

**VIDEO ARRAIGNMENT
AND ITS POTENTIAL FOR USE IN
THE COUNTY CRIMINAL JUSTICE SYSTEM**



NOVEMBER 2004

**CITIZENS'
ECONOMY
EFFICIENCY
&
COMMISSION**
LOS ANGELES COUNTY
Est. 1964

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The mission of the Commission is to examine any function of county government at the request of the Board of Supervisors, on its own initiative, or as suggested by others and adopted, and to submit recommendations to the Board which will improve local government economy and efficiency, and effectiveness.

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ECONOMY
EFFICIENCY
COMMISSION**
LOS ANGELES COUNTY
Est. 1964

Chairman

Robert H. Philibosian

November 4, 2004

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The Honorable Don Knabe
Chairman, Los Angeles County Board of Supervisors
Room 822, Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

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Dear Chairman Knabe;

During a review of the means by which the Commission could assist the Sheriff's Department in its operations, we found that video technology has been used successfully nationwide by numerous jurisdictions as an effective alternative to the transportation of prisoners to court for arraignment. It has been shown to improve the efficiency of the justice system and to reduce overall costs.

Although this technology has previously been used in Los Angeles County and has been generally reported by participants to have shown positive results, it was abandoned two years ago due to fiscal concerns. Since its abandonment several attempts have been made to revive its usage, but to no avail. Unfortunately, it does not appear that a study of the cost effectiveness of this technology was conducted during its operation. Such a study would have enabled an evaluation of this process and the impacts on the agencies involved. As a result, we cannot use this previous experience to arrive at a definitive conclusion as to its viability.

While the Commission feels that the utilization of video arraignment technology within the County has the potential for significant savings, we recognize that to propose the implementation of this technology will require undertaking a cost/benefit analysis to document its effectiveness and cost saving potential. Consequently, we are recommending that a pilot project be commenced to establish and verify potential savings in the use of video arraignment. As always the Economy and Efficiency stands ready to assist your Board and County management in the implementation of these recommendations and/or in any manner that your Board would deem appropriate.

Executive Director

Bruce J. Staniforth

Sincerely,



Robert Philibosian
Chairman

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I. EXECUTIVE SUMMARY

Video technology is currently being used in over 200 jurisdictions nationwide as a cost effective alternative to the physical transportation of prisoners to court for arraignment. It is also being used for numerous other functions that do not require the physical presence of the defendant, i.e. case continuance.

Although video arraignment has been used in the past in Los Angeles County and existing anecdotal information seems to indicate that the system provided both cost and efficiency savings, there has not been any evaluation of the system that would demonstrate the effectiveness of this approach or enable a follow-on cost/benefit analysis. Since this evaluation will be necessary prior to implementing such a system, the Commission is recommending:

1. Video Arraignment Pilot Project be Undertaken – The recommended pilot project proposes the evaluation of the reactivated video arraignment units located in Parker Center and in Division 30¹. The objective of this project would be to study, and document, the impact of video conferencing on the cost and operations of the agencies involved in the arraignment process. This project may also evaluate the potential use of this system to fulfill other related functions that do not require the physical presence of the defendant. The possibility of expanded usage may well provide additional benefits in both efficiency and the use of resources. These additional unrealized and potential benefits were first identified in the County's Video Conferencing Strategic Plan².

2. Evaluate Expanding the Number of Facilities Using Video Conferencing Equipment

Upon validation of the use of video conferencing technology, a project should be undertaken to show how existing equipment can be used to connect facilities in a manner that capitalizes on its effective usage.

3. Evaluate Expanding the Possible Uses of Video Conferencing Equipment

Numerous uses of video conferencing technology are available and should be fully evaluated. For example, remote filing of criminal cases would provide law enforcement officers with the ability to access the District Attorney's Office using this technology. If it were permissible by law, a system similar to the one used in New York City would allow subsequent hearings to be done by video, with the exception of pleas, actual trial or formal sentencing. Such a change would offer the greatest potential flexibility to devise and implement a plan to derive the greatest cost savings.

¹ Division 30 is the court responsible for arraignments

² Los Angeles County Countywide Criminal Justice Coordination Committee Videoconferencing Long Range Plan, The Warner Group, January 1992.

4. Evaluate Additional Efficiencies Possible within the Sheriff's Transportation System

Upon the conclusion of the pilot program to validate the use of video arraignment it is recommended that the Sheriff Department undertake, in light of the revised procedures, the critical reevaluation of the structure and operation of the transportation system to ensure that it is operating at its maximum efficiency. The evaluation of a transportation system will require that the Sheriff develop and maintain data on its usage.

II. INTRODUCTION

Faced with an ever increasing workload, the courts and law enforcement community in Los Angeles County find themselves with fewer resources to manage more cases, while at the same time confronting increasing costs to sustain such things as the proper levels of prisoner security. To deal with these realities the current technological environment offers the criminal justice system significant opportunities to reduce costs through the use of an ever increasing array of available operational alternatives. One of these alternatives is video arraignment to reduce the transportation requirements that are placed upon the Sheriff. Given the number of arraignments³ that are conducted within Los Angeles County, this technology offers a significant potential for cost savings. The technology provides interactive video with two-way televised coverage of both the court and the defendant. It allows the judge and the defendant to converse directly, "face to face," whether separated by city blocks or by hundreds of miles. In addition, the use of interactive video for other proceedings, i.e. bond hearings, is viewed by many agencies as a cost-effective alternative in providing secure access to the courts.

As the population of Los Angeles County expands, along with the subsequent increased demands upon the county's transportation infrastructure, it becomes ever more impractical to physically transport inmates within the county or even a few blocks to simply engage in business with a court or another agency(s) that does not require an individuals' physical presence. The improvements in remote video appearance technology and the expanding means of its utilization, has proved and is proving itself in a number of other jurisdictions to be a cost effective alternative to the transportation of prisoners to court. The ability to connect with remote locations, the increase in the number of users able to use the system, and the expansion of available transmission options has developed to the point that it is possible to implement an escalating number of practical applications. In addition, both the hardware cost and the on-line costs of these systems have continued to decline. As a result, court systems around the country continue to find that it is possible to effectively use video as a solution in a wide variety of situations.

³ An arraignment is defined as the appearance of a prisoner in front of a judge within 72 hours of arrest. At that time, a charge is brought and a pleading of guilt or innocence is entered.

III. OBJECTIVE

Given the potential for the numerous positive impacts that are available with the utilization of video conferencing over physically transporting prisoners within the county, the Economy and Efficiency Commission reviewed the possibility of using this approach to minimize the Sheriff's transportation requirements. The objective of this review is to evaluate the past and current status of this video technology both nationally and within the County in order to arrive at conclusions concerning how its utilization could improve the cost effectiveness of the transportation function within the arraignment process, while enhancing the safety of the accused individuals, of the courtroom and law enforcement personnel and that of the general public.

IV. STUDY METHODOLOGY

This report is based on in-person and telephone interviews with county criminal justice agencies, law enforcement agencies, court personnel and private equipment providers. It also involved document and internet research and the observation of the existing interactive video facilities located in both Parker Center and Division 30. In addition, the experience of organizations and individuals, including other governmental jurisdictions, that have been involved in the implementation of video arraignment systems was reviewed.

V. NATIONAL VIDEO ARRAIGNMENT PERSPECTIVE

National Trends

The national trend toward the use of video arraignment in the United States has been facilitated by a Supreme Court opinion that cleared the way for courts to use video arraignment for felonies and for misdemeanors. The authority for the implementation of this technology comes from statutes, court rules (either statewide or local) and other court orders.

Although the actual numbers of video arraignment systems being used nationally are unknown, there are numerous jurisdictions that have implemented or are seriously considering the feasibility of video arraignment, primarily because it addresses some of their most pressing inmate management problems in a cost-effective manner. Professor Fredric I. Lederer, who has studied the use of videoconferencing in the courtroom, has stated that "The one area of substantial American use of videoconferencing has been remote first appearances or arraignments in criminal cases. No one has made, to the best of our knowledge, an accurate inventory of the

number of courts using such systems. The number of installations is, however, at least in the hundreds -- if not far greater.”⁴

Even though the number of systems being used is unknown, the National Center of State Courts (NCSC) claims that there are some 200 video arraignment solutions installed in state court systems today⁵. NCSC also reports that courts in at least thirty states conduct proceedings using interactive video. For example, the system that is in place in Oakland County, Michigan is an example of a sophisticated, well-planned use of this technology that includes all 34 local law enforcement agencies within the county.⁶ Video conferencing has been proven to be particularly effective when utilized in jurisdictions with significant traffic congestion problems such as New York City⁷ and Cook County (Chicago)⁸ as well as throughout various counties in the State of Florida. The State of Rhode Island has implemented a video arraignment system for its courts to make “state government more efficient by realizing cost savings on transportation, meals and housing”.⁹ In Washoe County, Nevada up to 100 inmates at a time may appear before a judge for arraignment without ever leaving the Detention Facility. As a result of this system, Washoe County is saving approximately \$650,000 annually.¹⁰

In the West Virginia Supreme Court of Appeals it has been estimated that the existing live video arraignment project could eventually save that state up to \$5 million annually.

⁴ The Road to the Virtual Courtroom – A Consideration of Today’s – and Tomorrow’s – High Tech Courtrooms, presented December 9, 2002 at the International Society for the Reform of Criminal Law’s 16th International Conference on Technology and its Effects on Criminal Responsibility, Security, and Criminal Justice, by Professor Fredric I. Lederer. Web site: www.courtroom21.net/virtualcourtsinglespace.htm

⁵ The jurisdictions using video arraignment vary greatly in size and application. Some of these include Washoe County Sheriff, Nevada; St Lucie County, Florida; Las Vegas Municipal Courts; Harford County Sheriff, Maryland; District Court, Caro, Michigan; Bernalillo County Sheriff, New Mexico; Alexandria, Virginia and Brevard County, Florida

⁶ The Oakland County system can conduct video arraignments from their local jails directly to the court. The system is able to seamlessly connect with any other video system that has internet access, anywhere in the nation, thus providing a vehicle to conduct extradition hearings. Between 100 and 200 inmates a day access the video system at a total cost of \$7 million. All components used are off-the-shelf for low cost and reliability.

⁷ The New York City system should be operational in at least 15 courtrooms in the five New York City Burroughs (Queens, Manhattan, Bronx, etc.). Under the New York City system, the first court appearance by the inmate must be in person. All subsequent hearings, with the exception of pleas, actual trial or formal sentencing, may be done by video. By reducing the number of inmates being sent to court each day for continuances, discovery and similar procedural hearings, New York City anticipates recovering the most benefits from their system. New York State also uses a video arraignment/conferencing system to permit state prison inmates to “appear” in Family Court on child custody matters without transporting them to the actual hearing.

⁸ The Cook County system is in use in their main criminal court building and is primarily used to arraign prisoners from the basement lockup area without bringing them up the elevators into the actual courtroom.

⁹ Government Technology, Rhode Island Governor Unveils New Video Arraignment System for the Courts, April 12, 2004

¹⁰ Washoe County Sheriff web site: <http://www.washoesheriff.com/pages/Detention/pop%20ups/videoarraign.php>

The project replaced transporting prisoners between facilities for in-person arraignments with a statewide video system that accomplishes the same task. Over the past five years of operations, the project has generated substantial benefits, including a 65 percent decrease in vehicle mileage and a 33 percent decrease in staff hours. When the planned integrated data, voice, and video network is fully operational, the court expects annual savings to increase from its current \$1 million to between \$4 million and \$5 million, set against annual costs that will stabilize at about \$500,000.

Difficulties in Implementation

Though most courts have expressed enthusiasm for the use of video technology, there have been some jurisdictions in which it could not be successfully implemented. In an effort to explain why some courts had been unable to use this new technology a study was conducted in 1995 by the National Center for State Courts. This study concluded that some jurisdictions were resistant to changing the way business had been conducted and were not convinced that installation of video would be a significant cost savings. Further, some jurisdictions were unable to overcome the inter-agency conflicts that arose during preliminary talks and therefore never moved past the discussion stage.

Recognized Benefits of Video Technology

Generally courts use interactive video for bail reviews and arraignments in felony and misdemeanor cases. Misdemeanor appearances seem to be the most common use of this technology¹¹. For the most part, guilty pleas in felony cases are not allowed by video unless accompanied by a written waiver of appearance. Benefits cited in jurisdictions using these systems include a savings in time, increased productivity as a result of reduced travel requirements, savings of direct and indirect costs associated with travel, improved courtroom and jail security, and reduced size requirements for court lockup facilities. Since inmate transportation is not required with the use of video arraignment, risks to officers transporting and securing the defendant during a normal arraignment proceeding is removed. Also, by keeping the accused in the confines of the jail, his or her human dignity can be better preserved, since there is no entering into a courtroom in an orange jumpsuit and handcuffs.

Most users of interactive video systems, including defendants, that have been cited in the available literature report high satisfaction with these systems. However, in some cases, defense attorneys have reported varying degrees of comfort with the concept and the process. Alternatively, other defense attorneys support interactive video court proceedings because their clients are able to maintain their dignity by avoiding being searched and transported to court under restraint, they can be released earlier than if they had to wait for transport, and video conferencing facilities at the court routinely enable defense attorneys to interview in-custody clients without the need for a trip to the detention facility.

¹¹ Note that in the Los Angeles area misdemeanor custody is minimal for the Sheriff's Department with most coming from the Los Angeles Police Department.

An additional benefit that is being capitalized upon more and more is the many applications for videoconferencing technology as courtrooms find additional uses for the systems. For example, Fulton County, Ga., utilizes its video arraignment system for bond hearings, court reporter translations, probation revocation hearings and child support hearings.

As one example of the extensive use of this technology, Court Vision Communications, Inc., the company that installed the video equipment in Parker Center and Division 30, has reported that it has installed video arraignment systems on Oahu, Hawaii, Maui and Molokai. Additionally, they have installed 14 video arraignment systems in Illinois, over a 140 various types of judicial/correctional systems in Utah for video arraignment, video visitation, video trial court recording, evidence presentation high tech courtrooms and digital audio court recording and numerous video arraignment systems in NC, SC, TN, OH, PA, KS, TX, LA, WA, CO, NV, MI, and AZ. They have also installed equipment in the US District Courts and US bankruptcy Courts with digital audio for making the record. There are Video Evidence Presentation courtrooms in over 100 Federal Courts. Other vendors have similarly extensive installations. The benefits that accrue as a result of the multiplicity of applications demonstrate the expanding capability of this technology to support the judicial and law enforcement communities.

VI. CALIFORNIA VIDEO ARRAIGNMENT PERSPECTIVE

Background

The first attempt at a video arraignment system in California was made in Santa Barbara County in 1980 prior to adoption of Section 977.2 of the Penal Code. Unfortunately the presiding judge at the time left the bench before its completion, and the new presiding judge was not a proponent of this technology. The system, which connected the Santa Barbara Court with the Main Jail, the Probation Department, and the Public Defender, was ultimately used as a teleconferencing system for the Public Defender and the Probation Department. The Probation Department offered families video visitation during the holidays to reduced impact on the jail. The Public Defender used the system more often since it enabled his staff to reduce the long waits at the jail to see clients.

Video arraignment actually began in California in 1983 when the California Legislature added section 977.2 to the Penal Code establishing video arraignment pilot projects. The stated purpose of this legislation was "(1) to reduce the cost of transporting defendants to court; (2) to eliminate security problems; (3) to minimize pre-arraignment detention time and costs; and (4) to eliminate defendant's discomfort in being shackled and spending long periods in court holding cells."

A December 1991 Judicial Council report¹² to the Legislature on the video arraignment pilot projects concluded that the 14 participating courts enthusiastically supported video arraignment and that the cooperation and coordination of the many agencies involved was essential to success. It also recognized that additional measures in these project evaluations should include cost avoidance and intangibles, since although a project may be beneficial, it may yield little or no direct cost savings. The report acknowledged that, "More important is cost avoidance. Costs are avoided when security risks are reduced in transporting custody defendants to court . . . when fewer custody defendants must be managed in court . . . when fewer defendants are detained in court holding cells . . . (and) when public defenders and probation officers can 'video conference' with clients without having to lose valuable time spent in transit to the jail."¹³

Legislation subsequent to the Judicial Council's report located in Penal Code 977.2 extends the authority for video arraignment and puts in place important protections, i.e. to have a lawyer present during the interrogation of the accused.

Opportunities and Challenges

The table presented below offers both opportunities and challenges to the user of video arraignment.

Table 1

The Impact of Video Arraignment on Sheriff Transportation	
Opportunities	Challenges
<ul style="list-style-type: none"> • Improved courtroom and jail security 	<ul style="list-style-type: none"> • Resistance by personnel may arise due to changes in the work environment. Each agency involved must be prepared to address factors such as reassignment of positions, resistance to change and assumption of additional responsibilities
<ul style="list-style-type: none"> • Reduced overcrowding of at courthouse holding facilities 	<ul style="list-style-type: none"> • Difficulties associated with evaluating efforts involving multiple agencies, with intangible benefits, (e.g., reduced escape risk) make a cost/benefit analysis difficult.
<ul style="list-style-type: none"> • Improved custody conditions 	<ul style="list-style-type: none"> • Requires commitment from the judiciary/top management; a person supporting the project; and a manager to attend to technical and operational details.
<ul style="list-style-type: none"> • The elimination of the co-mingling of accused felons with first-time offenders on the Sheriff's bus. 	<ul style="list-style-type: none"> • Problems may arise from the transfer and examination of documents
<ul style="list-style-type: none"> • A reduction in tension levels among guards and prisoners 	<ul style="list-style-type: none"> • Potential problems with the transmission of video
<ul style="list-style-type: none"> • A saving of Sheriff's personnel time and direct/indirect costs associated with travel. 	<ul style="list-style-type: none"> • Video arraignment involves many agencies. In this interdependent environment, coordination and cooperation among participants are essential to success
<ul style="list-style-type: none"> • Fewer defendants would be required to transported to court. 	
<ul style="list-style-type: none"> • Reduced need for members of the Public Defender's Office to travel to the jail to deal with inmate related issues, greatly reducing the associated costs and risks while providing inmates due process in a timely manner 	
<ul style="list-style-type: none"> • Reduce the jail population and thus, reduce the need for early prisoner release. 	
<ul style="list-style-type: none"> • Increased productivity reduces travel requirements. 	

¹² Judicial Council of California, "Report to the Legislature on Video Arraignment Projects", December 1991, p. I (Appendix A)

¹³ Ibid, pg 11

VII. VIDEO ARRAIGNMENT IN LOS ANGELES COUNTY

Overview

The objective of the video arraignment project that was originally undertaken in Los Angeles County was to reduce costs and risks by centralizing and automating the inmate arraignment and consultation process. The arraignment and consultation system featured video stations which were installed in the Courtroom, the Public Defender's Office and the District Attorney's Office, along with inmate arraignment stations located throughout the County Jail System. It was demonstrated, although not documented, that video arraignment reduced the requirements for the movement of inmates from the jail to the courthouse and the need for members of the Public Defender's Office or the District Attorney's Office to travel to the jail to deal with inmate related issues. It has been reported by those who participated in this process that this system reduced the associated costs and risks while providing inmates due process in a timely manner. Inmates also benefited from the use of this technology since they had more frequent and less involved access to their lawyers or to the Public Defender's Office and for a more efficient arraignment process.

History of Video Arraignment in Los Angeles County

In the early 80s, a lawsuit was brought in Federal Court (Judge Gray) by the ACLU. This lawsuit expressed concern about the overcrowding in the Los Angeles County Jail and the Lockup Systems. The Court threatened the County with a variety of consequences if these procedures were continued, including directing the Sheriff and Marshal to comply with the rated capacity of the court lockups. This was a significant threat since compliance with this direction would have required that court enforcement personnel establish and maintain a 24 hour schedule. An additional demand upon the system would have required prisoners at the courthouse to be removed before the next relay of prisoners arrived.

The realization that the revised procedures being considered would have been expensive and disruptive brought home the necessity of addressing the poor conditions in which the prisoners were being held. These conditions created a great deal of risk to both the inmates who had yet to be convicted of any crime and to the Sheriff and Marshal Deputies who were responsible for their well being. There were also concerns about mental health issues, substance abuse, etc. which furthered an increased risk environment. At this point, in response to the issues raised by the court, Los Angeles County considered the use of video arraignment as its primary alternative.

Glendale

After a review of existing systems, the County initiated a pilot project in the Glendale Court. This court was selected because the lockup at this court was antiquated with no

accommodation for “keep-aways”¹⁴, females or for the number of prisoners that the court, at times, had to manage. The objective of the pilot project was to eliminate these conditions by arraigning as many inmates as possible in the Glendale Jail without having to transport them to the courthouse.

The video arraignment program was also initiated in response to the concern that the Glendale court lock-up was considered insecure for felons. It was thought that available lockup space could be increased through the utilization of the Glendale Police Jail space which was larger and safer than the court lockup space. The initial plan was to conduct the first arraignment, with the consent of the individual being arraigned, via video from the Glendale Police Jail which was slightly modified to accommodate this program.

The Glendale Court arraigned both felony and misdemeanor custody defendants by way of a fully interactive audio-video system which linked the court and the city jail. A microwave video transmission was installed in May 1986 as a pilot project to evaluate the use of video technology in the courts before expanding the project to other courts throughout the county. This line-of-sight microwave technology is currently being used to support the expanded video arraignment facilities in the new Glendale Jail which will open in November 2004.

The Glendale arraignment calendar is scheduled every afternoon, with the daily number of defendants being arraigned using video normally numbering between 0-8. The defendants are transported from the central county jail to a temporary holding facility within the city jail. There they view an advisement-of-rights videotape, meet with a deputy public defender, and sign a written waiver of personal appearance before the calling of the calendar. Two separate attorney conference rooms are provided in the jail for the attorney to meet with the defendants. The Public Defender receives the discovery packet from the District Attorney and then arranges with the Glendale Police Department liaison for a time to conduct the arraignments. Previously, clients have been interviewed in the “tank” with the attendant difficulties involving confidentiality as a result of police and other defendants being present during the interviews. The privacy concerns of the Public Defender have been addressed in the new Glendale Jail Facility by providing separate rooms for attorney client interviews.

All defendants remanded to the custody of the Sheriff's Department are transported back to the central jail on the afternoon bus. Additionally, Glendale assigns one full-time Police Officer to handle the transportation of prisoners who are not arraigned through the video arraignment system to the court lock-up and to assist the Sheriff's Department whenever possible.

To protect the rights of the prisoner, the Public Defender has insisted on being physically present to assess the condition of the client and to ensure that he/she was

¹⁴ A term used to identify the need for the separation of certain individuals because of gang affiliations, racial conflicts, sexual orientation, etc.

not being victimized while incarcerated. This process also provides the additional advantage of protecting any further legal actions that may be filed.

If anything were to stand in the way of the program's success it would be a commitment to active participation by all of the participants in the judicial process. For example, some public defenders have found it troublesome to travel to the jail in order to participate in the video arraignment process, preferring to transact business from the courthouse. While most of the objections with regards to the process involved personal convenience which have inhibited participation, these issues could be easily addressed by incorporating a three-way conferencing system that would minimize attorney travel. This approach would increase participation in the program and result in additional operational efficiencies.

Overall, conducting the arraignments in Glendale by video has proved to be successful since it has enabled more effective court planning, improved prisoner security and increased convenience to the individual being held in custody - both those that were being held and those being released. It has also reduced the need to transport prisoners from the jail to the court. These revised procedures have gained a high degree of acceptance among the inmates and resulted in the lockup areas of the courthouse no longer being overcrowded.

Torrance

As a result of the Glendale success, a modified form of the video arraignment system was tried in Torrance. The problem facing Torrance was that the court building's design for handling criminal cases necessitated the movement of prisoners from the court lockup out of the building and through another door into the courtroom for a hearing. This situation proved to be dangerous for everyone and resulted in a number of escapes and attempted escapes. The Glendale approach was adapted so that arraignments could be conducted from the courthouse lockup rather than from the jail.

Long Beach

Since the Long Beach Court had inadequate lockup space, a proposal was made to utilize the Long Beach Police Department Jail, which was located directly across from the courthouse, for arraignment. In response to this physical configuration a project was designed and implemented to conduct the first and second arraignment in felony cases from the jail. This project was also undertaken in the Compton Court. The objective of this approach was to limit the travel time to the court, but the results of these efforts proved to be inconclusive.

Van Nuys

The video arraignment system that was installed in Van Nuys was discontinued because the judge felt it was unnecessary because the jail was so close to the court. This decision was made in spite of the fact that the system had eliminated a number of

problems such as inadequate court holding cells, the mixture of felony charged defendants with misdemeanor charged defendants, and inmate hostilities.

Parker Center

Los Angeles Municipal Court implemented a felony video arraignment pilot project in January 1991. A fiber optics cable system linked Division 30 at the Criminal Courts Building with Parker Center to arraign defendants arrested by the Los Angeles Police Department. The Parker Center pilot project was unique in that it initially arraigned by video only misdemeanor defendants arrested for drug-related cases. The project was subsequently expanded to include defendants charged with either robbery or burglary.

The video arraignment calendar was scheduled twice daily – one session in the morning between 9:00 a.m. and 11:00 a.m. and one session the afternoon between 2:00 pm. and 5:00 p.m. Defendants in custody at Parker Center were provided an advisement-of-rights videotape and an individual meeting with a deputy public defender in the detention facility. Most defendants elected to be arraigned by video and executed a written waiver of appearance. Although the number of individuals being arraigned varied daily, Table 2 shows typical arraignment numbers for a week in April, 2002, a period during which the system was in operation.

Table 2

Typical Week of Parker Center Video Arraignments in 2002					
Arrestee	April 7	April 8	April 9	April 10	April 11
Male	79	116	53	74	40
Female	12	17	9	6	11
Total	91	133	62	80	51

Source: Los Angeles County Sheriff's Department

When using the video arraignment system, the Public Defender's Office would send a misdemeanor lawyer to Parker Center in the morning and a felony lawyer in the afternoon. The Court provided an Interpreter and a full-time Deputy Clerk. The Deputy Clerk would deliver the discovery packets to the attorneys at Parker Center and also transfer the signed waiver form and all custody paperwork between the Court and Parker Center.

The Public Defender would arraign felons from 2:30 to 4:30. All issues related to arraignment were worked out ahead of time and the program ran smoothly. On occasion multiple attorneys were required because of the more extensive Proposition 36 or Drug Court interviewing process. The Court has reported that the cases handled via video arraignment took the same amount of judicial, attorney and staff time that would have been used if the defendant had been in the courtroom when the case was called. They note that attorneys still have to interview their clients, the judicial officer still needs to call the case and make a ruling, and the clerk still needs to prepare the

custody paperwork and make the case entry. Additionally, the clerk also had to record the video waiver form and wait for the Deputy Clerk to deliver the custody paperwork to Parker Center before he/she could “clear” the courtroom for the day. If the custody filings were delivered late in the day, this impacted the video arraignment process and would cause the courtroom staff to stay well beyond 5:00 p.m. on those days.

Not having to transport individuals to court reduced the workload of the Sheriff's Transportation Unit and the number of Sheriff Deputies required in court. The processing of cases was potentially impacted using the video arraignment system since it could be used as “fill” between other cases, specifically when waiting for “keep-aways” or for custodies that had to be housed at the other end of the court facility. This process would allow for an improved use of time that might otherwise be wasted.

The video program that was in place in Parker Center was suspended as a fiscal move by the Superior Court following a request to other agencies to undertake the costs that were borne exclusively by the Superior Court. The fiscal benefit perceived by the court arose from not having to assign three Bailiffs and a Bonus Deputy to the Parker Center, which cost the court of over \$380,000 per year. The reestablishment of the video arraignment system will require a determination of how the bailiff and prisoner control function are to be addressed to the satisfaction of all agencies involved. Since the program met its demise there have been a number of attempts to revive the program which have proved unsuccessful.

Lynnwood Regional Justice Center

At about the same time as the Parker Center Project was begun the County contracted for a combination video arraignment and teleconferencing system to be located in the Lynnwood Regional Justice Center (CRDF). The equipment that is located at CRDF was anticipated to combine prisoner visitation and video arraignments. With the closure of the Lynnwood Court the video arraignment equipment has never been utilized. Some of this equipment is built into the walls at CRDF and, as a result, would require a major undertaking to remove. Currently, the only usage of the equipment is for video visitation, which is used a lot. There was also some equipment placed in the Compton Court that was a part of the video project at CRDF. The cost for the installation of this system was \$630,257.66.¹⁵

The Sheriff is currently in negotiations with the Federal Government for the use of the Lynnwood facility to manage Federal prisoners. This negotiation would include the use of the video arraignment equipment that is located on this site. A review of the equipment that currently exists within the facility indicates that much the equipment that was originally placed in this facility has been taken out and what does remain will require maintenance or replacement. If this negotiation does not result in the Federal Government taking over this facility, whatever equipment that is there would assumedly become available for use in other locations within the County.

¹⁵ The purchase was made 5/11/94 by Internal Services on purchase order number Q70005

Financial Responsibilities

The arresting agency is responsible for the transportation of a prisoner from the time of his/her arrest to the point that he/she is in the custody of the court. A prisoner becomes the court's financial responsibility from the moment the prisoner is in their custody until he/she is either released or is transferred to the Sheriff's custody, usually upon boarding a bus to leave the court. Once the prisoner is remanded to the custody of the Sheriff, the transportation of the prisoner becomes a County responsibility and expense. Over the years several grants were obtained to build out the system, including a grant of over \$1M from the Air Quality Management District (AQMD).

Previous Planning

It was determined in 1991 that it would be necessary to develop a long range plan to establish the needs of all of those involved in the video arraignment process. The plan that was developed came up with approximately 45 possible uses of this system, including a careful analysis of those which would have the greatest benefits. Considering all the agencies involved the report concluded that the highest value uses were in arraignments, meetings with inmates, meetings with attorneys, meetings with probation officers for pretrial services and for use in reducing non-contested court hearings.¹⁶

VIII. CURRENT VIDEO SYSTEMS

Existing Systems

Currently, there is a video conferencing system in use that permits probation officers and public defenders to interview defendants in numerous locations. This system has resulted in numerous benefits and is particularly helpful in reducing the required travel time for the purpose of conducting an interview, increasing the efficient use of the time required to support a client, and insuring the efficient use of associated personnel costs. This system is also being used to conduct training at remote locations.

The Santa Monica Police Department, in conjunction with the Santa Monica Court, is currently in the process of shutting down the lock-up in the Santa Monica Court, and transferring all criminal cases to the Airport Court. In the course of this transfer they are considering establishing a video conferencing capability from the Police Station to the Airport Court. Other projects underway include Glendale-Burbank's video arraignment project, and a newly initiated video conferencing project between Department 95 (the Mental Health Court) and the Pasadena Hospital. The latter project has proven to work well and to be a significant value to the Sheriff in reducing transportation demands.

¹⁶ Los Angeles County Countywide Criminal Justice Coordination Committee Videoconferencing Long Range Plan, The Warner Group, January 1992

The current video conferencing system that connects Men's Central Jail and the Public Defender's Office is digital, and is functioning well. It was installed by the Internal Services Department (ISD) and funded through ISD and the county departments involved.

Unfortunately, county-wide video arraignment is impeded by a lack of manpower and by fiscal concerns regarding how such a project would be funded. Also, most criminal justice issues are, in general, hard concepts to sell because of the involvement of 4 separate entities – Law Enforcement Agencies, the Defense, the Prosecution and the Court – each with their own concerns. These interrelationships have to be addressed and resolved before any level of success can be anticipated.

Other County Video Conferencing Systems

Justice Inmate Video Conferencing System (JIVCS) - JIVCS has been expanded, and is now responsible for 2,500 interviews per month. Of these 1500 are probation interviews and 1,000 are public defender interviews. It has been estimated that this program saves over one million miles in travel costs, and more than \$1M each year in personnel time. The two video conferencing units that are located at the Men's Central Jail account for about 650 of the 2,500 video interviews.

The system that currently exists in county jails is in the need of upgrading and modernization. Fortunately the price for these systems has gone down significantly over the past 20 years with a single unit currently costing approximately \$25,000.

The Information Systems Advisory Board (ISAB) will be converting the video network from ISDN to the County network reducing the cost of supporting the network by approximately 50%. About 80% of the video interviews will be converted to the county network. Another project ISAB is working on is the expansion of the JIVCS to the juvenile arena. Three video pilot sites are being established at Eastlake, Los Padrinos and Sylmar. With this system in place it is anticipated that hundreds of public defender and probation officer interviews will be conducted via video.

The Probation Department is in a unique situation since they have to see a person before they can submit a report. As a result they do have an appreciation for video conferencing since they don't have to leave their office to complete a report. The use of this technology ensures that reports are completed in a timelier manner, with fewer continuances.

District Attorney's Video Project - This project consists of connections between the Clara Shortridge Foltz Criminal Justice Center and 17 prisons throughout the state. This system enables the District Attorney's Office to conduct "Lifer Hearings"¹⁷ remotely, thereby saving the time and expense of traveling to various prisons. There are currently plans to expand the remote sites to three additional locations within the District Attorney's Office.

¹⁷ A parole hearing for inmates in state prisons that are serving life sentences.

Coroner's Video Project - The Los Angeles County Department of Coroner, in conjunction with the Information Systems Advisory Board, currently has in place state of the art video conferencing equipment which is connected by ISDN lines to compatible video conferencing equipment in the offices of the District Attorney, Public Defender, and courts. This system enables Deputy Medical Examiners to communicate with attorneys in these agencies which, in turn, improves decision making time frames. If this system can be expanded to video testimony it can also reduce court waiting time. The existing technology can be used for evidence display and interviewing of experts at remote sites. It can eliminate the need for law enforcement to witness autopsies as findings can be discussed by video conferencing. It can also be used for education and training, and in clinical forensic medicine, i.e., consult specialist at remote sites by providing visual images of suspects or victims with injuries.

The Coroner's Department is the first department in Los Angeles County to use this technology for continuing medical education purposes and expert witness/attorney case discussions in the criminal justice system. It has the potential of addressing various problems including decreasing court waiting time, improving decision making time frames, minimizing logistical barriers to communication, and decreasing unneeded travel/air pollution. Once accepted by the courts to include expert video testimony, it will be a model program for other jurisdictions in the country.

Court Video Conferencing On Demand System. The system is designed to allow standards-based hookups. Uses include civil and family law hearings involving persons in foreign countries and virtual presence in Mental Health Court of patients from public hospitals.

IX. SHERIFF TRANSPORTATION

Mission of the Sheriff's Transportation Bureau

The mission of the Sheriff's transportation Unit is to transport prisoners using a safe and secure means and deliver them in a timely manner for mandated court appearances. To accomplish this Sheriff Deputies must handcuff, chain and secure the inmate and transport him or her to the courtroom. This procedure can be physically dangerous for the officers, with the risk of a possible inmate escape or injury being present. Following the arraignment, the inmate may be returned to the correctional facility to await trial, with the return transport risks and dangers remaining.

The elements of the transportation process that are required by the Sheriff begin to explain both the complexities involved and the risks that are being incurred by the County.

- ◆ Costs of Managing the Transportation System – The Sheriff incurs managerial expenses to ensure the effective operations of the transportation system.

- ◆ Prisoner Processing – This processing time is required for law enforcement and corrections personnel to complete the necessary paperwork and prepare inmates for transportation to court.
- ◆ Security of Prisoners – The Sheriff incurs expenses in providing the security for and supervision of the inmates who are being transported from jail to the courthouse and then returned to the jail.
- ◆ Transportation Costs – These costs involve the transportation of prisoners to include the personnel costs, operation of the vehicle transporting the prisoners, and the fuel and the maintenance required for the operation of the vehicle.
- ◆ Risk Management Costs Incurred as a Result of Transporting Prisoners – In the process of transporting prisoners the Sheriff must anticipate and prepare for the occurrence of unexpected events. Significant possibilities for the development of problems exist since, even though security is being maintained, inmates are outside the secure perimeters of the jail. The jail's security controls become part of the transport environment, carrying the demands of jail confinement to public streets. The potential public safety risk to civilians, deputies, and prisoners of traffic accidents, the security issues raised with vehicle maintenance problems, possible medical emergencies in transit and escape attempts are only a few of the possible unexpected events that may occur. In an attempt to reduce risk it is evident that it would be beneficial to limit the opportunity for disturbances to and from court and/or the need for the Sheriff or the local police to disrupt their normal law-enforcement activities to assist in responding to any events that may arise in the course of transporting inmates.
- ◆ Court Holding Facility – The court holding facility is meant to include those physical requirements necessary to ensure the security of and control over the prisoners and the personnel required to fulfill these responsibilities. These include the need to maintain holding facilities, to provide uniformed officers for supervising prisoners, and to post an officer in every courtroom in which an inmate is present.

The Transportation System¹⁸

General

The primary responsibility for transporting prisoners is assigned to the Sheriff's Department Transportation Bureau. The Sheriff does not maintain statistics on the transportation of prisoners throughout Los Angeles County, but does maintain statistics on the transportation of state prisoners, patients and wards transported to various

¹⁸ The procedural elements of the following sections were derived from a May 8, 2003 Sheriff's memo from LT Steven M. Roller, Transportation Bureau, entitled Pre-Arraigned Inmates – The Effect of Video Arraignment or a Central Arraignment Court on Transportation Bureau Operations.

institutions throughout the State of California. For reference purposes this function employs 274 full-time sworn officers along with 11 support personnel.

To support the transportation responsibility the Sheriff's Department maintains the following equipment:

- 10 Radio Cars
- 17 Vans
- 64 Busses
- 2 Semi-truck "Superbus" transports
- 2 Specially equipped wheelchair buses

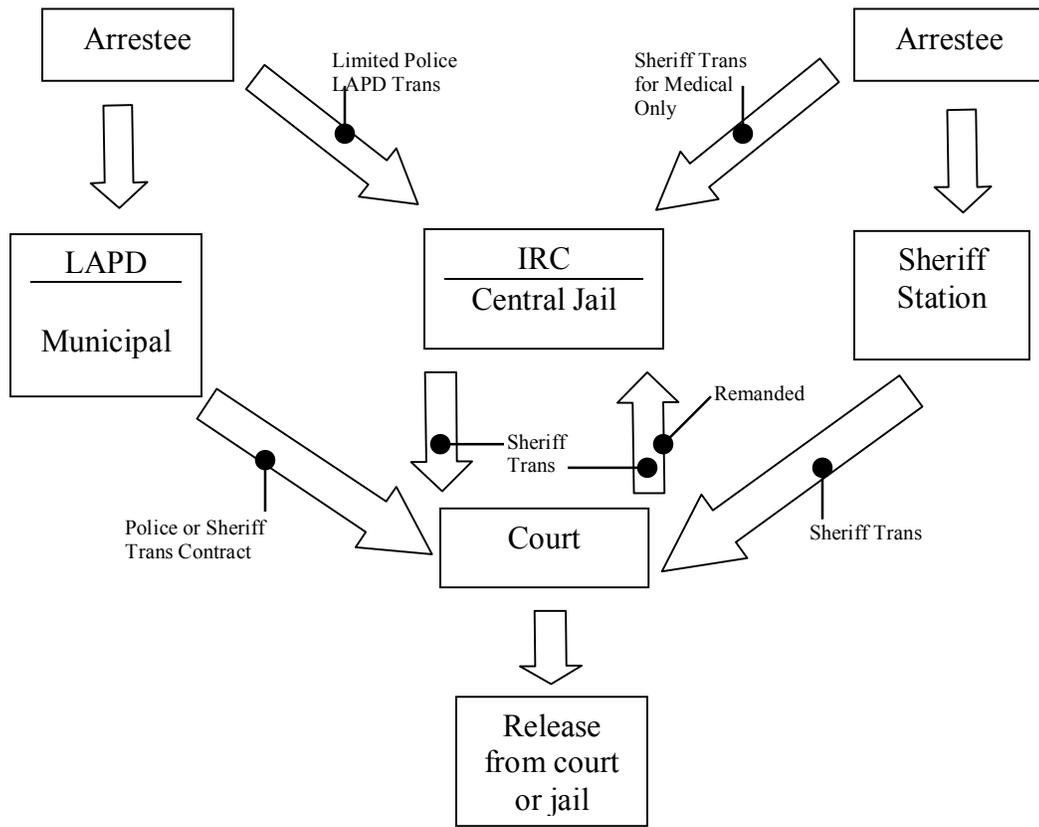
These vehicles have traveled over 2.4 million miles in the conduct of 1.2 million prisoner movements during fiscal year 2003-2004. The approximate annual cost of prisoner transportation for FY 2003-2004 is unknown since the Sheriff does not maintain this data.

Prisoner transfers and transportation occur primarily for three reasons: inter-facility transfers, off-site medical visits, and court appearances. In support of the courts the Transportation Bureau currently drops off and picks up inmates from the approximately fifty four (54) Superior Courts in the County of Los Angeles. Since the Court begins its business day at 8:30 am, inmates must arrive at court prior to 8:00 am. If the number and locations of the Courts serviced by Transportation Bureau remain constant, a bus will be sent on a route regardless of the number of inmates having business in the court on a particular day. The buses average forty-nine (49) inmates per bus when fully loaded based upon current segregation classification rules. Any overload for the court route requires an overload bus. For example, Clara Shortridge Foltz Criminal Justice Center (CCB) receives more than six hundred inmates a day, utilizing numerous Court Services Transportation (CST) buses making this their first stop of the morning, then returning to CST Headquarters to reload and transport inmates to various outlying Courts.

Chart 1 illustrates the flow of prisoners under the current set of transportation procedures. It shows that prisoners are normally transported from the location of arrest to the courts using local or the Sheriff's resources.

Chart 1

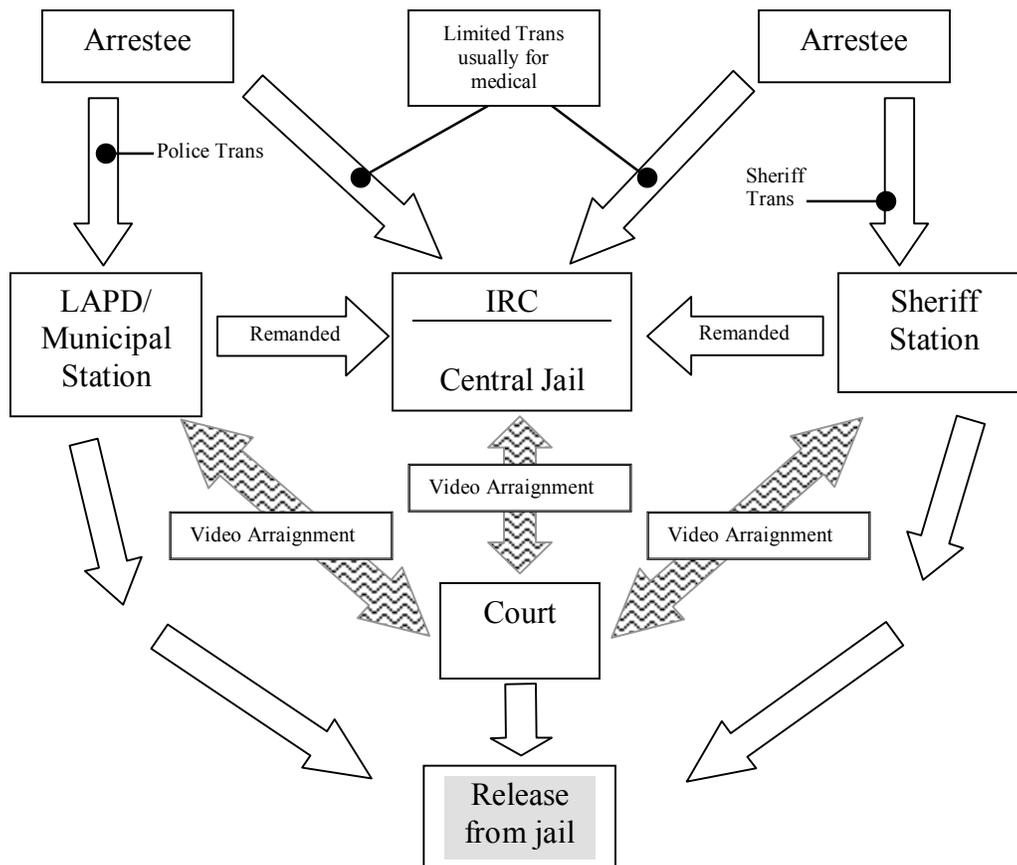
Current Transportation Model



Note: For state prisoners video may be an alternative to having to transport them to Los Angeles County Jail for appearance in Family or Civil Court.

Chart 2 illustrates the flow of prisoners using video arraignment. The main difference between Chart 2 and Chart 1 lies in not having to transport prisoners from the arresting facility to the court for arraignment. The Sheriff now has the transportation responsibility for those remanded into his custody.

Chart 2
Transportation Model with Video Arraignment



Transporting Individuals Under the Sheriff’s Control

Inmate Reception Center (IRC) Inmates

Any inmate being processed through the Sheriff’s Men’s Central Jail/Twin Towers Correctional Facility¹⁹ pre-arraignment is currently transported to the court of jurisdiction

¹⁹ Most of the prisoners at this facility have already been arraigned with transportation being required for such things as medical necessities.

anywhere within the County by CST. If these inmates were not transported to these courts as a result of being video arraigned at the IRC the daily number of prisoners to be transported would be reduced. The impact of this reduction would have to be analyzed since any reduction in the number of prisoners transported may or may not reduce the number of trips considering the bus loading requirements or it may enable the utilization of a smaller vehicle (i.e. van) in place of a bus.

When arrestees are arraigned at the Central Arraignment Court (CJAC), transportation no longer becomes an issue since they would be walked through a tunnel/bridge to the court. Following arraignment, those inmates held over would return to IRC via the tunnel/bridge. The viability of video arraignment under these circumstances will not depend upon the transportation requirement, but on other factors such as additional custody personnel needed to supervise inmate movement through the bridge/tunnel, added personnel required to walk with and process any "Special Handle" inmate, etc. Experience indicates that in a number of instances both within and outside the County, it has been determined that the benefits of video arraignment in this type of circumstance have outweighed accompanying disadvantages.

Transportation from Sheriff Stations

Transportation Bureau transports inmates directly from the arresting LASD Station to court in the morning. The inmates to be transported are scheduled for arraignment and cannot be cited out as they are either charged with felonies or meet the Sheriff's Department's criteria for mandatory court appearances. The stops at stations are part of the regular route for the CST bus. If these individuals were not picked up by the CST bus and transported to court, station personnel would be required to provide the transportation using sworn personnel, Custody Assistants, or a combination of the two.

Arraignment could be accomplished from the station using video technology. This would result in a decrease in the number of inmates requiring transport since many would be released (either own recognizance (OR) or bail posting). However, those arraigned and remanded to custody would still require transportation to a county jail facility, either by the Sheriff who now has this responsibility, or by station personnel. The impact of video arraignments at a Sheriff's station would depend upon the ability of the CST transportation system to respond to the reduction in demand. There may also be an impact as the result of assigning station personnel to the bailiff function.

Transporting Individuals Under Police Control

Transportation from Los Angeles Police Department Stations

The Los Angeles Police Department (LAPD) currently contracts with the Sheriff Transportation Bureau to pick up arrestees from their stations and central jail facilities (Parker Center), and to transport them to court for arraignment. This contract is fulfilled with two dedicated crews, as well as with several other crews as part of their routes. The arrestees are either brought directly to court or transported to CST Headquarters

where they are transferred to buses which take them to the court of jurisdiction. It is estimated that over 200 LAPD pre-arraigned inmates are transported daily.

The implementation of video arraignment capability from LAPD stations or Parker Center would reduce the number of inmates to be transported and thus, a reduction in the transportation assets required. It also restructures the transportation cost by eliminating the LAPD cost for transportation to court and restructuring the Sheriff cost of transportation since he would have cost responsibility once the prisoner is remanded to the Sheriff's custody. Additionally, if it were determined that a bailiff was necessary to staff an LAPD facility, the cost of that position may become a funding issue.

Municipal Police Departments

Police departments are responsible for their prisoners until they are delivered to court for arraignment. If the arrestee is video arraigned from a municipal police station the same cost dynamic concerning the transfer of transportation costs would exist as illustrated in Chart 2. Under certain circumstances, most likely involving travel distance to court and the utilization of municipal police resources, the municipal police agency does have an option to contract with LASD to transport prisoners to the court for those prisoners choosing to not take advantage of video arraignment.

X. COURT REQUIREMENTS

Processing Cases

One of the logistical problems within the courthouse lockup is the need to separate defendants according to internally established guidelines involving such considerations as gang affiliation, race, etc. Some of the delays in Division 30 can be traced to the time required to bring prisoners from the different holding areas in the building once their paperwork has been reviewed and the arraignment is ready to proceed. Considering the time involved in prisoner movement, processing the cases was more efficient using the video arraignment system since it could be used as "fill" while the court was waiting for "keep-aways" or for custodies being held at the other end of the building. Reinstating this capability would enable the court to more fully utilize time that might otherwise be non-productive.

Since the paperwork for the custody arraignments is filed in the afternoon, Division 30 primarily conducts non-custody arraignments in the morning. The paperwork generated by the process includes: charging sheet, police reports, investigator's reports, etc. The discovery packet is actually the complaint, the police report, and a rap sheet, if there is one. This is the basic information that is needed by the public defender to run a conflict check and conduct an interview. At times the discovery can be voluminous, but generally it is approximately 30 pages in length. (Many of the §11350²⁰ cases are only

²⁰ CA Health & Safety Code §11350 et seq. – narcotics possession

five pages in length.) When this paperwork is available, one set is provided to the District Attorney, one to the Court, and one to the Defense Counsel. For every felony filing, a discovery packet (including a copy of the complaint) was delivered by court personnel to Parker Center for Defense Counsel. If the Public Defender's Office makes a decision that they cannot accept a case, they then pass it to the Alternate Public Defender or to the bar panel.

When video arraignment was in place, court staff delivered the materials to Parker Center. The criminal complaint and discovery packets were filed in the Clerk's Office of the Criminal Courts Building. The discovery packet for the Defense Counsel was delivered to Parker Center by court personnel. The original complaint and the discovery packet for the Prosecutor were delivered to Division 30. Based upon this information the public defender would have a list of who was going to be at Parker Center that day. From that list, they would send down the appropriate number of attorneys for interviews and/or other required activities. Conflict checks would be run separately at the Criminal Courts Building.

There were anywhere from approximately 90 to 110 arraignments on Tuesdays – with the vast majority willing to be arraigned by video. Of these individuals to be arraigned, approximately 40 could be handled over video (low-grade drug cases, or §666²¹). Logistical problems have not generally been prevalent with those who wished to be arraigned over video conferencing not being able to do so.

Utilization of Video within the Court

The focus in the utilization of video is on the development of strategies that are both affordable and likely to achieve meaningful cost reductions for the justice system as a whole. From the court's perspective the cost factors relevant to the reestablishment of video conferencing at a site such as Parker Center include the cost of court staffing (i.e. Office Assistant II and Court Interpreter positions), courier staff, Sheriff staffing, equipment, maintenance and management.

It appears that the potential volume of criminal cases that could be handled at each facility is an important factor. It would seem reasonable that courts with high volumes of eligible cases are more likely to realize a reduction of current costs, including transportation and Courthouse security staff costs. These savings are necessary to offset the new costs associated with the use of video such as: document exchange using runners or document transfer technology, security at the inmate location, etc. Lesser factors to consider would include the availability of existing linkages and/or the proximity of courthouses and jails to possibly support the manual couriering of paperwork. Reliability and simplicity of operation is important to effective, high-volume video conferencing.

²¹ petty theft with a prior

Table 3

Criminal Case Filings at Each Site During Fiscal Year 2002/2003

Courthouse	District	Felonies/Year	Misdemeanors/Year	Equipment
Foltz	Central	16,271		Usable
Metropolitan	Central	943	50,336	
Central Arraignment	Central		20,818	
Compton	South Central	5,564	16,290	
Long Beach	South Central	4,022	25,368	
Van Nuys	Northwest	2,874	21,427	Unusable
San Fernando	North Valley	2,670	18,013	
Airport	West	2,427	11,598	
West Covina	East	2,376	17,214	
Lancaster	North	2,323	10,495	
Torrance	Southwest	2,140	11,055	
Pasadena	Northeast	1,712	7,574	

Source: Los Angeles Superior Court

Two court locations already have data lines and some equipment that was previously used for video arraignment which may facilitate their usage in a pilot project to validate the concept. These are the Foltz Criminal Justice Center and the Van Nuys Courthouse, both of which are served by the Los Angeles Police Department. The Court believes that existing terminus equipment and the existing microwave communications linking Parker Center and Foltz is adequate for a pilot and has expressed preference for routing via the conferencing bridge in its Mosk data center as a design for the system, should this approach emerge as desirable and practical on the part of all concerned.

Four additional courts, including Metropolitan, Central Arraignment, Airport, and San Fernando, are also served by the LAPD and have significant volume. The relative isolation of the Airport Court from the local jail facility might render courier delivery of court documents more difficult and costly than at the other sites. The Long Beach, Compton, Torrance, West Covina, Lancaster, and Pasadena Courts may be pursued when the concept is proven elsewhere.

XI. EXISTING SYSTEM EVALUATION

Basic Systems Considerations

Equipment - The basic components of a video arraignment system include a two-way, full-motion color video system of closed circuit cameras, color monitors, audio systems and videotape systems.

Network Infrastructure - The most important component of the system is the networking infrastructure. Often fiber-optic cable connects the courthouse with the jail. When cable is used the primary expense in installing these facilities is for the actual wiring - which can be very costly if it must be retrofitted into an existing, historical facility. Such a system should be easily expanded to support links to any industry standard videoconferencing system and be flexible and extendable to be able to support the County's future expansion requirements with relative ease. It should be a reliable, high-quality, and scalable to be able to adjust to the needs of the county justice system. Other forms of connection could be used such as the microwave system currently being used in the Glendale Court. Future options may also become available, such as secure web-casting, which would create additional opportunities in the utilization of this technology.

Maintenance - Some level of maintenance would be necessary. Normal maintenance is likely to consist of such things as adjusting monitors and correcting altered switch settings or finding where someone has unplugged equipment. If a monitor fails, someone must be able to replace it with a spare. More sophisticated maintenance, perhaps including an outside maintenance contract, is necessary for less likely but more serious failures.

Operation and Training - Operation and training are hard to quantify. The design requirement should be that of simplicity; the courtroom should be subject to operation by judge or deputy clerk; no special expertise should be needed. Training, however, is likely to be an ongoing necessity in the short term. That responsibility must either be transferred to the agencies involved or institutionalized in the courthouse staff. Any installation that requires new staff should be scrutinized carefully; high technology courtrooms should decrease costs, not increase them.

Court Vision Communication System Evaluation

Court Vision Communications was the firm that originally provided video arraignment technology for Division 30 of the Criminal Courts Building to the Parker Center. Because of their familiarity with the systems that are in place and since this firm continues to provide video arraignment and teleconferencing systems throughout Los Angeles County and the State of California, they were asked by the Commission to provide the engineering and cost evaluation necessary to re-energize this project. Although the Commission makes no contracting recommendations, the Commission does appreciate that Court Vision has agreed to provide this important engineering and cost evaluation free of charge to the County.

Court Vision Communications, Inc. evaluated the existing equipment at the following five locations involved in the existing Parker Center to Criminal Courts Video Arraignment System: Parker Center Arraignment Room, Parker Center Mezzanine Communications Room, Criminal Courts Communications Room (MCR - P level), Communications Closet (5TBB) next to Division 30 and the Division 30 Courtroom.

After evaluating this equipment Court Vision proposed the following to upgrade the existing equipment to current technology and to reactivate the system:

◆ Parker Center Arraignment Room - (The following actions will bring the arraignment location into proper working condition. Additionally, the windows behind the arraignment booth must be blocked to permit proper camera function when the booth door is open.)

- Replace the audio and video distribution amplifier.
- Replace the microphone driver (no longer manufactured).
- Install a lens on the existing camera to permit the proper viewing of persons at the arraignment podium.
- Replace both of the Officers Arraignment Office monitors.

◆ Parker Center Mezzanine Communication Room

- Replace the fiber optic transmitter and receiver. (These units have been out of production for multiple years and therefore not serviceable. This will clean up audio issues across the fiber path.)

◆ Criminal Courts Communication Room (MCR - P level)

- The existing multimode fiber connecting to Parker Center will be extended to the existing fiber patch panel. (This allows a complete fiber path between the Parker Center mezzanine communications room and the communication closet (5TBB) next to Division 30.)

◆ Communications Closet (5TBB)

- Install a fiber transmitter and receiver. (This will provide a complete audio/video fiber transmission path between Room 5TBB and the mezzanine communications room in Parker Center.)

◆ Division 30

- Replace the audio and video distribution amplifiers
- Install a new microphone for the District Attorney
- Install new LCD monitors with cameras for the Judge and the District Attorney.
- Install a 42" plasma audience monitor to replace the existing non functioning Proton monitor
- Repair defective wiring to the VCR at the Clerk's Bar.

The above upgrades, changes and repairs will make the system operational. Court Vision has estimated that the cost to complete this upgrade and reactivation is \$23,311, plus applicable tax. This cost includes all required equipment, cabling, installation testing, training and one year parts and labor warranty

XI. COLLATERAL ISSUES

Sheriff Costs

The focus of this review has been on the cost of moving prisoners, however, there are collateral issues that might be difficult to quantify, even though they potentially have a significant impact on the viability of any video arraignment system. The following is a partial list of some of the issues that could be impacted by the implementation of a video arraignment system:

- ◆ Medical liability for the individual while in custody
- ◆ Security for both prisoners and staff
- ◆ Flight risk
- ◆ Staff time consumed in receiving and releasing custody to transport team.
- ◆ Courts ability to speed up case processing
- ◆ Staff productivity

Although it may be difficult to estimate the cost savings of these issues it would be reasonable to expect that the cost savings and the improved resource utilization would be meaningful.

Public Defender Concerns

Attorney/Client Presence

The Public Defender has been and continues to be a strong supporter of video court proceedings. However, the physical presence of an attorney has been a mandatory condition of the Public Defender's participation in video arraignment.

System Security

If video arraignment was put into place again the Public Defender would prefer to have a computer system at Parker Center, which would allow direct access to the Defense Management Service (DMS) (conflict check system), or some equivalent system like the court computer system (TCIS), to run the conflict checks immediately on-site. The sooner the Public Defender can detect conflicts, the more time will be saved for everyone involved. It is possible that the LAPD is currently able to access TCIS, which might make the connection simpler. In case of conflict, the Public Defender's Office would notify the Alternate Public Defender's Office, who would then send someone

down in the afternoon, and video arraignment (or in-person arraignment) would happen as usual.

If a system was introduced at Parker Center, the Public Defender would want to ensure the security of the room containing the computer equipment for the conflict checks. When the video arraignment system was previously used at Parker Center, the Sheriff's had access to the room, to the files, etc.

Client Privacy

Although the majority of felonies come in at 1:30 pm, the Public Defender receives discovery all day. Also, this office doesn't actually know who is in custody until 1:30 pm. The arrival of those in custody is staggered throughout the day, with one bus arriving in the morning, another from Parker Center at 10:30, and the last at 1:30 pm. There are also transfers from the Sheriff's Department's custody, although less frequently.

The Public Defender is concerned about the privacy when interviewing clients at Division 30. Given the overcrowded environment and the critical nature of the arraignment in the proceedings, the Public Defender has a difficult time in providing each client with an appropriate level of privacy. When previously conducting video arraignment at Parker Center, the interviews would happen from across a cafeteria table, with a Sheriff's deputy standing nearby. Addressing the Public Defender's need for a dedicated space would be helpful in resolving the privacy issue.

Privacy is also necessary to facilitate better interviewing of potential candidates for Early Disposition Court (EDP). EDP Court, which happens between the arraignment and the preliminary hearing, is the result of Proposition 36 or drug court referrals. EDP requires the DA to give their best disposition on the case at which point the client might be able to make a plea agreement. This is particularly true in Proposition 36 and Deferred Entry of Judgment (DEJ) cases (1st time offenders). To determine whether a client might be eligible for EDP requires a rather extensive interview process by the Public Defender.

XII. RECOMMENDED FUTURE DIRECTION

Although video arraignments have been used in the past and is generally reported by those who have used it to have been successful, there are no cost-benefit studies that have been conducted to determine its level of effectiveness. Anecdotal information seems to indicate that even though usage of the system provided cost savings to several agencies, the issue of who will pay the costs involved in providing a video conferencing capability eventually becomes a paramount consideration.

At this point, a video conferencing proposal will require the completion of a pilot project that has as its objectives the validation of the operational concept, the savings to the system and the impact that this technology has upon each agency. It will be necessary to undertake this pilot project and do so within a larger evaluation scope to determine

how to maximize the positive impacts on the overall system. Accordingly, to advance this proposal the following recommendations are presented.

1. Video Arraignment Pilot Project be Undertaken

The recommended pilot project proposes the evaluation of the reactivated video arraignment units located in Parker Center and in Division 30 to be conducted by the Sheriff. The objective of this placement is to study, and document, the impact of video conferencing on the cost and operations of the agencies involved in the arraignment process. Consideration should also be given to the need for interpreters, who might possibly be located at one site and dialed in as needed. To meet this need would likely require another video conferencing unit and the approval of the Public Defender and the Court.

This phase of the project should not affect the Court having a master arraignment. Since arraignments are currently conducted in Division 30, there should be no real change in the court, except for the addition of a monitor and the revised paperwork handling. Given this scenario it must still be established how the bailiff function at Parker Center would be addressed and who would be responsible for the funding.

The testing of the system might be expanded from just using it exclusively for arraignments to such “routine” court activities, such as continuances. The possibility of expanded usage may well provide additional benefits in both efficiency and the use of resources. The project may incorporate a consideration of the potential use of this system to fulfill other related functions that do not require the physical presence of the defendant. These additional unrealized and potential benefits were identified in the County’s Video Conferencing Strategic Plan²². The achievement of these benefits would further reduce the number of trips required by the Sheriff’s Transportation Units and contribute to the significant improvement in delivering inmates to the courts in a timely manner.

Successful implementation of video arraignment will require the cooperation and coordination of the various agencies within the justice community. It will be critical to convince the participants of the benefits inherent in this approach, e.g., judges will be better able to manage their court calendars; sheriff personnel benefit by minimizing transportation requirements and the security risks that are involved in this transportation; and defendants benefit by spending less time (or no time) in transit or being held in an overcrowded court holding cell and, in some cases, being released from custody immediately after arraignment.

Establishing the success of the pilot project cannot be based on cost savings alone; as important as cost savings is cost avoidance. Costs are being avoided when security risks are reduced in transporting inmates to court; when fewer custody defendants need to be managed in court; when fewer defendants are detained in court holding cells; and

²² Los Angeles County Countywide Criminal Justice Coordination Committee Videoconferencing Long Range Plan, The Warner Group, January 1992.

when public defenders and probation officers may "video conference" with clients without having to sacrifice valuable time traveling to the jail. In other instances, cost savings resulting from a restructuring of transportation may be minimal where only a short distance separates the court and the holding facility. On the other hand, savings will be greater at remote locations where significant distances separate the court and the jail.

2. Evaluate Expanding the Number of Facilities Using Video Conferencing Equipment

Upon validation of the use of video conferencing technology, a project should be undertaken to demonstrate how existing equipment can be used to connect facilities in a manner that capitalizes on its effective usage. If it were demonstrated during the pilot project that the concept of video arraignment was cost effective, other jurisdictions could then establish a video connection with the court with the objective of conducting an arraignment in a timely manner without the need for transportation to an Arraignment Court or the need to house the individual for a significant period of time while awaiting arraignment.

3. Evaluate Expanding the Possible Uses of Video Conferencing Equipment

Numerous uses of video conferencing technology are available and should be fully evaluated. For example, remote filing of criminal cases would provide law enforcement officers with the ability to access the District Attorney's Office through such a system. If it were permissible by law, a system similar to the one used in New York City would allow subsequent hearings to be done by video, with the exception of pleas, actual trial or formal sentencing. Such a change would offer the greatest potential flexibility to devise and implement a plan to achieve the greatest cost savings.

4. Evaluate Additional Efficiencies Possible within the Sheriff's Transportation System

Upon the conclusion of the pilot program to validate the use of video arraignment it is recommended that the Sheriff's Department undertake, in light of any revised procedures, the critical reevaluation of the structure and operation of the transportation system to ensure that it is operating at its maximum efficiency.

Restructuring the transportation system has been shown in studies to result in overall cost-efficiency. For example, Santa Monica PD estimates that they are spending approximately \$170,000 a year to transport their prisoners from Santa Monica to the Airport Court, and will incur additional costs once they close the lock-up and begin transporting misdemeanors. A study initiated by Judge Cecil Mills (Retired) found that to have the Sheriff's Department stop by on their route and pick up those same prisoners, including the misdemeanors, the cost was estimated at approximately \$84,000 a year.

XIII. CONCLUSION

The current state of video technology provides quality transmissions and a level of reliability at an increasingly reasonable price. In addition, not only have on-line costs been dropping dramatically, the internet will dramatically reduce the cost of video use over the next 5 years. The technology has advanced to a point that it can provide reliable, high quality and instantaneous video. This approach is flexible and upgradeable so that any current investment will not result in an obsolete system in a couple of years. Clearly, video has become an increasingly viable alternative to reduce the cost of operations. With video conferencing here to stay, it will become an integral part of how the legal community conducts business.

The purpose of this review is: First, to provide historical information on the utilization of video arraignment nationwide and Los Angeles County in particular. It also illustrates that the County has utilized remote video arraignment in the past, but as a result of financial concerns it has been allowed to fall into disuse. Second, this review provides a status of the equipment, highlighting the nature of system that would be most beneficial to implement within the county.

Data is not currently being maintained by the Sheriff to establish the number of prisoners being transported to court for arraignment vs. other required court appearances. To confirm whether the use of video conferencing technology will significantly impact the transportation demands placed upon the Sheriff, a critical cost/benefit analysis will be required. It is impossible to know what will be saved by placing video arraignment equipment in a specific location, or perhaps across the county, without such an effort. This review also recognizes that the intangible benefits of video arraignment are extremely difficult to quantify, i.e. the risk costs, the avoidance of lawsuits, etc. Without documented evidence the agencies involved will be reluctant to commit to any proposal without demonstrated operational improvements and cost savings.

It is important for this analysis to recognize that video conferencing technology will require law enforcement, judges, attorneys and court administration to transform policies and procedures, as well as how they conduct business overall. Clearly, this is a very difficult mind set to change. To allow time for people to acclimate themselves to the new procedures, implementation should be gradual. This approach will allow users to get acquainted with the technology and how it is to be utilized. Thus, in addition to video conferencing the future expansion will capitalized upon its flexibility to provide a vast array of services.

Given the current budget environment, it is clear that work requirements and the fiscal considerations of the County will be the driving forces in the application, implementation and use of any video system. There are a variety of benefits ranging from enhanced security within the entire system to case disposition to fiscal savings. The only limits to the benefits this technology can achieve is the openness with which a jurisdiction is willing to utilize video on all case types and appearances.

The county needs to begin thinking of ways to capitalize upon the capabilities of this technology to ensure continued justice system effectiveness. It is critical that the commitment level not only remain high, but that all departments involved work together to identify the problems and mutually work out their solutions.

Appendix 1

INDIVIDUALS CONTACTED IN THE PREPARATION OF THIS REPORT

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