



Councilmember Cheryl Davila
District 2

CONSENT CALENDAR
July 11, 2017

To: Honorable Mayor and Members of the City Council
From: Councilmember Davila, Councilmember Harrison and Mayor Arreguin
Subject: Support Oakland Public Defender Rodney Brooks' efforts to keep in-custody arraignment hearings in Oakland and not move them to the East County Hall of Justice in Dublin

RECOMMENDATION

Send a letter from Berkeley City Council in support of Oakland Public Defender Rodney Brooks' efforts to keep in-custody arraignment hearings in Oakland and not move them to the East County Hall of Justice in Dublin.

BACKGROUND

Honorable Morris D. Jacobson, Presiding Judge Superior Court of California, County of Alameda made a decision to hear all in-custody arraignments to Alameda County in the new East County Hall of Justice in Dublin. Previously these hearings occurred in Oakland. This decision would force all in-custody defendants, and their families and loved ones, to appear in Dublin for their initial court appearance, regardless of where that person lives, where their case was charged, or where the facts of the case originate. It will cause significant hardship to the vast majority of defendants, including and their families, whose cases do not originate in Dublin.

This may create a barrier to residents of Berkeley and Oakland who will have to travel to Dublin, many of whom will have to rely on public transportation. The majority of criminal cases in Alameda County are charged in Oakland and an outsized proportion of the people who would want to attend in-custody arraignments – family members of defendants, family members of victims, and all other interested parties – live in this city. The same burden would occur for residents of Berkeley.

The initial court appearance is crucial to a defendant and his or her family. Decisions are made at this appearance which can have far reaching consequences for the rest of the case, particularly with regard to bail and other pre-trial release. Input from family, friends, and other members of the community who support the defendant is critical in this process. If these people are unable to travel across the county to appear at

arraignment, it will result in more defendants remaining in custody. This will have the greatest impact on families with the lowest incomes and defendants with the least serious charges. This is not simply a matter of economy or convenience; it will have real impacts on peoples' lives. Taking the critical first step in the criminal process out of Oakland courts is short-sighted and counterproductive. For all of these reasons, we urge Judge Jacobsen to reconsider your plan to hold all in-custody arraignments in the East County Hall of Justice.

FISCAL IMPACTS OF RECOMMENDATION

None.

ENVIRONMENTAL SUSTAINABILITY

No ecological impact.

CONTACT PERSON

Cheryl Davila, Councilmember, District 2	510-981-7120
Kate Harrison, Councilmember, District 4	510-981-7140

ATTACHMENTS:

1. Suggested Text for Letter to Honorable Judge Jacobsen



Berkeley City Council
2180 Milvia Street, 5th Floor
Berkeley, CA 94704

The Honorable Morris D. Jacobson
Presiding Judge Superior Court of California, County of Alameda
Rene C. Davidson Courthouse
1225 Fallon St.
Oakland, CA 94612

July 11, 2017

Dear Judge Jacobson,

As a Member of the Berkeley City Council, I am deeply troubled by your decision to hear all in-custody arraignments in Alameda County in the new East County Hall of Justice, and I respectfully urge you to reconsider your decision.

This decision would force all in-custody defendants, and their families and loved ones, to appear in Dublin for their initial court appearance, regardless of where that person lives, where their case was charged, or where the facts of the case originate. It will cause significant hardship to the vast majority of defendants, and their families, whose cases do not originate in Dublin. I am especially concerned about residents of Berkeley who will have to travel to Dublin, many of whom will have to rely on public transportation. Taking in-custody arraignments out of the City of Oakland is a mistake. The majority of criminal cases in Alameda County are charged in Oakland and an outsized proportion of the people who would want to attend in-custody arraignments – family members of defendants, family members of victims, and all other interested parties – live in this city. Placing this additional travel burden on the residents of Oakland and Berkeley is unacceptable.

The initial court appearance is crucial to a defendant and his or her family. Decisions are made at this appearance which can have far reaching consequences for the rest of the case, particularly with regard to bail and other pre-trial release. Input from family, friends, and other members of the community who support the defendant is critical in this process. If these people are unable to travel across the county to appear at arraignment, it will result in more defendants remaining in custody. This will have the greatest impact on families with the lowest incomes and defendants with the least serious charges.

If this decision results, as I am certain it will, in fewer family members coming to arraignments, fewer defendants released from custody on minor charges, and more residents of Berkeley struggling to travel across Alameda County to make court

appearances, the criminal justice system in Alameda County will suffer. This is not simply a matter of economy or convenience; it will have real impacts on peoples' lives.

The courts of Oakland are essential to the fair administration of justice in Alameda County. Taking the critical first step in the criminal process out of Oakland courts is short-sighted and counterproductive. For all of these reasons, I urge you to reconsider your plan to hold all in-custody arraignments in the East County Hall of Justice. The Mayor and City Council will do everything it can to keep arraignment hearings in Oakland.

Respectfully,
Berkeley City Council