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Critics blast California's \$0 bail rule as risk to public safety



Updated: 9:28 PM PDT May 18, 2020

Mike Luery

Reporter

WOODLAND, Calif. — The Yolo County District Attorney's Office filed multiple felonies on Monday against 23-year-old Kenneth Smit.

He was arrested for auto theft on May 14 and then released under following new guidelines set up by the Judicial Council of California. The [guideline, which went into effect April 13, ends cash bail](#) for most misdemeanor and lower-level felonies during the COVID-19 outbreak as a way to mitigate the spread of the virus in county jails.



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However, the DA's office said there are multiple examples of inmates being set free in a game of catch and release.

Dwayne Durant is in the Yolo County jail for the third time in less than a month. He's now charged with burglary, grand theft and looting after he was released on \$0 bail nine days ago, which was after his first arrest on April 24.

"This is not a risk-free situation," said Melinda Aiello, assistant chief deputy district attorney for Yolo County.



“It is concerning when you couple it with two separate felony arrests and look at someone who's been arrested and released seven separate times since late March,” Aiello said in reference to Rodriguez.

Shuan Moore, 40, was arrested April 20 in Yolo County on sexual battery and petty theft charges after being release on \$0 bail on April 15. He had previously been charged with a [felony for attempted possession of a COVID-19 sample](#).

In [Modesto](#), 21-year-old [Jamaal Prince](#) was arrested last month on several gun charges -- just one day after he was released from jail under the \$0 bail rule.

“There's no doubt that setting bail at zero impacts public safety,” said Sacramento County Superior Court Judge Maryanne Gilliard. “There's no question about it.”

“When you are dealing with a criminal population, they are not law-abiding citizens,” Gilliard added. “And if they know bail is going to be set at zero for certain offenses, it's obvious they are going to commit those offenses and be cited and released and continue on their criminal path.”

The council’s new guidelines allow \$0 bail for a number of lower level felonies, Aiello explained.

“Auto theft -- we’ve certainly seen that trend,” Aiello said. “Felony vandalism, felony possession of weapons -- those are subject to zero-bail, which we consider a public safety issue.”

David Munding, 29, was arrested Sunday in Sutter County for stealing a U-Haul truck. And under state guidelines, he was just released on \$0 bail.

The Judicial Council of California said, “A judge can deviate from the bail schedule if he/she finds good cause that the defendant poses a threat to public safety. In those cases, the judge can refuse bail and order the defendant remanded, increase bail or place restraint on a person’s release.”



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“We don't want our victims forgotten in all of this,” she said.

 SHOW TRANSCRIPT

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California to spend \$1.8 billion more on virus response



Updated: 10:30 AM PDT May 22, 2020

By Adam Beam

SACRAMENTO, Calif. — California Gov. Gavin Newsom took an extra \$1.8 billion from the state's dwindling coffers to pay for more protective gear and extra hospital beds to aid the state's response to the coronavirus.

Newsom said Thursday he expects the federal government will reimburse the state for 75% of that spending, which comes as state lawmakers are debating what government services will be cut to cover an estimated \$54.3 billion budget deficit caused by the virus-induced economic downturn.

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The Newsom administration says it has authority to spend the money because he has declared an emergency under the state's Emergency Services Act.



[In a letter to state lawmakers](#), Department of Finance Director Keely Martin Bosler said most of the new spending - \$1.3 billion - will pay for personal protective equipment including masks, gloves and gowns.

More than \$445 million of that amount will go to Chinese electric vehicle manufacturer BYD, which last month secured a \$1 billion contract with the state to deliver 200 million masks a month.

But BYD has had trouble fulfilling that contract. Earlier this month, it refunded the state \$247 million after it missed a deadline to certify that the masks it delivered comply with federal standards.

The rest of the new state spending will pay for a call center and the state's efforts to test people for the virus and track down people who have been exposed to it. It will also buy an extra 3,000 hospital beds and pay for hotel rooms for healthcare workers who treat COVID-19 patients.

The governor has asked lawmakers for an additional \$2.9 billion in the upcoming budget for him to spend as he sees fit on coronavirus-related expenses. He says he needs the money in case an anticipated “second wave” of virus cases hit the state this fall when the Legislature is not in session.

State lawmakers have balked at Newsom's proposal, saying they don't want to give up their authority to approve state spending. Assembly Budget chair Phil Ting, a Democrat from San Francisco, is scheduled to hold a public hearing Friday on Newsom's request.

“Now that we've entered this period of the pandemic, how is this different than obesity or traffic fatalities,” Ting said. “We don't” have a state of emergency for traffic fatalities.”

Other Republican lawmakers have questioned the governor's continued use of his emergency powers.