

**San Bernardino County Sheriff's Department, San Bernardino County District Attorney's
Office and The San Bernardino County Public Defender's Office.
Video Court Pre-Preliminary Hearing Process**

Overview – In early 2020, COVID-19 temporarily closed the courts in San Bernardino County. The District Attorney's Office, Public Defender's Office and The Sheriff's Department developed a video court pre-preliminary hearing process to deal with the effects of the closure.

Challenge – The first challenge we experienced was the very contagious COVID-19 virus. With individuals being transported by a Sheriff's Transportation bus to court it created the potential vectoring of courts staff, attorneys, other individuals in custody and law enforcement personnel. Next, we had to deal with the incarcerated individual's constitutional and statutory rights to be arraigned and to have a speedy trial. The third challenge was the ability to get incarcerated individuals from the county jails to the courts for a preliminary hearing within 14 days of incarceration unless they negotiated a plea or waive the right to a speedy trial. Transporting the individuals from the jails to court presented the potential of exposing numerous individuals to an asymptomatic COVID-19 individual. The final challenge was how to get the individuals to a court setting with their Deputy Public Defender, the Deputy District Attorney and the Judge in a secured correctional facility without exposing the court staff and attorneys to COVID-19.

Solution – Knowing the County had to do something the District Attorney's Office, Public Defender's Office and The Sheriff's Department met at the Sheriff's West Valley Detention Center in an area once used for line ups and parole hearings. During the meeting it was determined the Public Defender's Office could set up their computers or tablets at multiple desks and talk to their client in a secure environment. If after their meeting, the incarcerated individual was willing to settle the criminal case with a plea or was willing to waive time, the incarcerated individual would then go into a secure room with a video camera and computer. The video camera connected to a court room with the Judge, a Deputy Public Defender, Deputy District Attorney and court personnel using a video conference call technology. The court then reads the plea into the court minutes or the judge orders a continuance of the case stating waiver of time. The second solution that needed to be addressed was the need to get an individual arraigned even if they were in isolation or quarantine for COVID-19. Using the same video conference technology, the Sheriff's Department created "hot spot" Wi-Fi connections in the jail housing units that would be used to handle video arraignments. This allowed the incarcerated individual to be arraigned within 72 hours regardless of their quarantine or isolation status.

Innovation – Although video arraignments have been used by counties, the ability to handle pre-preliminary hearing at the jail facility without transporting to a court house was something new for our County. By implementing this process early in the COVID-19 pandemic it has allowed individuals in San Bernardino County to be arraigned and potentially bring closure to their criminal proceeding with very little exposure to individuals infected with the virus. It has also allowed the courts, District Attorney's Office and Public Defender's Office the ability to keep the justice system going forward when many Counties nationwide were on hold.

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Results – On April 15, 2020 the pre-preliminary video court process started. Since April, on average 80 individuals weekly, either negotiate a plea agreement or waived time using the pre-preliminary video court process. This has allowed individuals to get closure to their criminal matter and often allows the individual to be released from custody. With the number of individuals being able to bring closure to their criminal matters it has helped the Sheriff's Department manage its inmate population in a time that social distancing is important in the battle against COVID-19.

Replicability – With the use of conference call technology most Counties could use this process. The process does require cooperation from the courts, District Attorney's Office, Public Defender and Sheriff's Departments. With everyone doing their part it can be seamless. The technology requirement is minimal but the need to have secure space for attorney/client confidential interaction is a must. The area being used must have the ability to have internet capabilities and still be secure within the jail.

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