

# INTRO

---

PATRICK JENSEN

ASSISTANT PUBLIC DEFENDER

ALAMEDA COUNTY PUBLIC DEFENDERS



**ACCESS TO  
COURT**

**ACCESS TO  
COUNSEL**

**LIMIT PRETRIAL  
CONFINEMENT**

ALAMEDA COUNTY SHERIFF'S OFFICE

SANTA RITA JAIL

ALAMEDA COUNTY JAIL  
SANTA RITA  
GREGORY J. AHERN,  
SHERIFF / CORONER

ARREST

## PRE-COVID

## ACCESS TO COUNSEL AT ARRAIGNMENT

---

Brought to court

---

Interviewed and meet with attorney

---

Request is made for release

---

Housing / Services / Factual / Family

---

Phone numbers

---

Access to defense evidence through  
timely investigation



# NO ACCESS TO COUNSEL AT ARRAIGNMENT

---



# WHAT THIS MEANS...

---

NOT BROUGHT TO  
COURT

MOTION FOR  
RELEASE WITHOUT  
ANY INFO

CLIENT ALONE AT  
JAIL / ATTORNEY  
THEY HAVE NEVER  
MET ON VIDEO

UNABLE TO  
PROVIDE LEGAL  
ADVICE

# WHAT IS LOST?

HOUSING  
INFO

MEDICAL  
INFO

PSYCHIATRIC  
INFO

DEFENSE  
EVIDENCE

ACCESS TO JUSTICE IS DENIED WHEN  
WE DON'T FOLLOW THE LAW  
REGARDING PRETRIAL CONFINEMENT



# LIMITS ON PRETRIAL CONFINEMENT

PRETRIAL SERVICES REPORT

EMERGENCY BAIL SCHEDULE

1203.25

CALIFORNIA SUPREME COURT DECISION -  
*HUMPHREY*

*PRETRIAL  
CONFINEMENT  
IS VIRTUALLY  
THE SAME*

SRJ population on  
March 1, 2020: 2597

SRJ population on  
February 16, 2022: 2283

10 COURT DAYS =  
14 CALENDAR DAYS

**PRE-COVID PROCEDURAL TIME RIGHTS**

30 COURT DAYS =  
45 CALENDAR DAYS

**CURRENT PROCEDURAL TIME RIGHTS**

—

---

FREQUENTLY NO  
CONFIDENTIAL  
ACCESS TO  
COUNSEL FOR  
WEEKS



*PRE-COVID*  
VISITATION

---

IN PERSON CONTACT VISIT WITH AN APPOINTMENT

---

IN PERSON NON-CONTACT WITHOUT AN APPOINTMENT

---

VIDEO VISITATION THROUGH POLYCOM SCHEDULED A DAY IN ADVANCE

---

VIDEO VISIT THROUGH GTL (NOT CONFIDENTIAL)

# CURRENT VISITATION

---

CONTACT VISITS ELIMINATED

---

NON-CONTACT VISITS FREQUENTLY UNAVAILABLE  
DURING QUARANTINE AND APPOINTMENT

---

VIDEO VISITS NOT AVAILABLE WHILE ON  
QUARANTINE



# VISITATION – OTHER JURISDICTIONS



# PRETRIAL SETTLEMENT CONFERENCE AND PRELIMINARY HEARING

---

NO READING WHILE COURT IS IN SESSION

PLEASE, NO FOOD,  
DRINKS OR GUM  
CHEWING ALLOWED  
IN COURTROOM

NO SITTING  
IN  
FRONT ROW

# SOLUTIONS – *ACCESS TO COURT*

---

- Bring clients back to court.
- Bring attorneys and District Attorneys back to court.
- Bring Judges back to court.





## SOLUTIONS – ACCESS TO COURT

- *Everyone* should be arraigned in a timely manner.
- Bluejeans can be taken to the location of a quarantined individual

SOLUTIONS –  
*ACCESS TO  
COUNSEL*

Increasing access to video interviews – *nights and weekends*

Restoring all in person non-contact interviews on a drop-in basis.

Allow attorney access to clients at SRJ between 3 –6 PM.

# SOLUTIONS – *PRETRIAL CONFINEMENT*



*END RELIANCE ON  
MONEY BAIL*



CONSIDER PRETRIAL  
CONDITIONS

*PROTECTIVE ORDERS  
REPORTING  
TESTING  
TREATMENT*

*SOLUTIONS* —  
RESTORE  
PROCEDURAL  
TIME RIGHTS

---

10  
DAYS

THANK YOU AND  
*QUESTIONS...*

