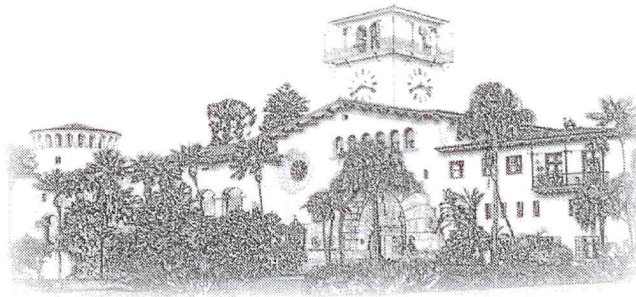


CHAMBERS OF
BRIAN E. HILL
Presiding Judge



PHONE: (805) 882-4580
FAX: (805) 882-4602

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA BARBARA
1100 ANACAPA STREET, SANTA BARBARA, CA 93101

August 24, 2012

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

Re: New Santa Barbara Criminal Courts Building Project;
Comments and Information for Moving Project Forward

Dear Justice Hill,

Thank you for this opportunity to provide the Court Facilities Working Group (CFWG) with information and comments on our Immediate Need project for construction of a modern criminal courts building for the Santa Barbara County Superior Court within the City of Santa Barbara. We appreciate the great challenge which is presented to your committee to make tough recommendations on which projects should move forward given significant funding reductions imposed by the legislature.

Comments About the Decision-Making Process

Our project—ranked in the Immediate Need priority group in the Trial Court Capital-Outlay Plan adopted by the Judicial Council in October 2008—is one of the highest priority trial court capital-outlay projects for the judicial branch, and

was selected as one of 41 projects to be funded by SB 1407 revenues by the Judicial Council in October 2008. The need for our new criminal courts building has certainly only increased in the intervening four (4) years.

We spent significant time and resources in 2006 participating in the *Prioritization Methodology for Trial Court Capital Outlay projects*. The data which supported our high ranking is even more significant today. The primary criteria that were used in attaining our high ranking was based upon security, overcrowding, physical condition, access to court services and economic opportunities. Our court has the worst security of any mid-sized court in California and the security issues have only worsened since 2006.

These “core” criteria” have now been supplemented by numerous other criteria in an attempt to somehow refine the rankings (even though there is a “disclaimer” that points will not be assigned to each criterion). It is apparent that decisions will be reached on which projects go forward and which projects do not based upon the expanded criteria whether an actual scoring process is utilized or not.

However, the original rankings based upon the original criteria should generally be given priority over new rankings based upon the new expanded criteria. For example, a project ranked lower based upon the original criteria may have proceeded ahead of a higher ranked project in terms of reaching the next phase of the project process, but that should not necessarily result in the lower ranked project moving ahead in terms of funding priority.

We urge your committee to strongly consider the amount of funds that have been invested in each project to date. Using the “Expended Resources” criterion (#16) chart prepared by the AOC, those courts with the thirty-one (31) projects being considered by the CFWG which have invested more funds to date should be given a higher priority. We have attached a revised version of this chart, sorted in order of highest to lowest funds invested to date for each project. Our Santa Barbara County project ranks second among the thirty-one (31) projects (**see attached**) with \$7.959 million invested out of a total of \$61.2 million. This factor should be weighted heavily in your decision-making process. It would be an inexplicable waste of taxpayer dollars to have invested this much money on an Immediate Need project and not proceed to complete it.

Comments on the Criteria Relative to Santa Barbara County

1. The Startling Lack of Security

Our deplorable lack of security will be resolved by the construction of a new criminal courts building that consolidates eight (8) criminal courtrooms located in two buildings – six (6) in the Figueroa Building and two (2) in the historic county courthouse. This is the biggest issue and the most important criterion scoring 5.0 of 5.0 on the original scoring methodology. Consequently, we have spent more space discussing it.

The primary issue with this bifurcation of criminal cases between these two deficient buildings 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 located in the basement of our Figueroa Building (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 public crosswalk on Figueroa Street.

Ironically, the Historic Courthouse is a major attraction drawing tourists from all over the world. It is common for five (5) to six (6) tourist buses to be parked between the courthouse buildings unloading its sightseers every morning and afternoon throughout the year. The pictures *attached to this letter*, depict an odd sight and a bizarre contrast. Prisoners in orange and blue jumpsuits are escorted by deputies across Figueroa 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 national and state historic Spanish, colonial courthouse. The contrast between these “two worlds” is bizarre. Once the so-

called “chain gang” reaches the inside of the Historic Courthouse, the deputies rope off the public hallways so they can escort the in-custody defendants to the criminal courtrooms. When court breaks for lunch, this process is repeated in reverse.

There is also a complete absence of personal security for the judges assigned to the two court buildings. They are unable to travel to and from their chambers without navigating through counsel, clients, hostile witnesses, friends of the defendants, and the media.

Further, like many cities, Santa Barbara has a definite and growing gang problem. Recently there have been gang killings and gang fights in the downtown Santa Barbara area near the county courthouse . 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. Nearby civilians and international and national tourists unloading from their buses could easily become the unintended victims of stray gunfire. In summary, these numerous security conditions are a tragedy waiting to happen.

2. & 3. Physical Conditions and Overcrowding

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 and has six (6) courtrooms devoted to criminal matters. The Historic Courthouse was constructed in 1927 and is located 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.

All of the following conditions apply to the Figueroa Building and almost all of these conditions also apply to the Historic Courthouse (sometimes referred to as the “Anacapa Building” due to its address on Anacapa Street):

- The facility does not have a separate and secure elevator for in-custody defendant movements to the first and second floors.

- There is no separate circulation for judicial officers, court staff and the public.
- There are no security cameras in the courtrooms.
- The security control room is undersized.
- The judge's chambers are not secured and easily accessible to intruders. Only a low wall separates the judge's chambers from the rear parking lot which is accessible from two busy streets.
- The sally port is inadequately secured by sliding gates on either side, and lacks a roof allowing the off loading of in-custody defendants to be viewed from adjacent buildings, from the Figueroa Street sidewalk, and from the rear parking lot.
- The holding cells located in the basement of the building are sized for approximately 60 in-custody defendants while the court on average holds 100 to 120.
- The holding cells are unable to safely accommodate the number and type of in-custody defendants.
- The existing exiting system for the building is not compliant with current California building codes.
- The building contains dead-end corridors, creating significant fire and life-safety risks.
- The building is not in compliance with the ADA, including the building's only elevator.
- The witness stands and restrooms are non-ADA compliant.
- The sprinkler system is limited to the ground floor of the multi-story building.
- The building is not equipped with manual pull-stations, horns or strobes required for fire and life safety.
- There are no smoke detectors and fire alarms throughout the building.
- The stair in the back of the building does not comply with fire and life safety code for lack of a fire-rated enclosure.
- Emergency exit signage and emergency lighting are inadequate and do not comply with the fire and life safety code.
- The size and configuration of the courtrooms do not meet Judicial Council Standards.
- Consultation areas for attorneys and defendants are very limited and cramped.
- Attorneys meet with their clients in public hallways.

- Jury assembly functions cannot be accommodated in this building due to space limitations, and are therefore conducted in a separate building one block north of the Figueroa Street courthouse.
- The court has a total of 100 surface parking spaces available – 81 spaces in the county-owned Garden Street lot, and 19 spaces in the rear lot of the Figueroa courthouse reserved for judicial officers, senior management, handicapped parking and in-custody transportation.

4. Access to Court Services

The court is unable to provide basic services to south county court users due to space restrictions such as: appropriately-sized courtrooms, jury deliberation rooms, an adequately-sized self-help center, adequately-sized in-custody holding, attorney/client interview rooms, entrance screening of all court users and lack of ADA accessibility.

5. Economic Opportunity

Potential economic opportunities for this project are as follows:

- Free or Reduced Costs of Land:

The project may benefit from use of the state's equity in the Jury Services Building and the Figueroa Building to offset the cost of the project.

- The recommended project may include adaptive reuse of an existing facility.
- Consolidation of Court Calendars and Operations.

The project consolidates criminal and jury services functions from three existing facilities into one.

Jury Services building – all jury assembly functions will be located in the new courthouse.

Anacapa courthouse – criminal matters currently heard in two (2) courtrooms will be moved to the new courthouse, eliminating the need to move in-custody defendants to the Anacapa courthouse.

The Figueroa courthouse currently has six (6) courtrooms. The new courthouse will be comprised of eight (8) new criminal courtrooms, and will replace all criminal functions now operating in the Figueroa courthouse.

6. Project Status

This project is categorized as being in the land acquisition phase. However, the primary site for the new building, known as the “Hayward Property,” has already been purchased. Efforts have been made to also acquire one small remaining parcel known as the “Probation Strip” which is county-owned land (35’ x 184’). It is adjacent to both the small parking lot behind the Figueroa Building and to the former “Hayward Property.” The Court is willing to forego this additional pending acquisition and move immediately into the design phase with the architectural firm that has already been retained by the AOC. Given the footprint of the Figueroa Building combined with the Hayward Property, there is sufficient land to construct the new criminal courts building.

7. Court Usage

Santa Barbara County has two separate and distinct population centers located in (1) the south coast where the county seat is located within the city of Santa Barbara; and (2) the north county where the city of Santa Maria is located. A one-judge branch court, within the north county region is also located in the city of Lompoc. The distance which separates these two (2) locations – Santa Barbara and Santa Maria - is approximately 70 miles. Also significant is that twelve (12) judicial officers work in the south county region, eleven (11) work in the north county region and one (1) is a roving, “circuit” commissioner who spends her time divided equally between the two (2) regions. We suspect that there may not be a court of our size anywhere in California where nearly 50% of its judicial officers work in separate regions such a great distance apart.

Several courtrooms (SB Departments 6 & 9 and SB Juvenile; SM Department 5) are clearly sub-standard in numerous respects. Santa Barbara Juvenile is a trailer and the Figueroa Building (6 courtrooms) only has two (2) jury deliberation rooms. The point is that all of our courtrooms are all fully utilized to the extent possible and many do not meet basic *Trial Court Facilities Standards*.

The populations in the two (2) areas of Santa Barbara County is split nearly evenly at 50% within each region.

The numbers for filings, dispositions, and jury trials will vary each year. These factors should not determine the decision whether or not a project moves forward. The conditions described in the foregoing sections of this letter which were part of the original scoring methodology are far more significant. Security and condition of the buildings have only become worse in the six (6) years since the original scoring for the SB 1407 projects was done.

8. Type of Courthouse

The proposed new criminal courts building for Santa Barbara County will be located in the county seat of Santa Barbara where the main courthouse is sited.

9. Disposition of Existing Court Space or Facility

AOC staff to provide

10. Consolidation of Facilities

As previously discussed, this project will provide the consolidation of three functions from two facilities by moving two (2) criminal courtrooms out of the Historic Courthouse into the new eight courtroom (8) criminal courts building; and by re-locating the Jury Assembly function into the new building.

11. Extent to Which a Project Solves a Court's Facilities Problems

The construction of a new criminal courts building in Santa Barbara will resolve all of the security and physical deficiencies described in this letter for the main courthouse location in Santa Barbara. It also presents a future opportunity to convert the Santa Barbara Jury Assembly building into a Juvenile Court and

replace the decaying trailer that currently houses these operations at our juvenile facility in the City of Goleta.

12. Operational Impacts

The cost of operating a new facility should not be used to eliminate or reduce a project's ranking. The need for the facility should stand on its own merit. Those projects that require an additional facility versus those projects that provide for the replacement of an existing facility should not be penalized because there are additional costs involved. In our case, the net difference between the County CFP and the estimated operating costs of the new facility is \$314k. However, those costs would be mitigated if the scope and size of the building is reduced. The important point is that the urgent and immediate need for the new criminal courts building must be evaluated on its merit. To do otherwise, would be to give priority to all projects that had lesser operational costs because they involved replacement of an existing facility.

13. Qualitative Statement of Need to Replace a Facility

The deplorable security conditions combined with the inadequacy of the criminal building (Figueroa) and the inefficiencies associated with conducting criminal operations in separate buildings add up to an operational "nightmare." Criminal files are housed in one building and must be daily shuttled back and forth between buildings. Lines of tourists must be moved to make way for shackled in-custody defendants to walk down public hallways and across public streets. Traffic is stopped by deputies to accommodate the so-called "chain gang" walking across Figueroa Street. High profile in-custody defendants are taken by Sheriff's van into the garage underneath the Historic Courthouse where the judges park their and are then escorted to the public elevator to reach the second floor. Hundreds of jurors must walk across two streets from a remote jury assembly building to enter two (2) different court buildings. Handicapped citizens in wheelchairs cannot access the records department in the basement because the elevator is not large enough, so they either roll down the ramp used by the Sheriff's transportation bus to shuttle prisoners from the jail to the courthouse in order to reach the basement level of the Figueroa Building, or they give up their attempt to reach the basement.

These images speak volumes of the need for the new Santa Barbara Criminal Courts Building.

14. Courtroom and Courthouse Closures

Santa Barbara Superior Court has not to date closed any courtrooms. Indeed, we do not have a sufficient number of fully operational courtrooms to conduct all of our matters. All courtrooms are fully utilized.

15. Thinking “Outside the Box”

We have given considerable thought to this criterion as it provides the opportunity to get creative. The court is willing to forego the acquisition of the last parcel known as the “Probation Strip” and proceed directly into the design phase of the project. We are also willing to pursue Option #2 identified in the Project Feasibility Report which is a compromise option of building a new building of reduced size and renovating the Figueroa Building should this be necessary to move forward. This is a huge concession, but given the enormous challenge of reduced funding and the urgent, immediate need to solve our many security issues, we are willing to make such a sacrifice if it is the only way we can move forward. There have been relocation costs identified with this option that we will mitigate by creatively phasing judicial assignments to individual courtrooms and by phasing staff moves.

16. Expended/Invested Resources

Earlier in this letter, we noted the importance of considering how much money has already been invested in these thirty-one (31) projects. Our Santa Barbara County project ranked second in most funds expended to date. Although this criterion has been listed last on the list of sixteen (16) criteria, it must be given significant weight in your decision-making process. Thirteen percent (13%) of all funds expended on the projects under consideration have already been invested in our project. To abandon the project now, when so much has been invested and the need is so great, would be an inexplicable and absolute waste of taxpayer funds. The court believes that we have reached the “fail safe” point with our project. There should be no turning back.

Finally, thank you in advance for listening and for your careful deliberation. I apologize for being somewhat lengthy, but if there had been more time, I would have been briefer.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "B Hill".

Brian Hill
Presiding Judge

Attachments

From: [Blair, Gary](#)
To: [OCCMCOMMENTS](#)
Cc: [Quinn, Kelly](#)
Subject: Comments on Re-Evaluation of SB 1407 Projects; Santa Barbara Criminal Courts Building Project
Date: Monday, August 27, 2012 5:01:58 PM
Attachments: [Letter to Justice Hill and CFWG 08-24-12.pdf](#)
[cfwg_09-5-7-12_draft_aoc_info_forcomment_gb_rev2.xls](#)

Please find our comments in the letter attached to this e-mail from our Presiding Judge Brian Hill.

We note that an announcement was made at the 8-24-12 COCE/CEAC meeting in San Francisco that Justice Brad Hill extended the deadline for submission to Monday 8-27-12.

The attachments to our court's letter are contained in separate files attached to this email.

Thank you for your consideration.

[Gary M. Blair](#)
Executive Officer
Santa Barbara Superior Court
805-882-4550
gblair@sbcourts.org











Projects Prioritized by Funds Expended

County Project Name	Acquisition Phase	Preliminary Plans Phase	Total Expenditures as of 6/30/12	Percent of Total Expenditures Invested
1 San Diego New Central San Diego Courthouse	\$ 1,711,060.00	\$ 14,715,579.00	\$ 16,426,639.00	26.8%
2 Santa Barbara New Santa Barbara Criminal Courthouse	\$ 7,959,965.00		\$ 7,959,965.00	13.0%
3 Sonoma New Santa Rosa Criminal Courthouse	\$ 6,105,893.00		\$ 6,105,893.00	10.0%
4 Shasta New Redding Courthouse	\$ 3,882,192.00		\$ 3,882,192.00	6.3%
5 Lake New Lakeport Courthouse	\$ 1,768,784.00	\$ 2,112,038.00	\$ 3,880,821.00	6.3%
6 Riverside New Indio Juvenile and Family Courthouse	\$ 3,309,101.00	\$ 459,867.00	\$ 3,768,968.00	6.2%
7 Imperial New El Centro Courthouse	\$ 1,888,780.00	\$ 70,482.00	\$ 1,959,262.00	3.2%
8 Sacramento New Sacramento Criminal Courthouse	\$ 1,684,406.00		\$ 1,684,406.00	2.8%
9 Fresno Renovate Fresno County Courthouse		\$ 1,635,325.00	\$ 1,635,325.00	2.7%
10 Monterey New South Monterey County Courthouse	\$ 293,148.00	\$ 1,334,881.00	\$ 1,628,029.00	2.7%
11 Merced New Los Banos Courthouse	\$ 1,214,791.00	\$ 369,548.00	\$ 1,584,339.00	2.6%
12 Tuolumne New Sonora Courthouse	\$ 1,422,511.00		\$ 1,422,511.00	2.3%
13 Tehama New Red Bluff Courthouse	\$ 631,913.00	\$ 734,736.00	\$ 1,366,650.00	2.2%
14 Glenn Renovate and Addition to Willows Courthouse	\$ 1,079,796.00	\$ 1,180.00	\$ 1,080,976.00	1.8%
15 Siskiyou New Yreka Courthouse	\$ 962,152.00		\$ 962,152.00	1.6%
16 Mendocino New Ukiah Courthouse	\$ 952,626.00		\$ 952,626.00	1.6%
17 Los Angeles New Southeast Los Angeles Courthouse	\$ 781,960.00		\$ 781,960.00	1.3%
18 Stanislaus New Modesto Courthouse	\$ 770,559.00	\$ -	\$ 770,559.00	1.3%
19 Nevada New Nevada City Courthouse	\$ 548,178.00		\$ 548,178.00	0.9%
20 Los Angeles New Glendale Courthouse	\$ 495,083.00		\$ 495,083.00	0.8%
21 Kern New Delano Courthouse	\$ 448,162.00		\$ 448,162.00	0.7%

Projects Prioritized by Funds Expended

22 El Dorado New Placerville Courthouse	\$	401,325.00		\$	401,325.00	0.7%	
23 Los Angeles New Santa Clarita Courthouse	\$	362,550.00		\$	362,550.00	0.6%	
24 Plumas New Quincy Courthouse	\$	312,666.00		\$	312,666.00	0.5%	
25 Riverside New Hemet Courthouse	\$	178,997.00		\$	178,997.00	0.3%	
26 Kern New Mojave Courthouse	\$	172,514.00		\$	172,514.00	0.3%	
27 Placer New Tahoe Area Courthouse	\$	146,257.00		\$	146,257.00	0.2%	
28 Los Angeles New Los Angeles Mental Health Courthouse	\$	135,712.00		\$	135,712.00	0.2%	
29 Los Angeles New Eastlake Juvenile Courthouse	\$	100,815.00		\$	100,815.00	0.2%	
30 Inyo New Inyo County Courthouse	\$	49,824.00		\$	49,824.00	0.1%	
31 Los Angeles Renovate Lancaster Courthouse						0%	
Total Expenditures to Date	\$	39,771,720.00	\$	21,433,636.00	\$	61,205,356.00	100.0%