



# California moves bail to \$0 in 'slap in face' to law enforcement and victims

[Eric Woome](#), Visalia Times-Delta | Published 6:46 p.m. PT April 13, 2020 | Updated 11:09 a.m. PT April 16, 2020



Tulare County Superior Court on Friday, June 21, 2019. (Photo: Ron Holman)

In what some are calling a "slap in the face" to law enforcement and a danger to society, courts statewide began a \$0 bail for some offenders in California.

Effective at 5 p.m. Monday, anyone arrested on a misdemeanor or nonviolent felony will be eligible for release as soon as they're booked into jail, court officials said.

More than 1,000 inmates could be released as soon as Tuesday morning, according to prosecutors.

However, the Judicial Council says that number could be far lower — fewer than 50 in Tulare County.

The move comes a week after the California Judicial Council ruled in favor of an emergency rule surrounding COVID-19, a virus that attacks a person's lungs and has killed more than 23,500 people nationwide — 13 in Tulare County as of Monday.

The rule will last 90 days from when the stay-at-home order and is designed to reduce in-person meetings in court and alleviate crowding in jails and prison. In the last two weeks, more than 55 inmates statewide and 77 prison employees have tested positive for COVID-19.

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l said local judges remain "committed to faithfully following existing law."

She added that the \$0 bail won't apply to serious or violent felonies, including sex crimes and murder. It also won't extend to those who stalk or make threats of violence or harm.

"We are at this point truly with no guidance in history, law, or precedent," Chief Justice Tani Cantil-Sakauye, chair of the council, stated last week. "And to say that there is no playbook is a gross understatement of the situation. In developing these rules, we listened to suggestions from our justice system partners, the public, and the courts, and we greatly appreciate all of the input. Working with our court stakeholders, I'm confident we can preserve the rule of law and protect the rights of victims, the accused, litigants, families and children, and all who seek justice. It's truly a team effort."

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However, some believe the move is a risk to the public and businesses and puts offenders back on the streets minutes after a crime is committed. Judges, under the state's constitution, can deny bail on any case they find "good cause" that the defendant poses a threat to public safety, according to the council.

"The response to the COVID-19 pandemic has been unprecedented. However, this

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approach is reckless and is a disservice to victims of crime, business owners, and the

community as a whole," District Attorney Tim Ward said. "Perhaps the most glaring defect in the new rule is that someone who is out on bail or on their own recognizance who commits another felony crime would be presumptively eligible for \$0 bail and free to victimize another member of our law abiding community.

"For our business owners who are already struggling to keep afloat, quality of life crimes like theft, fraud, and vandalism eat away at the well-being and fabric of our communities and will now be met with little immediate consequence even when charges are filed."

At least one business owner agrees.

Scott James II, a bail agent who operates in Tulare County, watched from security cameras as a man kicked in the door to his downtown Visalia business earlier this month. The man had just been released from jail.

He ran when the alarm sounded and was captured by Visalia police 30 minutes later, according to officers. He has since been charged with attempted burglary — a charge eligible for \$0 bail.

"This could be the breaking point for some Tulare County business owners if the courts start releasing defendants and not holding any of them accountable," said James, adding he fears businesses could become targets for criminals.

James says this type of behavior will become the new norm as the state frees suspected offenders. He says judges can deny bail under the emergency rule, but points the finger at Presiding Judge Brett Alldredge for not fighting to quash the rule locally.

"Judge Alldredge is using this \$0 bail to continue with his personal agenda to remove bail and set everyone free," James said. "It's disgusting the way the presiding judge wants to release everyone."

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ad to follow the emergency rule after the policy-making body of the council voted to

Tulare County had been using a pretrial risk assessment tool to evaluate a suspect's eligibility for release and that will continue, officials said.

"Pretrial justice itself has been a long-overlooked area in which resources and creative thought should be given," Alldredge said a year ago when the tool was instituted. "We have dozens of cases on the calendar with defense and prosecution trying to negotiate deals."

Alldredge was unavailable Monday evening for comment.

Still, Ward says, prosecutors' hands are tied because of the change to the bail schedule.

Late last week, in anticipation of Tulare County courts ordering the rule, prosecutors

worked with the Tulare County sheriff's deputies to review inmates' records. "Prosecutors worked around the clock Thursday night, and on Friday, filed motions opposing early release against inmates who would otherwise be eligible for immediate release with no bail required under the guidelines. These motions are anticipated to be heard in court beginning Tuesday morning. In all, prosecutors assessed over 1,000 defendants."

"The emergency order handed down by the court severely limits the Office of the District Attorney and all of law enforcement's ability to argue that arrested and charged individuals should remain in custody," Ward said.

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