



RIVERSIDE COUNTY
CRIMINAL DEFENSE
BAR ASSOCIATION

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Presiding Judge John W. Vineyard
c/o Carrie Snuggs, Chief Deputy of Operations
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June 18, 2020

Re: Enactment of 4th Temporary Emergency Bail Schedule (Version 2)

To the Honorable John W. Vineyard:

On behalf of the Riverside County Criminal Defense Bar Association (RCCDBA), an association that currently has 148 members and is rapidly growing, I offer the following comments in support of **Version 2** of the proposed 4th Temporary Emergency Bail Schedule that’s being discussed today.

As stated in the title page of the proposed bail schedules, the purpose of these schedules is to “continue the practice of maintaining public health measures, aimed at reducing the spread of the Coronavirus within the jail population and those that serve the jail population.” As you are well aware, Riverside County Jails continue to have active outbreaks of COVID-19, with multiple pods quarantined in multiple jails.

Back in April, the Riverside Sheriff Chad Bianco disclosed two known prisoner deaths, and two known sheriff staff deaths. In reaction to these four custody related deaths, Sheriff Bianco said during a news briefing: “If you don’t wanna catch this virus while you’re in custody, don’t break the law.” (*Fateful choices as coronavirus raged through Riverside jail, hitting deputies and inmates*, LA Times (April 27, 2020).)

As of today, June 18, 2020, the Riverside County Public Health’s website shows that there have been 244 confirmed cases in the Riverside County Jails. (<https://www.rivcoph.org/coronavirus>). One of the two prisoners who died,

Salvador Garcia, was in custody for misdemeanor domestic violence and driving without a license. There is an ongoing multi-year federal case related to inadequate medical care provided by Riverside County sheriff to prisoners, in which a new order related to the coronavirus was recently made by Honorable Virginia A. Phillips. (<https://prisonlaw.com/wp-content/uploads/2020/04/20.04.15-Doc-193-Order-Granting-Plaintiffs-Motion.pdf>)

These numbers will only continue to rise as Riverside County has just set a new record of hospitalizations just yesterday. (*Riverside County coronavirus hospitalizations set record; 257 cases added*, Press Enterprise (Jun. 17, 2020).) Social distancing in the jails will be especially impossible given the recent closure of the Indio Jail, which was undoubtedly the largest of the five jails. (*Riverside County supervisors asked to defund Sheriff's Department*, Press Enterprise (June 15, 2020).)

Our clients are not safe in custody during this ongoing pandemic. Being accused of a crime, while presumed innocent, should not subject someone to a potential viral death penalty nor other health impairments for life. The impact of the coronavirus upon prisoners is not over here in Riverside County, and minimizing the flow of new individuals into the jail who are not an immediate danger to the community helps protect not only those prisoners in the jail, but those tasked with their care, including the courts.

Version 2 of the proposed 4th Temporary Emergency Bail Schedule conforms with the intended purposes, which is simply to reduce the spread of COVID-19. There is no justifiable purpose to imprisoning an individual in the midst of a pandemic for a non-serious or non-violent crime, thereby endangering the jail population as well as its staff. Furthermore, Version 2 still permits the prosecutor to move the court for an increase of bail under a dangerousness to the community or risk of flight standard, which are few and apart. On the other hand, Version 1 would result in a swelling of the court's already overly burdened calendar for hearings on bail reduction which would likely get granted. Simply put, public health and judicial economy mandate the approval of **Version 2**.

It is immoral to delay trials that may free the innocent into September while ending zero bail now. (Riverside Emergency Order No. 7 (June 2, 2020).) Someone's financial inability to post bail for a non-violent offense should never be a reason to require incarceration pending the outcome of his or her case, and certainly not in light of the still ongoing global health emergency. While the courts have opened so as to ensure access for the community to justice, we can all agree that things are far from back to normal. All individuals working in our justice system agree that in our current state, it may be extremely difficult to conduct a

trial that is fair to both the defendant and prosecution. The RCCDBA respectfully asks that you reconsider any revisions to the current bail schedule, and continue zero bail at least 90 days past the modified trial timeline extensions, so that our clients and community are protected from unnecessary health risks while we litigate their cases.

Sincerely,

Graham D. Donath, President
Riverside County Criminal Defense Bar Association