



## **Video Arraignment 2.0: Streaming Justice**

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## Executive Summary

The objective of this study is to provide leaders within Los Angeles County (County) as well as those outside County jurisdictions viable information for reinstating a pilot video arraignment<sup>1</sup> program in County courthouses. The information used for this study were gathered from a wide range of sources including empirical literature, past County studies, field visits to institutions that have a functional video arraignment system, observations of inter-agency criminal justice meetings, and interviews with experts from Information Technology (IT) and criminal justice departments. From the data gathered, the Economy and Efficiency Commission (Commission) then synthesized all the evidence into one cohesive information base which provided the basis for analysis, solution planning, and recommendations.

During the analysis of the data, the Commission identified several constraining factors that appeared to have stifled project momentum and needed to be addressed in order to gain stakeholder support to move forward. This study is organized into three main sections with several subsections under each one. The first section provides a glimpse into the history of a County pilot program that was conducted in 2010 with the participation of all the criminal justice agencies in the County as well as support from the court system. Although the pilot program was successful operationally, it was discontinued when the Los Angeles Police Department (LAPD) withdrew from the pilot program which resulted in the low volume of cases that qualified for video arraignment. The LAPD was identified as a critical partner in supplying the volume of cases needed to make the pilot program viable. However, the logistical restriction coupled with the closing of LAPD's Parker Center<sup>2</sup> led to the termination of the pilot program. Nevertheless, all the parties involved continued to embrace video arraignment as an option for inmates as long as the volume of cases supported this type of technological undertaking. It is worth noting that a new Metropolitan Detention Center (MDC) has since reopened with infrastructures already built-in to accommodate a video arraignment process. Furthermore, LAPD has given their support for continuing with video arraignment using the new MDC as a test site.

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<sup>1</sup> Video Arraignment is defined as “a video court proceeding that is conducted in a manner that protects the due process rights of all defendants by providing a clear, accurate visual and audio representation of all parties involved in such legal proceeding” (National Center for State Courts).

<sup>2</sup> Parker Center was renamed Metropolitan Detention Center after it was closed.

The second section presents the justification and conceptual design of Video Arraignment 2.0, a new video arraignment pilot program. While collecting information to build a case for Video Arraignment 2.0, the Commission found that the project was severely hampered by a lack of quantifiable data to simplify building the business justification for a video arraignment system. Although the cost-benefit analysis was not conducted to argue for implementing a video arraignment system, the Commission strongly believes that the potential benefits of transportation costs savings together with the probability of risk reduction intrinsic in moving inmates from the detention centers and detaining them at the courthouse should convince stakeholders to move forward with a Video Arraignment 2.0.

The final section recommends actions for the Board of Supervisors (Board) to consider as points of intervention necessary to address stakeholders' concerns for reducing the potential risks perceived in implementing a new pilot program. The three recommendations are:

1. Recommendation 1: That the Board considers providing budgetary support to the Sheriff's Department as they build the infrastructure needed to reconstitute the video arraignment system that had been used in cooperation with the Los Angeles Police Department, and when practicable, expand the system to other County correctional facilities.
2. Recommendation 2: That the Board considers providing budgetary supplements to the Public Defender and the Alternate Public Defender Departments to support their reassignment of personnel, i.e., a small number of attorneys and support staff, from the Clara Shortridge Foltz Criminal Justice Center (CSF-CJC) to the Metropolitan Detention Center in support of the video arraignment systems, which would serve the number of misdemeanor arrestees at that facility.
3. Recommendation 3: That the Board considers prioritizing projects under the Information Systems Advisory Board (ISAB) that will support the digital creation and expedited sharing of charging documents, evidence, and other ancillary documents and information among the arresting agencies, prosecutors, defense counsel, and the Courts.

The Commission hopes to be a catalyst for moving forward with a video arraignment pilot program. Although a lot must be done before coming to a full understanding of the risks and costs associated with a video arraignment program, the information provided in this study will

help stakeholders coordinate and communicate more effectively within and across County departments and agencies.

## Introduction

Every morning, the Los Angeles County Sheriff's Department (LASD) transports over 1,400 individuals from County jails and other police facilities to courtrooms around the County. Because these court proceedings are concentrated at the Clara Shortridge Foltz Justice Center in Downtown Los Angeles in two courtrooms – one for misdemeanors and a separate one for felonies – it seemed logical to the Commission that video arraignment systems could usefully be deployed for misdemeanors. This would reduce the financial cost of transporting defendants, mitigate the risk to the County and to County personnel inherent in transporting and detaining these individuals, minimize the discomfort to high risk individuals in having to be transported to the courts for a long waiting period in overcrowded holding facilities resulting in an extremely brief and often pro forma interaction with the judge.

The convergence of expanded telecommunication networks, increased broadband capabilities, and faster software algorithms have resulted in video technologies that have altered the way people access information using various devices. Video technology such as Skype and Zoom enables businesses to expand globally through virtual workplace arrangements. Such innovations raise citizens' expectations of their local government to provide greater public service and enhance transparency. The Commission first envisioned moving into the 21<sup>st</sup> century by deploying video arraignment in an effort to ease overcrowded court holding cells, reduce costs, and mitigate security risks. In a November 2004 report<sup>3</sup>, the Commission suggested exploring video arraignment as an option in the arraignment process. At that time, video arraignment technology was still in its early stages of development, and commercially available systems, while adequate, clearly still faced challenges in providing high-quality pictures and synchronizing audio and video streams. However, video technology has now matured sufficiently that high-quality systems are available essentially "off the shelf," and both the County and other governmental agencies are routinely using such technology.

An increasing number of jurisdictions already utilize video arraignment because it addresses some of their most pressing problems in a cost-effective manner. An empirical study<sup>4</sup>

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<sup>3</sup> Citizens' Economy Efficiency Commission. (2004). *Video arraignment and it's potential for use in the county criminal justice system*. Retrieved from Citizens' Economy Efficiency Commission website:

<sup>4</sup> J.M. Silbert, U.H. Newman, and L. Kalsner (1985). Use of Closed Circuit Television for Conducting Misdemeanor Arraignment in Dade County, Florida. National Criminal Justice Reference Service, Number 97481. <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=97481>

conducted on the effects of videotaped proceedings found that the use of digital technology in the courtrooms did not influence the result of the proceedings. Another research study<sup>5</sup> conducted in the Pennsylvania courts in 2003 showed that \$32 million had been saved since video conferencing was introduced, and the initial infrastructure investment was recovered in less than five months through savings from not having to transport inmates to the courts for arraignments. Within the same study, a survey of police, district attorneys and court administrators found that the average time to arraign a detainee using videoconferencing was 1.8 hours compared to 6.3 hours for a face-to-face arraignment, an astounding 350 percent improvement<sup>6</sup>. In its 2016 – 2017 report<sup>7</sup>, the Los Angeles County Civil Grand Jury (CGJ), with the charter to the Commission, repeated recommendations of a prior Civil Grand Jury (2009 – 2010) to implement county-wide videoconferencing technology. In particular, their recommendations 17.1 and 17.4 urge the adoption of video conferencing for arraignments, noting particularly the advantages for “No-Go” medically, emotionally or physically handicapped inmates.

With such compelling statistics, the Commission believes that the County should proceed with reconvening a pilot program integrating video arraignment as an option for misdemeanors. The primary motivation in converting to a virtual court from the traditional model is the expectation of significant savings from transportation expenses. Ideally, any reduction in inmate volumes would provide opportunities to reduce Los Angeles Sheriff’s Department (LASD) transportation and Foltz deputies’ costs. However, the Commission believes that the most significant benefit to the County would be the risk mitigation and liability avoidance inherent in reducing the transportation of individuals from the holding facility to the courthouses. Therefore, for the purpose of this report, the Commission did not do a cost-benefit analysis to delineate the possible savings of implementing video arraignment in the County court system. While this pilot program is focused only on misdemeanor arrestees from the LAPD, its successful implementation could provide the roadmap for expanding this program to cover

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<sup>5</sup> Shastri, K. (2004). An evaluation of video preliminary arraignment systems in Pennsylvania. Retrieved from <http://pacrimstats.info/PCCDReports/EvaluationResearch/Completed%20Research/Technology%20and%20Automation/Video%20Conferencing/VideoArrgmntFinal.122004.pdf>

<sup>6</sup> Ibid

<sup>7</sup> Los Angeles County Civil Grand Jury 2016-2017. (2017). *Prisoner transportation: The devil is in the details*. Retrieved from Los Angeles County Civil Grand Jury website: <http://grandjury.co.la.ca.us/pdf/LOSANGELESCOUNTY2016-2017CIVILGRANDJURYFINALREPORT.pdf>

misdemeanor arrestees in County facilities, and even perhaps an expansion to cover selected felony arraignments where appropriate.

### **History of Video Arraignment in Los Angeles County**

In August 20, 2010, the County began using video arraignment as an option for misdemeanor arraignments in a pilot program through the collaborative effort between the Sheriff's Department, District Attorney (DA), Public Defender (PD), Alternative Public Defender (APD), LAPD, City Attorney, and the Superior Court in a Memorandum of Understanding (MOU). The first phase of the MOU was intended to evaluate the adequacy of both procedures and technology, starting with a limited number of video arraignments in the Court's Department 40 courtroom in the Foltz courthouse. Though Foltz Department 40 is a high-volume courtroom that primarily handles arraignment hearings in felony cases, most Foltz cases are filed by the DA and involve LAPD arrests. The initial phase of the pilot was limited to four types of hearings for detainees housed at the LASD Twin Towers Correctional Facility (TTCF) and being heard via video from its Inmate Reception Center (IRC):

As an example, San Diego County uses video arraignments extensively for misdemeanor arrestees, even though their county jail is right across the street from their central courthouse. An Economy and Efficiency Commissioner, along with other County personnel, visited San Diego and spoke with the presiding judge in the arraignments courtroom and toured the jail facility. The advantages this system offered to the defendants, as well as to County personnel, seemed compelling. While the basic physical infrastructure and facility orientation of the San Diego system might be somewhat different than that of the County system, it appears that this model would also work well in the County.

### **Los Angeles County Pilot Project**

During the pilot project, participating agencies outlined the processing requirements to ensure staff could perform their duties as easily and timely as possible. Hence cases to be heard via video were to be identified to the DA or City Attorney by the law enforcement arresting agency by noon the day before the hearing to allow for the timely preparation of complaints by the DA and overnight processing of inmates for transportation by LASD. The DA, in turn, was to deliver the case to the Court no later than 3 p.m. the day before the hearing date. This coordinated timing allowed the PD and APD to perform conflict checks to determine if the case



was to be referred to another defense panel, review discovery, interview clients before the hearing, and schedule the appropriate number of attorneys to handle the cases at IRC.

In addition to synchronizing the timing of the case filings involved in the criminal justice process, the physical presence of defense attorneys has also been a mandatory condition of both the PD and APD, requiring their attorneys to travel to the IRC to interview inmates in a separate client interview area and to be physically present in the IRC video arraignment hearing room. With the close proximity of the court houses to the PD's offices, staff could walk to IRC to cover the hearing. With requisite conditions resolved, the project team was ready to test the video arraignment process.

### **Pilot Project Phase 1**

Foltz Department 40 video arraignment technology and the operational process performed well, and incidents associated with technology projects were addressed timely. However, in the 12 months running from October 2010 to September 2011, only 307 arraignments were held via video out of a total of 12,397 arraignments in Department 40, for an average of 1.2 video hearings per day<sup>8</sup>. This was in large part due to the fact that LAPD was not initially involved in the project despite the fact that the majority of the arraignments in the Foltz Courthouse are of LAPD inmates rather than LASD inmates. Given the limited volume of cases identified for video arraignment after LAPD withdrew from the pilot program, the case types selected including those with limited interpretation needs, and the proximity of existing defense staff to the IRC, agencies had adequate time and staff to support video hearings. However, due to the low volume of video arraignment cases, the cost-benefit analysis used to appraise the value of the pilot program in terms of cost savings was not achieved. To date, phase one of the pilot project has incurred one-year expenditures of \$188,000, with ongoing expenditures estimated at \$52,600<sup>9</sup>. The team concurred that the initial phase was useful for familiarization with the process and technology, but that a higher volume application of the technology would be needed to achieve significant cost savings without loss of existing justice effectiveness.

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<sup>8</sup> Klunder, F. (2011). *Assessment and business case analysis report: Foltz courthouse department 30 video arraignment pilot project*. Los Angeles, CA: Los Angeles Superior Court.

<sup>9</sup> Ibid

## **Pilot Project Phase 2**

If the video arraignment program was to expand within in the Foltz Courthouse, by far the largest site of criminal proceedings, the pilot program needed to involve LAPD. After several meetings between the justice partners, at the September 2, 2011 meeting of the project team, the LAPD stated that it was unable to participate in the video arraignment project due to timing issues, uncertainty about which defendants would be "court arraignments" and which would be "video arraignments", transportation issues, and interview problems that would greatly extend the time for processing cases for arraignment. Without consensus over how to proceed, phase two of the pilot program was put on hold indefinitely. The aborted pilot program also coincided with the closing of LAPD's Parker Center.

However, the discontinuation of the pilot program did not detract from the positive expansion of video arraignment over past years throughout the Los Angeles Superior Court and the justice agencies in the County. For example, the new MDC is now equipped with private rooms and set up for high-speed bandwidth communication equipment and interfaces for video arraignment. After touring the new MDC, members from all the justice agency partners were convinced that valuable new video applications would be identified and implemented in the future as long as an assessment of processes, attention to business issues of cost, and support for core agency objectives are carefully evaluated. Today, Department 40 in Foltz continues to be available for video arraignments for misdemeanors.

### **Video Arraignment 2.0**

The Commission continues to believe that video arraignment not only presents a viable option to offset the substantial capital and staff expenses associated with the traditional methods of transporting inmates to courts, but it also has the added benefit of enhancing safety for County staff involved in the transportation process. Video arraignment advocates cited other advantages such as relieving the overcrowding conditions in court holding areas and improving safety for civilians, law enforcement personnel, and inmates<sup>10</sup>.

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<sup>10</sup> Cotter, M. (1995). *Overcrowded jails and clogged court systems*. Retrieved from Government Technology website: <http://www.govtech.com/magazines/gt/Video-Justice.html>

## **Objective and Scope of Work**

The objective of this study is to build the case for implementing video arraignment in the County. It is worth repeating here that one of the main reasons for discontinuing the pilot project was the absence of LAPD as a partner since they represented the needed volume to make this a worthwhile venture. In conducting this study, the Commission found that the new MDC was already equipped with the infrastructure and technology needed to conduct future video arraignments. Furthermore, LAPD management has expressed commitment and readiness to work with the County justice team to move the process forward. Even with LAPD on board, the Commission recognizes that implementing any such system will require some initial investment.

It is impossible to predict the number of inmates who will choose to use video arraignment as an option; therefore, the Commission has decided not to do a traditional cost-benefit analysis. Although there exists a substantial potential savings in the day-to-day operational costs to the Court Services Central Bureau and the Transportation Bureau, the Commission believes that the most significant benefit to the County would be the risk and liability avoidance inherent in reducing, or eliminating, the transportation of individuals from the holding facility to the courthouses. More importantly, while this pilot program is focused only on misdemeanor arrestees from the LAPD, its successful implementation could provide the roadmap for expanding this program to cover misdemeanor arrestees in County facilities, and even perhaps an expansion to cover selected felony arraignments where appropriate.

## **Data Collection Methodology**

To provide a targeted analysis and clear understanding of video arraignment applications and its potential for adoption in the County, the Commission's Task Force collected data from a wide range of sources:

1. Researched empirical articles from library databases and academic journals;
2. Reviewed the 2016-17 Los Angeles County Civil Grand Jury report, the Economy and Efficiency Commission 2004 study, and the Foltz Courthouse Assessment and Business Case Analysis;
3. Attended more than half a dozen meetings involving representatives from the criminal justice agencies including those outside County jurisdictions to assess their needs and ability to work functionally across departmental boundaries;

4. Toured the Glendale and San Diego video arraignment facilities to learn of practices in other jurisdictions and to gather data about current trends in technology implementation; and
5. Conducted interviews with key IT personnel to assess technology status, implementation processes, and to gather data about current trends in technology implementation.

In the next section, the Commission will revisit and assess the main benefits that could be achieved by reinstating the use of video technology in the court system.

### **Benefits to Los Angeles County**

As noted in the Objectives section, it was not an objective of this study to quantify the cost savings associated with implementing a video arraignment system although such data would have contributed to understanding better the overall costs and benefits to the County. However, even though the Commission was not unable to enumerate the true projected costs of this endeavor, the potential benefits of the cost savings, reduction in liability and risk inherent in using video technology exceeds the investments associated with re-establishing the pilot program.

### **Reduce Financial Costs.**

While it is difficult to assess the overall budgetary needs of building and maintaining a video arraignment system, transporting inmates from jails to the courthouse costs the County millions of dollars in transportation and security expenses every year<sup>11</sup>. The Sheriff's Court Transportation Bureau in the County spent approximately \$63 million in 2016-17 to manage a complex transportation program that included labor, equipment, maintenance, repair, and fuel to transport 723,000 inmate trips to local courts<sup>12</sup>. Once a video arraignment system is in place, inmates have the option of choosing not to leave the jail for court house arraignment appearances. They simply appear on video arraignment in courts located in a different physical location. The Commission recognizes that implementing such a pilot program will require some initial investment. But the investment in technology will hopefully be offset by the reduction of prisoner transport between jail and the courthouse.

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<sup>11</sup> Los Angeles County Civil Grand Jury 2016-2017. (2017). *Prisoner transportation: The devil is in the details*. Retrieved from Los Angeles County Civil Grand Jury website: <http://grandjury.co.la.ca.us/pdf/LOSANGELESCOUNTY2016-2017CIVILGRANDJURYFINALREPORT.pdf>

<sup>12</sup> Ibid

### **Mitigate Risk to the County during the Transportation Process**

Reducing the risk should be one of the primary goals when considering a video arraignment system. Video arraignment eliminates the need to transport inmates from the jails to the courts, thus removing the harm or disturbances that inmates may pose to other defendants, court staff, law enforcement personnel, or civilians. Regardless of the distance which defendants must travel, security is always an issue of public concern when transporting inmates. While the Commission was not able to obtain any data pertaining to the number “use of force” incidents through the transportation process or during court proceedings, a County report<sup>13</sup> showed that from 2014-18, deputies that worked at Foltz court, recorded 56 workers’ compensation claims related to “assaults” over this period, with an average \$11,000 per claim. As one of the main beneficiaries of video arraignment, the Sheriff’s Department has begun tracking the number of “use of force” arraignment incidents at Foltz beginning in 2019.

### **Minimize the discomfort to high-risk individuals in having to be transported to the courts**

Video arraignment offers inmates the option of staying in jail without having to be in an overcrowded court holding facility. Inmates who choose video arraignment do so because it offers better custody conditions and allows them to avoid numerous body searches, handcuffs, and long waiting periods in court holding facilities. Video arraignment also eliminates the travel requirements related to mentally-ill inmates or those with special physical health requirements.

### **Lower Overcrowded Holding Facilities in the Courts**

Overcrowded jails and clogged courts (court dockets) create logistical problems for transporting prisoners. Although there are many statewide legislation efforts aimed at reducing overcrowded jails, this reality is unlikely to disappear in the near future. Despite a drop in crime in 2018, some experts contemplated that while these criminal justice reforms have kept some low-level offenders out of jail, they also contributed to the upswing in misdemeanor crimes<sup>14</sup>.

### **Video Arraignment Conceptual Design (for Misdemeanor only)**

Video arraignment is a complex process due to the sheer number of agencies and individuals involved and the need to ensure that the process complies with evidentiary standards and constitutional rights of all parties involved. For a clearer understanding of the logistical

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<sup>13</sup> Data provided by CEO Risk Management Branch (February 2019).

<sup>14</sup> Chang, C. (2018, December 29). *Crime is down in Los Angeles for the first time in five years*. Retrieved from <https://www.latimes.com/local/lanow/la-me-lapd-crime-stats-20181229-story.html>

procedures involved in designing a new video system for misdemeanor arraignments, the Commission compared the traditional transportation process against a video arraignment system for court arraignments.

### **Summary of Traditional Transportation vs. Video Arraignment for Misdemeanors**

<b>Traditional Arraignment As Conducted by LASD (Current<sup>15</sup>)</b>	<b>Video Arraignment (Proposed)</b>
Arrest report to District Attorney/City Attorney.	Arrest report to District Attorney/City Attorney.
Deputy District Attorney/City Attorney files discovery packet in court to Judge with a copy to Public Defender in person or by County delivery system (since they are in the same building).	Deputy District Attorney/City Attorney files discovery packet in court to Judge with a copy to Public Defender via courier or email (Public Defender will be in an office situated in the jail facility).
The transportation process: -Match court report with bus roster. -Segregate inmates for court destinations. -Final loading and transportation.	The video process (if a client chooses video): -The Deputy Public Defender consults with a client in a private room at the jail. -During the scheduled time, LAPD
Deputy Public Defender consults with client.	accompanies a client to the audiovisual room
Deputy Public Defender accompanies the client for hearing in front of a judge.	where the inmate meets with the deputy Public Defender to conduct a virtual arraignment via video.
Inmates are transported back to jail to await the next hearing or release.	Inmates are remanded to LASD to await the next hearing or released by LAPD.

As noted previously in the Introduction Section, researchers conducted an empirical survey in Dade County, Florida, and found that the average time to arraign a detainee using

<sup>15</sup> Contract with LAPD expires in June 2019.

videoconferencing was 1.8 hours compared to 6.3 hours for a face-to-face arraignment, an astounding 350 percent improvement<sup>16</sup>.

### **Traditional Transportation Process**

The daily busing logistics involve a complex three-step process that begins each evening at 6 pm and ends the following morning at 5 am, before the first bus transports. First, the court produces a report at 6 pm showing inmates that are scheduled for next-day hearings. This information is matched with a bus loading report, which is used to remove inmates from their cells the next morning. Second, during the removal process, officers are required to gather, search, and segregate inmates into different categories as part of the massive daily movement of transferring inmates to the court holding cells where they await their court hearings. These safety measures require large spaces which are expensive to construct and maintain to meet safety and security standards. Third, once the safety protocols are verified, a final bus roster is then prepared listing each inmate with a court destination. The inmates are chained before boarding, and the deputies verify each inmate against that day's bus roster as they enter the bus. The process of transporting inmates between jails and court holding areas is where the likelihood of violence is highest.

### **Video Arraignment Process**

The capability of video arraignment over the traditional method of transporting inmates to the courts has the potential for immense savings and efficiencies. Although the criminal agency partners have accepted the use of video arraignment for non-adversarial proceedings involving first appearances and arraignments, it is imperative that the Commission address the needs of the stakeholders to ensure that the video arraignment process will not compromise any of the due process rights guaranteed by the Constitution.

**Maintain Due Process Right.** The Constitution protects an individual's right to due process including the right to counsel, the right to be present, and the right to confront witnesses. Video arraignment will not interfere or hinder a fair hearing guarantee by the law. The law mandates that after an arrest, a defendant must be arraigned to hear the charges against him or her within 48 hours from the time of arrest or the individual is released.

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<sup>16</sup> J.M. Silbert, U.H. Newman, and L. Kalser (1985). Use of Closed-Circuit Television for Conducting Misdemeanor Arraignment in Dade County, Florida. National Criminal Justice Reference Service, Number 97481. <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=97481>

Under the traditional process, the date of the arraignment will typically be the first time a deputy public defender would meet and confer with the defendant in person to enter a plea before a judge. In this scenario, the actual court arraignment may only take minutes, but it takes the better part of a day to pick up and transport an inmate to and from the court. Alternatively, in the video arraignment process, the deputy public defender will simply meet with the defendant who opted for video arraignment in a private room prior to conferencing with a judge on a monitor without being in court.

**Does Not Shorten Time for Investigation.** A concern to the DA is the potential of video arraignment to shorten the time law enforcement deputies have to complete investigations and present cases to file charges. As stated earlier, the pilot programs will initially only focus on non-controversial misdemeanor arraignments only. The felony classes or more complicated misdemeanor cases will not be included as candidates for this pilot program.

Another consideration expressed was the potential time delay getting the discovery packet to the Deputy Public Defender on the day of the arraignment. Under the current process, deputy sheriffs provide the evidence pertaining to an arrestee in a folder and hand-delivered to the District Attorney's office for determining whether to file charges or not. If the DA decides to move ahead, the paper work is provided to the PD in person. In such a labor-intensive and archaic paper distribution system, it appears that a high-quality scanner capable of scanning documents at a rapid speed would be an appropriate solution to replace the current process. Alternatively, a more expensive option of using a courier service to ensure that all the agencies will receive the same information on a timely basis can be considered.

**Private Rooms for Defense Attorneys.** The ability of defense attorneys to conduct interviews and communicate with their clients is critical. The criminal justice partners unanimously believe that video arraignment should not interfere with a defendant's legal right to adequate defense representation and it is the defense attorney's ethical duty to provide adequate representation. The LAPD addressed this mandated condition with private rooms that are equipped with the latest video technology for defense attorneys to meet with their clients securely. The Commission has not found any empirical studies or analysis that proved that the quality of representation using video arraignment are compromised or lower than that of face to face.



## Recommendations

In conducting this study, the Commission recognized that implementing video arraignment as an option in the County inevitably involves a wide range of departments where existing infrastructure, management style, culture, or operating processes vary over a range that may discourage or even prevent the transition to digital conferencing in the court system. To alleviate the concerns raised by stakeholders, the Commission proposes that the Board considers approving the following three recommendations to achieve a more efficient transition to video arraignment. If supported and approved by the Board, this study would align with the Board's strategic goal<sup>17</sup> of "embracing digital government for the benefit of internal customers and communities" across a broad spectrum of County activities.

**Recommendation 1: That the Board considers providing budgetary support to the Sheriff's Department as they build the infrastructure needed to reconstitute the video arraignment system that had been used in cooperation with the Los Angeles Police Department., and when practicable, expand the system to County correctional facilities.**

In the past, the County routinely used video arraignment for misdemeanor charges by LAPD for those held at the old Parker Center facility. This video arraignment process had been in place since 1991, which originally focused on misdemeanor defendants arrested for drug-related cases, and then expanded to other types of arrests. It handled between 80 to 120 defendants every day, of which up to half were often released with no filing. However, the program was discontinued in 2015 as the new Metropolitan Detention Center, which replaced Parker Center, was not initially equipped to handle the system, even though it is physically designed to support video arraignments, with areas reserved for private attorney-client conferences and actual video arraignment. Instead, the LAPD contracted with the Sheriff's Department to transport those arrestees to the appropriate courthouse, and that contract is still in effect. Now, however, with minimal investments, the new Metropolitan Detention Center can support additional software and telecommunications requirements for a video arraignment system.

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<sup>17</sup> Los Angeles County. (2016). *County of Los Angeles 2016-2021 strategic plan*. Retrieved from <https://www.lacounty.gov/wp-content/uploads/2016-2021-County-Strategic-Plan-Final.pdf>

**Recommendation 2: That the Board considers providing budgetary supplements to the Public Defender and the Alternate Public Defender Departments to support their reassignment of personnel, i.e., a small number of attorneys and support staff, from the Clara Shortridge Foltz Criminal Justice Center (CSF-CJC) to the Metropolitan Detention Center in support of the video arraignment systems, which would serve the number of misdemeanor arrestees at that facility.**

One of the requirements for a successful implementation of any video arraignment system is that defense attorneys have access to the defendants in the correctional facility. Currently, Public Defenders and Alternate Public Defenders are stationed at appropriate courthouses, and they confer with their clients at the courthouse shortly before the arraignment. For the system to work effectively, defense attorneys believe they must be able to meet personally with their clients. Thus, implementing a video arraignment system would require that attorneys be physically stationed at the correctional facility, and they would likely also require a modest support staff.

**Recommendation 3: That the Board considers prioritizing funding for this project under the Information Systems Advisory Board (ISAB) that will support the digital creation and expedited sharing of charging documents, evidence, and other ancillary documents and information among the arresting agencies, prosecutors, defense counsel, and the Courts.**

Another significant challenge to making a video arraignment system work is coordinating the changes in administrative procedures, and perhaps accelerating, the flow of paperwork from the charging agencies to the defending attorneys. The County's Public Defenders staff, as well as the Alternate Public Defenders, have noted that they depend upon paperwork from the charging departments and prosecutors, which they often receive only hours before the arraignment. That paperwork is now delivered to locations in the courthouse by charging agencies who are also located in the courthouse. Moving that paperwork to the correctional facility where defendants are housed, hours or even minutes before the arraignment deadlines, will be probably the most challenging logistical aspect of making this system work and ensuring that public defenders are adequately prepared to represent their clients. The County currently has a variety of information technology (IT) projects under the auspices of the Information

Systems Advisory Board, which coordinates countywide criminal justice IT activity. Several of those projects would automate and expedite sharing of information central to the arraignment process.

### **Conclusion**

The objective of this Commission-initiated study is to provide a rational approach to reinstitute a pilot program for testing the viability for implementing video arraignment as an option for misdemeanor incidents without compromising the Constitutional due process rights of individuals. Throughout the research process, the Commission recognized that there are some weaknesses and limitations to our study, mainly, the lack of quantitative data to support a true cost-benefit analysis for achieving a video arraignment program. Nevertheless, the Commission believes that the qualitative benefits identified, and information presented in this study will provide insights into understanding the benefits of using video arraignment as an alternative for conducting arraignments in the County's court system.