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20 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

21 **COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

22 Phillip Urquidi, Daniel Martinez, Susana  
Perez, Terilyn Goldson, Gerardo Campos, and  
23 Arthur Lopez, on behalf of themselves and all  
other similarly situated, and Clergy and Laity  
24 United for Economic Justice (“CLUE”),  
Reverend Jennifer Gutierrez, Reverend Gary  
25 Williams, and Rabbi Aryeh Cohen,  
26 individually,

Plaintiffs,

27 vs.

Case No.

**AMENDED CLASS ACTION COMPLAINT**

- (1) **Declaratory and Injunctive Relief**  
(Cal Code Civ. Proc. §§ 526, 527, 1060)  
(2) **Taxpayer Claim**  
(Cal Code Civ. Proc. §526a)  
(3) **Writ of Mandate**  
(Cal. Code Civ. Proc. §. 1085)

**JURY TRIAL DEMANDED**

1 City of Los Angeles, Los Angeles County, Los  
2 Angeles County Sheriff's Department, Sheriff  
3 Alex Villanueva, Los Angeles Police  
4 Department, and Chief Michel R. Moore,

5 Defendants.

6 Plaintiff/Petitioners Phillip Urquidi, Daniel Martinez, Susana Perez, Terilyn Goldson,  
7 Gerardo Campos, and Arthur Lopez individually and on behalf of all others similarly situated  
8 (collectively referred to as "class members"), and Clergy and Laity United for Economic Justice  
9 ("CLUE"), Reverend Jennifer Gutierrez, Reverend Gary Williams, and Rabbi Aryeh Cohen, allege  
10 as follows:

### 11 **INTRODUCTION**

12 1. The California Supreme Court has squarely held that "[c]onditioning [pretrial]  
13 detention on the arrestee's financial resources, without ever assessing whether a defendant can  
14 meet those conditions or whether the state's interests could be met by less restrictive alternatives"  
15 is unconstitutional. *In re Humphrey* (2021) 11 Cal. 5th 135, 156. Yet, every day, Los Angeles  
16 County and the City of Los Angeles confine hundreds of people—people who have not been  
17 convicted of any crimes, are presumed innocent, and are not yet represented by counsel—in jail  
18 cells based on their inability to pay the arbitrary, pre-set amount of money required for their  
19 release. The dollar amount required to purchase their freedom is determined by a chart called a  
20 "bail schedule," which is promulgated for Los Angeles County by a committee made up of Los  
21 Angeles Superior Court Judges. Plaintiffs bring this suit on their own behalf, and on behalf of  
22 those similarly situated, to put an end to Defendants' unconstitutional detainment of indigent  
23 arrestees pursuant to the bail schedule.

24 2. Plaintiffs—Phillip Urquidi, Daniel Martinez, Susana Perez, Terilyn Goldson,  
25 Gerardo Campos, and Arthur Lopez ("Individual Plaintiffs")—are individuals arrested in the last  
26 five days who remain jailed because they are not able to pay the amount required under Los  
27 Angeles County's uniform money bail schedule. The Individual Plaintiffs have not been to court,  
28 have not been given a hearing, and have not been provided a lawyer. Nobody has inquired into the

1 Individual Plaintiffs’ ability to pay the price of release listed on the bail schedule. If the Individual  
2 Plaintiffs could pay, they would be free. But because they cannot access enough cash to pay the  
3 County for their release, they have remained in jail for five days or more, and will remain in jail  
4 until they are brought to court for a hearing before a judge. In Los Angeles County this first  
5 hearing, called “arraignment,” usually does not occur until days after arrest.

6           3.       Throughout the County, the bail schedule sets the amount of secured money bail an  
7 individual must post to be freed from jail prior to arraignment. Secured bonds “require money to  
8 be posted with the court on the defendant’s behalf prior to pretrial release . . . .”<sup>1</sup> By contrast,  
9 unsecured bonds do not require payment up front for release but instead allow immediate release  
10 upon a promise to pay the monetary amount if the person does not appear as required.<sup>2</sup>

11           4.       The amounts set forth in the bail schedule are based only on the charge at arrest and  
12 a handful of possible enhancements for certain prior convictions or aggravating factors. Among  
13 those taken into custody post-arrest, only people who can afford to pay the full amount required by  
14 the bail schedule—or pay a nonrefundable “surety bond” to a commercial bail bonds company—  
15 are guaranteed prompt release.

16           5.       Many people who cannot pay money bail remain in jail. On any given night, people  
17 languish in jail cells throughout Los Angeles County because they lack the cash required to  
18 purchase their release. These individuals are not detained on the basis that they are too dangerous  
19 to release: the government would release them right away if they could pay. Rather, they are too  
20 poor. This is the class of people the Individual Plaintiffs seek to represent in this action.

21           6.       Every single class member is presumed innocent, but nevertheless suffers the  
22 harms of being jailed because of Defendants’ unconstitutional policy. Class members are  
23 separated from their children, parents, and other family members. They cannot pay their bills, go  
24 to work or school, access treatment for their acute medical and mental health needs, care for

25 \_\_\_\_\_  
26 <sup>1</sup> Michael R. Jones, *Unsecured Bonds: The As Effective and Most Efficient Pretrial Release*  
27 *System*, Pretrial Justice Institute (2013), at p.7, available at chrome-  
28 extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.nmcourts.gov/wp-  
content/uploads/2020/11/Unsecured\_Bonds\_The\_As\_Effective\_and\_Most\_Efficient\_Pretrial\_Rel  
ease\_Option\_Jones\_2013.pdf

<sup>2</sup> *Id.*

1 dependent loved ones and pets, or sleep in their own beds. Being jailed for even short periods of  
2 time may cause them to lose their jobs, their housing, or custody of their children. They suffer all  
3 the harms of confinement in a jail cell even though a large portion of them will never be formally  
4 charged with any crime, let alone convicted. In other words, class members remain jailed simply  
5 because they cannot pay the amount required under the bail schedule. This policy has no place in  
6 our legal system or our society.

7           7.       Class members are also subjected to dangerous conditions in jail. Because they  
8 cannot afford to pay, class members remain at constant risk of physical and sexual abuse in  
9 County jails—an environment described by the U.S. Department of Justice as “dimly lit, vermin-  
10 infested, noisy, unsanitary, cramped and crowded.”<sup>3</sup> People taken to the “Inmate Reception  
11 Center” must sleep on the ground without blankets, on floors covered in garbage and urine, close  
12 to clogged and overflowing toilets.<sup>4</sup> Many receive no medical care.<sup>5</sup> There have been reports that  
13 human beings living with mental illness are chained to benches for days, forced to urinate and  
14 defecate on themselves.<sup>6</sup> The conditions are so abhorrent that even the LA Sheriff’s Department  
15 (“LASD”) has conceded they violate the U.S. Constitution.<sup>7</sup>

16           8.       Class members are at risk of dying in custody. From 2012 to 2016, at least 102  
17 people attempted suicide in LAPD jails and holding cells; 19 people died from suicide. According  
18 to the Office of the Inspector General, 55 people died in LASD custody in 2021. People die when  
19 jailed by LASD solely because of their inability to pay their money bail amount between arrest  
20 and arraignment—people including Lawrence McCurdy (\$500), Walter Couvrey (\$5,000), Jeffery  
21 Stebbins (\$20,000), David Geary (\$50,000), Hugh O’Donnell McNie (\$20,000), Terry Kubler

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23 <sup>3</sup> Anthony Peck and Stephanie Jo Reagan, *Conclusions regarding mental health care and suicide*  
24 *prevention practices at Los Angeles County Jails, Department of Justice*, (June 4, 2014) at p. 3.)  
available at [https://californiahealthline.files.wordpress.com/2014/10/lajails\\_compltr\\_6-4-14.pdf](https://californiahealthline.files.wordpress.com/2014/10/lajails_compltr_6-4-14.pdf)

25 <sup>4</sup> Elizabeth Weill-Greenberg, “*L.A. County’s Jail Booking Center Has Become a ‘Living Hell,’*”  
26 *Detainees Say in Court Filing*,” *The Appeal* (September 13, 2022), available at  
<https://theappeal.org/los-angeles-jail-inmate-reception-center-aclu/>

27 <sup>5</sup> *Id.*

28 <sup>6</sup> *Id.*

<sup>7</sup> *Rutherford v. Block*, 75-cv-4111, Defendants’ Response to Plaintiffs’ Ex Parte Application for  
Temporary Restraining Order (C.D. Cal. Sept. 12, 2022, No. 337), at p. 1.

1 (\$100,000), Luis Davalos (\$25,000), Rufino Paredes (\$35,000), Pedro Ucelo (\$5,000), and Kyo  
2 Lyons (\$30,000).

3 9. The Individual Plaintiffs bring this lawsuit on behalf of themselves and thousands  
4 of other similarly situated people who are or will be locked up between arrest and arraignment  
5 because they cannot pay the arbitrary amounts the County’s bail schedule requires. The policy  
6 violates the Equal Protection and Due Process Clauses of the United States and California  
7 Constitutions, which enshrine the fundamental principle that no one should be jailed just because  
8 they cannot make a monetary payment.

9 10. Los Angeles County taxpayer dollars are used to fund this unlawful detention. The  
10 County receives, and is thus able to spend, bail funds that are collected under the unlawful bail  
11 schedule that are later forfeited. Plaintiffs CLUE Justice, Reverend Gary Williams, and Rabbi  
12 Aryeh Cohen (together, the “Taxpayer Plaintiffs”), seek to enjoin the expenditure of their tax  
13 dollars to fund the unlawful detention of individuals who are unable to pay bail, and to enjoin the  
14 expenditure of bail funds collected pursuant to this unconstitutional program.

15 11. By and through their attorneys and on behalf of themselves and all others similarly  
16 situated, Plaintiffs seek an injunction prohibiting Defendants from jailing individuals between  
17 arrest and arraignment based on access to cash; a declaration that any policy basing pre-  
18 arraignment release and detention decisions on a person’s access to cash violates the California  
19 and United States Constitutions; and writs of mandate (1) prohibiting Defendant County from  
20 promulgating a bail schedule that imposes secured money bail; and (2) prohibiting all Defendants  
21 from jailing people between arrest and arraignment based solely on their access to cash.

22 **PARTIES**

23 12. Plaintiff Phillip Urquidi is 25 years old and resides in Los Angeles County. He  
24 brings this lawsuit on behalf of himself and a class of similarly situated people who are jailed  
25 between arrest and arraignment due to their inability to pay the amounts required by the LA  
26 County bail schedule.

27 13. Plaintiff Daniel Martinez is 39 years old and resides in Los Angeles County. He  
28 brings this lawsuit on behalf of himself and a class of similarly situated people who are jailed

1 between arrest and arraignment due to their inability to pay the amounts required by the LA  
2 County bail schedule.

3 14. Plaintiff Susana Perez is 48 years old and resides in Los Angeles County. She  
4 brings this lawsuit on behalf of herself and a class of similarly situated people who are jailed  
5 between arrest and arraignment due to their inability to pay the amounts required by the LA  
6 County bail schedule.

7 15. Plaintiff Terilyn Goldson is 37 years old and resides in Los Angeles County. She  
8 brings this lawsuit on behalf of herself and a class of similarly situated people who are jailed  
9 between arrest and arraignment due to their inability to pay the amounts required by the LA  
10 County bail schedule.

11 16. Plaintiff Gerardo Campos is 26 years old and resides in Los Angeles County. He  
12 brings this lawsuit on behalf of himself and a class of similarly situated people who are jailed  
13 between arrest and arraignment due to their inability to pay the amounts required by the LA  
14 County bail schedule.

15 17. Plaintiff Arthur Lopez is 58 years old and resides in Los Angeles County. He  
16 brings this lawsuit on behalf of himself and a class of similarly situated people who are jailed  
17 between arrest and arraignment due to their inability to pay the amounts required by the LA  
18 County bail schedule.

19 18. Plaintiff Clergy and Laity United for Economic Justice (“CLUE”) is a California  
20 organization that educates, organizes, and mobilizes the faith community to accompany workers  
21 and their families in their struggle for good jobs, dignity, and justice. CLUE and/or its members  
22 are taxpayers within the meaning of California Civil Procedure Code § 526a. They bring this  
23 lawsuit as a taxpayer with the goal of protecting Plaintiffs and the public by ending the County’s  
24 illegal and wasteful expenditure of public funds on its harmful and unconstitutional cash-based  
25 jailing policy, including forfeited bail obtained pursuant the unlawful bail schedule.

26 19. Plaintiff Jennifer Gutierrez is an ordained United Methodist minister and serves as  
27 CLUE’s executive director. Plaintiff Gutierrez is a taxpaying resident of Los Angeles County.  
28 Plaintiff Gutierrez brings this lawsuit as a taxpayer with the goal of protecting the Plaintiffs and

1 the public by ending the County's illegal and wasteful expenditure of public funds on its harmful  
2 and unconstitutional cash-based jailing policy, including forfeited bail obtained pursuant to the  
3 unlawful bail schedule.

4 20. Plaintiff Reverend Gary B. Williams is the pastor of Saint Mark United Methodist  
5 Church in Los Angeles, and serves as co-chair of CLUE's Board of Directors. Plaintiff Williams is  
6 a taxpaying resident of Los Angeles County. Plaintiff Williams brings this lawsuit as a taxpayer  
7 with the goal of protecting the Plaintiffs and the public by ending the County's illegal and  
8 wasteful expenditure of public funds on its harmful and unconstitutional cash-based jailing policy,  
9 including forfeited bail obtained pursuant to the unlawful bail schedule.

10 21. Plaintiff Rabbi Aryeh Cohen is a professor of rabbinic studies at the American  
11 Jewish University, and serves as co-chair of CLUE's Black Jewish Justice Alliance. Plaintiff  
12 Cohen is a taxpaying resident of Los Angeles County. Plaintiff Cohen brings this lawsuit as a  
13 taxpayer with the goal of protecting Plaintiffs and the public by ending the County's illegal and  
14 wasteful expenditure of public funds on its harmful and unconstitutional cash-based jailing policy,  
15 including forfeited bail obtained pursuant to the unlawful bail schedule.

16 22. Defendant City of Los Angeles is a public entity organized and existing under the  
17 laws of the State of California. Defendant City is responsible for the actions, omissions, policies,  
18 procedures, practices, and customs of its various agents and agencies. Defendant City owns,  
19 operates, manages, directs, and controls the Los Angeles Police Department, as well as its officers,  
20 employees, and other personnel. At all times relevant to the facts alleged herein, Defendant City  
21 was responsible for assuring that the actions, omissions, policies, procedures, practices, and  
22 customs of its employees complied with the laws and the Constitutions of the United States and of  
23 the State of California.

24 23. Defendant County of Los Angeles is a local government entity organized and  
25 existing under the laws of the State of California. The Los Angeles Superior Court judges who set  
26 the bail schedule act as policymakers for the County when promulgating the County's bail  
27 schedule, which applies to all arrests made within the boundaries of the County. (See Pen.Code  
28

1 § 1269b(c); Los Angeles Superior Court Rule 8.3.) By listing amounts that class members cannot  
2 pay, the County’s bail schedule results in the pre-arraignment detention of the poorest Angelenos.

3 24. Defendant Los Angeles Sheriff’s Department (“LASD”) is the largest arresting  
4 agency in the County and operates the County’s jails. At its facilities, including LASD stations  
5 and the Inmate Reception Center downtown, LASD jails individuals in its custody who are unable  
6 to pay the amount dictated by the bail schedule before their arraignments.

7 25. Defendant Alex Villanueva (“Villanueva”) is the elected Sheriff of Los Angeles  
8 County. He is responsible for formulating, executing, and administering the laws, customs, and  
9 practices that comprise LASD’s post-arrest release and detention policy. Specifically, Villanueva  
10 has charge of the county jails and those incarcerated by the County when they are unable to pay  
11 the predetermined sum required for their release. (Gov. Code § 26605.) LASD detains arrested  
12 individuals both at county jails and LASD stations. Defendant Villanueva is sued in his official  
13 capacity.

14 26. With jurisdiction over the City of Los Angeles, Defendant Los Angeles Police  
15 Department (“LAPD”) is the second-largest arresting agency in the County. Just like LASD, it  
16 detains arrested individuals in its lock-ups—or transports them to LASD so that LASD may jail  
17 them—before arraignment when they are unable to pay the predetermined sum required by the  
18 County’s bail schedule. (See Pen. Code § 1269b.)

19 27. Defendant Michel R. Moore (“Moore”) is Chief of the Los Angeles Police  
20 Department and is responsible for formulating, executing, and administering the laws, customs,  
21 and practices that comprise LAPD’s post-arrest release and detention policy. Defendant Moore is  
22 sued in his official capacity.

23 28. The officers and employees of LASD and LAPD are authorized to accept money  
24 bail, order the pre-arraignment release of an arrested individual, and set a time for each  
25 individual’s initial appearance in Superior Court. LASD and LAPD, by policy and practice, detain  
26 people who are arrested, who are not released on a citation or on their own recognizance, and who  
27 cannot pay the predetermined cash amount.

28





1 for Los Angeles County, which sets bail at \$20,000 for offenses carrying a maximum prison term  
2 of three years.<sup>8</sup> No one asked Mr. Martinez if he could afford to pay this money bail amount.

3 36. Mr. Urquidi has not been assigned counsel and has not spoken with a judge.

4 37. The conditions at the jail are unsanitary. There are bed bugs everywhere and the  
5 floors of the holding cell where Mr. Urquidi is being held are dirty. Those jailed are not allowed  
6 out for fresh air or exercise.

7 38. Since his arrest, Mr. Urquidi has lost access to his prescription medication; his  
8 jailers have not asked him whether he takes medication.

9 39. On November 11, Mr. Urquidi called the bail deviation hotline and was told that  
10 his case is a “D.A. [district attorney] reject” and that he would soon be released because the  
11 district attorney did not plan to prosecute him. Mr. Urquidi has not been released.

12 40. Because Mr. Urquidi remains in custody he has not been able to work and is at a  
13 risk of losing his job. His girlfriend, who he supports, is alone in the truck without money for gas.

14 41. Mr. Urquidi will not be arraigned until, at the soonest, Monday, November 14—  
15 five days after his arrest.

16 42. Mr. Urquidi would pay the \$20,000 bail amount if he could, but lacks sufficient  
17 funds. Had Mr. Urquidi been able to pay the full bail amount, he would have been immediately  
18 released on this charge and could have had the full amount returned to him when his case was  
19 discharged. Because he cannot, he is in jail.

20 **2. Daniel Martinez**

21 43. Plaintiff Daniel Martinez has often been homeless and struggles to pay for housing.  
22 Mr. Martinez currently lives with friends and supports himself by doing odd jobs, primarily  
23 working with his hands. Mr. Martinez does not have any assets, a bank account, or any savings.  
24 He has received food stamps recently and intends to apply again.

25 44. On Thursday November 10, 2022, Mr. Martinez was arrested by LAPD on a charge  
26 of receiving stolen property in violation of Penal Code § 496. Mr. Martinez was taken to the  
27

28 <sup>8</sup> Mr. Urquidi is also subject to a \$5,000 bail on an unrelated misdemeanor warrant.

1 LAPD Foothill Police Station and then to the LAPD Van Nuys jail, where he remains in custody.  
2 Mr. Martinez was informed that the bail for his charge was set at \$20,000. The money bail amount  
3 was set pursuant to the 2022 Felony Bail Schedule for Los Angeles County, which sets bail at  
4 \$20,000 for offenses carrying a maximum prison term of three years. No one asked Mr. Martinez  
5 if he could afford to pay for his release.

6 45. Mr. Martinez has not seen a judge, been appointed counsel, or been told when he  
7 might be arraigned.

8 46. Mr. Martinez had an interview for a full-time construction job paying \$17/hour  
9 scheduled for Friday, November 11. He hoped this job would change his life and allow him to get  
10 his own apartment. Because he was in jail due to his inability to pay his bail amount, he missed the  
11 interview.

12 47. On November 12, Mr. Martinez called the bail deviation hotline and was told that  
13 he did not qualify for a bail deviation.

14 48. Because Defendants usually do not bring individuals in custody to court until two  
15 business days after arrest or more, Mr. Martinez is not likely to be arraigned until, at the soonest,  
16 Tuesday, November 15—five days after his arrest.

17 49. Mr. Martinez would pay the \$20,000 bail amount if he could, but lacks sufficient  
18 funds to do so. Had Mr. Martinez been able to pay the full bail amount, he would have been  
19 immediately released on this charge and could have had the full amount returned to him when his  
20 case was discharged. Because he cannot, he is in jail.

21 **3. Susana Perez**

22 50. Plaintiff Susana Perez is homeless and, for the past three years, has been living in a  
23 van that she and her boyfriend share. Ms. Perez struggles to meet her basic needs. She relies on  
24 welfare and receives support from her boyfriend.

25 51. On Wednesday, November 9, 2022, Ms. Perez was arrested by LAPD for  
26 vandalism in violation of Penal Code § 594(b)(1). Ms. Perez was taken to the LAPD Van Nuys  
27 jail, where she remains in custody. Ms. Perez was informed that the bail for her charge was set at  
28 \$20,000. The money bail amount was set pursuant to the 2022 Felony Bail Schedule for Los

1 Angeles County, which sets bail at \$20,000 for offenses carrying a maximum prison term of three  
2 years. No one asked Ms. Perez if she could afford to pay for her release.

3 52. Ms. Perez's family cannot afford to pay the \$20,000 bail amount. Nor could they  
4 part with even a few hundred dollars to try to pay a bondsman to post her bail.

5 53. Ms. Perez's family is part of her life and they see each other every day. Being in  
6 jail has kept Ms. Perez away from her family and her boyfriend. Ms. Perez has been working to  
7 find stable housing and create a better life for herself. Being in jail has disrupted that goal.

8 54. Ms. Perez has not seen a judge, been appointed counsel, or been told when she  
9 might be arraigned. Ms. Perez was not informed of the bail deviation program.

10 55. Ms. Perez will not be arraigned until, at the soonest, Monday, November 14—five  
11 days after her arrest.

12 56. Ms. Perez would pay the \$20,000 bail amount if she could, but lacks sufficient  
13 funds to do so. Had Ms. Perez been able to pay the full bail amount, she would have been  
14 immediately released on this charge and could have had the full amount returned to her when her  
15 case was discharged. Because she cannot, she is in jail.

16 **4. Terilyn Goldson**

17 57. Plaintiff Terilyn Goldson has been living in the Los Angeles area for about 25  
18 years.

19 58. Ms. Goldson graduated high school with good grades and worked as a paralegal for  
20 years. Her life has grown difficult since then. She became homeless in June 2022 after being  
21 evicted. Ms. Goldson relies on food stamps. She lived in a tent community for a time, but was  
22 assaulted there. Before her arrest and jailing, she was referred to a shelter, which she hopes to  
23 enter as soon as she is released.

24 59. On Wednesday, November 9, 2022, Ms. Goldson was arrested by LASD on a  
25 charge of reckless evading under Vehicle Code § 2800.2. Ms. Goldson was taken first to the  
26 Lakewood Sheriff's Station and then to LASD's Century Regional Detention Facility where she  
27 remains in custody. Ms. Goldson was never informed of the reason for the arrest or of the charges  
28 against her.

1           60.     LASD never informed Ms. Goldson about the cash bail amount she had to pay to  
2 be released. According to the LASD website, Ms. Goldson’s bail is set at \$75,000. No one asked  
3 Ms. Goldson if she could afford this money bail amount, which was set pursuant to the 2022  
4 Felony Bail Schedule for Los Angeles County.

5           61.     Ms. Goldson has not seen a judge, been appointed counsel, or been told when she  
6 might be arraigned.

7           62.     The conditions in the jail are not comfortable. Ms. Goldson is very cold. She is  
8 unable to sleep because there are mentally ill individuals being detained in the jail who have been  
9 screaming loudly.

10          63.     Ms. Goldson was planning to see her children this week, but because she is in jail,  
11 she cannot do so.

12          64.     Ms. Goldson will not be arraigned until, at the soonest, Monday, November 14—  
13 five days after her arrest.

14          65.     Ms. Goldson would pay the \$75,000 bail amount if she could, but lacks sufficient  
15 funds to do so. Had Ms. Goldson been able to pay the full bail amount, she would have been  
16 immediately released on this charge and could have had the full amount returned to her when her  
17 case was discharged. Because she cannot, she is in jail.

18           **5.     Gerardo Campos**

19          66.     Plaintiff Gerardo Campos was born in Granada Hills and has lived in the Los  
20 Angeles area for most of his life.

21          67.     Mr. Campos has not had a stable place to live since he was in middle school. He  
22 relies on his friends to help him get by. They let him sleep in their cars, often for four or five days  
23 at a time, before he moves on again. They also sometimes let him shower in their homes, often on  
24 Sundays, because he is Catholic.

25          68.     It is especially important to Mr. Campos to keep himself groomed so that society  
26 will deem him acceptable. If he appears to be dirty or homeless, businesses do not want him in  
27 their establishments and people do not treat him as well.

28

1           69.     Mr. Campos recently tried to get into a shelter, but was turned away because there  
2 were no available beds. He struggles to get enough food and water on a daily basis and to keep  
3 himself clothed. He works construction as often as he can, but his work opportunities are unstable  
4 and hard to predict.

5           70.     On Wednesday, November 9, 2022, Mr. Campos was arrested by LAPD on a  
6 charge of attempted robbery under Penal Code § 211. His bail was set at \$70,000 pursuant to the  
7 bail schedule. He was taken to the LAPD Van Nuys jail, where he remains in custody.

8           71.     Mr. Campos has not seen a judge or been appointed counsel. He has not been  
9 interviewed by anyone about his ability to afford bail. He does not know who decided how much  
10 bail he would have to pay to be released.

11          72.     Mr. Campos will not be arraigned until, at the soonest, Monday, November 14—  
12 five days after his arrest.

13          73.     Mr. Campos would pay the \$70,000 bail amount if he could, but lacks sufficient  
14 funds to do so. Had Mr. Campos been able to pay the full bail amount, he would have been  
15 immediately released on this charge and could have had the full amount returned to him when his  
16 case was discharged. Because he cannot, he is in jail.

17           **6.     Arthur Lopez**

18          74.     Plaintiff Arthur Lopez has been living in the Los Angeles area his whole life. Mr.  
19 Lopez lives in his car, which he parks near his workplace.

20          75.     On Wednesday November 9, 2022, LASD arrested Mr. Lopez on a charge of  
21 criminal threats under Penal Code 422(a). After arrest, Mr. Lopez was taken to the Temple  
22 Sheriff's Station, where he remains in custody.

23          76.     LASD never told Mr. Lopez the cash bail amount he had to pay to be released. The  
24 LASD website shows that his bail is set at \$50,000. The money bail amount was set pursuant to  
25 the 2022 Felony Bail Schedule for Los Angeles County. No one asked Mr. Lopez if he could  
26 afford to pay for his release.

27          77.     Mr. Lopez has been working as a security guard for over a year. He gets paid by the  
28 hour and lives paycheck to paycheck. Because he is jailed, he is in danger of losing his work,

1 which is his only source of income, as well as his car, which is his home. When his car's  
2 transmission died, he had to bring it to a mechanic for repairs and he still owes over \$600. If he  
3 stays in jail any longer, the mechanic might put a lien on his car. And if he loses his job, he will  
4 not be able to pay. Because he was jailed for days, Mr. Lopez might lose everything.

5 78. The conditions at the jail are very uncomfortable. Mr. Lopez sleeps on a thin  
6 mattress on a concrete slab. He is constantly cold. When he sleeps, he pulls the hood of his  
7 sweatshirt down over his head to get a little warmer.

8 79. Mr. Lopez has not seen a judge, been appointed counsel, or been told when he  
9 might be arraigned. Mr. Lopez was not informed of any way he could be released from jail before  
10 arraignment without paying bail.

11 80. At the earliest, Mr. Lopez will be arraigned on Monday, November 14—five days  
12 after his arrest.

13 81. Mr. Lopez would pay the \$50,000 bail if he could, but lacks sufficient funds to do  
14 so. Had Mr. Lopez been able to pay the full bail amount, he would have been immediately  
15 released on this charge and could have had the full amount returned to him when his case was  
16 discharged. Because he cannot, he is in jail.

17 **B. Defendants' Cash-Based Bail System Detains Individuals Who Are Unable to Pay**

18 **1. The Los Angeles County bail schedule is created and approved**

19 82. In most cases, Californians have a right to release on bail. (Cal. Const., art. 1, Sec.  
20 12.) In Los Angeles County, when a person is taken into custody for most offenses, the person is  
21 usually released pending arraignment if they pay cash bail.

22 83. The "uniform countywide schedule of bail" sets bail at certain amounts based on  
23 the charge for which an individual is arrested pursuant to a warrantless arrest. (Pen. Code Sec.  
24 1269b(b).) State law mandates that the county's superior court judges "prepare, adopt, and  
25 annually revise" a bail schedule. (Pen. Code Sec. 1269b(c) & (e).) Once approved, the bail  
26 schedules dictate the dollar amounts people arrested for certain charges must pay to post cash bail.  
27 The 2022 Bail Schedule for Infractions and Misdemeanors for Los Angeles County is attached  
28

1 hereto as (**Exhibit A.**<sup>9</sup>) The 2022 Felony Bail Schedule for Los Angeles County is attached hereto  
2 as (**Exhibit B.**<sup>10</sup>) Collectively, the County’s misdemeanor and felony bail schedules are referred to  
3 herein simply as “the bail schedule.”

4 **2. Defendants have custody of the majority of arrested individuals in LA County.**

5 84. At any given time, dozens of arresting agencies in Los Angeles County, including  
6 the Sheriff, confine hundreds of individuals in stations and jails solely because they cannot make  
7 the payment required under the bail schedule.

8 85. The majority of individuals detained in Los Angeles County before arraignment are  
9 held in LASD or LAPD custody and were arrested by LASD or LAPD in the first instance.  
10 Collectively, LASD and LAPD make more than two-thirds of all arrests in the County. This  
11 includes arrests made in unincorporated areas and cities that do not have their own police  
12 departments and typically contract with LASD for various policing functions. Many of the  
13 individuals arrested by other municipal police departments in the County are transferred to LASD  
14 custody prior to arraignment.

15 **3. Defendants release arrested individuals who can pay cash bail and continue to**  
16 **detain those who cannot.**

17 86. Individuals arrested by LASD or LAPD are taken either to a lockup area at a patrol  
18 station, or directly to a larger jail used by multiple stations. At this time they are either released  
19 with a citation or booked into custody. Individuals booked into custody are not provided with  
20 counsel until their arraignment. If they are booked into custody, individuals are given a booking  
21 form.<sup>11</sup> This form includes their booking charge(s) and specifies a cash bail required for their  
22

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23 <sup>9</sup>See also Superior Court of California, County of Los Angeles, Bail Schedule for Infractions and  
24 Misdemeanors (2022),) available at chrome-  
25 extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.lacourt.org/division/criminal/pdf/mis  
26 d.pdf

26 <sup>10</sup> See also Superior Court of California, County of Los Angeles, Felony Bail Schedule (2022),  
27 available at chrome-  
28 extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.lacourt.org/division/criminal/pdf/felo  
ny.pdf

<sup>11</sup> LASD Manual of Policies and Procedures § 5-03/025.00



1 release.<sup>12</sup> The bail schedule—which does not account for the person’s family or community ties,  
2 life circumstances, personal commitments, or likelihood of appearing in court—typically dictates  
3 the amount of bail that will be set.

4 87. Both LASD and LAPD release the arrested individual if they pay the cash bail set  
5 by the bail schedule. LASD’s procedures direct that “[u]pon posting . . . bail, the defendant or  
6 arrested person shall be discharged from custody as to the offense on which the bail has been  
7 posted.”<sup>13</sup> LAPD’s procedures similarly direct that “Custody Services Division (CSD) personnel  
8 receiving bail shall,” after “[a]ccept[ing] the proper amount of bail as indicated on the Bail  
9 Schedule,” release the arrested individual.<sup>14</sup>

10 88. The arrested person may go free by either paying the cash bail themselves or  
11 paying a non-refundable fee to a commercial bail bond company to pay the cash bail for them.  
12 This fee is usually significant, and can amount to 10% of the cash bail amount. Whether  
13 themselves or through a bond company, if the arrested person is able to pay the cash bail, they can  
14 go free; if they cannot, they typically remain in jail.

15 89. If an individual cannot afford to pay the amount of money predetermined by the  
16 schedule, it is the policy and practice of the LASD and LAPD to continue to jail that person.  
17 Moreover, because indigent arrestees are not provided with representation until their arraignment,  
18 such individuals are left without counsel during their pre-arraignment detention.

19 90. While the County purports to maintain programs that would allow individuals to  
20 avoid paying bail to secure their release—including the “Pretrial Risk Evaluation Program”  
21 (“PREP”) and a statutorily-mandated bail deviation program—those programs are largely  
22 deficient. On information and belief, only a tiny fraction of individuals are released from custody  
23 through these programs. The PREP program assigns a score to an individual based on a statistical  
24 “risk assessment.” That risk assessment is based on objective criteria that affords no meaningful  
25 opportunity for input from the arrested individual or their representatives. Nor does the risk  
26

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27 <sup>12</sup> *Id.*

28 <sup>13</sup> LASD Manual of Policies and Procedures 5-03/090.10

<sup>14</sup> LAPD Manual 680.20

1 assessment consider less restrictive means of ensuring the individual appears in court, such as  
2 court reminders or unsecured bail. The bail deviation program theoretically permits arrested  
3 individuals or their representatives to advocate for a reduction or elimination of the required cash  
4 bail payment. But, on information and belief, the bail deviation program is often unknown to  
5 arrested individuals; in practice, the program is used by LASD and LAPD employees to *increase*  
6 bail amounts. In fact, on information and belief, LAPD maintains policies *encouraging* employees  
7 to seek bail *increases* through the bail deviation program.

8 91. Ultimately, LASD’s and LAPD’s enforcement of the bail schedule results in the  
9 automatic detention of those unable to pay for their release. The vast majority of people held under  
10 the bail schedule are held without any judicial inquiry into their ability to pay, any consideration  
11 of non-financial alternative conditions of release, any means of challenging the legality of their  
12 detention, or any meaningful opportunity to raise any of these issues to a judicial officer until they  
13 are brought to court for a hearing called an “arraignment.”

14 **4. Arrested individuals who cannot pay cash bail are unconstitutionally detained**  
15 **for days prior to arraignment.**

16 92. The majority of arrested individuals who cannot post the cash bail amount have no  
17 hope of release until they are brought before a judicial officer at arraignment. Arraignment  
18 typically does not occur until somewhere between two and five days after arrest.

19 93. On information and belief, arraignments are also frequently delayed because of the  
20 high frequency of “miss-outs”—persons not brought to court for any logistical reason, with LASD  
21 often asserting COVID as the ultimate cause. According to news reports, in recent months,  
22 arraignment delays have become longer and more frequent because approximately forty-percent of  
23 LASD buses, used to transport people from the jails to court, are broken down.<sup>15</sup> Indeed, public  
24 defenders and court staff recently reported a “big uptick” in the number of individuals who failed  
25 to attend their court dates due to a “miss-out.”<sup>16</sup>

26 <sup>15</sup> Emily Dugdale, *Nearly 40% Of LASD Jail Buses Are Out Of Service, And Some Incarcerated*  
27 *People Are Missing Court Dates*, LAist (Aug 23, 2022), available at  
28 <https://laist.com/news/criminal-justice/nearly-40-of-lasd-jail-buses-are-out-of-service-and-some-incarcerated-people-are-missing-court-dates>

<sup>16</sup> *Id.*

1 **C. The County’s Now-Abandoned Reforms to Its Cash-Based Jailing Policy**

2 94. Because of the COVID-19 pandemic, for two years cash bail was significantly  
3 restricted. This caused a significant decrease in the number of individuals detained pretrial.

4 95. In March 2020, several weeks after the State of California declared a state of  
5 emergency due to COVID-19’s rapid spread, the Executive Committee of the Los Angeles County  
6 Superior Court judges voted to set bail at \$0 for numerous misdemeanor and low-level felony  
7 offenses, while retaining full cash bail for other offenses the Executive Committee deemed more  
8 serious. The Executive Committed called this shift the Emergency Bail Schedule (EBS). The EBS  
9 was intended to increase pretrial release, thereby decreasing the spread of COVID-19. By April 1,  
10 the County jail pretrial population had dropped to 6,137 from 7,304 on January 2, 2020.

11 96. The Judicial Council of California soon passed a statewide EBS, which superseded  
12 the Los Angeles County one. And then when the statewide EBS was rescinded in June 2020, the  
13 County passed its own second and then third EBS; these policies continued to mandate release on  
14 \$0 bail for many offenses.

15 97. In June 2022, the Executive Committee voted to rescind the third EBS and revert to  
16 a fully cash bail system. Now that no EBS is in effect and Los Angeles County has reverted to a  
17 fully cash-based system, the pretrial population has increased towards pre-pandemic levels, and is  
18 currently at 6,672.

19 98. Independently of the EBS, LASD has for years implemented a policy of attempting  
20 to manage jail overcrowding by releasing people held on bail under a certain amount upon a  
21 promise to appear, deeming those people to have been “cite released” without payment. This  
22 policy does not impact individuals whose bail is set higher than that amount. And while it has  
23 resulted in the release of some arrested individuals without bail, it has not kept pretrial numbers  
24 from rising after the EBS was rescinded in July. Indeed, in legal filings submitted earlier this year,  
25 Defendants conceded that the rescission of the EBS has contributed to poor jail conditions and  
26 overcrowding.<sup>17</sup>

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<sup>17</sup> *Rutherford v. Block*, 75-cv-4111, Defendants’ Response to Plaintiffs’ Ex Parte Application for Temporary Restraining Order (C.D. Cal., Sep. 12, 2022, No. 337), at p. 1.

1 **D. Defendants’ Cash-Based Pre-Arrestment Detention System Harms Individuals Who**  
2 **Cannot Buy Their Freedom**

3 99. Defendants’ cash-based bail system unconstitutionally differentiates between those  
4 who can buy their release from confinement and those who cannot. This unconstitutional policy  
5 harms detained individuals, their families, and the public.

6 **1. Defendants’ cash-based detention system disrupts the lives of class members**  
7 **and their families.**

8 100. Making release contingent on money creates unnecessary pretrial detention that has  
9 profound consequences for individuals and their families. Pretrial detention causes people to lose  
10 their jobs, lose their housing and shelter, destabilizes family relationships, and jeopardizes the  
11 welfare of children. When detained, individuals suffer the jail conditions and violence described  
12 above, devastating their physical and mental health and, in some cases, leading them to die in jail.

13 101. Pretrial jailing damages the financial wellbeing of arrested people and their  
14 dependents. Researchers have found individuals detained in jail for just three days lose an average  
15 of \$29,000 over the course of their working-age life.<sup>18</sup>

16 **2. Defendants detain class members in unsanitary and overcrowded jails.**

17 102. Class members are or will be jailed in overcrowded and unsanitary conditions  
18 solely because they cannot access enough cash to secure their release.

19 103. Los Angeles County operates the largest and most costly jail system in the United  
20 States. As of Friday, November 11, Los Angeles County jails confined 6,672 people. Even under  
21 the County’s own rating system, all but one of the County’s jail facilities are overcrowded. And,  
22 according to the California Board of State and Community Corrections, the County jail system as  
23 a whole jails 38% more individuals than it is capable of containing.

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26 <sup>18</sup> Will Dobbie & Crystal Yang, *The Economic Costs of Pretrial Detention*, Brookings Papers on  
27 Economic Activity, BPEA Conference Draft at 2 (March 25, 2021), available at chrome-  
28 extension://efaidnbmnnnibpcajpcgclcfndmkaj/https://www.brookings.edu/wp-  
content/uploads/2021/03/BPEASP21\_Dobbie-Yang\_conf-draft.pdf

1           104. The County and the Sheriff have already conceded in federal court that the bail  
2 schedule contributes to unconstitutional levels of overcrowding and “lamentabl[e]” conditions.<sup>19</sup>  
3 Among other things, people with serious mental illness have been handcuffed for 99 hours.<sup>20</sup>

4           105. For years, the County has been aware of intolerable conditions in its overcrowded  
5 jails, but it has failed to adequately remedy them. There is a documented history and practice of  
6 physical and sexual abuse by jail guards, deaths and suicides in jail, and inadequate medical and  
7 mental health care. Under the bail schedule, individuals are subjected to these conditions solely  
8 because they cannot afford to escape them.

9           106. This state of affairs results in large part from Defendants’ use of the bail schedules.  
10 In 2009, in response to concerns within the County government about overcrowded jails, the Los  
11 Angeles County Chief Executive Office contracted with the Vera Institute of Justice to analyze the  
12 factors influencing the size and characteristics of the County jail population.<sup>21</sup> In 2011, Vera  
13 presented its findings to the County CEO. One key finding is that “most detention decisions are  
14 not based on an informed assessment of whether an individual poses a danger to society or is  
15 likely to return to court. Instead, the decision is based on whether the arrestee has enough money  
16 to meet bail.”<sup>22</sup> The same remains true under the bail schedules in place today.

17           **3. Class members suffer harms at every stage of their encounter with the**  
18           **criminal justice system.**

19           107. Defendants’ use of the bail schedule does not just harm Class members via physical  
20 detention. It also disadvantages class members in their criminal cases.

21           108. People arrested and held in LAPD or LASD custody are not appointed counsel until  
22 arraignment. People who cannot afford cash bail usually cannot afford an attorney, and so they are  
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24

25 <sup>19</sup> *Rutherford v. Villanueva*, 75-cv-4111, Defendants’ Response to Plaintiffs’ Ex Parte Application  
for Temporary Restraining Order (Doc. 337, Sept. 12, 2022), at 1.

26 <sup>20</sup> ACLU, “My Son Was Handcuffed for 99 Hours”: Abuse in the LA County Jail System,  
27 <https://www.youtube.com/watch?v=X7RsqNqVWYM>

28 <sup>21</sup> Vera Institute of Justice, Los Angeles County Jail Overcrowding Reduction Project Final Report  
i (September 2011).

<sup>22</sup> *Id.* at x

1 stuck both without the ability to pay for their own release and without counsel as they sit in  
2 custody.

3 109. People detained pretrial are often under tremendous pressure to plead guilty in  
4 order to receive a plea bargain or sentence providing quick release. Decades of empirical research  
5 have proven that—controlling for other factors, such as charges and criminal history—people  
6 detained pretrial are more likely to suffer convictions, sentences of incarceration, and longer  
7 sentences than people who are released. This means that two identically situated people, one of  
8 whom is detained pretrial and one of whom is released pretrial, often have different case outcomes  
9 because of the fact of detention alone. Just a few days of pretrial jailing lead to these life-altering  
10 outcomes: in one recent study of 20,000 individuals, those released on the day of arrest had a  
11 3.99% chance of incarceration, compared with 14.7% for those detained for 1-5 days.<sup>23</sup> Class  
12 members suffer these adverse outcomes solely because of their inability to pay money bail.

13 110. When an arrested individual unable to purchase release is finally brought to their  
14 first court appearance for arraignment, *Humphrey* requires a review of whether secured financial  
15 conditions of release are necessary. That review involves a variety of factors, including the  
16 individual’s ability to pay money bail, the likelihood that the individual will appear at trial, and the  
17 adequacy of release conditions that will not result in detention. In practice, however, the bail  
18 schedule is often applied mechanically. Scholars opine that because, in many cases in California,  
19 “the main factor determining the bail amount set appear[s] to be the county bail schedule,” the  
20 County’s pre-arraignment bail schedule policy often has the effect of determining the judge’s later  
21 bail order in the case.”<sup>24</sup> Because of Defendants’ policies, thousands of individuals—despite being  
22 presumed innocent of the offenses for which they have been accused—have been, are, or will be  
23 detained awaiting trial solely because they cannot make a cash payment to secure release.

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26 <sup>23</sup> Johnson, B.D. & Larroulet, P. (2019). *The “distance traveled”*: Investigating the downstream  
27 consequences of charge reductions for disparities in incarceration. *Justice Quarterly* 36(7), 1229-  
1257.

28 <sup>24</sup> Christine S. Scott-Hayward & Sarah Ottone, *Punishing Poverty*, Essay, *Stanford Law Review*  
(April 2018), available at <https://www.stanfordlawreview.org/online/punishing-poverty/>

1           **4. Defendants’ policies harm the community at large.**

2           111. Pretrial detention is so destabilizing that it leads to *increased* crime. When  
3 compared to individuals released within 24 hours of arrest, low-risk individuals held for two to  
4 three days after arrest are more likely to be arrested for another crime within two years. Compared  
5 to similarly situated individuals released pretrial with the same charges, backgrounds, and  
6 demographics, people jailed pretrial are more likely to be arrested in the future than people who  
7 are released pretrial.

8           112. Compounding this harm are the unusually high bail amounts in Los Angeles  
9 County. The median secured money bail amount in California (\$50,000) is more than five times  
10 the median amount in the rest of the country (\$10,000).<sup>25</sup> In 2008, only 3% of arrested individuals  
11 released pretrial were able to pay their full money bail amount.<sup>26</sup> An additional 18% were only  
12 able to secure money bail through a “surety bond”—paying a high dollar, nonrefundable fee to a  
13 bail bondsman.<sup>27</sup> This fee can be up to 10% of the amount on the bail schedule, which is not  
14 returned to the arrested person regardless of whether they are convicted or even charged, and even  
15 if they do not miss a single court appearance.

16 **E. The Bail Schedule Is Not the Least Restrictive Means to Secure Court Attendance or**  
17 **Ensure Public Safety and Serves No Compelling Government Interest At All**

18           113. People arrested for an alleged crime have a fundamental right to pretrial bodily  
19 liberty that cannot be infringed solely because they cannot make a monetary payment. They also  
20 have an equal protection and due process right to be free from what the California Supreme Court  
21 has termed “wealth-based detention.” Because Defendants’ use of an automatic bail schedule  
22 infringes on these fundamental rights, it is unconstitutional unless the government can prove that it  
23 is the least restrictive means to advance a compelling governmental interest.  
24  
25  
26

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27 <sup>25</sup> Public Policy Institute of California, *Pretrial Detention and Jail Capacity in California*, (2015).

28 <sup>26</sup> Vera Institute of Justice, *Los Angeles County Jail Overcrowding Reduction Project Final Report*, (September 2011).

<sup>27</sup> *Ibid.*

1           114. The government’s policy of jailing people pursuant to the bail schedule is not the  
2 least restrictive means to advance any compelling interest. In fact, it does not further any such goal  
3 at all.

4           115. The purposes of imposing conditions on pre-arraignment release are to reasonably  
5 assure a person’s appearance in court and to promote public safety. The current system of  
6 automatically requiring secured (up-front) money bail prior to arraignment does not serve either  
7 purpose. It simply discriminates against the poor.

8           116. The theory underlying secured money bail is that leaving money with the court, to  
9 be returned at the conclusion of the case, incentivizes appearance. But requiring a payment higher  
10 than a person can afford creates no incentive to appear in court following release—it simply takes  
11 the opportunity for release off the table altogether, undermining bail’s lawful purpose.

12           117. Many people released on bail pay a non-refundable fee to commercial bail bond  
13 companies. Even if they later appear in court (or if a case is never filed), no money is returned to  
14 them. There is therefore no significant incentive: the money paid to the company is irrelevant to  
15 ensuring appearance.

16           118. In practice, then, posting secured money bail does not incentivize *anyone* to ensure  
17 the person’s appearance. Yet it results in pretrial jailing and deepens the poverty of the County’s  
18 most vulnerable residents.

19           119. Government officials have acknowledged that secured money bail does not increase  
20 public safety. Under California law, a person who posts money bail does not forfeit that bail if  
21 they are arrested for a new crime.<sup>28</sup> Posting cash bail therefore provides limited incentives against  
22 engaging in criminal activity in the period following arrest. As a federal judge has explained, “the  
23 bail the person posts does nothing to incentivize him not to commit crimes.”<sup>29</sup> The California  
24 Court of Appeal has likewise concluded, “[m]oney bail . . . has no logical connection to  
25

26 \_\_\_\_\_  
27 <sup>28</sup> Pen. Code § 1305.

28 <sup>29</sup> *Reem v. Hennessy*, 17-cv-6628-CRB (U.S. Dist., N.D. Ca.l., Dec. 21, 2017, 2017 WL 6539760  
at \*3.



1 protection of the public.”<sup>30</sup> And the California Attorney General has agreed: “the amount of any  
2 money bail . . . bears no rational relationship to protecting public safety.”<sup>31</sup>

3 120. Unsurprisingly, the empirical evidence shows no relationship between requiring  
4 secured money bail as a condition of release and individuals’ rates of appearance in court or re-  
5 arrest on bond.<sup>32</sup>

6 121. The empirical evidence from other U.S. jurisdictions shows that using non-  
7 financial alternative conditions of release leads to significantly higher rates of court appearance  
8 and significantly lower rates of new criminal activity than release on secured financial conditions.  
9 These practices include the use of unsecured bonds (which do not require up-front payment);  
10 simple phone and text message court date reminders; and rides to court for those without  
11 transportation or a stable address. For instance, empirical evidence shows that an unsecured  
12 bond—in which the person signs a bond agreeing to forfeit the amount promised if the person fails  
13 to appear—is just as effective or *more* effective in securing court appearance as secured financial  
14 conditions of release.<sup>33</sup>

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17 <sup>30</sup> *In re Humphrey*, 19 Cal.App.5th 1006, 1029 (2018), *aff’d*, *In re Humphrey*, 11 Cal.5th 135  
18 (2021) (“Money bail, however, has no logical connection to protection of the public, as bail is not  
19 forfeited upon commission of additional crimes. Money bail will protect the public only as an  
20 incidental effect of the defendant being detained due to his or her inability to pay, and this effect  
21 will not consistently serve a protective purpose, as a wealthy defendant will be released despite his  
or her dangerousness while an indigent defendant who poses minimal risk of harm to others will  
be jailed.”)

22 <sup>31</sup> Amicus Curiae Brief of Attorney General Xavier Becerra, 2018 WL 4941980 at \*15, *In re*  
*Humphrey*, 11 Cal.5th 135 (2021)(“[T]he Attorney General agrees with the parties that the amount  
23 of any money bail currently bears no rational relationship to protecting public safety.”).

24 <sup>32</sup> Arpit Gupta, Christopher Hansman, & Ethan Frenchman, *The Heavy Costs of High Bail:*  
*Evidence from Judge Randomization* (May 2, 2016) at p. 5, available at  
25 <http://www.columbia.edu/~cjh2182/GuptaHansmanFrenchman.pdf> [“We find no evidence that  
money bail increases the probability of appearance.”]; Wheeler & Fry, Report #1, *supra* note 11,  
at p. 4.

26 <sup>33</sup> Michael R. Jones, *Unsecured Bonds: The As Effective and Most Efficient Pretrial Release*  
*System*, Pretrial Justice Institute (2013) available at chrome-  
27 extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.nmcourts.gov/wp-  
content/uploads/2020/11/Unsecured\_Bonds\_The\_As\_Effective\_and\_Most\_Efficient\_Pretrial\_Rel  
28 ease\_Option\_Jones\_2013.pdf



1 detention scheme. These questions predominate over any questions that affect only individual  
2 members of the class. These common legal and factual questions include, but are not limited to,  
3 the following:

- 4 a. Do Defendants have a policy and practice of requiring individuals to pay  
5 predetermined secured amounts of money for post-arrest release before any  
6 hearing before a judicial officer?
- 7 b. Do Defendants have a policy and practice of immediately releasing arrested  
8 individuals who can access enough cash to pay the amount on the bail  
9 schedule?
- 10 c. Do Defendants detain, for any amount of time, arrested individuals solely  
11 because they cannot pay the predetermined monetary amount on the bail  
12 schedule?
- 13 d. Do the equal protection and due process guarantees of the California  
14 Constitution prohibit Defendants from jailing arrested individuals solely  
15 because they cannot pay cash bail?
- 16 e. Do the equal protection and due process guarantees of the California  
17 Constitution prohibit Defendants from automatically imposing financial  
18 conditions on release post-arrest—without any inquiry into and findings  
19 concerning ability to pay and without any consideration of non-financial  
20 alternatives?

21 130. **Typicality:** The Individual Plaintiffs' claims are typical of the claims of the Class  
22 members because, *inter alia*, all Class members have been confined in jail because they could not  
23 afford the County's predetermined price of release. The Individual Plaintiffs' claims are typical of  
24 the Class's claims because their claims arise from the same policies, practices, and courses of  
25 conduct and rely on the same legal theories. If an Individual Plaintiff proves that Defendants'  
26 policies and practices concerning cash-based post-arrest detention violate their constitutional  
27 rights, that ruling will likewise benefit every other Class member.

1           131.    **Adequacy:** The Individual Plaintiffs will fairly and adequately protect the interests  
2 of the members of the Class because their interests are entirely aligned with the interests of the  
3 other Class members. The Individual Plaintiffs have retained counsel experienced in litigating  
4 complex matters in state court, and who have experience in and extensive knowledge of the  
5 relevant constitutional and statutory law. The Individual Plaintiffs intend to prosecute this action  
6 vigorously. The Individual Plaintiffs have no antagonistic or adverse interest to those of the Class.  
7 There are no known conflicts of interest among Class members, all of whom have a similar  
8 interest in vindicating their constitutional rights in the face of Defendants’ pay-for-freedom  
9 system.

10           132.    **Superiority:** A class action is superior to other available means for the fair and  
11 efficient adjudication of the claims of the Class and it would be beneficial for the parties and the  
12 Court. Class action treatment will allow the simultaneous and efficient prosecution of Class  
13 members’ common claims in a single forum. Prosecutions of individual actions are likely to be  
14 economically impractical for individual members of the Class. In addition, prosecuting this action  
15 as a class will alleviate the burden of multiple lawsuits that would otherwise face the Court and the  
16 parties. Moreover, class litigation prevents the potential for inconsistent or contradictory  
17 judgments raised by individual litigation.

18           133.    **C.C.P. § 382:** The proposed Class meets all of the requirements of Code of Civil  
19 Procedure Section 382. There is a readily ascertainable class comprised of individual who have  
20 been incarcerated in Defendants’ jails solely because of their inability to pay bail. Defendants have  
21 acted on grounds generally applicable to the Class through their policy and practice of enforcing  
22 their cash-based detention scheme, such that common questions of law and fact predominate over  
23 questions affecting individual Class members. The Individual Plaintiffs, all of whom were  
24 detained because they could not afford their release, have claims typical of the Class and can  
25 adequately represent the Class. Declaratory and injunctive relief would apply in the same manner  
26 to every Class member. Further, class action treatment is superior to individual litigation, and will  
27 benefit the Court and the parties by streamlining litigation and permitting Class members, who  
28

1 may otherwise lack the means to bring individual claims, to obtain relief. Thus, class certification  
2 is appropriate and necessary.

3 **CLAIMS FOR RELIEF**

4 **Count One: Defendants Violate Plaintiffs' Rights under the California Constitution by**  
5 **Jailing Them Because They Cannot Pay the Monetary Amount Required by the Bail**  
6 **Schedule**

7 *The Individual Plaintiffs and Class Against All Defendants*

8 (Cal. Const. art. I, § 7; art. IV, § 16; C.C.P. §§ 526, 527, 1060)

9 134. The Individual Plaintiffs incorporate by reference the allegations in paragraphs 1 to  
10 133.

11 135. The California Constitution's guarantees of due process (art. I, § 7(a)), equal  
12 protection of the laws (art. I, § 7(a)), privileges and immunities on the same terms to all citizens  
13 (art. I, § 7(b)), and uniformity in the operation of laws (art. IV, § 16) each prohibit jailing a person  
14 solely because of their inability to make a monetary payment. Defendants violate the rights of the  
15 Individual Plaintiffs and Class under the California Constitution by enforcing against them a  
16 system of cash-based detention that keeps them in jail solely because they cannot pay an arbitrary  
17 amount set by a predetermined written policy.

18 136. The Individual Plaintiffs and Class are entitled to declaratory and injunctive relief.

19 **Count Two: Defendants' Unconstitutional Cash-Based Detention Policy Is an Illegal**  
20 **Expenditure and Waste of Public Funds**

21 *The Taxpayer Plaintiffs Against All Defendants*

22 (U.S. Const. amend. XIV, § 1; Cal. Const. art. I, § 7; Cal. Const. art. IV, § 16; C.C.P. § 526a)

23 137. The Taxpayer Plaintiffs incorporate by reference the allegations in paragraphs 1  
24 through 136.

25 138. The Taxpayer Plaintiffs reside in the City and County of Los Angeles. The  
26 Taxpayer Plaintiffs have been assessed to pay taxes such as sales and other taxes in the City of  
27 Los Angeles and in Los Angeles County, and have paid taxes to the City and County of Los  
28 Angeles in the year preceding the filing of this action.

1           139. Defendants’ policy of jailing individuals who cannot pay the monetary amount  
2 required by the bail schedule is illegal under the due process and equal protection guarantees of  
3 the United States and California Constitutions. By devising and implementing the bail schedule  
4 and jailing those who cannot pay as it requires, Defendants are engaged in an illegal expenditure  
5 and waste of, and cause of injury to, public funds and property.

6           140. The Taxpayer Plaintiffs have an interest in enjoining the unlawful expenditure of  
7 tax and other government funds. Pursuant to California Code of Civil Procedure § 526a and this  
8 Court’s equitable power, the Taxpayer Plaintiffs seek injunctive relief to prevent continued harm  
9 and to protect Plaintiffs and the public from Defendants’ unlawful policies and practices as alleged  
10 herein.

11           **Count Three: Mandamus on Behalf of the Individual Plaintiffs and Class – The Court**  
12           **Should Compel Defendants to Perform Their Statutory Duties in Compliance with the**  
13           **California Constitution**

14           *The Individual Plaintiffs and Class Against All Defendants*

15           **(Cal. Const. art. I, § 7; Cal. Const. art. IV, § 16; C.C.P. § 1085)**

16           141. Plaintiffs incorporate by reference the allegations in paragraphs 1 through 140.

17           142. Defendants have a duty to obey the California Constitution, including its  
18 guarantees of due process and equal protection. They violate this duty when they promulgate and  
19 enforce a bail schedule imposing secured financial conditions and jail those who cannot pay as it  
20 requires.

21           143. Defendant County of Los Angeles has a clear, mandatory duty “to prepare, adopt,  
22 and annually revise a uniform countywide schedule of bail,” through its superior court judges,  
23 under Penal Code § 1269b(c), and a corollary duty to *not* perform the duty in violation of law. The  
24 County has promulgated a bail schedule imposing secured money bail as a condition of release, in  
25 violation of the California Constitution.

26           144. Defendants Sheriff Villanueva, LASD, City of Los Angeles, LAPD, and Chief  
27 Moore have a clear, mandatory statutory duty to keep in their custody those who are unable to  
28 satisfy the requirements of the bail schedule and are not otherwise eligible for release, (*see* Pen.  
Code §§ 849, 1269b(a)-(b),) and a corollary duty to *not* perform the duty in violation of law.

1 Because the County’s bail schedule unconstitutionally imposes secured money bail as a condition  
2 of release, these Defendants’ discharge of their statutory duty violates individuals’ constitutional  
3 rights.

4 145. The Individual Plaintiffs and Class are beneficially interested in Respondents’  
5 compliance with this duty. They also have public interest and citizen standing because this lawsuit  
6 involves a question of public right and seeks to enforce public duties.

7 146. Defendants’ failure to obey the California Constitution and to execute their  
8 statutory duty in compliance with it must be remedied. Petitioners have no plain, speedy, and  
9 adequate remedy in the ordinary course of law.

10 147. In light of Defendants’ constitutional and statutory duties, the Individual Plaintiffs  
11 and Class are entitled to a peremptory writ of mandate prohibiting Defendant County from  
12 promulgating a bail schedule that imposes secured money bail and prohibiting all other  
13 Defendants from jailing individuals who cannot pay as it requires.

14 **Count Four: Mandamus on Behalf of the Taxpayer Plaintiffs – The Court Should Compel**  
15 **Defendants to Perform Their Duty to Follow the United States and California Constitutions**

16 *The Taxpayer Plaintiffs Against All Defendants*

17 **(U.S. Const. amend. XIV, § 1; Cal. Const. art. I, § 7; Cal. Const. art. IV, § 16; C.C.P. § 1085)**

18 148. Plaintiffs incorporate by reference the allegations in paragraphs 1 through 147.

19 149. Defendants have the duty to obey both the United States and California  
20 Constitutions, including their guarantees of due process and equal protection. They violate this  
21 duty when they promulgate a bail schedule imposing secured financial conditions and jail those  
22 who cannot pay as it requires.

23 150. Defendant County of Los Angeles has a clear, mandatory duty “to prepare, adopt,  
24 and annually revise a uniform countywide schedule of bail,” through its superior court judges,  
25 under Penal Code § 1269b(c), and a corollary duty to *not* perform the duty in violation of law. The  
26 County has promulgated a bail schedule imposing secured money bail as a condition of release, in  
27 violation of the California Constitution.  
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1 c. A preliminary injunction, on behalf of the Taxpayer Plaintiffs, preventing the use  
2 of taxpayer dollars to fund the enforcement of the bail schedule and the expenditure of forfeited  
3 bail funds collected pursuant to the practice of holding individuals who cannot afford to pay cash  
4 bail as a condition of pre-arraignment release.

5 d. A writ of mandate and permanent injunction prohibiting Defendant County from  
6 promulgating a bail schedule that imposes secured money bail and prohibiting all other  
7 Defendants from jailing individuals who cannot pay as it requires;

8 f. An award to Plaintiffs for their expenses, costs, fees, and other disbursements  
9 associated with the filing and maintenance of this action, including reasonable attorneys' fees and  
10 costs pursuant to California Code of Civil Procedure section 1021.5 and any other applicable  
11 provision of law; and

12 g. Any other relief in equity or law that the Court determines is just and proper.

13 h. Petitioner also demands a jury trial on any issues so triable.

14  
15 DATED: November 14, 2022

Respectfully Submitted,

MUNGER, TOLLES & OLSON  
HADSELL STORMER RENICK & DAI LLP  
SCHONBRUN SEPLOW HARRIS HOFFMAN & ZELDES  
CIVIL RIGHTS CORPS  
PUBLIC JUSTICE

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21 By:   
22 BRAD D. BRIAN  
Attorneys for Plaintiffs

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19 \*Pro Hac Vice applications forthcoming

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**VERIFICATION**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I have read the foregoing Petition and Complaint and know its contents. I am the Executive Director of Clergy and Laity United for Economic Justice (“CLUE”), a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on Nov. 13, 2022 at Los Angeles,  
California.



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Jennifer Gutierrez

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**VERIFICATION**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I have read the foregoing Petition and Complaint and know its contents. I am a party to this action, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on Nov. 13, 2022 at Los Angeles,  
California.



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Jennifer Gutierrez

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**VERIFICATION**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I have read the foregoing Petition and Complaint and know its contents. I am a party to this action, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 13, 2022 at Los Angeles,  
California.



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Aryeh Cohen

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VERIFICATION

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I have read the foregoing Petition and Complaint and know its contents. I am a party to this action, and I make this verification for that reason. I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 13, 2022 at Los Angeles,  
California.

Gary B. Williams  
Gary Williams

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**VERIFICATION**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I have read the foregoing Petition and Complaint and know its contents. I am an attorney of record for Plaintiffs in this action. As explained in the accompanying Declaration of Leslie A. Bailey Regarding Individual Jailed Plaintiffs, the jailed plaintiffs in this matter were unable to verify the complaint. For this reason, an attorney declaration is an appropriate substitute pursuant to California Code of Civil Procedure Section 446(a). I am informed and believe and on that ground allege that the matters stated in the foregoing document are true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 13, 2022 at Los Angeles,  
California.



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Tiana S. Baheri