

Superior Court of California
COUNTY OF ALAMEDA



Morris Jacobson, Presiding Judge

Chad Finke, Executive Officer

René C. Davidson Courthouse

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FOR IMMEDIATE RELEASE

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OAKLAND, CALIFORNIA: In light of the opening for business today of the East County Hall of Justice in Dublin, Presiding Judge Morris D. Jacobson addresses movement of in-custody arraignments to the new courthouse.

Responding to concerns raised by the Alameda County Public Defender's Office and others, Hon. Morris D. Jacobson, Presiding Judge of the Superior Court of Alameda County, issued the following statement:

Over the course of the last several months, the Alameda County Public Defender's Office and other local governmental bodies, officials, and organizations have expressed concern about the Court's proposal to hold all in-custody arraignments at the new East County Hall of Justice (ECHOJ). The objections to the Court's plan have been based on two primary grounds. First, there is a claim that many people whose cases do not originate in Dublin would be arraigned there, which presumably would have an adverse effect on the families of those defendants. Second, there has been a claim that the new, state-of-the-art courthouse in Dublin is not structured to handle countywide in-custody arraignments.

1. Arraignments Are Very Brief Events That Generally Are Not Attended By Defendants' Families.

An arraignment is the initial appearance in a criminal case. Arraignments are intended to give formal notice to the accused of the charges against him/her. Arraignments also serve the purpose of determining whether a person has an attorney or can afford an attorney if they do not have one, and/or referring the person to the Public Defender or other court-appointed counsel. While defendants often have an attorney at arraignment, there is no constitutional requirement that a person be represented by counsel to arraign. Often issues related to release on a defendant's own recognizance and bail are discussed at arraignment and sometimes defendants enter pleas at arraignment. These activities also frequently occur at court hearings after the initial arraignment.

Arraignments typically occur in high-volume calendars. They are very brief, and it is rare for an arraignment to last more than two minutes. Visiting, talking, or even waving at a defendant is not permitted during an arraignment hearing. In most of our arraignment courts there is a physical barrier that blocks the line of sight between the defendant and members of the audience. Pursuant to Penal Code section 4570, the courtrooms have a sign posted notifying audience members that it is a crime to communicate with persons who are in-custody. While it is true that on occasion a

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defendant's family members will attend the arraignment, in the majority of arraignments no family members are visibly present.

2. In-Custody Defendants Will Benefit From Being Arraigned Near the Jail Where They Are Housed.

In evaluating the merits of conducting all in-custody arraignments at ECHOJ, we should be most concerned about the unnecessary burden borne by the in-custody defendants themselves under the current system. Currently persons who are arrested in Oakland are housed in the Santa Rita Jail in Dublin before being returned to Oakland to be arraigned. On the day of arraignment, these defendants are awakened at 3:00 a.m. to be readied for transportation, given a sack lunch, and then moved to a holding area to await boarding a bus at about 6:00 a.m. The bus leaves for Oakland around 7:00 a.m. and takes at least 90 minutes to drive to the first stop in Oakland. Upon arrival, defendants wait in holding areas in the courthouse for an afternoon arraignment.

Following the arraignment, the defendants wait for the rest of the afternoon until they are loaded onto a bus for the return trip to the Santa Rita Jail. Again, it is a long 35-mile ride back to Dublin in the midst of evening traffic. Often the bus arrives at the jail too late for a hot dinner. In this circumstance, the defendants are given another sack lunch. Even if a defendant is ordered released from custody, he or she is not released from the courthouse where this occurs. Rather, all defendants must go through this entire process to be released from Santa Rita, which often does not occur until the late evening hours, and sometimes even past midnight. The families of such defendants must wait hours and hours before they are permitted to pick up their family members.

Alternatively, being arraigned at ECHOJ, which is 300 yards from Santa Rita, will cut most of the time off of this cumbersome process. It will eliminate the hours and hours of bus riding in some of the worst rush hour traffic in the Bay Area (going in to Oakland in the peak of the morning rush and back to Dublin in the peak of the evening rush). By eliminating the frequent unavoidable delays that result from the jail-to-courthouse transportation process, the in-custody defendants themselves will benefit the most from the Court's new arraignment proposal. Presumably, this far more efficient process will also benefit the defendants' families by reducing time delays and the accompanying inconvenience.

In this context, the needs of the in-custody defendants are paramount. Certainly their needs should take priority over potential concerns based on a longer commute for their family members or for people who are employed in the criminal justice system.

3. Staffing Decisions Should Be Driven By the Workload and the Size of the Facility, Which Was Intentionally Built Near the Santa Rita Jail to Serve That In-Custody Population.

Staffing decisions by County agencies who work with the court system (e.g., the District Attorney's Office, Public Defender's Office, Sheriff's Department, and Probation Department) should be driven by the workload and the size of the particular courthouse. The number of criminal cases filed in Alameda County is the combined product of social behaviors by our citizenry, enforcement action by police agencies, and decisions by the District Attorney. This number stays relatively constant year over year, and results in, among other things, an arraignment workload. The Court's partner agencies currently handle this workload without

complaint about the staffing, the workload or the facilities. This workload itself will remain unchanged by the opening of ECHOJ, i.e., the Court's plan regarding arraignments will not add any new work that is not already being handled.

The ECHOJ courthouse complex is large, and includes a new county office building that adjoins it. The county office building, which has about 45,000 square feet of office space, has one floor dedicated to the District Attorney's Office and one floor that is shared by the Public Defender and Probation Offices. The Public Defender, by his choice, has seven private offices and 48 work cubicles, presumably enough space for at least 55 attorneys and staff.

The courthouse itself was designed and built to handle high volume calendars generated by the large county jail next door. It will have one Traffic department and 12 Criminal courtrooms. The courthouse is equipped with 20 private interview rooms for attorneys to meet with their clients. In fact, four of those interview rooms are located in the sally port area, immediately outside the Public Defender's Office. This brand new facility will easily accommodate all in-custody arraignments in Alameda County, an average of about 50 per day. Similarly, this facility easily accommodates housing large staffs from the District Attorney, Public Defender, and Probation Offices.

The geographic location of the courthouse, so long as it is situated in Alameda County, should not be a basis for objecting to conducting arraignments in a specific location. Instead, the wisdom of conducting all in-custody arraignments at ECHOJ is apparent and compelling because of its close proximity to the primary jail in our county. In fact, state law encourages arraigning people at the courthouse nearest to the jail in which they are in custody. (See Penal Code section 976(a).) The efficiencies this practice will yield is good for the County, good for the Court, and good for the State – it is good government to use taxpayers' money in the most efficient manner possible.

4. Lack of Adequate Funding Forces the Court to Prioritize Efficiency.

It is unfortunate that the Judicial Branch in California is so seriously underfunded. For the Alameda County Superior Court, we have seen our budget cut for eight straight years. In FY 07-08, our budget was about \$125 million; in FY 16-17, which is just about to end, it was \$76 million. While we once had about 950 employees, we now have about 650. We literally do not have—nor can we afford to hire—enough courtroom clerks, court reporters and other staff to operate our courts.

These funding shortfalls also mean that we do not have enough funding to compensate for the costs that we incur that directly flow from the inefficient current system of bussing hundreds of defendants each week through 70 miles of horrendous traffic each day. A recent example occurred on Tuesday, June 20, 2017, when the buses from Santa Rita were delayed by traffic and arrived at court more than two hours late. Not only were our courts and court users idly standing by waiting for the defendants to arrive, but the other court proceedings for the day were delayed. As a result, the Court incurred overtime costs on the back end of the day that would not have resulted if court could have started on time.

This type of frequently recurring inefficiency increases the challenge of maintaining adequate staffing. Instead, we are forced to consolidate our activities close to the jail to cut our costs so that we can provide fair administration of justice within our means.

5. Solutions: The County Can Help All Reach Consensus.

We are mindful of the concerns and objections voiced by the Public Defender, the Alameda County Board of Supervisors, the Oakland City Council, and others who having written to the Court or offered objections to the media. As a result, we have written to the President of the Alameda County Board of Supervisors to ask for help in reaching a solution that would protect the efficiencies for the Courts and still be convenient for court users.

First, we asked that the Board of Supervisors require the Sheriff to house defendants whose cases originate in North County, at the North County Glenn Dyer Jail. This jail is located next door to the Wiley Manuel Courthouse in Oakland; it is so close to that courthouse that the in-custody defendants are walked to court through a subterranean corridor. No buses are used to move people to court. If those defendants were housed in Oakland, next door to our Oakland courthouse, we would arraign them in Oakland; we would not be trying to persuade anyone to put them on a bus and drive them to a courthouse 35 miles away in Dublin. Our ask is to require the Sheriff to use the Glenn Dyer Jail for the purpose for which it was built: to house North County defendants so that they will be close to the courthouses where their cases will be heard. If this occurred, the resulting efficiencies would allow the Court to afford to continue to arraign in custody defendants in Oakland.

Second, as an alternative solution, we asked the Board of Supervisors to allocate to the Alameda County Superior Court \$2 million dollars to pay for courtroom clerks. Because we cannot operate a courtroom without a courtroom clerk, our most critical staff shortage is with our clerks. If the County invested in the Court in this manner, we would be able to continue to provide services as we do now—less efficient, but perhaps more convenient for some defendants' families and for some criminal justice partners' employees.