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18 *Attorneys for Plaintiffs*

19 **Pro Hac Vice applications forthcoming*

20
21 SUPERIOR COURT OF THE STATE OF CALIFORNIA
22 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

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

27 Plaintiffs,

28 vs.

Case No.

22STCPO4044

DECLARATION OF MEREDITH
GALLEN

FILED
Superior Court of California
County of Los Angeles

NOV 14 2022

Sherril R. Carter, Executive Officer/Clerk of Court
By C. Grijalva Deputy
Cristina Grijalva

11/14/2022

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City of Los Angeles, Los Angeles County, Los Angeles County Sherriff's Department, Sheriff Alex Villanueva, Los Angeles Police Department, and Chief Michel R. Moore,

Defendants.

11/14/2022

1 afford. However, our advocacy is severely limited by the circumstances surrounding
2 arraignment.

3
4 7. Arraignments generally occur in high-volume courts. In those courts, there is a
5 tremendous amount of pressure to make sure that all cases are heard quickly. There is no
6 real remedy for a delayed arraignment. Clients whose cases are not heard on the date of
7 their scheduled arraignment will remain in custody until the next court day.

8
9 Consequently, public defenders work hard to ensure that all cases scheduled for
10 arraignment on a particular date are heard on that date to avoid having a client who would
11 otherwise be released remain in jail simply because there was not enough time to call
12 their case. In addition to the high volume of cases handled in arraignment court, this
13 creates pressure to move quickly.

14
15 8. Arraignment interviews take place under difficult physical conditions. Public defenders
16 are often compelled to speak to clients while they are confined in crowded holding tanks
17 alongside many other people in custody. We try to have important conversations about a
18 client's background, current health conditions, charges, and constitutional rights but must
19 do so by shouting in-between bars or through glass. At the time of arraignment our
20 clients are often hungry and dehydrated, struggling because they have not been provided
21 with prescribed medications, or experiencing symptoms of withdrawal. They may also
22 be handcuffed. Public defenders' ability to gather the information that would assist in
23 making a fulsome bail argument is limited by these conditions.

24
25 9. A bail argument is only as strong as the information we can garner to support it. Clients
26 in custody do not have access to their property or their cells phone. The only phone
27 numbers they can provide for loved ones, employers, social workers, case managers, etc.
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1 are the numbers they have memorized. They are unable to access any documentation of
2 employment, mental health conditions, program participation, etc.

3
4 10. When it is time for us to make a bail argument in a case at arraignment, we endeavor to
5 provide as much information as possible to demonstrate that a client is not a danger to
6 public safety and will return to future court dates. This is a hard task because of the
7 issues outlined above – the high volume of cases, the conditions in which arraignments
8 occur, and the lack of access to vital information that could impact the case.

9
10 11. When a case is called for arraignment, a client is typically held in a glass or metal holding
11 cell within the courtroom itself, typically with many other people who are incarcerated.

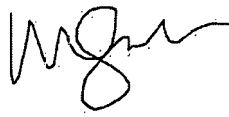
12 12. Bench officers at arraignment often ask us for specific documentation to support our
13 arguments (e.g., proof of employment, documentation of enrollment in a substance abuse
14 program, letters of support) or other information that is not readily available given the
15 constraints described in paragraphs 7-9. It is common, in those scenarios, for judges to
16 indicate that if they had more information or documentation, they may consider releasing
17 a client without bail or with a nominal bail amount but are unwilling to do in the moment
18 of initial arraignment. It is routine for the bench officers to then cite the nature of
19 charges, reference the bail schedule, and set a cash bail amount for the case.
20

21 13. When cash bail is set at arraignment in a case, many clients who had hoped to fight their
22 charges decide to enter a change in plea from “guilty” to “no contest” and accept offers
23 that will allow them to be released from custody on the date of arraignment. In so doing,
24 they abandon the pursuit of viable defenses and their constitutional rights because
25 ongoing incarceration is too great a risk to their well-being.
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1 14. In my experience, the bail amount set at arraignment profoundly impacts the way in
2 which future bench officers assess issues related to bail in a case. Bench officers who
3 hear a case post-arraignment often indicate that they believe there must have been a clear
4 reason to justify the imposition of a certain bail amount at the time of arraignment. It
5 often requires a tremendous amount of work to induce a post-arraignment bench officer
6 to consider deviating from the bail decision made by the arraignment judge.
7

8 15. Because the bail schedule influences the arraignment judge's determination of bail, and
9 the arraignment judge's decision impacts any bench officer's subsequent assessment of
10 the case, in practice the bail schedule has a significant effect on whether a person will be
11 held in custody for the duration of their case.
12

13
14 I declare under penalty of perjury under the laws of the State of California that the foregoing is
15 true and correct. Executed November 11, 2022 in Los Angeles, California.
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Meredith Gallen
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