additional 32 pieces of process, while the marshal's personnel in the Barstow division had the available time to serve an additional 12 pieces.

During this same week, the sheriff's deputy assigned to deliver processes in those areas served 19 pieces of process in the Desert area and 8 pieces of process in the Barstow area for the entire week (see Table 1). Therefore, during the week of November 18, 1991, personnel at the two marshal's divisions had the available time to serve the civil process work load of the sheriff's deputy. Extrapolating the results of our analysis to an entire year's worth of civil process work, we can conclude that the marshal's personnel could provide for the service of all the civil processes in the geographic area served by the marshal's Desert and Barstow divisions.

Based on our analysis of the marshal's ability to absorb the sheriff's work load in this area, the county could eliminate the need for a sheriff's deputy to serve civil processes in that area, which could result in a savings of \$101,896. This dollar amount includes the deputy's related support, supervision, and equipment. Eliminating the sheriff's deputy would yield a more efficient allocation of resources, leading to fewer personnel and equipment needed to serve the same number of civil processes.

Although we analyzed the work loads in only this one area, we found that a situation similar to the one described in the Barstow and Desert divisions probably exists in the Morongo area, where a sheriff's deputy serves civil processes in the same general geographic area as the marshal's Morongo and Desert divisions.

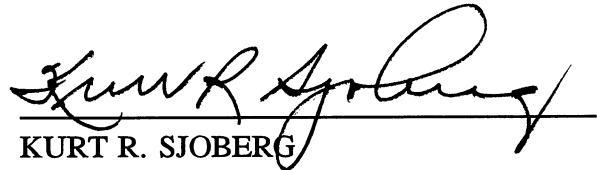
Conclusion After reviewing the departments' current organizations and statistical reports, we found that, in one geographic area of the county, the marshal's personnel could absorb the work load of at least one sheriff's deputy. By consolidating the sheriff's civil process work load in the Barstow and Desert areas into the marshal's department, the county could save at least \$101,896. We did not assess the feasibility of consolidating the remaining seven county regions. However, nothing came to our attention that would preclude this possibility. Therefore, the potential for greater countywide savings exists. A more efficient allocation of resources would result in fewer personnel and equipment to serve the same number of civil processes. Our conclusions are based on a review of the work loads of the sheriff's deputy and the marshal's personnel during one week in 1991. Extrapolating our results to the entire year, we can conclude that the marshal's personnel could serve all the civil processes in the area covered by the marshal's Desert and Barstow divisions.

Recommendation

We recommend that for all of the regions of the county, the county consolidate the civil process work load of the sheriff into the marshal's. At the end of one year, the county should evaluate the results of consolidating the county's civil process work load and determine if the consolidation should continue.

We conducted this review under the authority vested in the auditor general by Section 10500 et seq. of the California Government Code and according to generally accepted governmental auditing standards. We limited our review to those areas specified in the audit scope section of this report.

Respectfully submitted,



KURT R. SJOBERG
Auditor General (acting)

Date: June 29, 1992

Staff: Steven M. Hendrickson, Audit Manager
Mica B. Bennett
Keith W. Kuzmich
Mavis L. Yee

Appendix A
Summary of the Results of Court Service Mergers
in Seven California Counties

County	Date of Merger	Department Assuming Responsibility	Total Estimated Savings	Cost Savings Measures	Could Savings Occur Without Merging?
Orange ^b	1984	Marshal	\$1.17 million (Realized after one year)	- Increase use of nonsworn personnel to serve civil processes. - Increase use of mailing notification letters for civil processes. - Eliminate duplicative transit time and effort to serve civil processes. - Increase use of lower paid personnel to serve as bailiffs in civil appellate and general trial courts.	Yes Yes No Yes
San Diego ^b	1981	Marshal	\$2.4 million (Direct costs) \$1.18 million (Indirect costs) (Realized after one year)	- Introduce use of lower paid personnel to serve as bailiffs. - Judges do not use bailiffs in some civil courts/trials. - Increase use of automation to serve civil processes and warrants.	Yes Yes Yes
Riverside ^a	1990	Sheriff	\$547,000 (Projected)	- Reduce personnel in management, court services, field services, and administrative support.	Could not be determined
Contra Costa ^a	1988	Sheriff	\$350,942 (Projected)	- Increase use of nonsworn personnel to serve civil processes. - Eliminate duplicative transit time and efforts to serve civil processes. - Increase use of automation to serve civil processes. - Increase use of mailing notification letters for civil processes. - Eliminate duplicative dispatch functions and positions.	Yes No Yes Yes No
Ventura ^c	1980	Sheriff	\$354,000 (Realized after two years)	- Eliminate positions. - Utilize resources more efficiently.	No Yes
Sacramento ^{a,c}	1986	Sheriff	\$911,631 ^d (Projected)	- Introduce use of nonsworn personnel to serve civil processes. - Eliminate administrative and deputy positions.	Yes No
Merced ^c	1982	Marshal	Not available	No positions were added or eliminated. No major cost savings were anticipated.	N/A

^a Proposal submitted before consolidation

^b Follow-up report conducted after consolidation

^c Based on a report conducted by another county or consultant

^d The county applied the initial savings of \$911,631 to improve security at the courthouse and increase the number of on-call deputy hours for court security services. The cost of improving security and adding deputy hours was \$995,854. Thus, the county incurred a net increased cost of \$84,223.

Appendix B Areas Served by the Sheriff's Civil Enforcement Operation

Area 1		
Alta Loma Chino Chino Hills Etiwanda	Los Serranos Montclair Mt. Baldy Ontario	Pomona Rancho Cucamonga Upland
Area 2		
Bloomington Bryn Mawr Colton Fontana	Grand Terrace Loma Linda Lytle Creek Mentone	Redlands Yucaipa Rialto
Area 3		
Devore Highland Muscoy San Bernardino		
Area 4		
Angeles Oaks Arrowbear Arrowhead Big Bear Blue Jay Cedar Glen Crestline Deer Lodge Park Erwin Lake	Fawnskin Forest Falls Green Valley Lake Johnson Valley Joshua Tree Lucerne Valley Landers Morongo Lake Arrowhead	Pioneer Town Rim Forest Running Springs Twenty-nine Palms Twin Peaks Sugar Loaf Sky Forest Valley of Enchantment Yucca Valley
Area 5		
Adelanto Apple Valley Barstow Boron Kramer Junction Daggett	Earp Fort Irwin Hesperia Helendale Lenwood Ludlow	Newberry Springs Oro Grande Victorville Wrightwood Yermo
FAX or Mail Areas		
Amboy Argus Cadie Earp	Essex Lake Havasu Ludlow Needles	Parker Dam Red Mountain Ridgecrest Trona

Source: San Bernardino County Sheriff's Department

Appendix C Areas Served by the Marshal's Civil Enforcement Operation

Central		
Colton	Grand Terrace	Patton
Del Rosa	Highland	San Bernardino
Devore	Loma Linda	Verdemont Boys
Glen Helen Rehab Center	Muscoy	Ranch
Valley		
Bloomington	Lytle Creek Canyon	
Etiwanda (Portions)	Rialto	
Fontana		
East		
Angeles Oaks	East Highland	Oak Glen
Barton Flats	Forest Falls	Redlands
Bryn Mawr	Mentone	Yucaipa
West Valley		
Alta Loma	Mt. Baldy	
Rancho Cucamonga	Ontario	
Montclair	Upland	
Chino		
Chino	CA Institute: Women	CA Youth Authority
Los Serranos	(Frontera)	Carbon Canyon
CA Institute: Men		
Morongo		
Joshua Tree	Twenty-nine Palms	
Landers	Yucca Valley	
US Marine Corp Air Base		
Barstow		
Barstow	Hinkley	Mountain Pass
Baker	Hodge	Newberry
Boron Prison	Kramer Junction	Nipton
Daggett	Lenwood	Yermo
Fort Irwin	Ludlow	US Marine Corp Depot
Hawes		
Desert		
Adelanto	Hesperia	Phelan
Apple Valley	Wrightwood (Portions)	Pinon Hills
El Mirage	Lucerne Valley	Summit Valley
George AFB	Oro Grande	Victorville
Helendale		

Source: San Bernardino County Marshal's Department

Appendix D Staffing Levels for the Marshal's Civil Enforcement Operation in Its Eight Divisions

Division	Classification	Number
Morongo	Deputy Marshal	1 ^a
	Marshal's Technician	1
Chino	Deputy Marshal	2 ^{a,b}
	Marshal's Technician	1
West Valley	Deputy Marshal	4 ^a
	Marshal's Technician	6
East	Deputy Marshal	2 ^{a,b}
	Marshal's Technician	1
Central	Deputy Marshal	8 ^{a,b}
	Marshal's Technician	7
Valley	Deputy Marshal	6 ^{a,b}
	Marshal's Technician	3
Desert	Deputy Marshal	2
	Marshal's Technician	3
Barstow	Deputy Marshal	1.4 ^a
	Marshal's Technician	1
Total	Deputy Marshal	26.4
	Marshal's Technician	23

^a These deputy marshals serve both civil processes and traffic warrants.

^b The deputy marshals in these divisions serve more than one function as follows:

- Chino division: spends 25 percent of time working in court.
- East division: spends 5 percent of time working in court.
- Central division: spends time in other functions as necessary.
- Valley division: spends 50 percent of time working in court.

**Response San Bernardino County Administrative Officer's
Response to the Auditor General's Report**

The San Bernardino County Administrative Officer was provided a copy of the draft report but did not file a written response.

OFFICE OF THE MARSHAL
SAN BERNARDINO COUNTY MUNICIPAL COURT DISTRICT



JOHN W. FINCK
Marshal

Administration
157 West Fifth Street
San Bernardino, CA 92415-0480
(714) 387-5500

Barstow
235 East Mt. View
Barstow, CA 92311
(619) 256-4751

Central
351 North Arrowhead Avenue
San Bernardino, CA 92415-0480
(714) 387-4981

Chino
13260 Central Avenue
Chino, CA 91710
(714) 590-5275

East
216 Brookside Avenue
Redlands, CA 92373
(714) 798-8565

Morongo Basin
6527 Whitefeather Road
Star Route 1, Box 60
Joshua Tree, CA 92252
(619) 366-4151

Valley
17780 Arrow Route
Fontana, CA 92335
(714) 829-6242

Victorville
14455 Civic Drive
Victorville, CA 92392
(619) 243-8689

West Valley
8303 Haven Avenue
Rancho Cucamonga, CA 91730
(714) 945-4440

June 23, 1992

Mary P. Noble, Deputy Auditor General
State of California
Office of the Auditor General
660 J Street, Suite 300
Sacramento, CA. 95814

Dear Ms. Noble:

After thorough review of your report on Court Services in San Bernardino County, I find no areas in the report that would require any substantial change.

I must compliment you and your staff on a job well done.

Sincerely,

JOHN W. FINCK, MARSHAL
San Bernardino County

JWF/si



Dick Williams, Sheriff

June 25, 1992

Office of the Auditor General
Kurt R. Sjoberg, Auditor General (Acting)
660 "J" Street, Suite 300
Sacramento, CA 95814

Dear Mr. Sjoberg;

Attached for your review is a copy of the Sheriff's Department concerns with the report entitled "A Review of Court Services in San Bernardino."

The Sheriff recognizes that the information was gathered with great difficulty due to the large geographical area of the county and the complex nature of the county organization.

However, there is concern that the report is not as specific as anticipated and fails to provide an overview sufficient enough for a reader to understand the conclusions of the report.

If you wish to discuss the response, please contact Captain DeYoung at (714) 387-3166.

Sincerely,



Thomas Wickum
Assistant Sheriff

TW:BDY/ek

Attachment

The Sheriff's Department disagrees with the Auditor's Report in the following areas:

- * The report states there is no cost savings either way in regards to the bailiff court security operation.

There would be savings in the area of supervision alone. There could be savings in adjusting the number of personnel necessary to be assigned various duties.

- * The report states there would be savings of \$102,000 by consolidating civil process of one geographical area into the Marshal's Department. The "extrapolation" is that if applied across the county there would be more savings.

The \$102,000 quoted is excessive in that the cost of a Deputy II position is \$63,538, and supervision would have to be in place and provided anyway. The Sheriff does not have costs for one individual Deputy II position, which include supervision, equipment, and support; however, the \$102,000 figure appears to be excessive and calls into question the validity of some of the report, as does the fact the "extrapolation" is based on only one week of activity. ①**

The report shows 43,670 pieces of process from February 1991 to January 1992 for the Marshal and 6,570 pieces of civil process from October 1990 to September 1991 for the Sheriff. The report states the statistics for the Sheriff come from the Sheriff's former data base system, but does not state that because of a transition of data bases, the count was low. This was made clear when the information was given to the auditors.

The current Sheriff's year end report accurately shows 9,849 pieces of civil process served from December 1991 to January 1992. This information was available to the Auditor's Office January 1992.

If there were a comparison made based on ratio of personnel to numbers of civil process, there is a possibility that the efficiency of each department might be better evaluated.

By merging civil process into the Sheriff's Department, there would be more savings due to established stations and supervisory infrastructure already in place that could replace the greater numbers of supervision used by the Marshal.

- * If the merger of Court Services and civil process were to go into the Marshal's Department, there would be significant expenses in equipment replacement, and this is not addressed in the report. ②

**The Office of the Auditor General's comments on this response appear on page 43.

Page 2

- * The report states a \$56,000 savings merging Marshal's Dispatch into Sheriff's Dispatch with the stipulation dispatchers could perform clerical functions.

In Consolidated dispatch, the dispatchers are in a task specific duty and are unable to perform other clerical duties.

③

BDY/ek

**Comments Office of the Auditor General's Comments
on the Response From the
San Bernardino County Sheriff**

- ① A savings of \$102,000 would occur with the elimination of just one sheriff's deputy through consolidation. This amount of savings includes the salary, benefits, equipment, overhead and supervision associated with one sheriff's deputy. This savings estimate was provided to us during the audit by the sheriff's department.
- ② Our report suggests that the county could reduce the number of county personnel that are now serving civil process as well as the equipment that the county needs to accomplish its civil process work load.
- ③ As we state on page 11 of the report, the job description for a sheriff's dispatcher states that the sheriff's dispatchers will handle clerical duties as well as their dispatching responsibilities.

**cc: Members of the Legislature
Office of the Governor
Office of the Lieutenant Governor
State Controller
Legislative Analyst
Assembly Office of Research
Senate Office of Research
Assembly Majority/Minority Consultants
Senate Majority/Minority Consultants
Capitol Press Corps**