

Bail in Yolo County



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What is bail?

- ▶ The amount of money an accused person must pay to be released from jail until trial.
- ▶ A judge sets the bail amount in each case.
- ▶ The purpose of bail is to ensure persons will appear for court dates.

Three ways to post bail.

- ▶ 1) Pay the full amount in cash to the court and get the money reimbursed at the end of the case.
- ▶ 2) Post a property bond (i.e., a lien against your property). This is not common.
- ▶ 3) A bail bondsman posts a surety bond on your behalf.
 - ▶ The non-refundable fee is typically 10% of the bail amount.
 - ▶ Sometimes additional collateral is required.

How does Yolo County Court set bail?

- ▶ Historically, it was through reliance on a “bail schedule” tied to the charged offense.
- ▶ Court retains discretion to deviate up or down.

California Supreme Court in *Humphrey* (2021).

- ▶ Mr. Humphrey was arrested and bond set at \$600,000 before being reduced to \$350,000.
 - ▶ Stole \$5 and cologne from the room of another resident in his senior living home.
- ▶ Supreme Court said that “conditioning freedom solely on whether an arrestee can afford bail is unconstitutional.”
 - ▶ Must consider ability to pay, and
 - ▶ Less-restrictive conditions of release that can reasonably assure appearance in court & safety of community.

California Money Bail Reform Act (SB 10).

- ▶ Would have ended cash bail and bail schedules.
- ▶ Most misdemeanors would be released.
- ▶ Others would face a risk assessment.
- ▶ Supposed to go into effect October 2019.
- ▶ Critics ranged from the bail bond industry to the ACLU.
- ▶ Proposition 25 put it on the November 2020 ballot as a veto referendum, where it was repealed with 56% of the vote.

Coronavirus Pandemic.

- ▶ The Chief Justice recommended that local jurisdictions amend its bail policy to allow \$0 bail for certain offenses as an emergency response.
 - ▶ Purpose = ease overcrowding to enable jails to better respond to the pandemic.
 - ▶ Yolo court amended its bail schedule.
- ▶ April 2020, the Chief Justice set a uniform statewide bail schedule that included \$0 bail.
- ▶ June 2020, the statewide bail schedule expired, but individual counties could continue with \$0 bail as necessary.

Coronavirus Pandemic.

- ▶ June 2020, Yolo County Superior Court kept \$0 bail “as a matter of public health.”
- ▶ Spring 2021, Yolo County Superior Court engaged criminal justice partners for input on proposed new bail schedule.
- ▶ Use of an “emergency bail schedule” ended July 2021.

Yolo County Superior Court's current practice.

- ▶ July 2021, Yolo County Superior Court modified its bail schedule, with amounts now tied to the highest maximum state prison term applicable to the charged offense.
 - ▶ Overall, it reduced bail in most cases.
 - ▶ Judges retain discretion and must consider the *Humphrey* ruling.
 - ▶ “No bail” may be imposed.

District Attorney Bail Policy (2021).

- ▶ DA implemented a bail policy that presumes release for those charged with low level felonies.
- ▶ No presumptive release request for those charged with certain crimes (i.e., violent offense, escape, sexual assault, or a pattern of conduct to avoid prosecution).
- ▶ If bail is requested, the DDA is required to examine whether less restrictive means would suffice along with factors such as the severity of offense, history of FTA's.