

MONTEREY COUNTY


COUNTY ADMINISTRATIVE OFFICE

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July 24, 2014


The Honorable Marla O. Anderson
Presiding Judge of the Superior Court
Monterey County Superior Courts
240 Church Street
Salinas CA 93901

SUBJECT: Response to 2013-2014 Monterey County Civil Grand Jury Final Report No. 2 – “Public Safety and Cost Reduction Considerations in the Monterey County Superior Court Criminal Arraignment Process”

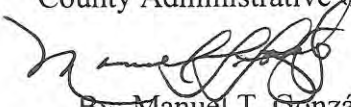
Dear Judge Anderson:

Attached please find the Monterey County Board of Supervisors Response to the 2013-2014 Monterey County Civil Grand Jury Final Report No. 2 “Public Safety & Cost Reduction Considerations in the Monterey County Superior Court Criminal Arraignment Process” and the signed Board Order. The Board of Supervisors approved the response on July 8, 2014, which complies with the requirements set forth in Sections 933 and 933.05 of the California Penal Code.

The Board approved response should be deemed and accepted by the Presiding Judge of the Superior Court of Monterey County and the Monterey County Civil Grand Jury as the response of the Board of Supervisors, County Administrative Officer, and appointed department heads.

Sincerely,

Lew C. Bauman
County Administrative Officer


By: Manuel T. González
Assistant County Administrative Officer

MTG:cj

cc: Lew C. Bauman, County Administrative Officer
Office of the County Counsel

Attachments: Board of Supervisors Response
July 22, 2014 Board Order



Monterey County Board of Supervisors

Response to the

**2013 Monterey County Civil Grand Jury
Interim Final Report No. 2**

July 8, 2014

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REPORT TITLE: Public Safety and Cost Reduction Considerations in the Monterey County Superior Court Criminal Arraignment Process
RESPONSE BY: Monterey County Board of Supervisors
RESPONSE TO: Recommendations R-1, R-2, R-3, R-4, R-5, R-6, R-7, and R-8

Recommendation R-1: A new Natividad Jail site plan should be developed that incorporates a fully equipped Department 11 Arraignment Courtroom on site and adjacent to the Jail, with appropriate and mutually agreed upon support amenities for staff offices and counsel conference facilities.

Response R-1: This recommendation requires further analysis. The passage of Assembly Bill 233 on January 1, 1998, transferred all primary funding of the courts to the State, including sole responsibility for funding future growth in court operations costs. Therefore, responsibility for additional court facilities is the responsibility of the Superior Court, and the state.

Should the state identify this as a priority and fund a project, Monterey County stands willing to work with the state, Monterey Superior Court, and the Criminal Justice Partners to coordinate in future construction of a Department 11 Arraignment Court at location in the vicinity of the jail.

Recommendation R-2: The Superior Court, the Board of Supervisors and the County agencies and their department heads (most notably the Sheriff and DA) involved in the arraignment process should promptly have their representatives meet with the Monterey County CAO to determine the desirability, feasibility and means of accomplishing these Recommendations, including identifying possible funding sources to co-locate a courtroom at the Jail. Furthermore the Board of Supervisors and Superior Court should take into consideration the various other factors discussed in this Report, in order to reach a prompt and conclusive decision to move forward.

Response R-2: This recommendation requires further analysis. The passage of Assembly Bill 233 on January 1, 1998, transferred all primary funding of the courts to the State, including sole responsibility for funding future growth in court operations costs. Therefore, responsibility for additional court facilities is the responsibility of the Superior Court, and the state.

Should the state identify this as a priority and fund a project, Monterey County stands willing to work with the state, Monterey Superior Court, and the Criminal Justice Partners to coordinate in future construction of a Department 11 Arraignment Court at location in the vicinity of the jail.

Recommendation R-3: Once the Board of Supervisors and the Court have preliminarily agreed on sources of funding and the need for the creation of the necessary facilities to operate Superior Court Department 11 at the Natividad Jail, the County Administrator, in conjunction with the Public Defender, District Attorney, the Sheriff and the Superior Court Executive Offices, should commence

the detailed planning process, including aggressively pursuing the most likely and successful source of the construction funding.

Response R-3: The recommendation has not yet been implemented but will be implemented in the future, in the event that the state funds a project.

Should the state identify this as a priority and fund a project, Monterey County stands willing to work with the state, Monterey Superior Court, and the Criminal Justice Partners to coordinate in future construction of a Department 11 Arraignment Court at location in the vicinity of the jail.

Recommendation R-4: For the present time, these same parties might consider, as part of this same planning activity, providing for a temporary inexpensive closed circuit television (CCTV) system connecting the Traffic Court and the existing County Jail for the purpose of misdemeanor arraignments and traffic hearings; at least until the new Natividad Jail arraignment courtroom is made available for operation which likely would not be operational for several years. We do not however, recommend the CCTV approach except as a necessary alternative because it is not consistent with the concept of encouraging early resolution of cases, in that it is difficult with CCTV to have counsel for the prisoners at the same location so they can discuss the possible pleas or settlement proposals to be made, if counsel and the prisoner are not both at the Jail.

Response R-4: The recommendation has not yet been implemented, but will be considered in the future. The signing of Assembly Bill (AB2397) by the Governor of California allows Video Arraignments in custody misdemeanor and felony cases. This action stills requires a waiver being signed by each detainee. The County will work with the Criminal Justice Partners in identifying the practicality and costs associated with implementing video arraignment in compliance with this legislation.

Recommendation R-5: In the meantime, we recommend that the Court and the DA should encourage the voluntary transfer of all the Marina Traffic Court arraignments involving incarcerated prisoners to the Salinas Misdemeanor Court, with consent of their legal counsel, so a major portion of the transport costs and security issues of those prisoners currently required to be transported to the Marina Traffic Court can be eliminated.

Response R-5: This recommendation has been implemented. As referenced by the Sheriff's response to this recommendation, all in-custody traffic matters have already been transferred to the Salinas Court. The District Attorney's Office does not participate in these matters.

Recommendation R-6: The Marina Traffic and Salinas Misdemeanor Courts could eventually use the proposed Arraignment Courthouse at the new Jail for all incarcerated prisoners within their jurisdictions. In the interim, Recommendations R4 and R5 would reduce transport costs and public safety. However, this particular additional use of the Jail facility should be worked out so that it does not interfere with the Department 11 misdemeanor and felony inmate case arraignments, which are the primary and most important purpose of these Recommendations.

Response R-6:

This recommendation requires further analysis. The passage of Assembly Bill 233 on January 1, 1998, transferred all primary funding of the courts to the State, including sole responsibility for funding future growth in court operations costs. Therefore, responsibility for additional court facilities is the responsibility of the Superior Court, and the state.

Should the state identify this as a priority and fund a project, Monterey County stands willing to work with the state, Monterey Superior Court, and the Criminal Justice Partners to coordinate in future construction of a Department 11 Arraignment Court at location in the vicinity of the jail.

Recommendation R-7: If the participants in this planning and implementation process feel that use of the Jail site courtroom by the Traffic Courts is inconsistent with the primary use by the planned Department 11 arraignment operations, prompt action should be taken to encourage use of one of the two other alternatives, discussed above, concerning the Marina Traffic and the Salinas Misdemeanor Courts.

Response R-7: This recommendation has been implemented. As referenced by the Sheriff's response to this recommendation, all in-custody traffic matters have already been transferred to the Salinas Court. The District Attorney's Office does not participate in these matters.

Recommendation R-8: Finally, the CAO, the Superior Court Administrative Office, and the Sheriff's Department should promptly investigate how to apply to the State for a further grant for the costs of planning and constructing the proposed on-site Arraignment Courtroom facility and adjoining conference and office facilities. If special legislation appears necessary, the parties should then promptly seek the assistance of Monterey County area State legislators since without funding this proposal, however valid, will go nowhere.

Response R-8:

This recommendation requires further analysis. The passage of Assembly Bill 233 on January 1, 1998, transferred all primary funding of the courts to the State, including sole responsibility for funding future growth in court operations costs. Therefore, responsibility for additional court facilities is the responsibility of the Superior Court, and the state.

Should the state identify this as a priority and fund a project, Monterey County stands willing to work with the state, Monterey Superior Court, and the Criminal Justice Partners to coordinate in future construction of a Department 11 Arraignment Court at location in the vicinity of the jail.



Monterey County

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Board Order

Upon motion of Supervisor Parker, seconded by Supervisor Salinas and carried by those members present, the Board of Supervisors hereby:

- a. Approved of the response to the 2013 Monterey County Civil Grand Jury Interim Final Report No. 2; and
- b. Directed the County Administrative Officer to file the approved response with the Presiding Judge of the Superior Court, County of Monterey, by July 28, 2014

PASSED AND ADOPTED on this 8th day of July 2014, by the following vote, to wit:

AYES: Supervisors Armenta, Calcagno, Salinas, Parker and Potter

NOES: None

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 77 for the meeting on July 8, 2014.

Dated: July 9, 2014
File Number: 14-749

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By Denise Hancock
Deputy