

ATTORNEYS FOCUS GROUP – August 19:

Attendees:

John Kealy, DA's Office

Eric Charm, DA's Office

Lesli Caldwell, Public Defender

Elena D'Agustino, Public Defender's Office

Brandon L. Berks, Conflict Defender

Leslie Ray, Private Criminal Defense Attorney:

Andrew Ganz, DA's Office

Terry Ray, DA's Office

Pamela Boskin, Public Defender's Office

Oscar Bobrow, Public Defender's Office

Patrick Cannon, Conflict Defender

Issues and Concerns:

Protocols, Procedures and Questions:

1. Both Pub. Def. and DAs want pretrial release information in time to review it prior to Court – preferably prior to the Court receiving it – so can get a re-referral or address changes in circumstances prior to hearing
2. Would like a protocol developed for cases in which there is a violation of PRCS and a new offense whereby, if the new case is dismissed, the violation is dealt w/ via the Sanction Grid, not by the Court
3. Needs to be common understanding as to **when**, in violation / revocation cases, the Public Defender is reappointed if the P.D. defended the person in the original case. Rules of Court say before the petition is filed. Will this be followed?
4. At the 30-day (for misdemeanants) or 60-day (for felons) release dates:
 - Defense wants to be able to address the release / not release question;
 - Would like an appeal process w/ ability to correct information errors;
 - DA would also like to review release decisions
 - Defense would like a mechanism to ensure the release of those who reach the 30 and/or 60-day marks, even if the Court is not in favor. Can there / should there be such a mechanism? What would it look like?
5. Need clarification as to whether AB 109 allows the Sheriff to release a non non non prior to the 30 or 60 days described in the law? *[Ask CPOC, AOC for interpretation?]*
6. Would prefer that all judges hear violations / revocations, rather than only one.
7. Will court and other procedures / processes be in place for people sentenced as of October 1? What needs to be done to ensure that they are?

Other Issues and Concerns:

1. Training: Need training ahead of time for jail records and court records personnel, as well as Public Defender, District Attorney and Probation personnel, to ensure that all

have the same understanding and are using the same language re: 1170(h) felonies not going to prison; how will these cases be designated and how treated at intake to the jail? (667.5(b) describes the prison sentence served in jail)

2. Information (Training) About EBPs and Programs: It would be very helpful if Probation were to establish a list or directory of EBPs and programs which might be used in lieu of and/or in support of jail, i.e., what is available / acceptable as alternatives to custody, etc.

3. Program Coordinator: It would be very helpful for there to be a single point of contact to whom attorneys could go for information about programs and resources that might be useful for recommendations, referrals, etc.

4. Evaluation and Updating: Suggest developing a process for ongoing evaluation and modification of protocols, etc. to ensure things are working as intended and enable changes if necessary; partners revisit the plan and protocols in 12 – 18 months