



COUNTY OF SAN DIEGO

INTER-DEPARTMENTAL CORRESPONDENCE

April 10, 2020

TO: Kelly Martinez, Assistant Sheriff
Law Enforcement Services Bureau

FROM: Frank C. Clamser, Assistant Sheriff
Detention Services Bureau

SUMMARY OF CHANGES TO BAIL SCHEDULE

On April 6, 2020, the Judicial Council of California directed all Superior Courts in California to adopt a revised bail schedule beginning on April 13, in response to the COVID-19 crisis.

Under the revised bail schedule that will go into effect on April 13, bail for all felony and misdemeanor offenses will be zero (meaning no bail is required), except for an offense that falls within one of thirteen (13) categories. A list of the crimes that fall within these thirteen categories is attached. For the offenses in the thirteen categories, the bail amount continues to be the amount reflected in the current San Diego County Superior Court Bail Schedule and can include bail enhancements.

The order not only applies to all new arrestees, but to anyone currently in custody.

Zero bail amounts cannot be adjusted upwards. However, in situations where an arresting officer, on a felony arrest where bail would be zero, believes that there is a substantial likelihood that the person's release would result in great bodily harm to others, the arresting officer can apply to have a "no bail" order issued.

Attached is a training bulletin that may be used as a reference.

WILLIAM D. GORE, SHERIFF

A handwritten signature in black ink that reads "Frank C. Clamser". The signature is written in a cursive, flowing style.

Frank C. Clamser, Assistant Sheriff
Detention Services Bureau

WDG:FCC:aeb



San Diego County

SHERIFF

William D. Gore
Sheriff

Detention Services Bureau, In-Service Training Unit
Telephone: [REDACTED]

APRIL 10, 2020

TRAINING BULLETIN

SUMMARY OF CHANGES TO BAIL SCHEDULE

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PROCEDURES

Cite and Release With an Order To Appear

When an arresting officer makes an arrest for an offense or offenses that require zero bail, the arrestee should be cited and released in the field and given a court date. The Sheriff's Department will be modifying its booking acceptance criteria to not accept arrestees whose total bail is zero.

This Training Bulletin was prepared by Legal Affairs. If you have expertise in a particular subject and would like to write a training bulletin, please contact the Detention In Service Training unit at [REDACTED].



San Diego County Sheriff's Department
Detention Services Bureau

Arrest on a Warrant

If an arrest is made on a warrant, and the underlying charge on the warrant falls within one of the 13 enumerated categories, an officer can book an arrestee into jail on the outstanding warrant. However, if an arrest is made on a warrant for an underlying charge that now carries a zero bail amount, the arresting officer should cite and release the arrestee with a new notice to appear date. A "no bail" warrant is still a "no bail" warrant, and the arrestee can be booked into jail.

Seeking a "No Bail" Order When Appropriate

Arresting officers should seek a "No Bail" order in felony cases where it is necessary to protect public safety or an individual from likely and great bodily harm. The Judicial Council order leaves intact those provisions that allow a court to issue a "No Bail" order, if certain conditions are met.

One such provision is Article I, Section 12 of the California constitution. Under section 12, a court must deny bail in the following circumstances.

- For capital crimes, where the facts are evident or the presumption great
- Felony offenses involving acts of violence on another person, or felony sexual assault offenses on another person, when the facts are evident or the presumption great and the court finds based upon clear and convincing evidence that there is a substantial likelihood the person's release would result in great bodily harm to others.
- Felony offenses when the facts are evident or the presumption great and the court finds based on clear and convincing evidence that the person has threatened another with great bodily harm and that there is a substantial likelihood that the person would carry out the threat if released.



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While the Superior Court, under the Judicial Council order is not free to increase a bail amount, it does retain the authority to deny bail altogether. In doing so, the court must also take into consideration the seriousness of the offense charged, the arrestee's prior criminal records, and the probability of his or her appearing at the trial or hearing of the case.

The second provision that allows a court to issue a "No Bail" order is Article 28(f)(3) of the California constitution, which states as follows:

A person may be released on bail by sufficient sureties, except for capital crimes when the facts are evident or the presumption great. Excessive bail may not be required. In setting, reducing or denying bail, the judge or magistrate shall take into consideration the protection of the public, the safety of the victim, the seriousness of the offense charged, the previous criminal record of the defendant, and the probability of his or her appearing at the trial or hearing of the case. Public safety and the safety of the victim shall be the primary considerations.

If the arresting officer believes that a no-bail order should be issued, he or she should bring the arrested individual to the jail and ask the Watch Commander to contact the on-duty judge.

Please note that when asking the court for a "no bail" order, it will not be enough to simply point out that the crime that the arrestee committed is a very bad or very violent crime. The arresting officer should be prepared to talk about the circumstances of the crime and articulate to the judge why, based on the facts of the case, he or she believes that the defendant, if released, is likely to commit great bodily harm on others.