



NEWS RELEASE

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SUPERIOR COURT OF
CALIFORNIA
COUNTY OF RIVERSIDE
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THE FOLLOWING STATEMENT IS ISSUED BY THE HONORABLE JOHN M. MONTEROSSO, PRESIDING JUDGE, ON BEHALF OF THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE:

Since the onset of the COVID-19 pandemic in March of 2020, the Riverside Superior Court operated under a series of statewide emergency orders, Rules of Court, and local emergency orders from California's Chief Justice designed to address the impact of COVID-19 on the justice system. The Riverside Superior Court sought and received a total of 42 emergency orders from the Chief Justice. The basis of these orders was the acute impact COVID-19 infections had on court operations, specifically, the inability to keep trial courts fully operational due to illness and quarantines of judicial officers, staff, jurors and court users.

Many of these emergency orders included specific authorizations from the Chief Justice to extend the statutory deadline to bring a criminal defendant to trial pursuant to Penal Code section 1382. Once the most recent surge of COVID-19 receded, trial court operations were no longer substantially impacted by acute infections. Thus, further emergency extensions became unjustified and seeking such extensions was not in keeping with the emergency nature of such orders. Equally important, the dispensing of statutory timelines for criminal trials under the emergency orders delayed the "day in court" for numerous criminal defendants, and those impacted by the alleged crimes. Consequently, the court formally notified relevant criminal justice stakeholders on September 29, 2022 that the court would not be seeking a further extension of the emergency order which was to expire on October 7, 2022. This approach is consistent with every other trial court in California as the last such emergency order issued by the Chief Justice among the 58 trial courts in California (Madera County) will expire on October 27.

Effective October 10, 2022, the statutory deadlines in Penal Code section 1382 for bringing a criminal defendant to trial are again fully enforceable. While the law allows a court to continue a case beyond the statutory deadline for "good cause," the decision on whether "good cause" exists is an individualized decision made by the trial judge based on the law and the facts of the case. Any party disagreeing with a trial court's decision may seek appellate review of that decision. However, it is settled law that backlogs due to a chronic shortage of judges is not good cause to continue a criminal case.

I share other's frustration when a case is not resolved on the merits, or due process is impaired, due to a lack of available judicial resources. To that end, the Riverside Superior Court has taken steps to facilitate pre-trial resolution and efficiently utilize all its resources. These efforts include:

- Fully opening all criminal early disposition departments since June 15, 2020.
- Establishing mandatory settlement departments where judges work directly with parties to facilitate resolution.
- Deploying civil judges to hear criminal trials

- Re-designating some departments to hear criminal trials
- Assigning newly appointed judges to criminal trial departments
- Calling criminal trials multiple times per day in the event a trial courtroom suddenly becomes available.
- Assigning criminal trials to a courtroom immediately after it becomes available, such as when the jury in its previous case commences deliberations. Often this occurs late in the afternoon.
- Summoning the maximum number of jurors in each region in order to ensure a sufficient jury pool.
- Utilizing retired judges, when available, through the Temporary Assigned Judges Program administered by the Chief Justice's office.

The genesis of the current set of circumstances is the chronic and generational lack of judges allocated to serve the people of Riverside County, the 10th most populous county in the United States. The Riverside Superior Court has a total of 90 authorized and funded judicial positions, some of which remain vacant. However, according to a 2020 Judicial Needs Assessment Study published by the Judicial Council of California, Riverside has an assessed need for 115 judicial officers, resulting in a wide gap between what our community is entitled to and what it has been provided. Furthermore, the 3.7 judicial officers per 100,000 residents in Riverside County is woefully short of the statewide average of 11.4 judicial officers per 100,000 residents. While every court in the state may have experienced similar backlogs at times, Riverside County is uniquely challenged in managing such a backlog due to a decades-long shortage of judges. Despite the challenges posed by a lack of judges and the COVID-19 pandemic, the Riverside Superior Court has conducted 368 criminal jury trials and 94 civil trials since the onset of the pandemic.

The Riverside Superior Court is committed to utilizing all of its resources as efficiently as possible in order to ensure due process for all persons with business before the court. New judgeships are created and funded by the legislature and approved by the Governor. Recently, the final batch of new statewide judgeships approved in 2007 was finally funded, bringing a handful of new positions to our county. Riverside County residents deserve equal justice on par with all other Californians, and in that vein, the court will continue to advocate for more judges to properly meet the needs of Riverside County. We are also committed to continue to dialogue with all stakeholders who wish to provide input on how we can work together to resolve common problems, while still respecting the separate constitutional roles we fill.

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