



## 2016-2017 SANTA CLARA COUNTY CIVIL GRAND JURY REPORT

# JUSTICE DELAYED: WHY DOES IT TAKE SO LONG TO RESOLVE FELONIES IN SANTA CLARA COUNTY?

### Summary

Santa Clara County (County) ranks last in resolving felony cases among the 49 California's counties reporting data. Only 47% of felonies reached disposition within 12 months in the County in 2013-14, according to the California Judicial Council<sup>1</sup> (Judicial Council). The 12-month disposition rate for the same period averaged 88% statewide. The Judicial Council noted in the same report that 98% of felony cases in California were settled without a trial – 99% in the County.

One hundred twenty-two felony inmates in the County jail had waited three years or more for settlement, trial, or sentencing.

Justice delayed crowds the jails, making it hard to manage inmates. Arrestees' lives remain in limbo. County taxpayers foot the bill for inmates who could be released or be serving their time in state prison. In fiscal year (FY) 2015-2016, fixed and variable costs for the Main Jail and Elmwood facilities totaled \$268.5 million, an average of \$204 per inmate per day. Costs at the Main Jail averaged \$293 per inmate per day.

The County is planning to replace the current 60-year-old Main Jail South at an estimated cost of \$365 million. A state grant will provide only \$80 million. County officials are studying whether downsizing is possible, reported the *San Jose Mercury News* on April 11, 2017. Building a smaller facility for fewer inmates could save millions of dollars.

The County's jail incarceration rate is one of the highest in the state, reports the California Sentencing Initiative: 372.2 people per 1,000 adult felony arrestees are locked up in the County compared to the California state average of 247.1. Among large counties, only Orange County is higher at 380.9; Contra Costa County's incarceration rate is 158.6. Statewide, 64% of jail inmates are awaiting trial or settlement; in County jails, 74% are awaiting trial or settlement, the California Sentencing Initiative estimates.

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<sup>1</sup> The Judicial Council is the policymaking body of the California courts, the largest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Judicial Council staff implements the council's policies.

The Santa Clara County Civil Grand Jury (Grand Jury) investigated why the County is slow compared to Bay Area counties and those of comparable size and what might be done to improve the system.

The investigation included:

- Ten interviews with County and Court officials.
- Three interviews with officials outside the County.
- Review of numerous research and statistical publications, County reports, and newspaper articles.

The investigation uncovered and analyzed factors that are perceived to contribute to delays:

- A “culture of complacency” that tolerates delay.
- The District Attorney’s approach to charging.
- The Public Defender’s practices regarding the early settlement of cases.
- Not enough Independent Defense Counsel attorneys.
- Clerical and technology bottlenecks, including inadequate data management systems, technical capabilities, and support.
- Delays in receiving evidence from the San Jose Police Department.
- Delays in receiving forensic reports from the Crime Laboratory and Medical Examiner-Coroner.

Factors that do not appear to contribute to the delays include the County’s crime rate, which is relatively low, and resources available to County-funded criminal justice agencies, which are relatively high. In addition, there’s no reason to think the County is dealing with more complex criminal cases than other urban counties or that it has more issues with the increase in the volume of pretrial discovery from new technologies, such as body cameras worn by police officers.

There are many interlocking reasons why justice is delayed in the County. The purpose of this report is to focus attention on a problem that has not been given the priority it deserves for too long. In addition to the recommendations in this report, the Grand Jury believes that the efficient operation of the County’s criminal justice system warrants further investigation.

## **Background**

### **Criminal Justice Administration System in Santa Clara County**

The main public players in the pre-disposition administration of justice in the County each have unique roles.

## Local Law Enforcement Agencies

Twelve police departments and the Santa Clara County Sheriff's Office enforce the law in the County's 15 cities and unincorporated areas. These agencies investigate crimes and turn over cases to the District Attorney's Office once suspects are arrested.

Investigating law enforcement officers provide evidence to the District Attorney, who passes it to defense counsel. Police reports and other evidence shared with the defense are known as "discovery."

## Superior Court of California, County of Santa Clara

The Grand Jury has no authority to investigate or report on the operations, programs, or administration of the Superior Court of Santa Clara County (Court), its judicial officers, or employees, or the operation of the courthouse (Penal Code section 925 et. seq.). References to the Court are included in this report to provide context for understanding how the system works.

The state funds and oversees the Court through the Judicial Council, the policymaking body of the California courts. Under the leadership of the Chief Justice and in accordance with the California Constitution, the Judicial Council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice.

The Judicial Council allocates funds from the California state appropriation for the courts to the 58 county courts. Since the adoption of the Workload-Based Allocation and Funding Methodology (WAFM) in 2013, each trial court's share is now based on case filings and the seriousness of cases. The County is authorized for 79 judges and five commissioners (judicial officers). Six positions, all judges, are currently vacant. However, interviewees expressed concerns that the County will lose two positions if pending legislation is enacted. The County has more judges than it needs, according to the WAFM, while other counties have too few.

Although the WAFM takes into account local labor costs, the Grand Jury learned that the state's cost-of-living increment does not cover the much higher housing costs in the County relative to most of California. This can make it difficult to hire and retain staff.

California state law requires the County to meet a maintenance of effort (MOE) requirement in support of trial Court operations. According to the County of Santa Clara FY 16-17 Adopted Budget, the MOE requirement is \$39.7 million. The County is also responsible for maintaining court facilities at a cost of \$325,916 for FY 2016-2017. An additional \$2.4 million is budgeted to meet the County's fiscal

obligation for a variety of expenses incurred by the Court on the County's behalf (e.g., Grand Jury expenses and local judicial benefits).

#### Office of the District Attorney (District Attorney)

The District Attorney represents the County in the prosecution of criminal offenses, and is the chief law enforcement officer of the County. The prosecution presents cases against suspects, directs further criminal investigations, negotiates plea bargains, and recommends sentences.

Fifty departments or divisions make up the District Attorney's office including the Crime Laboratory (Crime Lab), Bureau of Investigation, Discovery Unit, Environmental Protection Unit, and Victim Services Unit.

The Crime Lab serves all criminal justice agencies in the County. Examiners evaluate and analyze evidence, interpret results, provide expert testimony on physical evidence recovered from crime scenes, and offer technical assistance and training to other agencies. The Crime Lab provides service in the major analytical forensic disciplines of controlled substance analysis, firearms/tool marks, forensic biology (DNA), forensic toxicology, latent print processing, questioned documents, trace evidence analysis, digital and multi-media evidence (computer forensics, audio and video analysis), and crime scene analysis (including bloodstain pattern analysis and footwear/tire impression evidence).

The District Attorney is elected by and accountable to the voters of Santa Clara County. The County funds the District Attorney's office and its 584 staff positions. The FY 2016-2017 approved budget for the District Attorney is \$132.6 million.

#### Public Defender Office (Public Defender) and Alternate Defender (Alternate Defender) Office

The Public Defender provides legal representation to indigent criminal defendants. Public defenders represent approximately 85 percent of criminal defendants in the County.

The Public Defender provides administrative supervision to the Alternate Defender, but the Alternate Defender operates independently. The Alternate Defender represents individuals who cannot be defended by the Public Defender due to a legal conflict. The Alternate Defender also represents youth in the juvenile justice system when the Public Defender has a conflict of interest.

The Board of Supervisors (Board) appoints the Public Defender. The County funds the Public Defender's office and 273 staff positions. The FY 2016-2017 approved budget for the Public Defender and Alternate Defender totals \$61.3 million.

## Independent Defense Counsel Office (Independent Defense Counsel)

The Independent Defense Counsel hires private attorneys to represent indigent persons who face criminal prosecution, but cannot be represented by either the Public Defender or the Alternate Defender because of conflicts of interest. The Independent Defender Director selects and maintains under contract a panel of private criminal defense attorneys who are pre-qualified to defend cases involving a full range of criminal charges.

Legal representation by the Independent Defense Counsel is needed for complex, serious cases with multiple defendants. For example, there have been several gang-related homicide cases in recent years with 20 to 48 defendants. In these circumstances, the Public Defender can represent only one defendant; the Alternate Defender can represent one other defendant, and the Independent Defense Counsel provides private counsel for the remainder.

The Independent Defense Counsel is a division of the County Counsel's Office (County Counsel), which is the legal advisor to the County, its agencies and departments, and the Board of Supervisors. The Independent Defense Counsel is both managed and operated separately from the remainder of the office in order to avoid any possible conflicts between persons represented by Independent Defense Counsel and the other departmental clients of the County Counsel.

The Independent Defense Counsel is accountable to the County Counsel and is funded by the County. The FY 2016-2017 budget for the Independent Defense Counsel is \$10.2 million with six staff members and 58 private attorneys under contract.

### **Factors That Don't Explain Why the County is Slow**

#### Crime Rate

One might reasonably conclude that if the rate of serious crimes in Santa Clara County were higher than similar counties, there would be more cases and therefore it would take longer to dispose of cases. According to the Federal Bureau of Investigation (FBI) this is not the case. See Table 1 below.

**Table 1 The County Crime Rate Compared with Bay Area Counties and Those of Similar Population Size (2014)**

County	12-month Felony Disposition Rate	Population	Population Density (per square mile)	Violent Crimes	Violent Crime Rate per 1,000 persons	Property Crimes	Property Crime Rate per 1,000 persons
California	88%	39,144,818	251.0	153,709	3.96	947,192	24.41
Riverside	50%	2,266,899	314.6	6,260	2.8	61,434	27.1
San Bernardino	75%	2,078,586	103.6	8,281	4.0	54,778	26.4
<b>Santa Clara</b>	<b>47%</b>	<b>1,841,569</b>	<b>1,427.3</b>	<b>4,676</b>	<b>2.5</b>	<b>43,084</b>	<b>23.4</b>
Alameda	84%	1,559,308	2,109.8	10,356	6.6	57,620	37.0
Sacramento	97%	1,450,277	1,503.0	7,452	5.1	40,246	27.8
Contra Costa	77%	1,081,232	1,496.0	3,650	3.4	32,232	29.8
San Francisco	73%	829,072	17,680.1	6,822	8.2	45,936	55.4
San Mateo	92%	739,837	1,649.7	1,561	2.1	14,186	19.2

The FBI reports that there is little correlation between crime rates and population for counties in California. However, there is a moderate to strong correlation between crime rates and population densities<sup>2</sup> at the county level. Compared with other counties of similar density, the County has the second lowest crime rates of both violent and property crimes. Only San Mateo County has lower crime rates.

Allocation of Resources

Under spending does not appear to explain the slow disposition rate in the County. Compared with neighboring and similar counties, the County spends more on the District Attorney and Public Defender offices and hires more staff with the exception of Riverside County’s District Attorney’s office. See Table 2 below.

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<sup>2</sup> Population density refers to the number of people per square mile or other unit of area.

**Table 2. The County Allocation of Resources for Criminal Justice Administration Compared with Bay Area Counties and Those of Similar Population Size for FY 2016-2017**

County	District Attorney Budget	District Attorney Staff	Public Defense Budget	Public Defense Staff
Santa Clara	\$132.6 million	584	\$71.5 million*	279**
Riverside	\$117 million	749	\$49.5 million	251
San Bernardino	\$81.8 million	531	\$33.5 million***	267
Alameda	\$58.7 million	326	\$37.7 million****	170
Sacramento	\$56 million	417	\$31.5 million*****	149*****
San Francisco	\$52.3 million	264	\$32 million	161
Contra Costa	\$39.6 million	201	\$22.7 million	109
San Mateo	\$36.2 million	128	\$20.4 million	Contract with San Mateo County Bar Association

\* Includes budget of Independent Defense Counsel at \$10.2 million

\*\* Includes staff of Independent Defense Counsel (6), but not the 58 attorneys on contract with the Independent Defense Counsel. An additional 15 attorneys are available should their services be needed.

\*\*\* Includes \$10 million for Indigent Defense to be used when the Public Defender has a conflict.

\*\*\*\* Includes costs of the Court Appointed Attorneys Program, which serves the same function as the County's Alternate Defender and Independent Defense Counsel.

\*\*\*\*\* Includes \$10.3M for Conflict Criminal Defenders.

\*\*\*\*\* Public defender staff as of 2015.

The County is an expensive place to live. The cost of living is 40% above the national average versus 35% in Alameda County and 12% in Sacramento County, which could partially explain the higher dollar amounts. However, the County employs many more people to prosecute and defend fewer criminal cases than do the comparison counties, except for Riverside County, which also has a low 12-month felony disposition rate (50%).

## Discussion

Interviews with representatives of all parts of the administration of justice system, revealed a number of possible explanations for the slow disposition of felonies in the County.<sup>3</sup>

### A “Culture of Complacency” That Tolerates Delay

The Grand Jury learned from its investigation that public officials in the criminal justice system in the County agree there is a “culture of comfort,” a “culture of complacency,” or just a “culture” that tolerates delays in settling criminal cases. Many believe it is a primary reason for the slow disposition rate. The Judicial Council's standard for disposition of felony cases (except for capital cases) is one year from the defendant's first arraignment. Some in the County see this

<sup>3</sup> Disposition of misdemeanors in the County within 120 days – 81% – is close to the statewide average of 83%, according to the 2015 Judicial Council report.

standard as unreasonable for complex cases, such as gang cases with multiple defendants.

There is a good deal of finger pointing as to the cause of the delays; prosecutors blame defenders for delaying tactics and vice versa. At the same time, interviewees commented that everyone is just doing their jobs. For example, some prosecutors reject more lenient settlements, public defenders need time to find mitigating factors, and the stakes are too high to rush to trial or settlement.

The Grand Jury learned that employees of these various offices work in silos and fail to see how their decisions cause delays and raise costs for the system as a whole.

### **The District Attorney's Approach to Charging**

Prosecutorial discretion in filing criminal charges is outside the purview of the Grand Jury. These comments are intended to help readers understand the issues.

The Grand Jury heard that what is known as “the price of milk” – the penalties for various crimes – is viewed as significantly higher in the County than other California counties. That could make defendants reluctant to accept a plea deal.

In addition, the District Attorney often files multiple charges in a single case, including all major and minor counts. Defense attorneys must investigate and be prepared to defend all of them.

There is a history in the County of tough-on-crime District Attorneys. The Grand Jury learned that some assistant district attorneys try for the maximum charges, regardless of mitigating circumstances.

Others believe County residents, who are used to a relatively low crime rate, expect more severe penalties for offenders than elsewhere.

### **The Public Defender's Practices Regarding the Early Settlement of Cases**

Nearly all (99%) of felony cases in the County reach disposition without a trial. Early in the process, the District Attorney usually makes a settlement offer with a specified plea and penalty. The Public Defender often will not settle at this point for some or all of the following reasons:

- Needs discovery materials to determine whether a plea is justified and/or the proposed penalty is reasonable.
- Needs time to investigate possible mitigating circumstances.
- Needs to sort through multiple charges to determine which are reasonable.



- Hopes that waiting will result in a better deal later in the process.
- Needs to develop a trusting relationship with the client in order to persuade the client to accept the defender's advice.

The District Attorney is trying to establish a practice of the first offer being the best offer to incentivize early settlement.

### **Not Enough Independent Defense Counsel Attorneys**

In a case with more than one defendant, rules about conflict of interest require that the Public Defender only represent Defendant A. Defendant B is represented by the Alternate Defender, and Defendants C, D, et cetera, are represented by private attorneys on contract with the Independent Defense Counsel.

Principle number 7 of the American Bar Association's Ten Principles of a Public Defense Delivery System states: "The same attorney continuously represents the client until the completion of the case."

Delays occur when all parties are ready for trial except the defense attorney who is involved in trying another case. Everyone must wait until the defense attorney is available. This happens with Public Defender, Alternate Defender or Independent Defense Counsel attorneys.

Delays also result when new or additional discovery is turned over to the defense revealing that the lawyer representing the client is found to have a conflict, requiring that a new attorney take over.

The County recently raised the hourly rate for contract attorneys from \$115 to \$129 per hour in an effort to attract additional well-qualified criminal defenders to serve indigent clients.

### **Clerical and Technology Bottlenecks**

The Grand Jury learned that a shortage of support staff delays the criminal justice process. For example, a defense attorney's investigator may need to visit the Court Clerk's Office repeatedly to get copies of Court files. Due to confidentiality issues, investigators are not allowed to copy files themselves.

At any given time, the County jail may house inmates who have been convicted and sentenced to state prison, but can't be transferred until a Court clerk provides an "abstract of judgment"<sup>4</sup> calculating the exact sentence. The clerk has been so backlogged that inmates have spent two to three months, at county

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<sup>4</sup> Abstract of judgment is a form summarizing the case disposition including: the conviction(s), enhancements or harsher punishments charged for the current and prior convictions, sentence imposed, and restitution required.

expense, waiting to be transferred to prison. Until recently there was only one clerk trained to process abstracts of judgment. At this time, hiring a second clerk has cleared the backlog. However, as workloads fluctuate, backlogs may occur in the future.

The Grand Jury also learned that investigators face delays in accessing and copying relevant case files from various County agencies. Digitizing paper records may improve efficiency.

New technologies, including body cameras, audio recordings, and social media postings have created the need for support staff, equipment, and software to manage the resulting data.

Various brands of surveillance cameras require different equipment and software to download data. Police may give the District Attorney hours of videotapes, but not a report indicating where relevant footage can be found.

As inmates sit in jail awaiting disposition, they make phone calls that are recorded digitally. Someone who has been in jail for 18 months may generate as many as 2,000 jail calls. It is an enormous job to analyze all that potential evidence to find the “one, two, 10 or 100” calls that are relevant to the case.

The County is trying to update software, but implementation has been slow. Data management systems, such as the Criminal Justice Information Control (CJIC) system, are antiquated. The three defense agencies use three different computer systems; the District Attorney has its own system and the Court yet another system.

The District Attorney is experimenting with transmitting discovery materials digitally, including using tablet computers to share discovery with jail inmates.

### **Delays in Receiving Evidence from the San Jose Police Department**

Fifty-eight percent of the County’s population lives in San Jose, and the Grand Jury learned that more than 80% of serious criminal cases come from San Jose.

Since 2008, the San Jose Police Department (SJPD) lost one third of its officers due to austerity measures, salary, and pension disputes. Many interviewees cite the shortage of SJPD officers as a primary cause of delay, stating that overburdened officers take longer to complete investigations, causing delays in providing discovery materials. Officers’ preliminary reports may not provide enough detail to enable defense attorneys to arrive at a reasonable settlement.

SJPD is now training more officers and trying to persuade former officers to return to the department. Filling the ranks may speed investigations. It also could mean that officers will have time to pursue more cases and make more arrests.

Once a San Jose police officer enters a report into the computer, it is immediately accessible to the District Attorney's Office. In some cases, especially those involving gangs, the prosecutor may take time to redact information to protect witnesses before passing discovery materials to the defense attorney.

### **Delays in Receiving Forensic Reports from the Crime Laboratory and Medical Examiner-Coroner**

The Grand Jury was told that delays in forensic analysis slowed the criminal justice process. Some pointed to the Office of the Medical Examiner–Coroner, which determines the cause of death.

Others said the Crime Lab is slow. The Crime Lab uses a system to prioritize cases, giving the most urgency to helping police identify violent criminals who are threatening public safety. Once someone is arrested, a Crime Lab investigator will check in with the arresting officer to determine what lab work is needed and how urgently it needs to be done. If a Crime Lab investigator cannot verify with the police that an analysis of the evidence is still needed – for example, charges may have been dropped or the case settled – and if attorneys don't call to request the analysis, the Crime Lab may take no action.

### **Conclusions**

The reasons for the County's slowest-in-the-state disposition rate are complicated.

Responsibility for the disposition of criminal cases is divided among the Court, which is funded and run by the state, the District Attorney (a county-funded elective office), and the Public Defender, Alternate Defender and Independent Defense Counsel, which are County funded and managed. When defendants sit in jail, the County pays. If they move to prison, the state of California pays.

If there is not enough support staff to provide copies of documents to attorneys or to process the abstract-of-judgment paperwork, inmates sit in jail at County taxpayers' expense. Integrating computer systems and training staff would improve efficiency.

The County's criminal justice "partners" – prosecutors, defenders, judges and jail administrators – have been meeting to discuss ways to improve the efficiency of the system. At this point, they seem to agree on the problems described in this report.

The County raised the pay rate for independent attorneys to help the office find more attorneys willing and able to take complex cases. It's hoped this will reduce delays.

Alternatives to jail custody for the mentally ill, a focus on clearing long-term inmates' cases and speeding the transfer of convicted felons to prison are also under discussion.

One thing can be done immediately: Begin to change the culture that has tolerated delayed justice. Each of the criminal justice partners must show leadership by identifying how their agencies' practices contribute to unnecessary delays and then training and holding their staff members accountable for efficient processing of cases. For example, the Public Defender in another county allows his attorneys to request continuances only if they demonstrate they've done everything within their control to be ready for trial.

The County provides generous funding for the District Attorney, Public Defender, Alternate Defender, and Independent Defense Counsel.<sup>5</sup> Although the County Board of Supervisors cannot interfere with the constitutional and statutory investigative and prosecutorial functions of the District Attorney, the County expressly retains budgetary authority, can supervise the official conduct of all County officers in the management of public funds, and can ensure that County officials perform these duties "faithfully" (California Government Code §25303; see Appendix A). Although the District Attorney is independent, the slow disposition of criminal cases is a County problem because the County pays the cost of keeping inmates in its custody. Therefore, the County could require evidence that these offices are making serious efforts to reduce delays before granting future increases in funding and other resources.

For guidance on how to start, County officials should look at how other counties are achieving faster disposition rates.

Sacramento County settles 97% of felonies within 12 months (California Judicial Council). Very few defendants waive their right to a speedy trial. The Public Defender's Office is prepared to plea bargain early in the process. Experienced supervisors help ensure that cases are settled quickly. Once prosecutors know they will not get extra time to prepare a case they have more incentive to make a reasonable offer to the defense.

In Alameda County, 84% of felonies are settled within 12 months. Young adult defendants are far more likely to be offered lengthy terms of supervised probation rather than jail time. Diversion programs offer additional alternatives to jail time.

The more efficient use of technology in Santa Cruz and Riverside counties could be used as models for the County to explore.

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<sup>5</sup> The County also contributes some funding for the Court but has no discretion over the annual allocation, which is mandated by the state.

The criminal justice partners have begun addressing the issue of delay in the last year. This should take high priority in the future.

## **Findings and Recommendations**

### **Finding 1**

There is a culture in the criminal justice administration system that tolerates delays in disposition of felony cases. This is costly to Santa Clara County in both financial and human terms.

#### **Recommendation 1a**

The Santa Clara County District Attorney should:

- Identify practices that contribute to delays in the resolution of criminal cases.
- Educate staff about the financial and human impacts of delays on Santa Clara County.
- Develop more efficient practices while maintaining the integrity of the role of the prosecution.
- Hold staff accountable for adopting those practices.

#### **Recommendation 1b**

Santa Clara County should direct the Public Defender, the Alternate Defender and the Independent Defense Counsel Offices to:

- Identify practices in their offices that contribute to delays in disposition of criminal cases.
- Educate staff about the financial and human impacts of delays on Santa Clara County.
- Develop more efficient practices without sacrificing their duty to their clients.
- Hold staff accountable for adopting those practices.

#### **Recommendation 1c**

Santa Clara County Board of Supervisors should require the District Attorney, the Public Defender, the Alternate Defender, and the Independent Defense Counsel Offices to provide evidence of changes in practices that will lead to shorter disposition times for felony cases as a prerequisite to authorizing additional resources for these offices.

### **Finding 2**

Santa Clara County's criminal justice agencies use outdated, legacy computer systems, making it difficult to exchange information and expedite disposition of

criminal cases. A plan for integrating computer systems and databases is expected to take at least three to five years to implement.

## **Recommendation 2**

Santa Clara County should expedite the updating and integration of criminal-justice agencies' computer systems and databases.

## **Finding 3**

Santa Clara County's criminal justice agencies do not have the data-management resources needed to deal with a huge increase in the volume of discovery, such as audio and video recordings and social media postings.

## **Recommendation 3**

Santa Clara County should work with the District Attorney, Public Defender, Alternate Public Defender, and Independent Defense Counsel to evaluate the data-management needs of criminal-justice agencies in order to determine and prioritize training, hiring, and technology resources.

## **Appendix A: California Government Code §25303**

### *PART 2. BOARD OF SUPERVISORS*

#### **CHAPTER 4. OFFICERS AND EMPLOYEES**

##### ***SECTION 25303***

25303. **Supervision of conduct of officers.** The board of supervisors shall supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county, and particularly insofar as the functions and duties of such county officers and officers of all districts and subdivisions of the county relate to the assessing, collecting, safekeeping, management, or disbursement of public funds. It shall see that they faithfully perform their duties, direct prosecutions for delinquencies, and when necessary, require them to renew their official bond, make reports and present their books and accounts for inspection.

This section shall not be construed to affect the independent and constitutionally and statutorily designated investigative and prosecutorial functions of the sheriff and district attorney of a county. The board of supervisors shall not obstruct the investigative function of the sheriff of the county nor shall it obstruct the investigative and prosecutorial function of the district attorney of a county.

Nothing contained herein shall be construed to limit the budgetary authority of the board of supervisors over the district attorney or sheriff.



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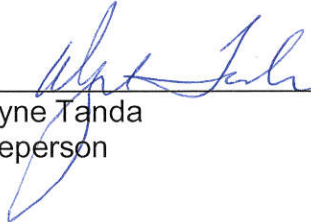
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## **Interviews**

The Grand Jury completed 13 interviews between January 31, 2017 and March 27, 2017.

This report was **ADOPTED** by the 2016-2017 Santa Clara County Civil Grand Jury on this 12<sup>th</sup> day of June, 2017.

  
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Wayne Tanda  
Foreperson