

# **UNSERVED FELONY WARRANTS ISSUED BY THE SAN DIEGO SUPERIOR COURT**

## **SUMMARY**

The serving of felony warrants is an essential part of San Diego County's law enforcement process. The community has an expectation that a felon evading arrest must be brought to justice in an expeditious manner by those entrusted with the responsibility for serving warrants. On January 1, 2000, the Warrants Division of the San Diego County Sheriff's Department was faced with a backlog of 15,688 such felony warrants; the most recent tabulation on March 1, 2003, was 17,106 outstanding warrants.<sup>1</sup>

Staffing within the Warrants Division has been affected by the need for courtroom bailiffs and other county security service requirements. Since January 2000, even though the Sheriff's Department has been working with sister county law enforcement agencies, the Warrants Division has not kept pace with new warrants issued by the Superior Court.

The Grand Jury found that several methods and procedures could be improved to enhance the serving of felony warrants. The recommendations address issues related to staffing, media interactions, and improvements in interagency communication.

## **PURPOSE OF THE STUDY**

The purpose of this Grand Jury study is to:

- Understand the felony warrant function.
- Assess the progress of the Warrants Division toward reducing the backlog of unserved felony warrants from the time that the Sheriff's Department was named the repository, by the State Legislature, for felony warrants. The Sheriff's Department together with all other law enforcement agencies countywide became responsible for serving the warrants.
- Consider the impacts of staffing changes that could be made within the Warrants Division to assist in reducing the unserved warrants backlog.
- Explore the use of the media and internet to provide wide distribution of the identities of wanted felons.
- Understand how progress can be made to reduce this backlog of warrants as the community faces significant budgetary cutbacks in its law enforcement staff and programs.

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<sup>1</sup> These figures were provided by San Diego County Sheriff's Department.

- Determine what staffing re-alignments and innovative options the Sheriff's Department can implement in order to make a substantial decrease in the backlog of warrants.

## **BACKGROUND INFORMATION**

Felonies are the most serious crimes, defined in Section 17 of the California Penal Code as "punishable by death or sentencing to California State Prison". Felony warrants are issued at the order of Superior Court judges after conviction of crimes and other transgressions such as jail escape, probation or parole violations occurring in San Diego County. The warrant stipulates that the named individual is to be arrested and taken into custody.

In January 2000, there was a merger of the San Diego County Marshal's Office and the San Diego County Sheriff's Department; the Marshal's Office ceased to exist.<sup>2</sup> After the merger, the duty of serving felony warrants fell primarily upon the Sheriff's Department. In an interview with an Assistant Sheriff, the Grand Jury learned that it is the duty of all sworn peace officers, state-wide, to serve warrants, not just the Sheriff's Department. To facilitate such assistance, the Sheriff's Department generates and distributes to each County law enforcement agency a monthly listing of all outstanding felony warrants.<sup>3</sup> Each entry includes the name and last known address of the wanted felon.

The Sheriff's Department maintains a database for all felony warrants. Approximately 22 to 25 felony warrants are generated daily by the court. Felony warrants remain in the Sheriff's Department database until:

- The felon is apprehended, dies, emigrates to a foreign country, or the matter for which the warrant was issued is dismissed by either the Superior Court or the Office of the District Attorney.
- The warrant is assigned to the Violent Crimes Task Force, a grouping of law enforcement officers from various jurisdictions.<sup>4</sup>
- The warrant is purged from the database by the Sheriff's Department supervisors once there has been no action on the warrant for a period of time, usually seven years.

In January 2000, when the Sheriff's Department assumed primary responsibility for warrant serving, there were 15,688 felony warrants outstanding. The Sheriff's Department estimates that it receives about 6,600 new felony warrants annually; slightly more than that are served in the same period. As of March 1, 2003, the number of unserved felony warrants

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<sup>2</sup> Government Code §72114.2

<sup>3</sup> Due to the press of enforcement needs in their own jurisdictions, other County law enforcement agencies may view the serving of felony warrants as a "when time available" activity.

<sup>4</sup> Warrants Division personnel will make this assignment if the felony warrant is of such a serious nature as to require action by the Violent Crimes Task Force.

outstanding totaled 17,106. Part of the increase can be attributed to population growth in San Diego County and to increases in the number of Superior Courts.

The Sheriff's Department has a contract with the Superior Court whereby the Sheriff agrees to supply deputies to serve as bailiffs for court duty as needed. In August 2002, six deputies had been assigned to serving felony warrants; however, two had been reassigned to the Superior Court where they were needed as court bailiffs for a newsworthy murder trial. Since the process of serving felony warrants requires there be two or more plain-clothes deputies when each warrant is served, only two warrant teams were available at that time.

In December 2002, the newsworthy murder trial having ended, two deputies had been added, to the Warrants Division, for a total of eight deputies. There was a decision in the Sheriff's Department that these eight deputies would not be assigned for any future court duty. At that time, there were four warrant teams. The County of San Diego Sheriff's Department estimates that each warrant team will serve about 150 to 160 warrants each month.

The number of warrant teams was further reduced, however, by the need to make one of these deputies available to guard juvenile offenders who had felony cases pending in Superior Court as they traveled between detention facilities and Superior Court courtrooms. Juveniles cannot be housed at the Central Detention Facility with adult prisoners.

The Automated Regional Justice Information System (ARJIS) is a Joint Exercise Of Powers Agency, created in compliance with California Government Code.<sup>5</sup> Fifty local, state, and federal agencies covering San Diego and Imperial Counties comprise this partnership. The purpose of ARJIS is to provide information sharing and technology to address and anticipate public safety issues. The Sheriff's Department does not currently share felony warrant database with ARJIS.

## **PROCEDURES EMPLOYED**

Grand Jury members:

- Interviewed personnel from the Warrants Division of the San Diego County Sheriff's Department.
- Interviewed an Assistant Sheriff.
- Interviewed Judges of the San Diego Superior Court.
- Examined statutes relating to the merger of the San Diego County Marshal's office and San Diego County Sheriff's Department.
- Interviewed a senior staff member with ARJIS.

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<sup>5</sup> §6500-6530.

## FACTS AND FINDINGS

- A. Most of the individuals who have outstanding warrants are those who have been convicted of a felony, escaped from prison, violated probation or parole, or failed to appear in Superior Court for trial or sentencing. Felony crimes are those that, after conviction, could result in a sentence of death or incarceration in a California State Prison.
- B. The timely serving of felony warrants provides closure for society by returning criminal perpetrators to the court, providing justice for the victims, and assuring the community that felons are expeditiously removed from society.
- C. The data shows that, since taking responsibility for serving felony warrants in 2000, the Sheriff's Department has not kept pace with the current warrants issued. Furthermore, the backlog of unserved warrants has not been reduced. This lack of service has not been the result of a lack of effort on the part of the Warrants Division, but rather understaffing.
- D. There is currently a clerical position for categorizing and entering and retrieving data into the felony warrants data bank. This clerical position is currently being filled by a sworn officer on light duty.
- E. To achieve a substantial reduction in the number of outstanding felony warrants the number of warrant teams should, at a minimum, be doubled.
- F. Local press and television stations, in cooperation with the San Diego County Sheriff's Department, can assist with the unserved felony warrants problem by printing or daily airing the pictures of wanted felons with their last known addresses in a "Crime-Stoppers" or "America's Most Wanted" format. This can be done as a public service by all local media.
- G. The San Diego County Sheriff maintains a website ([www.sdsheriff.net/waar/waar.aspx](http://www.sdsheriff.net/waar/waar.aspx)) for public access. Citizens can type in a name and ascertain if there is an existing felony warrant for a certain individual. The San Diego County Sheriff's website dealing with sex offenders is currently being underused. Additionally, current data is available to officers via the County Mainframe System and it is only available by the felon's name, on a cumbersome computer printout.
- H. The use of ARJIS' technology could assist law enforcement officers and enable them to access information throughout the county. Some of this information could be made available to the public, on the San Diego County Sheriff's website, in a map version similar to the one dealing with sex offenders.
- I. Sheriff's Department communication to other County law enforcement agencies via a monthly computer printout of wanted felons is not sufficient.

- J. Since felony warrant teams must consist of a minimum of two plain clothes officers, the assigning of a single warrant-team officer to guard juvenile offenders (who have hearings pending before the Superior Court) is an inefficient use of resources. The use of Warrant Division officers in this way effectively breaks up a felony warrant-team.
- K. As warrants are received by the Sheriff's Department, they are dated so that they can be cross indexed, in the database, to reflect how long they have been unserved.
- L. The challenge is clear. How can we maintain, and ideally double, the number of felony warrant teams to keep current with felony warrant issuances, and reduce the backlog of unserved felony warrants? The current economic environment, in fact, raises the possibility that even current staffing in the Warrants Division could be reduced. In order for the community to continue to see progress on backlog reduction, the Sheriff's Department must identify and institute possible staffing re-alignments and increase citizen involvement by public exposure of the identity and location of wanted felons.

## COMMENDATIONS

Personnel of the San Diego County Sheriff's Department Warrants Division frequently met with the Grand Jury. They provided invaluable information.

The Assistant Sheriff was very accommodating in providing insight into the staffing problems of the Warrants Division.

The Superior Court Judges interviewed by the Grand Jury were open and helpful in discussing the Sheriff's staffing issues as they relate to providing security for the Superior Court.

## RECOMMENDATIONS

**The San Diego County Grand Jury recommends that the San Diego County Sheriff's Department:**

- 03-33:** Reassign Sheriff Deputies so that there are a total of nine or more teams available to serve felony warrants.
- 03-34:** Reassign a civilian clerk as replacement for the sworn light-duty police officer currently assigned to perform the clerical duties needed to categorize and enter data into the felony warrants database.
- 03-35:** Reassign detention personnel from Central Detention Facility to guard

juveniles appearing in Superior Court rather than using personnel from the Warrants Division, thus avoiding breaking up a Warrants team.

- 03-36:** Negotiate with newspapers throughout the County of San Diego to publish daily or weekly pictures, descriptions, and last known addresses of at least ten wanted felons. Newspapers can be encouraged to do this as a Public Service Announcement.
- 03-37:** Negotiate with local television stations to air pictures of one or more wanted felons on a daily basis in a prime time slot. Television stations can be encouraged to do this as a Public Service Announcement.
- 03-38:** Negotiate with local radio stations to air descriptions of one or more wanted felons on a daily basis in a prime time slot. Radio stations can be encouraged to do this as a Public Service Announcement.
- 03-39:** Communicate with all local law enforcement agencies to stress the importance, and shared mutual responsibility, of apprehending wanted felons. Communicating via a monthly printout of these wanted felons is not sufficient.
- 03-40:** Expand the San Diego County Sheriff's website ([www.sdsheriff.net](http://www.sdsheriff.net)) dealing with sex offenders from its present format to include names, pictures, descriptions and addresses of wanted felons or create a new website.
- 03-41:** Create a computer interface to communicate with ARJIS and develop a program so that all officers have information available geographically, per zip code, as to the whereabouts of wanted felons. The information would be in the form of a zip code map (such as is used in the Megan's Regional Sexual Offender Map) and would be instantaneously available for the each officer throughout San Diego County.

**The Grand Jury recommends that the San Diego County Sheriff's Department, San Diego Police Department, Carlsbad Police Department, Chula Vista Police Department, Coronado Police Department, El Cajon Police Department, Escondido Police Department, La Mesa Police Department, National City Police Department, and Oceanside Police Department:**

- 03-42:** Assess and re-evaluate the current methods and procedures for serving felony warrants and specify goals for improving the rate of apprehension of wanted felons.

## REQUIREMENTS AND INSTRUCTIONS

The California Penal Code §933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made no later than 90 days after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made within 60 days to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code §933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
  - (1) The respondent agrees with the finding
  - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.
- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
  - (1) The recommendation has been implemented, with a summary regarding the implemented action.
  - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
  - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
  - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.
- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code §933.05 are required by the date indicated from:

<b><u>RESPONDING AGENCY</u></b>	<b><u>RECOMMENDATIONS</u></b>	<b><u>DATE</u></b>
<b>SAN DIEGO COUNTY SHERIFF'S DEPARTMENT</b>	<b>03-33 through 03-42</b>	<b>06/23/03</b>
<b>SAN DIEGO POLICE DEPT.</b>	<b>03-42</b>	<b>07/23/03</b>
<b>CARLSBAD POLICE DEPT.</b>	<b>03-42</b>	<b>07/23/03</b>
<b>CHULA VISTA POLICE DEPT.</b>	<b>03-42</b>	<b>07/23/03</b>
<b>CORONADO POLICE DEPT.</b>	<b>03-42</b>	<b>07/23/03</b>
<b>EL CAJON POLICE DEPT.</b>	<b>03-42</b>	<b>07/23/03</b>
<b>ESCONDIDO POLICE DEPT.</b>	<b>03-42</b>	<b>07/23/03</b>
<b>LA MESA POLICE DEPT.</b>	<b>03-42</b>	<b>07/23/03</b>
<b>NATIONAL CITY POLICE DEPT.</b>	<b>03-42</b>	<b>07/23/03</b>
<b>OCEANSIDE POLICE DEPT.</b>	<b>03-42</b>	<b>07/23/03</b>