

**COUNTY OF SACRAMENTO
CALIFORNIA**

For the Agenda of:
February 5, 2008

To: Board of Supervisors

From: Criminal Justice Cabinet

Subject: Report Back on Violation of Probation In Lieu Night Court Pilot Project

Supervisory District(s): ALL

Contact: Jan Scully, District Attorney
Lynn Wynn, Principal Administrative Analyst

Overview

On September 13, 2007, the Board of Supervisors approved funding for a 6 month pilot project for a Violation of Probation In Lieu Night Court (VOP Court) and requested a report back.

Measures/Evaluation

The VOP Court will be gathering data in order to evaluate the success of the pilot project.

Fiscal Impact

Funding for the project was provided to the District Attorney's Office (\$75,000), Public Defender's Office (\$75,000) and the Probation Department (\$50,000) for a total of \$200,000 for the 6 month pilot.

BACKGROUND

On September 5, 2007, District Attorney Jan Scully in collaboration with the Criminal Justice Cabinet (Cabinet) presented a proposal for funding to the Board regarding a VOP Court. Testimony was provided by the District Attorney, Presiding Judge and Presiding Judge Elect, the Sheriff, the Public Defender, Conflict Criminal Defenders and Probation. A total of \$485,594 was requested to provide funding for staff for one year to the District Attorney's Office (\$175,291), the Public Defender's Office (\$175,291) and the Probation Department (\$135,012). The Court and the Sheriff's Office would provide in-kind staff support.

On September 13, 2007, the Board approved funding for a 6 month pilot project to the District Attorney's Office (\$75,000), Public Defender's Office (\$75,000) and the Probation Department (\$50,000) for a total of \$200,000 and requested a report back.

A working group was formed of the member departments and a program design was developed within three months. The program design was approved by the Cabinet on December 13, 2008.

DISCUSSION

There are four issues currently challenging the adult criminal justice system:

- 1) Congested settlement courts;
- 2) Pre-trial and jury trial calendar increases causing an increase in “last day cases;”¹
- 3) Diminished consequences for probationers; and
- 4) Main jail overcrowding.

The Criminal Justice Partners know:

- 1) The great majority of cases can be settled early in the process with sufficient time and attention;
- 2) Early resolution without the loss of rights or public safety benefits all parties by
 - a) reducing the number of hearings and time spent on each case and
 - b) allowing for greater attention to serious/unresolved cases;
- 3) Lack of early resolution contributes to overcrowding at the main jail; and
- 4) Overcrowding in the jail leads to less efficiency in the settlement courts.

The goal of the VOP Court pilot project is to redirect 20% of felony cases that meet certain criteria from being filed as a new felony complaint in the felony home court departments to being filed as a violation of probation petition in the VOP Court. The VOP Court will include dedicated court, counsel and law enforcement staff to handle the cases with a quicker resolution through fewer court appearances and consistent practices. The VOP Court will be held at night because of lack of courtroom space in the main jail and the main courthouse during the day and too many in-custody defendants are scheduled in the main courthouse during the day now. The system-wide benefits are:

- Up to 20% of felony cases will be redirected from the current overloaded system;
- Elimination of preliminary hearings and jury trials in VOP cases;
- Number of appearances are reduced to approximately 3 rather than 10, 20 or more;
- 1-2 hour contested hearings before a judge rather than 1-2 week jury trials;
- Improved efficiency in the home courts by reducing settlement calendar caseload;
- Need for jury trials will decline thereby resulting in a savings of resources including jurors; and
- Concept study for future night courts.

The VOP Court non-evidentiary hearings will be held in Department 60 of the main jail which eliminates transportation of in-custody inmates in these cases. Court, DA, PD, Sheriff and Probation will provide dedicated staffing. Court will be held Monday through Thursdays from 4:30 pm to 8:30 pm. This allows for flexible work schedules to be provided to staff without having to pay shift differential, thereby eliminating additional staff costs. Contested hearings will be held on Fridays from 1:30 pm – 4:30 pm which does not change the time needed for subpoenaed witnesses and also provides a more attractive work schedule for staff. Initially VOP filings will include felonies only with misdemeanors potentially being added at a later date once

¹ If a felony trial cannot be assigned to a courtroom on the day it is set to begin, under some circumstances it can trail for up to ten (10) days. However if there still is no available courtroom on that “last day,” it must be dismissed.

the program is established. It is estimated the VOP Court will hear approximately 130-150 felony VOP in lieu cases per month once it is up and running. Focusing on felony cases initially allows for concentration on court processes to develop an efficient system and collection of measurements before increasing the caseload with misdemeanor VOPs.

The VOP Court pilot project is a remedy that is collaborative, innovative, efficient, unique, and cost effective. It will provide a more efficient use of limited resources while protecting public safety and individual rights.

The VOP Court pilot project began on January 14, 2008. There will be a press release that will announce a formal press conference in February.

MEASURES/EVALUATION

Baseline data is currently being collected. The following information will be collected and analyzed during the 6 month pilot in order to evaluate the success of the pilot project:

- Number of felony filings
- Number of VOP In Lieu filings
- Number of preliminary hearings set
- Number jury trials assigned
- Case age from filing to disposition
- Average number of days un-sentenced inmate stays in jail
- Number of probationary pre-sentence reports

FINANCIAL ANALYSIS

Funding for the project was provided to the District Attorney's Office (\$75,000), Public Defender's Office (\$75,000) and the Probation Department (\$50,000) for a total of \$200,000 for the 6 month pilot.

Respectfully submitted,

APPROVED:
TERRY SCHUTTEN
County Executive

Linda Foster-Hall, County Budget Officer
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By: _____
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