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[www.cacj.org](http://www.cacj.org)

March 20, 2020

To: Presiding Judges of California

Re: Request for Immediate Action

The California Attorneys for Criminal Justice (CACJ), is a statewide association of criminal defense attorneys in private practice or working in public defender offices. I write you to ask for immediate action to allow our clients access to justice and the ability to respond to the ongoing public health emergency.

Many of our clients are languishing in local county jails either following an arrest and pre-arraignment hearing, or pre-trial because they cannot afford the imposed bail amount.

On Friday, March 20, 2020 the Chief Justice issued an advisory on emergency relief measures to help mitigate health risks in the courts and in local county jails. The Chief Justice stated that courts should, "*Lower bail amounts significantly for the duration of the coronavirus emergency, including lowering the bail amount to \$0 for many lower level offenses.*" As you know, this requires a court hearing.

We are concerned that the judges in many courts are either ignoring this directive, or creating impediments for this relief. In addition, for those courthouses that are closed, not all courts have an emergency court open or these designated courtrooms will not set and hear our motions.

What is particularly troubling is that some judges are abandoning their responsibilities as judicial officers and requiring a stipulation from the DA as a pre-condition for even setting bail motions. We expect judicial officers to provide a fair hearing on each case, and not automatically side with prosecutors. The current public health emergency demands fairness in the administration of justice without any bias towards prosecutors.

As you know, the Chief Justice's advisory of March 20<sup>th</sup>, 2020 also asked for bail schedules to be reevaluated and amended. We are unaware of any activity addressing this issue.



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CACJ asks that you take immediate action as follows:

- 1) Each court shall dedicate at least one department, or more for the larger courts, to hear bail reduction/OR motions, and that each motion should be set without the precondition of a prosecutorial stipulation.
- 2) Each court shall dedicate at least one department, or more for the larger courts, to conduct in-custody arraignments within the traditional 48 hours.
- 3) Each court shall provide an updated bail schedule no later than Monday March 31<sup>st</sup>.

In carrying these out, we also request that all appropriate social distancing precautions be undertaken to protect the health of court employees, parties, etc.

Thank you.