



California State Sheriffs' Association

Organization Founded by the Sheriffs in 1894

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CSSA Statement on Judicial Council's \$0 Bail Rule for Certain Crimes

Sheriffs across California affirmed their opposition to a rule adopted by the Judicial Council of California on Monday that temporarily imposes an emergency statewide bail schedule setting bail at \$0 for specified misdemeanors and felonies.

“Sheriffs understand the unprecedented impacts that the COVID-19 outbreak has created, but we are deeply concerned that the blanket release from custody of potentially thousands of inmates will have far-reaching public safety ramifications,” said Sheriff David Livingston, President of the California State Sheriffs’ Association (CSSA). “We fear the Judicial Council’s ‘one-size-fits-most’ approach will also jeopardize public health during the COVID-19 crisis by releasing mentally ill individuals to the community without proper planning and services and releasing people who may be homeless, unable or unwilling to comply with stay at home orders, or drug-addicted and at risk of overdose.”

“Many counties have taken significant steps to address the outbreak and deter the spread of the virus, including by reducing jail populations where appropriate,” said Sheriff David Robinson, 1st Vice President of CSSA. “However, this has been accomplished by taking measured steps, often in conjunction with local partners including judges, the district attorney, probation, and the public defender. The judiciary’s statewide mandate, in many circumstances, ignores these local processes and results and simply cannot contemplate every case detail and the needs of hundreds of communities around California.”

CSSA notes that, while the \$0 bail rule exempts certain crimes from its reach, it would nevertheless apply to other offenses including child abuse, elder abuse, and violating public health orders, meaning suspects arrested for those crimes could be released on \$0 bail.

“We understand that we are facing extraordinary circumstances and we appreciate the Judicial Council’s work to keep court operations running,” added Livingston. “That said, we are worried that this order risks public health and safety and we urge judges to use whatever discretion is available to examine the totality of the circumstances when applying this order.”

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