

Superior Court of California
County of Santa Clara



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Clarifications Necessary for “Justice Still Delayed” Grand Jury Continuity Report

SAN JOSÉ, Calif. (June 25, 2018):The 2017-18 Civil Grand Jury recently issued a “Continuity Report” following up on some of the reports published by the predecessor 2016-17 Civil Grand Jury. Included in the Continuity Report is commentary on the previous year’s “Justice Delayed” report which asserted that the 2014 rate of felony dispositions in Santa Clara County was far below the state average. Unfortunately, some of the information essential to the conclusions in both the original and the follow-up report is incorrect and out of date.

The Superior Court agrees that the Civil Grand Jury does not have jurisdiction or investigative authority over the Court.

1) The state statistics on which the Grand Jury relied incorrectly state Santa Clara County’s felony disposition rate.

Both Grand Juries and both reports rely on statistics from the Judicial Council of California, intended to track the percentage of felony cases reaching disposition within twelve months of filing. As a threshold matter, we note that these statistics may be of limited usefulness as they omit at least 40% of the state, lacking any information from the three most populous counties (Los Angeles, San Diego and Orange) among others. The Grand Jury notes that the 2015-16 figures do not include Alameda, our next-door neighbor of comparable size.

As the Court has explained to the Grand Jury, unfortunately the Judicial Council statistics are not accurate. In 2008, the Judicial Council changed the definition of felony cases reported as resolved, to include *only* felony cases resolved *before a preliminary hearing*. On account of this erroneous definition, the Judicial Council report listed 47% as the felonies disposed of within ninety days and, implausibly, *exactly the same percentage* as the felonies disposed of within twelve months. The result of this error was that only a subset of felonies resolved within twelve months were reported as such, thereby significantly underreporting the total number of felony dispositions.

Confusingly, the Judicial Council included a footnote stating that all felony cases were included in the statistics—when in fact, they were not. When Santa Clara Superior Court notified the Judicial Council of the error, the Judicial Council removed the incorrect footnote and referred the matter to a committee responsible for the reporting definitions, but took no other corrective action. Although the Grand Jury was advised that the incorrect footnote had been deleted, the Grand Jury did not mention that fact in its Continuity Report and in fact relied on the deleted footnote in concluding that the 2013-14 Judicial Council statistics were accurate. (Page 8 of 28.) The same flaw invalidates the 2015-16 numbers on which the Grand Jury also relies for its erroneous conclusion that the Court “has fallen

further behind its peers....” (Pages 4 and 9 of 28.) The correct numbers show that Santa Clara County is in line with the state average.

2) Increase in local jail stays is not an indication of delay in the justice system.

a. Realignment, not delay, has lengthened jail stays.

While the Grand Jury notes that “the average length of stay in County jails nearly doubled to 200 days in 2017 from 107 days in 2007” (page 7 of 28), the report does not mention the 2011 law known as AB 109 or “Realignment” which was intended to—and did—move a large segment of California’s prison population to local county jails. In context, the increase in the average length of stay is not related to the efficiency of the local justice system.

b. More trials despite fewer court resources

The original report noted that, as of that time, 122 inmates had been in custody at the County jail waiting for “settlement [i.e., plea], trial, or sentencing.” The current number is 91. The vast majority of these inmates are charged in cases of murder or gang-related murder which often involve multiple defendants. According to the numbers cited in the Continuity Report, the yearly tally of murder trials has increased from 37 to 55 between 2014 (the timeframe of the erroneous statistics) and 2017 (the most recent completed calendar year) (pages 5 and 6 of 28). This increased trial workload has been accomplished by the Court with no increase in judges or courtrooms and a *decrease* in courtroom staff. Although the Continuity Report references a significant increase in County resources devoted to the criminal justice system (page 7 of 28), the Court—which is funded by the State—has not received additional resources and in fact over this time period has weathered budget reductions.

3) The Grand Jury’s information is incomplete and out of date.

As part of delay reduction efforts predating the original report, the Court’s felony trial calendar has been restructured to place a greater emphasis on case management of matters following indictment or preliminary hearing. Cases over six months old are flagged as being ready to be set for trial.

The trial data relied on by the Grand Jury and provided by the District Attorney (pages 5-6 of 28) is limited to murder trials. However, a more accurate picture of felony dispositions and the overall productivity of the criminal justice system would include all trials. The number of trials has been steadily increasing in recent years, as shown in this chart which compares the first six months of the following years:

Court Data:		
Calendar Year	Trials	Days in Trial
2016	79	723
2017	81	802
2018	90*	713*

* YTD through 06/15/2018

The Continuity Report incorrectly suggests that the Court is participating in the Measures for Justice initiative. (Page 9 of 28.) Although the Court supports the efforts of its justice partners in this regard, the policy governing Court participation is set at the State level.

The Superior Court remains committed to the adjudication of cases in a way that is both fair and efficient, and appreciates the efforts of our justice partners in working together toward that goal.

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