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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF RIVERSIDE**

Oscar Melendres Sandoval, Mathew Wholf,  
Violet Graham, Michael Jensen, and Robert  
Chismar on behalf of themselves and all others  
similarly situated, and Rabbi David Lazar and  
Reverend Jane Quandt, individually,

Plaintiffs,

vs.

Riverside County, Riverside County Sheriff's  
Office, Sheriff Chad Bianco, and Riverside  
County Superior Court,

Defendants.

Case No. CVRI2052556

**FIRST AMENDED VERIFIED CLASS  
ACTION COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE  
RELIEF AND PETITION FOR WRIT OF  
MANDATE**

- (1) **Unconstitutional Jailing (Jailed Plaintiffs & Cash Bail Class v. All Defendants)**
- (2) **Taxpayer Claim (Cal. Code Civ. P. § 526a): Unconstitutional Jailing (Clergy Plaintiffs v. All Defendants)**
- (3) **Writ of Mandate (Cal. Code Civ. P. § 1085): Unconstitutional Jailing**

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(Jailed Plaintiffs & Cash Bail Class v. County Defendants)

- (4) Writ of Mandate (Cal. Code Civ. P. § 1085): Unconstitutional Jailing (Clergy Plaintiffs v. County Defendants)
- (5) Prolonged Detention Without Arraignment (Jailed Plaintiffs & Prolonged Detention Class v. All Defendants)
- (6) Taxpayer Claim (Cal. Code Civ. P. § 526a): Prolonged Detention Without Arraignment (Clergy Plaintiffs v. All Defendants)
- (7) Writ of Mandate (Cal. Code Civ. P. § 1085): Prolonged Detention Without Arraignment (Jailed Plaintiffs, Prolonged Detention Class & Clergy Plaintiffs v. County Defendants)
- (8) Prolonged Detention Without Bail Hearing (Jailed Plaintiffs and Prolonged Detention Class v. All Defendants)
- (9) Taxpayer Claim (Cal. Code Civ. P. § 526a): Prolonged Detention Without Bail Hearing (Clergy Plaintiffs v. All Defendants)
- (10) Writ of Mandate (Cal. Code Civ. P. § 1085): Prolonged Detention Without Bail Hearing (Jailed Plaintiffs and Prolonged Detention Class v. County Defendants)
- (11) Writ of Mandate (Cal. Code Civ. P. § 1085): Prolonged Detention Without Bail Hearing (Clergy Plaintiffs v. County Defendants)

**JURY TRIAL DEMANDED**

**INTRODUCTION**

1. The California Supreme Court has squarely held that “[c]onditioning [pretrial] detention on the arrestee’s financial resources, without ever assessing whether a defendant can meet those conditions or whether the state’s interests could be met by less restrictive alternatives,”

1 is unconstitutional. *In re Humphrey*, 11 Cal. 5th 135, 156 (2021). Yet, every day, Riverside  
2 County imprisons people based on nothing more than their inability to pay an arbitrary, pre-set  
3 amount of cash that Defendants demand for their release. These individuals have not been  
4 convicted of any crimes, are presumed innocent, and are not yet represented by counsel. The dollar  
5 amount required to purchase their freedom is determined by a chart called a “bail schedule” or by  
6 magistrates who impose money bail on arrest warrants based on allegations of arresting officers. If  
7 individuals cannot pay the required bail amount, they remain in jail until their first court hearing,  
8 as many as six days later. These individuals are not detained because they are too dangerous to  
9 release: the government would release them right away if they could pay. They are detained  
10 simply because they are too poor to purchase their freedom.

11       2.       This lawsuit challenges all cash-based jailing of people between their arrest and  
12 their first court hearing in Riverside County. It also challenges the unnecessary delay of that  
13 hearing: people should not have to suffer confinement in a jail cell for up to six days simply  
14 because government officials do not bother to take them to court, where a judge will determine for  
15 the first time whether their detention is even necessary. Courts have repeatedly held that policies  
16 just like Riverside County’s are patently illegal. Indeed, every state and federal court in California  
17 to have considered a cash-based jailing policy like the one in Riverside County—in Los Angeles  
18 (2023), Sacramento (2022), and San Francisco (2019)—has found it to be unconstitutional.<sup>1</sup>

19       3.       Every person detained after their arrest in Riverside County is presumed innocent,  
20 yet suffers significant harm from being jailed under Defendants’ unconstitutional policies. While  
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22       <sup>1</sup> See, e.g., *Urquidi v. City of Los Angeles*, No. 22STCP04044, 2023 WL 10677687, at \*23  
23 (Cal. Super., L.A. Cnty. May 16, 2023) (granting preliminary injunction enjoining enforcement of  
24 pre-arraignment cash bail schedule, with certain exceptions, because its enforcement constitutes “a  
25 clear, pervasive, and serious constitutional violation”); *Welchen v. Bonta*, 630 F. Supp. 3d 1290,  
26 1312 (E.D. Cal. 2022) (granting plaintiffs’ motion for partial summary judgment because “the use  
27 of the bail schedule in Sacramento County is unconstitutional”); *Buffin v. City and County of San*  
28 *Francisco*, No. 15-cv-0459, 2019 WL 1017537, at \*23 (N.D. Cal. Mar. 4, 2019) (granting  
plaintiffs’ motion for summary judgment because “[t]he Bail Schedule . . . bears *no* relation to the  
government’s interests in enhancing public safety and ensuring court appearance. It merely  
provides a ‘Get Out of Jail’ card for anyone with sufficient means to afford it.”) (emphasis in  
original).

1 in jail, these individuals are separated from their children, parents, and other family members.  
2 They cannot pay their bills, go to work or school, access medical treatment for their acute physical  
3 and mental health needs, care for dependent loved ones and pets, or sleep in their own beds. Being  
4 jailed for even short periods of time may cause them to lose their vehicle, their job, their housing,  
5 or custody of their children.

6 4. Individuals jailed in Riverside County are subject to especially acute dangers, as  
7 they are confined in crowded jails under life-threatening conditions. From 2020 through 2023,  
8 more people were killed in Riverside County's jails than in those of any other large California  
9 jurisdiction.<sup>2</sup> The death rate among people jailed in Riverside County was the second highest in  
10 the nation during this period.<sup>3</sup> The jails are so dangerous that the California Attorney General has  
11 opened an investigation into the Riverside Sheriff's Office.<sup>4</sup> The plaintiffs in this case and others  
12 like them are subjected to these life-threatening conditions unconstitutionally.

13 5. Cash bail has long been shown to serve no purpose. In fact, a wealth of scientific  
14 literature confirms that conditioning individuals' freedom on their access to cash does nothing to  
15 assure future appearance at court or protect the community.<sup>5</sup> To the contrary, cash-based jailing  
16 actually *increases* future crime.<sup>6</sup> The social science unequivocally supports minimizing pretrial  
17 jailing and basing detention decisions on flight risk and danger, not on a person's access to cash.

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18 <sup>2</sup> Christopher Damien, *In California Jails, a Rash of Homicide and Negligence*, N.Y.  
19 TIMES (Apr. 23, 2025), [https://www.nytimes.com/2025/04/23/us/riverside-county-jails-](https://www.nytimes.com/2025/04/23/us/riverside-county-jails-homicides.html)  
20 [homicides.html](https://www.nytimes.com/2025/04/23/us/riverside-county-jails-homicides.html).

21 <sup>3</sup> Id.

22 <sup>4</sup> Press Release, Cal. Dep't of Just., *Attorney General Rob Bonta Launches Civil Rights*  
23 *Investigation into Riverside County Sheriff's Office* (Feb. 23, 2023), [https://oag.ca.gov/news/press-](https://oag.ca.gov/news/press-releases/attorney-general-bonta-launches-civil-rights-investigation-riverside-county)  
24 [releases/attorney-general-bonta-launches-civil-rights-investigation-riverside-county](https://oag.ca.gov/news/press-releases/attorney-general-bonta-launches-civil-rights-investigation-riverside-county).

25 <sup>5</sup> See, e.g., Aurélie Ouss and Megan Stevenson, *Does cash bail deter misconduct?*, 15(3)  
26 Am. Econ. J.: Applied Econ. 150–182 (2023), <https://aouss.github.io/NCB.pdf>.

27 <sup>6</sup> Social scientists have shown that just a few days of pretrial jailing in a low-level case  
28 increase a person's likelihood of committing a felony in the next 18 months by 32%, even after  
controlling for hundreds of variables. Paul Heaton et al., *The Downstream Consequences of*  
*Misdemeanor Pretrial Detention*, 69 STAN. L. REV. 711, 767 (2017); see also Will Dobbie et al.,  
*The Effects of Pretrial Detention on Conviction, Future Crime, and Employment: Evidence from*  
*Randomly Assigned Judges*, 108(2) Am. Econ. Review 201–240

1           6.       The law requires all pretrial jailing to be carefully limited to what is necessary. Yet,  
2 pre-arraignment jailing in Riverside County is both arbitrary and unjustifiably prolonged.

3           7.       In Riverside County, most individuals<sup>7</sup> who are arrested and jailed without a  
4 warrant are detained until their first hearing, called “arraignment,” unless they can pay the amount  
5 of money listed on a chart called a “bail schedule.”<sup>8</sup> The Riverside County Superior Court creates  
6 the bail schedule, which assigns monetary amounts based on the offense(s) alleged by the arresting  
7 agency. The amounts listed on the bail schedule do not vary based on an arrested individual’s  
8 ability to pay, flight risk, or likelihood of posing a danger if released.

9           8.       Similarly, people in Riverside County arrested on a warrant are jailed unless they  
10 can pay whatever amount the magistrate who issued the arrest warrant requires. Magistrates do not  
11 hold any hearing or consider an individual’s ability to pay before selecting the money bail amount  
12 on a warrant. Typically, they impose money bail amounts that match the bail schedule, although  
13 they also may set different amounts or deny bail altogether.

14           9.       While any period of cash-based pre-arraignment detention is unconstitutional,  
15 Defendants commit a separate constitutional violation by unlawfully prolonging pre-arraignment  
16 jailing for *all* arrested individuals, both those who are jailed for failure to pay cash bail and those  
17 jailed without bail entirely. Individuals who have been arrested in Riverside County are  
18 systematically denied their constitutional right to a prompt hearing in court: they are routinely  
19 jailed without a hearing for up to five days, and in some cases up to six days. Many of the people  
20 Defendants jail will never be charged with a crime at all because, once a prosecutor reviews the

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23 (2018), <https://doi.org/10.1257/aer.20161503>; Arpit Gupta et al., *The Heavy Costs of High Bail: Evidence from Judge Randomization*, 45(2) J. Legal Stud. 471-505 (2016),  
24 [https://chansman.github.io/GHF\\_Bail.pdf](https://chansman.github.io/GHF_Bail.pdf).

25           <sup>7</sup> For a small minority of warrantless arrests (specifically, arrests for capital murder or  
26 repeat shoplifting, petty theft, or hard drug possession), individuals are instead jailed without bail  
in Riverside County. All other offenses, from receiving stolen property to homicide, have a price  
for release.

27           <sup>8</sup> Although the Riverside County Superior Court revises its bail schedule each year, the  
28 term “bail schedule” refers generally to any bail schedule for Riverside County that uses secured  
money bail for any offense category.

1 alleged facts in anticipation of the hearing, they will determine there is no basis to move forward  
2 with a case. Others will be released at the hearing once a judge reviews the case, hears argument  
3 from attorneys, and considers the arrested person’s individual circumstances. Individuals who are  
4 perfectly safe to release—and who *will be* released once a prosecutor or judge reviews their  
5 case—unnecessarily languish in jail for days awaiting their first court date.

6       10.     In *In re Humphrey*, 11 Cal. 5th 135, the California Supreme Court held that courts  
7 must consider a person’s ability to pay money bail and the availability of less restrictive  
8 alternatives before ordering pretrial detention. The arraignment, which includes a bail hearing, is  
9 an arrested individual’s first chance for a hearing in court at which they have counsel, they have a  
10 right to be heard, their financial and life circumstances considered, and all other requirements of *In*  
11 *re Humphrey* are observed. The cash-based jailing challenged in this lawsuit occurs before an  
12 individual is brought to court and given the opportunity for a constitutionally compliant bail  
13 hearing (hereinafter the “pre-arraignment” period).

14       11.     Plaintiffs/Petitioners Oscar Melendres Sandoval and Mathew Wholf are individuals  
15 who were arrested and remain jailed because they are unable to pay the amount Defendants  
16 demand for their pre-arraignment liberty and who have languished in jail without a prompt  
17 hearing. No judge or magistrate has considered these individuals’ ability to pay the price of  
18 release. If they could afford to pay, they would have been freed days ago. But because they cannot  
19 access enough cash to pay for their release, they likely will remain in jail until they are finally  
20 brought to court on Thursday, May 29, five days after the arrest of Mr. Wholf, and three days after  
21 the arrest of Mr. Melendres Sandoval. Neither has been to court, attended a hearing, or been  
22 assigned a lawyer to represent them in criminal court.<sup>9</sup> As detailed below, Plaintiffs/Petitioners  
23 Michael Lee Jensen and Robert Warner Chismar suffered identical harm. And Violet Graham  
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25       <sup>9</sup> The allegations regarding Plaintiff Melendres Sandoval and Wholf accurately reflect their  
26 factual circumstances as of May 28, 2025, the date Plaintiffs filed this action. At their first court  
27 hearings on Thursday, May 29, Plaintiff Sandoval was charged with shoplifting (Penal Code  
28 section 459.5) and released on misdemeanor diversion, and Plaintiff Wholf was charged with  
attempted robbery (Penal Code sections 664, 211) and possession of drug paraphernalia (Health  
and Safety Code section 11364) and released on his own recognizance.

1 suffered the very same experience before being released without any criminal charge at all. This  
2 Complaint will collectively refer to Plaintiffs Sadoval, Wholf, Graham, Jensen, and Chismar as the  
3 “Jailed Plaintiffs.”

4 12. The Jailed Plaintiffs seek to represent a class of people who, like them, are or will  
5 be jailed pre-arraignment because they have not paid cash to secure their release, as well as a class  
6 of all people jailed before arraignment who are systematically denied their right to a prompt  
7 hearing under Defendants’ policies. As class representatives, the Jailed Plaintiffs ask this Court for  
8 classwide relief for similarly situated class members who are or will be subjected to such  
9 unconstitutional detention.

10 13. Plaintiffs/Petitioners Rabbi David Lazar and Reverend Jane Quandt (the “Clergy  
11 Plaintiffs”) are faith leaders in Riverside County who view unconstitutional confinement,  
12 including of people jailed simply because they cannot make a cash payment, as unconscionable.  
13 They are filing a taxpayer claim under Code of Civil Procedure § 526a for injunctive and  
14 declaratory relief, as well as a mandamus claim under Code of Civil Procedure § 1085,<sup>10</sup> to  
15 prevent the above-mentioned violations of law.

16 14. As set forth below, Plaintiffs bring this suit seeking declaratory, injunctive, and  
17 writ relief that puts an end to pre-arraignment cash-based detention and unlawfully prolonged pre-  
18 arraignment jailing in Riverside County.

19 **PARTIES**

20 15. Plaintiff Oscar Melendres Sandoval is currently detained in Riverside County prior  
21 to his arraignment. *See* Exhibit A (Declaration of Oscar Melendres Sandoval). He brings this  
22 lawsuit on behalf of himself and two classes of similarly situated people: those who are or will be  
23 jailed between arrest and arraignment because they have not paid secured money bail, and another  
24 class of those who are or will be jailed before arraignment.<sup>11</sup> Plaintiff Melendres Sandoval has a  
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26 <sup>10</sup> Unless otherwise noted, all statutory references herein are to the California Code.

27 <sup>11</sup> These classes include people jailed by Defendants who never end up receiving an  
28 arraignment because, once a prosecutor reviews the alleged facts in anticipation of arraignment,  
they decline to move forward with any case.

1 direct beneficial interest in Defendants' performance of their legal duties alleged in this Petition  
2 and Complaint in that he is currently incarcerated based upon his nonpayment of cash bail and his  
3 pre-arraignment detention has been and will be unconstitutionally prolonged. Plaintiff Melendres  
4 Sandoval also has a beneficial interest as a citizen because this lawsuit involves questions of  
5 public rights and seeks to enforce public duties.

6 16. Plaintiff Mathew Wholf is currently detained in Riverside County prior to his  
7 arraignment. *See* Exhibit B (Declaration of Mathew Wholf). He brings this lawsuit on behalf of  
8 himself and two classes of similarly situated people: those who are or will be jailed between arrest  
9 and arraignment because they have not paid secured money bail, and another class of those who  
10 are or will be jailed before arraignment. Plaintiff Wholf has a direct beneficial interest in  
11 Defendants' performance of their legal duties alleged in this Petition and Complaint in that he is  
12 currently incarcerated based upon his nonpayment of cash bail and his pre-arraignment detention  
13 has and will be unconstitutionally prolonged. Plaintiff Wholf also has a beneficial interest as a  
14 citizen because this lawsuit involves questions of public rights and seeks to enforce public duties.

15 17. Plaintiff Violet Graham was detained in Riverside County prior to their  
16 arraignment. *See* Exhibit C (Declaration of Violet Graham). They bring this lawsuit on behalf of  
17 themselves and two classes of similarly situated people: those who are or will be jailed between  
18 arrest and arraignment because they have not paid secured money bail, and another class of those  
19 who are or will be jailed before arraignment. Plaintiff Graham has a direct beneficial interest in  
20 Defendants' performance of their legal duties alleged in this Petition and Complaint in that they  
21 were incarcerated based upon their nonpayment of cash bail and their detention was thus  
22 unconstitutionally prolonged. Plaintiff Graham also has a beneficial interest as a citizen because  
23 this lawsuit involves questions of public rights and seeks to enforce public duties.

24 18. Plaintiff Michael Jensen was detained in Riverside County prior to his arraignment.  
25 *See* Exhibit D (Declaration of Michael Jensen). He brings this lawsuit on behalf of himself and  
26 two classes of similarly situated people: those who are or will be jailed between arrest and  
27 arraignment because they have not paid secured money bail, and another class of those who are or  
28 will be jailed before arraignment. Plaintiff Jensen has a direct beneficial interest in Defendants'



1 performance of their legal duties alleged in this Petition and Complaint in that he was incarcerated  
2 based upon his nonpayment of cash bail and his detention was thus unconstitutionally prolonged.  
3 Plaintiff Jensen also has a beneficial interest as a citizen because this lawsuit involves questions of  
4 public rights and seeks to enforce public duties.

5 19. Plaintiff Robert Chismar was detained in Riverside County prior to his  
6 arraignment. *See* Exhibit E (Declaration of Robert Chismar). He brings this lawsuit on behalf of  
7 himself and two classes of similarly situated people: those who are or will be jailed between arrest  
8 and arraignment because they have not paid secured money bail, and another class of those who  
9 are or will be jailed before arraignment. Plaintiff Chismar has a direct beneficial interest in  
10 Defendants' performance of their legal duties alleged in this Petition and Complaint in that he was  
11 incarcerated based upon his nonpayment of cash bail and his detention was thus unconstitutionally  
12 prolonged. Plaintiff Chismar also has a beneficial interest as a citizen because this lawsuit involves  
13 questions of public rights and seeks to enforce public duties.

14 20. Plaintiff Rabbi David Lazar is the spiritual leader of Congregation Or Hamidbar in  
15 Palms Springs. Rabbi Lazar is a taxpaying resident of Riverside County within the meaning of  
16 Code of Civil Procedure section 526a because, within one year of the filing of this action, he has  
17 paid taxes that fund Defendants. Rabbi Lazar lives and works in Riverside County. Rabbi Lazar  
18 brings this lawsuit as a taxpayer with the goal of protecting Plaintiffs and the public by ending  
19 Defendants' illegal and wasteful expenditure of public funds on unconstitutional cash-based  
20 jailing and their harmful practice of routinely delaying arraignments and initial bail hearings, all of  
21 which results in unnecessary and unconstitutional jailing. Rabbi Lazar further brings this lawsuit  
22 as a citizen seeking a writ of mandate that puts an end to these unlawful practices.

23 21. Plaintiff Reverend Jane Quandt served for 17 years as the Senior Minister of First  
24 Congregational Church in Riverside. Reverend Quandt is a taxpaying resident of Riverside County  
25 within the meaning of Code of Civil Procedure section 526a because, within one year of the filing  
26 of this action, she has paid taxes that fund Defendants. Reverend Quandt lives and owns property  
27 in Riverside County. Reverend Quandt brings this lawsuit as a taxpayer with the goal of protecting  
28 Plaintiffs and the public by ending Defendants' illegal and wasteful expenditure of public funds on

1 unconstitutional cash-based jailing and their harmful practice of routinely delaying arraignments  
2 and initial bail hearings, all of which results in unnecessary and unconstitutional jailing. Reverend  
3 Quandt further brings this lawsuit as a citizen seeking a writ of mandate that puts an end to these  
4 unlawful practices.

5         22. Defendant Chad Bianco (“Sheriff”) is the elected Sheriff of Riverside County. He  
6 is responsible for formulating, executing, and administering the laws, customs, and practices that  
7 comprise the post-arrest release and detention policy of the Riverside Sheriff’s Office. Defendant  
8 Bianco has charge of the county jails and the people confined in them. *See* Gov. Code § 26605.  
9 Defendant Bianco is responsible for presenting individuals in his custody to a judicial officer for  
10 prompt arraignments and bail hearings. Defendant Bianco is sued in his official capacity.

11         23. Defendant Riverside County Sheriff’s Office (“RSO”) operates the County’s jails.  
12 At its facilities, RSO jails individuals who are unable to pay the amount dictated by the bail  
13 schedule or an arrest warrant. RSO also jails some people without bail prior to their arraignment.  
14 RSO officers and employees are authorized to accept money bail, issue and sign pre-arraignment  
15 release orders when secured money bail is paid, and set a time for each individual’s initial  
16 appearance in Riverside Superior Court. RSO, by policy and practice, detains people who are  
17 arrested, who are not released on a citation or on their own recognizance, and who cannot pay any  
18 secured money bail amount prescribed by the bail schedule or an arrest warrant.<sup>12</sup> RSO is  
19 responsible for bringing jailed individuals to court for their arraignments and initial bail hearings.

20         24. RSO is aware of who is in Riverside County’s jails, the basis for each individual’s  
21 detention, whether any individual is subject to any detainers or otherwise ineligible for pretrial  
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23         <sup>12</sup> This Complaint uses the term “secured” money bail to refer to money bail that is  
24 “require[d]...to be posted with the court on the defendant’s behalf prior to pretrial release . . . .”  
25 By contrast, “unsecured” money bail does not need to be paid up front for release; instead, release  
26 is conditioned on a promise to pay the monetary amount if the person does not appear as required.  
27 *See* Michael R. Jones, *Unsecured Bonds: The As Effective and Most Efficient Pretrial Release*  
28 *System*, Pretrial Justice Institute (2013) , at 7,  
<https://staging.azcourts.gov/Portals/0/74/TFFAIR/UnsecuredBondsTheAsEffectiveandMostEfficientPretrialReleaseOption.pdf>. At present, Defendants in this case only use secured money bail.  
When the Complaint refers to “cash bail” or “money bail” without specifying whether it is secured  
or unsecured bail, it is referring to secured money bail.

1 release, and the amount of secured money bail each person must pay for immediate release. RSO  
2 therefore knows that the imposition of secured money bail results in systemic, cash-based  
3 detention, and that there are people confined every night who would be released but for their  
4 inability to pay a cash amount. RSO is likewise aware of how long individuals have been in its  
5 custody without any bail hearing or arraignment.

6 25. Defendant County of Riverside (“County”) is a local government entity organized  
7 and existing under the laws of the State of California. The County knowingly funds the operations  
8 of Defendants Sheriff and RSO, including their cash-based and unlawfully prolonged pre-  
9 arraignment jailing of class members. If the County did not fund the Sheriff’s and RSO’s  
10 constitutional violations, the Sheriff and RSO would be unable to carry them out.

11 26. This Complaint will collectively refer to Defendants Sheriff, RSO, and County as  
12 the “County Defendants.”

13 27. Defendant Riverside County Superior Court (the “Superior Court”) is a Superior  
14 Court of the State of California, in and for the County of Riverside. Defendant Superior Court, by  
15 and through its judicial officers, and/or other officers, officials and/or employees, agents,  
16 representative, and/or others acting on its behalf, has formulated, adopted, promulgated, and has  
17 been implementing and enforcing the Riverside County bail schedule. Its judicial officers also  
18 condition pre-arraignment liberty on the payment of secured money bail through arrest warrants.  
19 Defendant Superior Court schedules arraignments and bail hearings, routinely scheduling these  
20 hearings for two to three court days after an individual’s arrest. A court day is a day the Superior  
21 Court is open. Because the Superior Court is closed on all weekends and 14 days designated as  
22 court holidays, two court days can be anywhere from two to five actual days and three court days  
23 can be anywhere from three to six actual days, depending on whether the period of detention  
24 stretches over a weekend or court holiday.

### 25 **JURISDICTION AND VENUE**

26 28. The Court has jurisdiction over this matter pursuant to Code of Civil Procedure  
27 sections 526, 526a, 1060, and 1085.

1           29.     Venue in this Court is proper because the causes of action alleged in this complaint  
2 and petition occurred in the County of Riverside, where the parties are located.

3                                   **FACTUAL ALLEGATIONS**

4           **A.     The Jailed Plaintiffs Have Been Detained for Days Without a Hearing Because**  
5                   **They Cannot Pay Predetermined Amounts of Money**

6                   **1.     Plaintiff Oscar Melendres Sandoval**

7           30.     Plaintiff Oscar Melendres Sandoval is 18 years old. He is incarcerated because he  
8 cannot afford the preset \$5,000 money bail required by Riverside County's bail schedule. He was  
9 arrested on Monday, May 26. His court date is scheduled for Thursday, May 29. According to the  
10 jail, he was not arrested on a warrant.

11          31.     Mr. Melendres Sandoval lives in Hemet and works in construction. At just 18 years  
12 old, he recently became a foreman, a job that makes him proud. He works 12 hours a day, five  
13 days a week. His goal is to have his own construction company someday.

14          32.     Mr. Melendres Sandoval lives with his two younger siblings and his mother, who  
15 works full time at Carl's Jr. She works hard to provide for her children, and Mr. Melendres  
16 Sandoval worries about her. He does what he can to help, contributing to rent and groceries.  
17 Nonetheless, her debit card is sometimes declined at the grocery store. Mr. Melendres Sandoval  
18 ensures that he and his mother always earn enough to buy his younger siblings Christmas presents,  
19 even as he knows not to expect any himself.

20          33.     Mr. Melendres Sandoval's mother cannot afford to pay his \$5,000 money bail or  
21 pay a bail bond company to secure his release. He does not have anyone else to pay for his release  
22 either. That is why Mr. Melendres Sandoval remains in jail.

23          34.     Because he is incarcerated, Mr. Melendres Sandoval has missed work and lost the  
24 income he needs to support himself and his family. He also had an appointment at the DMV to  
25 take his driver's license test, which he will now miss.

26          35.     Mr. Melendres Sandoval cannot afford to pay his money bail. If Mr. Melendres  
27 Sandoval could pay to secure his release, he would.

1           36.     Nobody has asked Mr. Melendres Sandoval if he can afford to pay his money bail.  
2 Nor has anyone in the jail informed him of any way he can secure his pre-arraignment release  
3 besides paying. Mr. Melendres Sandoval has not seen or talked to a judge, and he has not been  
4 provided with or spoken to a public defender.

5           37.     Mr. Melendres Sandoval's declaration is attached as Exhibit A.

6                   **2.     Plaintiff Mathew Wholf**

7           38.     Plaintiff Mathew Wholf is incarcerated because he cannot afford the preset \$30,000  
8 money bail required by Riverside County's bail schedule. He was arrested on Saturday, May 24.  
9 His court date is scheduled for Thursday, May 29. According to the jail, he was not arrested on a  
10 warrant.

11          39.     Mr. Wholf is 35 years old. He lives in Riverside County. For the past several  
12 months, he has been homeless and living on the street. Before then, he had a job in construction.  
13 Since becoming homeless, it has been extremely difficult for him to find work. Besides  
14 government benefits, which he receives inconsistently, Mr. Wholf has no income. Aside from a  
15 car that is not running because he can't afford to get it fixed, he has no assets. He has no bank  
16 account and struggles to meet the basic necessities of life.

17          40.     Mr. Wholf cannot afford to post \$30,000 himself. Nor can he afford to pay a bail  
18 bond company to secure his release. He does not have any family members or friends who could  
19 afford to pay for his release.

20          41.     Mr. Wholf wants to get back on his feet for the sake of his 13-year-old daughter, of  
21 whom he has joint custody. He wants to improve his situation so he can better support his  
22 daughter.

23          42.     A church in downtown Riverside provides food, clothes, and blankets to  
24 individuals living on the streets once a week, on Sundays. This has been an invaluable lifeline for  
25 Mr. Wholf. Because of his present incarceration, he missed the opportunity to receive this critical  
26 assistance this past Sunday.

27          43.     If Mr. Wholf could afford to pay for his release, he would. Because he cannot, he  
28 remains incarcerated.

1           44.     Mr. Wholf has not seen or talked to a judge. Nor has he been provided or spoken to  
2 a public defender.

3           45.     Mr. Wholf's declaration is attached as Exhibit B.

4                   **3.       Plaintiff Violet Graham**

5           46.     Plaintiff Violet Graham is 44 years old. They were incarcerated for a period of  
6 approximately three days because they could not afford the preset money bail required by  
7 Riverside County's bail schedule. They were arrested on Tuesday, April 8, without a warrant.  
8 They were released on Friday, April 11, after the Riverside County District Attorney declined to  
9 file any criminal charges against them.

10          47.     Plaintiff Graham lives in Riverside County and works as an Independent Living  
11 Advocate at the Riverside Community Access Center, a nonprofit organization serving people  
12 with disabilities in the Inland Empire. They have had a paid position at the Center since June, but  
13 volunteered for many years before then. Plaintiff Graham loves their work and finds it rewarding  
14 to help people with disabilities who are facing challenges similar to their own.

15          48.     At the age of 20, Plaintiff Graham was hit by a truck as a pedestrian. Ever since,  
16 they have suffered from complex regional pain syndrome (CRPS). In 2011, Plaintiff Graham  
17 needed invasive spinal cord surgery. As a result of the surgery, Plaintiff Graham is an incomplete  
18 paraplegic who often uses a wheelchair for mobility. They rely on daily pain medications to  
19 manage their CRPS. Without these medications, the pain is so intense it feels like hot wire is  
20 cutting into their bone and their nerves are on fire. Plaintiff Graham also relies on daily medication  
21 to manage their blood pressure and has had to go to the emergency room for dangerously high  
22 blood pressure in the past. Plaintiff Graham also takes epilepsy medication twice daily to prevent  
23 seizures.

24          49.     Plaintiff Graham experienced childhood sexual abuse and other traumatic events  
25 when young, which led to PTSD, anxiety, depression, and at times suicidality. They need daily  
26 anti-depressants, which are essential to their ability to feel any hope.

27          50.     Being separated from their pain medications, and enduring the intolerable pain that  
28 results, also undermines Plaintiff Graham's psychological health.

1           51. Plaintiff Graham's new job at the Community Access Center is their first steady  
2 paying work they have had since their spinal cord operation in 2011. They studied computer  
3 science in college and had a 15-year career as a programmer, doing contract work for Microsoft  
4 and other companies and eventually becoming the managing engineer at a start-up, overseeing six  
5 employees in the engineering department. But in 2011, their incomplete paraplegia ended that  
6 career. For about 14 years preceding Plaintiff Graham's arrest, SSDI was their primary source of  
7 income.

8           52. On the morning of Tuesday, April 8, 2025, Plaintiff Graham was arrested. At the  
9 jail, they were told they were being booked for making criminal threats. They had never been  
10 arrested or otherwise accused of a crime before this incident.

11           53. They were released early the morning of Friday, April 11. They later learned this  
12 was because prosecutors declined to charge them with any crime.

13           54. Plaintiff Graham spent three days in jail, even though they were never charged with  
14 any crime, simply because they could not afford to pay their money bail. While they were in jail,  
15 they missed a badly needed medical appointment with a pain management specialist. Despite  
16 repeatedly advising jail staff of their prescribed medications, they were not provided with any. As  
17 a result, they were in overwhelming physical and psychological pain. They were also never given  
18 a wheelchair or walker while in jail. It was hard for them to move around, and they were  
19 constantly afraid that they would fall. Plaintiff Graham had a headache from their high blood  
20 pressure and was afraid it would rise to dangerous levels, and feared having seizures since they  
21 lacked their epilepsy medication and was under stress. Plaintiff Graham also caught a respiratory  
22 infection while confined. Their mental and physical health declined significantly, and within days  
23 of their release, they had to be hospitalized in a psychiatric facility. To this date, Plaintiff Graham  
24 struggles with night terrors and nightmares about being confined and jailed.

25           55. Plaintiff Graham was told their bail was approximately \$20,000. They could not  
26 afford anywhere close to that amount, or any lesser amount the bail bond companies would accept.  
27 Because they could not afford their bail, they remained in jail. If they could have paid to secure  
28 their release, they would have.

1           56.     Nobody asked Plaintiff Graham if they could afford to pay their money bail. Nor  
2 did anyone in the jail inform them of any other way they could secure their pre-arraignment  
3 release. During this period of incarceration, Plaintiff Graham did not see or talk to a judge, and  
4 they were not provided with a public defender.

5           57.     Plaintiff Graham was released with a document stating that the release reason was  
6 Penal Code section 825, with a box checked next to “Did not make last day arraignment”.

7           58.     Plaintiff Graham’s declaration is attached as Exhibit C.

8                   **4.     Plaintiff Michael Jensen**

9           59.     Plaintiff Michael Jensen is 68 years old and was incarcerated for almost three days  
10 because he could not afford the preset money bail required by Riverside County’s bail schedule.  
11 He was arrested on Monday, June 9, 2025 without a warrant and released on June 12, seven hours  
12 after his acceptance of a guilty plea at arraignment and sentence of time served with no probation.

13          60.     Mr. Jensen worked as a drywaller from his youth until his late 50s, when he had to  
14 undergo several brain surgeries and was also diagnosed with COPD. He was declared disabled at  
15 the time and received SSDI benefits.

16          61.     Mr. Jensen is now retired and lives in Palm Springs with his 88-year-old mother  
17 and 85-year-old uncle. They are both housebound and Mr. Jensen is their caregiver. He brings his  
18 uncle to weekly medical appointments, does all the shopping, and helps with basic household  
19 tasks like opening jars and water bottles. Mr. Jensen used to spend two months out of each year  
20 with his children and grandchildren in Washington State, but earlier this year he decided he can no  
21 longer do that because his mother and uncle need full-time care and there is no one else to do it.

22          62.     On June 9, Mr. Jensen was arrested and charged with a felony count of making  
23 criminal threats under Penal Code 422(a) and a misdemeanor count of resisting, delaying or  
24 obstructing an officer under Penal Code 148(a)(1). During the arrest, Mr. Jensen was thrown to the  
25 ground. After hitting the ground, he could not raise his shoulder and his ribs were in acute pain so  
26 he was taken to the hospital for x-rays. After several hours, he was cleared to be taken to jail.

27          63.     Mr. Jensen was first booked into jail Benoit Detention Center in Indio, and was told  
28 his bail was set at \$20,000. Mr. Jensen did not have the money needed to bail out and told the



1 deputies that at the time. But they said nothing about any process to lower his bail before  
2 arraignment or get released without paying. They didn't say anything else to him about bail at all.

3         64.     Mr. Jensen was still in acute pain at intake so he asked for Tylenol or Advil for the  
4 pain. In addition, he explained that he had eye drops in his pocket and needed to take them several  
5 times a day. Following his brain surgeries from 10 years ago, the tear duct in one of his eyes  
6 stopped working completely. If he doesn't take the drops when needed, he gets a terrible  
7 headache. The deputies took his eye drops and failed to arrange for him to later receive either pain  
8 medicine or eye drops.

9         65.     Mr. Jensen spent the night in a freezing holding cell with just a concrete bench. He  
10 was in acute pain on account of his injuries and the headache that came on when his eye dried out.

11         66.     In the morning, Mr. Jensen was shackled and bused an hour and a half down the  
12 road to Blythe Jail with a group of other people in custody. He spent a few more hours in a bare  
13 holding cell there but was given Tylenol and eye drops later in the day. He was also later taken to  
14 a cell with a blanket and mattress for the first time after his arrest. Mr. Jensen spent Tuesday and  
15 Wednesday waiting in Blythe jail before being brought back to Indio and finally taken to court on  
16 the afternoon of Thursday June 12. The most important thing to him was just getting back home as  
17 quickly as possible to take care of his mother and uncle.

18         67.     The prosecutor filed only the misdemeanor willful resisting, delaying, or  
19 obstructing charge—the felony charge was never filed. In court, Mr. Jensen pled guilty to the  
20 misdemeanor and was sentenced only to time served. It took RSO about seven hours to finally  
21 release him after he was brought back to the jail following court—he was finally released at  
22 around 10:00 p.m.

23         68.     During his time in the two jails, Mr. Jensen repeatedly told the deputies on duty  
24 that he needed to get to court and be released as soon as possible because he was the sole caretaker  
25 of his 88-year-old mother and 85-year-old uncle. But no one seemed to take that into account at  
26 all. He was very troubled by the lack of concern about his relatives and the general lack of  
27 information about what was happening for the duration of the time he was in custody.

28         69.     Mr. Jensen's declaration is attached as Exhibit D.

1                   **5.       Plaintiff Robert Chismar**

2           70.     Plaintiff Robert Chismar is 60 years old and was arrested in Los Angeles County  
3 on a Riverside County arrest warrant on June 10, 2025. He was transported to Riverside County  
4 on June 13, where he was jailed for four days before being brought to his arraignment in custody  
5 on June 17. He remained in custody that entire time because he could not afford to pay the preset  
6 amount of bail imposed by the arrest warrant.

7           71.     Mr. Chismar worked as an auto mechanic in Los Angeles for many years and had  
8 his own shop for about a decade before tragedy struck about 5 years ago. Within months, his wife  
9 died, the landlord of the home where he and his wife had lived for 27 years and raised their  
10 children refused to renew their lease and then sold the property, and he lost the long-term lease on  
11 his auto shop as well.

12          72.     These events were very destabilizing, and then in 2022 he got in a motorcycle  
13 accident that required multiple surgeries and made it impossible for him to work. He spent several  
14 years living with various family and friends and ultimately wound up living in his truck for several  
15 months.

16          73.     After a slow healing process, Mr. Chismar finally found a steady job as a mechanic  
17 in June 2025 in northern Los Angeles County. He was able to rent living space on the job site and  
18 moved in when he started work.

19          74.     While he was on a break on one of his first days at the new job, a Los Angeles  
20 County Sheriff's Deputy pulled him over, ran his information, and told him he had a 2019 warrant  
21 on a felony vandalism charge in Riverside County. The deputy called Riverside County and was  
22 told to execute the warrant, so Mr. Chismar was taken into custody that day, June 10. The deputy  
23 also ordered Mr. Chismar's truck to be impounded and it was taken to an impound lot just a few  
24 doors down from the shop where Mr. Chismar worked.

25          75.     After several days in jail in Los Angeles County, a prisoner van picked up Mr.  
26 Chismar and brought him in shackles to Robert Presley Detention Center in downtown Riverside.

27          76.     Mr. Chismar recently had a knee replacement surgery and a surgery on his foot,  
28 which makes it difficult for him to walk comfortably. After spending so much time in shackles

1 while transported, his ankles ached and he felt pain in every step. He asked the deputies in intake  
2 for cortisone and painkillers to help his ankles and feet, but they said they didn't have anything  
3 like that and did nothing to help him alleviate his pain.

4 77. Before being taken to court, Mr. Chismar was taken from Robert Presley Detention  
5 Center to another jail in Riverside County for a couple days and was then taken back to Robert  
6 Presley Detention Center before going to court. When Mr. Chismar was transported, deputies  
7 chained him at the front of the line of prisoners because he was very slow moving and they didn't  
8 want other prisoners in front of him to drag him along. But they never gave him any medication or  
9 any other assistance at all.

10 78. The entire time Mr. Chismar was in custody, he was worried sick about his two  
11 dogs. They are like a second pair of children to him, and he kept thinking of them alone all day  
12 long in his new place on the job site. He knew they'd be very unsettled because they'd been there  
13 only a few days after moving in, and then he was completely gone. His son came by to feed them  
14 but couldn't take them anywhere else, and Mr. Chismar knew they would be scared.

15 79. Mr. Chismar was also very worried about the possibility of losing his job and about  
16 getting his truck out of impound. Days before, he had felt like his life was finally stabilizing and  
17 now he worried that he would lose everything all over again.

18 80. Mr. Chismar's daughter called a bond company while he was in jail and found that  
19 his bond was \$10,000. Mr. Chismar couldn't pay anywhere near that amount and neither could his  
20 friends or family.

21 81. Mr. Chismar was brought to court on June 17. The judge in the case kept his bail at  
22 \$10,000 and he stayed in custody. But then three days after appearing in court, he was released  
23 from custody on account of a federal order that was in place to reduce overcrowding in the jail. He  
24 didn't have to pay any bail to be released from jail—he still couldn't. The deputies just let him go.

25 82. After Mr. Chismar's release, he went to the impound lot and learned it would take  
26 about \$2,000 to get his truck out of impound, money he did not have. His truck had tremendous  
27 value to him, both because of many fond memories in it with his wife and children and also  
28 because it had been his home for months when he had nowhere else to go and it was reliable.

1 Because the fees escalated so high while he was jailed, he was unable to pay the fees, and his truck  
2 was sold from the impound lot.

3 83. Several days after Mr. Chismar was released, he returned to court and accepted a  
4 plea for a sentence of time served, probation, and restitution. He agreed to those terms because  
5 without his own transportation, he had to pay for an Uber and a train and a night at a hotel to make  
6 sure he was in court on time. And he worried about having to miss more work to go to court in the  
7 future. Given the expense, he decided he needed to get the case over with as soon as possible.

8 84. Mr. Chismar's declaration is attached as Exhibit E.

9 **B. Defendants Operate a System of Cash-Based Pre-Arrest Detention**

10 85. Each year, Defendants confine many hundreds of individuals in jails solely because  
11 they cannot pay money bail that has been set without any hearing evaluating the level of risk they  
12 present or their ability to pay.

13 86. People arrested by RSO and other law enforcement agencies in Riverside County  
14 who are not released with a citation at the time of arrest or released immediately after booking are  
15 confined in one of five jails run by RSO.

16 87. Defendants jail people for failing to pay cash bail in one of two ways. First, for  
17 warrantless arrests, the Riverside County Superior Court maintains a secured money bail schedule  
18 directing law enforcement to jail class members who haven't paid the required sums  
19 corresponding to their arrest charges. Second, for warranted arrests, magistrates issue arrest  
20 warrants with secured money bail amounts commanding law enforcement to jail individuals who  
21 do not pay the amount listed on the warrant. Magistrates typically impose money bail equal to the  
22 amount provided in the bail schedule. Both practices result in cash-based pre-arrest jailing.  
23 Both are unconstitutional.

24 **1. Riverside County's Cash-Based Pre-Arrest Bail Schedule**

25 88. In Riverside County, the secured money bail provisions in the bail schedule do not  
26 consider a person's financial circumstances, likelihood of appearing in court, level of  
27 dangerousness to the community, family or community ties, employment or other commitments,  
28 or any other factor. Instead, they determine pre-arrest liberty based on access to cash.

1                                   a.       *The statutory scheme governing bail for warrantless arrests*

2           89.     In Riverside County, the “uniform countywide schedule of bail” sets bail at certain  
3 amounts based on the charge for which an individual is arrested pursuant to a warrantless arrest.  
4 Penal Code § 1269b(b). State law mandates that “the superior court judges in each county . . .  
5 prepare, adopt, and annually revise” a bail schedule. Penal Code § 1269b(c), (e).

6           90.     State law further mandates that, if a person arrested without a warrant has not yet  
7 “appeared before a judge of the court,” “the amount of bail shall be [set] pursuant to the uniform  
8 countywide schedule of bail[.]” Penal Code § 1269b(b).<sup>13</sup> “[A]n officer of a sheriff’s department  
9 or police department of a city who is in charge of a jail . . . may approve and accept bail in the  
10 amount fixed by the . . . schedule of bail . . . to issue and sign an order for the release of the  
11 arrested person[.]” Penal Code § 1269b(a). Some individuals arrested for misdemeanors are  
12 eligible to be released on citations instead. Penal Code § 853.6.

13           91.     For a small subset of cases, state law imposes additional limits on pre-arraignment  
14 release absent some form of judicial review. For example, individuals arrested for possessing a  
15 “hard drug” within the meaning of Health & Safety Code section 11395(e) who have two prior  
16 drug-related offenses may not be released on any terms without “judicial review.” Health and  
17 Safety Code § 11395(f). The same is true of individuals arrested for petty theft or shoplifting who  
18 have two prior convictions related to theft or burglary. Penal Code § 666.1(c).

19           92.     For other offenses, primarily those classified as serious and/or violent felonies, a  
20 person may not be released “on bail in an amount that is either more or less than the amount  
21 contained in the schedule of bail” until they receive “a hearing . . . in open court before the  
22 magistrate or judge,” except that a magistrate may “increase bail to an amount exceeding that set  
23 forth in the bail schedule without a hearing[.]” Penal Code § 1270.1(a), (e).

24           93.     These statutes nowhere require secured rather than unsecured money bail.  
25 Likewise, these statutes nowhere require the bail amounts on the schedule to be more than zero

26 \_\_\_\_\_  
27           <sup>13</sup> As discussed below, magistrates are authorized to modify pre-arraignment money bail  
28 amounts under Penal Code section 1269c, with exceptions. These modifications are primarily to  
increase money bail amounts in response to requests from law enforcement.

1 dollars. These statutes therefore permit the Riverside Superior Court to promulgate a money bail  
2 schedule that does not impose cash-based detention on any person, no matter the booking charge,  
3 whether by using unsecured bail, zero-dollar bail, or a combination thereof in lieu of secured  
4 money bail. As such, a court could comply with both the Penal Code, on the one hand, and the  
5 federal and state Constitutions, on the other, by creating a uniform countywide bail schedule that  
6 prescribes zero-dollar bail amounts and unsecured bail in lieu of secured money bail.<sup>14</sup> Such a bail  
7 schedule would eliminate unconstitutional cash-based detention.

8         94. For example, the Los Angeles County Superior Court's bail schedule eliminates  
9 cash-based detention in significant part.<sup>15</sup> For warrantless arrests on most non-violent charges,  
10 individuals in LA County are given a court date and simply released after arrest, without any cash-  
11 based jailing.

12         95. Because the applicable statutes do not require unconstitutional cash-based  
13 detention, Plaintiffs do not challenge any statute. Rather, Plaintiffs challenge the Superior Court's  
14 unconstitutional bail schedule and the County Defendants' unconstitutional enforcement of it.  
15 However, any statute that required secured money bail prior to arraignment would be  
16 unconstitutional. In the alternative, if the Court interpreted any statute to require pre-arraignment  
17 secured money bail, Plaintiffs would also challenge these statutes as unconstitutional through this  
18 Complaint.

19         96. Whatever the statutes require the Riverside Superior Court to do when  
20 promulgating the bail schedule, the County Defendants are bound by statute to follow the bail  
21 schedule. The County Defendants violate the Constitution to the extent that they enforce  
22 unconstitutional secured money bail as required by the bail schedule.

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25         <sup>14</sup> See Jones, *supra*, n.10 (concluding unsecured bonds are as effective as secured bonds at  
achieving both public safety and court appearance).

26         <sup>15</sup> Los Angeles County's bail schedule does not impose cash-based detention, except as to  
27 charges covered by Penal Code sections 1270.1 or sentencing enhancements (primarily serious  
and/or violent felonies). See <https://www.lacourt.org/division/criminal/CR0033.aspx> (last visited  
28 May 23, 2025).

1                                   b.       *Defendants’ adoption and use of a cash-based schedule*

2           97.     Prior to 2020, the countywide bail schedule in Riverside County imposed secured  
3 money bail for all or almost all misdemeanor and felony offenses.

4           98.     After the onset of the COVID-19 pandemic, the Judicial Council and the Superior  
5 Court significantly reduced the use of pre-arraignment cash bail. On March 27, 2020, the Superior  
6 Court issued a “Temporary Emergency Felony and Misdemeanor Bail Schedule.” On April 6,  
7 2020, the Judicial Council superseded this schedule with its own statewide “Emergency Bail  
8 Schedule.” The statewide schedule was rescinded in June 2020. The Superior Court thereafter  
9 passed its own emergency bail schedules that mandated release on zero-dollar bail for many  
10 offenses. By June 2021, the Court reverted to a cash-based schedule for almost all offenses.

11           99.     The current bail schedule was adopted on December 20, 2024, and took effect  
12 February 7, 2025. It requires secured money bail for almost all felonies and misdemeanors.<sup>16</sup>

13           100.    Plaintiffs challenge the constitutionality of Defendants’ use of secured money bail  
14 under the current bail schedule and under any other future bail schedules whereby Defendants  
15 detain arrested individuals based on whether they have paid cash bail prior to arraignment.

16                                   c.       *Riverside’s inadequate system of magistrate review*

17           101.    For most offenses, if a defendant is arrested without a warrant, Riverside County  
18 Superior Court magistrates are permitted by statute to impose pre-arraignment bail in amounts  
19 different than the amounts on the bail schedule. Penal Code § 1269c. Law enforcement is  
20 authorized to seek increases in bail, and the magistrate is authorized to set bail in an amount the  
21 magistrate “deems sufficient” to ensure the arrested individual’s appearance in court and the safety  
22 of others. *Id.*

23           102.    In modifying bail at the request of law enforcement, magistrates impose pre-  
24 arraignment secured money bail without any hearing at all, let alone an adversarial bail hearing in  
25 open court that complies with *In re Humphrey*, 11 Cal. 5th 135. Magistrates making these

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27           <sup>16</sup> See Superior Court of California, County of Riverside, Felony and Misdemeanor Bail  
28 Schedule, <https://www.riverside.courts.ca.gov/system/files/general/bailschedule.pdf> (last visited  
May 23, 2025).

1 decisions do not know how much secured money bail an arrested individual is able to pay, do not  
2 render any finding that pretrial detention is necessary on the record of a hearing in court, and do  
3 not issue any written explanation of their decisions.

4 103. In addition, magistrates modify and issue pre-arraignment secured money bail  
5 orders without giving the arrested individual the opportunity to be heard, without taking evidence,  
6 and without the input of counsel. Most arrested individuals are indigent but are not appointed  
7 counsel until arraignment.

8 104. Once a magistrate issues an unconstitutional pre-arraignment secured money bail  
9 order pursuant to Penal Code section 1269c, the RSO and the Sheriff are bound by statute to  
10 follow that order.

11 105. Magistrates have statutory authority to reduce bail amounts or release individuals  
12 on their own recognizance when the arrest charges do not fall under Penal Code section 1270.1.<sup>17</sup>  
13 Penal Code § 1269c. Defendants Sheriff and RSO are required to “assist the arrested person or the  
14 arrested person’s attorney in contacting the magistrate on call as soon as possible for the purpose  
15 of obtaining release on bail.” Penal Code § 810.

16 106. In practice, however, Defendant Superior Court’s bail schedule and Defendant  
17 RSO’s policy manuals refer only to the possibility of requests by law enforcement to increase  
18 scheduled money bail. The Superior Court publishes a form for law enforcement to request an  
19 increase in pre-arraignment money bail, but no form for any person to request a reduction in pre-  
20 arraignment money bail or own-recognizance release. None of these documents mention either the  
21 possibility of pre-arraignment bail reductions or own-recognizance release orders or the jailers’  
22 duty to facilitate such requests. And when RSO deputies who work in the jails are asked whether  
23 there is any way to reduce a person’s money bail before their court date, they say no.

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24  
25  
26  
27 <sup>17</sup> When the arrest charges are covered by Penal Code section 1270.1(a) (serious or violent  
28 felonies), the magistrate may only increase the scheduled bail amount.



1                               **2.     Riverside County Magistrates' Issuance of Arrest Warrants That**  
2                               **Impose Cash-Based Jailing**

3               107.   Magistrates in Defendant Superior Court condition pre-arraignment liberty on the  
4 payment of cash bail by imposing secured money bail amounts on arrest warrants. This is  
5 unconstitutional.

6               108.   Magistrates issue arrest warrants in response to declarations of probable cause by  
7 law enforcement. Penal Code § 817. Magistrates also issue arrest warrants when a criminal  
8 complaint has been filed before the individual charged has been arrested. Penal Code §§ 813,  
9 1427. Magistrates impose bail conditions on these warrants. Penal Code §§ 815a, 817(f).

10              109.   These arrest warrants are not bench warrants issued after an individual's failure to  
11 appear in a pending case. Penal Code § 978.5. Plaintiffs do not challenge any aspect of bench  
12 warrants in this Complaint.

13              110.   Magistrates impose pre-arraignment secured money bail on arrest warrants without  
14 any hearing at all, let alone a bail hearing in open court that complies with *In re Humphrey*, 11  
15 Cal. 5th 135. They issue warrants without giving the arrested individual the opportunity to be  
16 heard, without taking evidence, and without the input of counsel, who will not be appointed until  
17 arraignment for the large majority of arrested individuals who are indigent. Magistrates making  
18 these decisions do not know how much secured money bail an arrested individual is able to pay,  
19 and they do not render any finding that pretrial detention is necessary on the record at a hearing in  
20 court or issue any minutes explaining their decisions. In fact, because they do not know the  
21 person's ability to pay, they do not even know whether the warrant will cause the person's  
22 detention.

23              111.   In Riverside County, magistrates typically simply impose secured money bail in the  
24 amount listed on the Superior Court's bail schedule.

25              112.   No statute requires secured rather than unsecured money bail on arrest warrants.  
26 Likewise, no statute requires the bail amounts on warrants to be non-zero. Therefore, the  
27 applicable statutes permit Riverside Superior Court magistrates to issue arrest warrants that do not  
28

1 impose cash-based detention on any person, no matter the charge, whether by using unsecured  
2 bail, zero-dollar bail, or a combination thereof in lieu of secured money bail.

3       113. Because the applicable statutes do not require arrest warrants that  
4 unconstitutionally condition liberty on the payment of cash bail, Plaintiffs do not challenge any  
5 statute. Rather, Plaintiffs challenge the Court's ongoing practice of issuing arrest warrants with  
6 secured money bail amounts. However, any statute that required secured money bail prior to  
7 arraignment would be unconstitutional. In the alternative, if the Court interpreted any statute to  
8 require pre-arraignment secured money bail, Plaintiffs would also challenge these statutes as  
9 unconstitutional through this Complaint.

10       114. The RSO and the Sheriff enforce the pre-arraignment bail conditions imposed on  
11 arrest warrants. Penal Code § 1269b(a), (b). Once a magistrate issues an unconstitutional pre-  
12 arraignment secured money bail order pursuant to Penal Code section 815a, the RSO and the  
13 Sheriff are bound by statute to follow that order.

14                   **3. People Who Can Pay Their Secured Money Bail in Full or Purchase a**  
15                   **Bail Bond Are Quickly Released, While People Who Cannot Pay Are**  
                      **Jailed Until Arraignment**

16       115. However a pre-arraignment cash bail amount is determined, RSO promptly releases  
17 arrested individuals if they pay that cash bail. Otherwise, they remain in an RSO-run jail until they  
18 are taken to the Superior Court for arraignment.

19       116. The arrested person may go free by either paying the cash bail themselves or  
20 paying a non-refundable fee to a commercial bail bond company to pay the cash bail for them.  
21 This fee is usually significant, often amounting to 10% of the cash bail amount. People who can  
22 get sufficient cash to pay that fee before their arraignment obtain prompt release. Those who  
23 cannot pay that fee remain detained in jail until arraignment.

24       117. Thus, if the arrested person subjected to secured money bail is able to pay it,  
25 whether by paying the money bail themselves or using a bond company, they can go free. But if  
26 an individual cannot afford to pay the preset money bail, it is the policy and practice of Defendants  
27 to continue to jail that person.

1           **C.     Pre-Arrestment Secured Money Bail Is Not the Least Restrictive Means to**  
2           **Secure Court Attendance or Ensure Public Safety and Serves No Compelling**  
3           **Government Interest at All**

4           118.   People arrested for an alleged crime have a fundamental right to pretrial bodily  
5           liberty that cannot be infringed solely because they cannot make a monetary payment. They also  
6           have an equal protection and due process right to be free from what the California Supreme Court  
7           has termed “wealth-based detention.” Because Defendants’ use of pre-arrestment secured money  
8           bail infringes on the right to pretrial liberty and the right against wealth-based detention, it is  
9           unconstitutional unless the government can prove that secured money bail is the least restrictive  
10          means to advance a compelling governmental interest.

11          119.   The government’s policy of conditioning arrestees’ pre-arrestment liberty on the  
12          payment of secured money bail is not the least restrictive means to advance any compelling  
13          interest. In fact, it does not further any government interest at all.

14          120.   The purposes of imposing conditions on pre-arrestment release are to reasonably  
15          assure a person’s appearance in court and to promote public safety. The current system of  
16          automatically requiring secured money bail prior to arrestment serves neither purpose. It just  
17          discriminates against the poor.

18          121.   The theory underlying secured money bail is that leaving money with the court, to  
19          be returned at the conclusion of the case, incentivizes appearance. But requiring a payment higher  
20          than a person can afford creates no incentive to appear in court following release—it simply  
21          makes release impossible, undermining bail’s lawful purpose.

22          122.   Many people released on bail cannot afford to pay the full bail amount themselves,  
23          so instead pay a non-refundable fee to a commercial bail bond company. Even if they later appear  
24          in court (or the prosecutor chooses never to file the case), no money is returned to them. In those  
25          cases, the money paid to the company is irrelevant to ensuring appearance.

26          123.   In practice, then, posting secured money bail does not incentivize appearance in  
27          court. Yet it results in pretrial jailing and deepens the poverty of Riverside County’s most  
28          vulnerable residents.

1           124. Nor does secured money bail promote public safety. Under California law, a person  
2 who posts money bail does not forfeit that bail if they are arrested for a new crime. Penal Code §  
3 1305. As one federal judge has explained, “[T]he bail the person posts does nothing to incentivize  
4 him not to commit crimes.”<sup>18</sup> The California Court of Appeal has likewise concluded, “Money  
5 bail . . . has no logical connection to protection of the public.”<sup>19</sup> And the California Attorney  
6 General has agreed that “the amount of any money bail . . . bears no rational relationship to  
7 protecting public safety.”<sup>20</sup>

8           125. Unsurprisingly, the empirical evidence shows no relationship between requiring  
9 secured money bail as a condition of release and individuals’ rates of appearance in court or re-  
10 arrest on bond.<sup>21</sup>

11           126. Empirical evidence from other U.S. jurisdictions shows that using non-financial  
12 alternative conditions of release leads to significantly higher rates of court appearance and  
13 significantly lower rates of new criminal activity than release on secured financial conditions.  
14 These practices include the use of unsecured bonds (which do not require payment up front);  
15 phone and text message court date reminders; and rides to court for those without transportation or  
16 a stable address. For instance, empirical evidence shows that an unsecured bond—in which the  
17  
18

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19           <sup>18</sup> *Reem v. Hennessy*, No. 17-cv-06628-CRB, 2017 WL 6539760, at \*3 (N.D. Cal. Dec. 21,  
20 2017).

21           <sup>19</sup> *In re Humphrey*, 19 Cal. App. 5th 1006, 1029 (2018) (“Money bail, however, has no  
22 logical connection to protection of the public, as bail is not forfeited upon commission of  
23 additional crimes. Money bail will protect the public only as an incidental effect of the defendant  
24 being detained due to his or her inability to pay, and this effect will not consistently serve a  
25 protective purpose, as a wealthy defendant will be released despite his or her dangerousness while  
26 an indigent defendant who poses minimal risk of harm to others will be jailed.”), *aff’d*, 11 Cal. 5th  
27 135.

28           <sup>20</sup> Amicus Curiae Brief of Attorney General Xavier Becerra at 12, *In re Humphrey*, 11 Cal.  
5th 135, 2018 WL 4941980, at \*15 (“[T]he Attorney General agrees with the parties that the  
amount of any money bail currently bears no rational relationship to protecting public safety.”).

<sup>21</sup> *See, e.g.*, Arpit Gupta, Christopher Hansman, & Ethan Frenchman, *The Heavy Costs of  
High Bail: Evidence from Judge Randomization* (May 2, 2016), at 5,  
<http://www.columbia.edu/~cjh2182/GuptaHansmanFrenchman.pdf> (“We find no evidence that  
money bail increases the probability of appearance.”).

1 person signs a bond agreeing to forfeit the amount promised if the person fails to appear—is just  
2 as effective or *more* effective in securing court appearance as secured money bail.<sup>22</sup>

3 127. There is no evidence that secured money bail is more effective than other less  
4 restrictive alternatives.

5 128. As the court explained in *Urquidi v. City of Los Angeles*, “Any infringement on the  
6 right to liberty requires a strict-scrutiny analysis and can be justified only if it both furthers and is  
7 narrowly tailored to serve a compelling government purpose. Even then, such infringement is  
8 permissible only if it is the least restrictive alternative available.” 2023 WL 10677687, at \*22  
9 (citations omitted). The constitutionally significant questions are: “[D]oes secured money bail in  
10 fact reduce the incidence of (1) arrestees committing new criminal activity . . . and (2) arrestees  
11 failing to appear (‘FTA’) at future court appearances? Bluntly put: would Plaintiffs’ requested  
12 [preliminary injunction] thus increase crime and FTAs, compared to the current secured money  
13 bail regime?” *Id.* at \*3.

14 129. Based on the scientific literature, the *Urquidi* court concluded:

15 The plaintiffs have produced a vast amount of evidence, via four well-qualified  
16 expert witnesses and more than a dozen academic studies, that decisively shows the  
17 answer to these questions is “no.” Their evidence has demonstrated that it is highly  
18 likely that the opposite is true: secured money bail regimes are associated with  
19 *increased* crime and *increased* FTAs as compared with unsecured bail or release  
20 on non-financial conditions. What’s more, the evidence demonstrates that . . .  
21 secured money bail *causes* more crime than would be the case were the money bail  
22 schedules no longer enforced.

23 *Id.* (emphases in original).

24 130. Likewise, although being held without bail prior to arraignment is not cash-based,  
25 it constitutes an identical unconstitutional deprivation of pre-trial liberty to the extent that it is not  
26 proven to be the least restrictive means to accomplish a compelling government interest.  
27

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28 <sup>22</sup> Jones, *supra*, n.10.

1           **D.     Defendants Routinely Jail Individuals for Up to Five Days—in Some Cases,**  
2           **Even Six Days—After Arrest Without Arraignment**

3           131.    On information and belief, in Riverside County, prosecutors typically do not decide  
4 whether and how to charge individuals jailed pursuant to warrantless arrests until the day of  
5 arraignment.

6           132.    If the prosecutor decides to file charges, an arraignment occurs. At arraignment, a  
7 judicial officer appoints counsel if the defendant is indigent, informs the individual of the charges  
8 against them, takes the individual's plea to the charges, and conducts a bail hearing.

9           133.    The arraignment is an individual's first opportunity to receive a bail hearing and an  
10 assessment of their suitability for release that complies with the constitutional standards  
11 announced in *In re Humphrey*, 11 Cal. 5th 135.

12           134.    Many individuals jailed pre-arraignment will eventually be released without a  
13 prosecutor ever filing formal charges against them. Many others will eventually be released after a  
14 prosecutor reviews the case and chooses to file charges against them that are substantially less  
15 severe than their arrest charges, such as misdemeanor charges instead of felonies. In other words,  
16 many people who will eventually be released are jailed for days, typically on money bail, only  
17 because a prosecutor has yet to review their case.

18           135.    Many others who were jailed pre-arraignment will be released because the judicial  
19 officer at arraignment will order release on either their own recognizance or a money bail amount  
20 they can afford. Still others jailed pre-arraignment will be released when their case is resolved  
21 without a jail or prison sentence at arraignment. In other words, many people who will eventually  
22 be released are jailed for days, typically on money bail, only because they have not yet been  
23 brought to court for a hearing.

24           136.    California law requires that an arrested person be brought to court for arraignment  
25 “without unnecessary delay.” Cal. Const. art. I, § 14; Penal Code §§ 825, 849, 859. Nevertheless,  
26 it is standard practice in Riverside County for arrested people to remain jailed for several days  
27 without arraignment.

1           137. It is the standard practice in Riverside County for people arrested before 5:00 p.m.  
2 on a Thursday to be arraigned on Monday, four days after arrest. And it is standard practice in  
3 Riverside County for some people arrested after 5:00 p.m. on a Thursday not to be arraigned until  
4 Tuesday, five days after arrest.

5           138. It is the standard practice in Riverside County for people arrested before 5:00 p.m.  
6 on a Friday to be arraigned on Tuesday, four days after their arrest. And it is standard practice in  
7 Riverside County for some people arrested after 5:00 p.m. on a Friday not to be arraigned until  
8 Wednesday, five days after arrest.

9           139. It is the standard practice in Riverside County for people arrested on a Saturday to  
10 be arraigned on Wednesday, four days after their arrest.

11           140. It is the standard practice in Riverside County for people arrested on a Sunday to be  
12 arraigned on Wednesday, three days after their arrest.

13           141. It is the standard practice in Riverside County for people arrested before 5:00 p.m.  
14 on Monday, before 5:00 p.m. on Tuesday, or anytime Wednesday to be arraigned two days after  
15 their arrest. And it is standard practice in Riverside County for some people arrested after 5:00  
16 p.m. on Monday or Tuesday to be arraigned three days after their arrest.

17           142. Under these standard practices, people in Riverside County are arraigned two court  
18 days after their arrest, with the exception that if the person is arrested after court is closed on a  
19 weekday, they might not be arraigned until the third court day after the arrest (e.g., a person  
20 arrested at 8:00 p.m. on a Monday could either be arraigned on Wednesday or Thursday).

21           143. When a court holiday falls on a Monday or Friday, many people arrested and  
22 detained over the weekend stay in jail an additional day, making the length of time between arrest  
23 and arraignment for these people five or six days.

24           144. These standard delays occur both during the week and over the weekend. These  
25 delays are not justified by individualized circumstances, such as a medical emergency, rendering  
26 the detained individual temporarily unable to appear at their arraignment. Rather, they are born of  
27 habit and administrative convenience, an inadequate basis for denying individuals' fundamental  
28 constitutional rights.

145. The timing of arraignment is determined by both Defendant Superior Court and Defendants RSO and Sheriff.

146. Defendant RSO is responsible for arresting and timely booking the accused and transporting them to court.<sup>23</sup>

147. Defendant Superior Court is responsible for staffing the Superior Court to conduct timely arraignments.

148. The routine delays between arrest and arraignment in Riverside County subject individuals to longer periods of jailing than they would otherwise face.

149. By law, at least one magistrate is on call at all times for matters such as fielding *ex parte* bail requests, issuing warrants, and making probable-cause findings following arrest. *See* Penal Code § 810. Despite this availability of a magistrate, no arraignments or bail hearings are held outside of regular court hours or over the weekend in Riverside County.

150. Penal Code section 825 does not insulate Defendants from Plaintiffs’ challenge. That statute requires that an individual arrested *on a warrant* be brought before a magistrate “without unnecessary delay, and, in any event, within 48 hours after his or her arrest, excluding Sundays and holidays.” Penal Code § 825. It does not tolerate “unnecessary” delay, whether or not arraignment has occurred within 48 hours of arrest excluding Sundays and holidays. It does not apply to warrantless arrests. And it does not trump any constitutional provision.

**E. Routinely Holding Arraignments Two to Three Court Days After Arrest Is Not the Least Restrictive Means to Ensure Court Attendance or Public Safety**

151. People arrested for an alleged crime have a fundamental right to pretrial bodily liberty. That liberty interest is second only to life itself in terms of constitutional importance.<sup>24</sup> Yet Defendants' standard practice is to jail people for up to five or even six days before providing them with a bail hearing, even though there is a readily available less-restrictive alternative of providing them with prompt hearings. This practice of prolonged pre-arraignment detention

<sup>23</sup> Cal. Const. art. I, § 14; Penal Code §§ 825, 849, 859; RSO Corrections Division Policy Manual § 504.05.

<sup>24</sup> See *Van Atta v. Scott*, 27 Cal. 3d 424, 435 (1980).



1 violates due process as well as the fundamental right to a prompt arraignment recognized by  
2 California law.

3 152. Under California law, “the only permissible delay between the time of arrest and  
4 bringing the accused before a magistrate is the time necessary: to complete the arrest; to book the  
5 accused; to transport the accused to court; for the district attorney to evaluate the evidence for the  
6 limited purpose of determining what charge, if any, is to be filed; and to complete the necessary  
7 clerical and administrative tasks to prepare a formal pleading.” *People v. Thompson*, 27 Cal. 3d  
8 303, 329 (1980). Defendants can complete these tasks well before two or three court days have  
9 elapsed. Indeed, many jurisdictions across the country do just that.

10 153. At least 13 states require by statute that arrested individuals be brought to court  
11 within 24 hours (five states),<sup>25</sup> 48 hours (six states),<sup>26</sup> or either 24 or 48 hours depending on the  
12 circumstances (two states).<sup>27</sup>

13 154. At least three other states’ statutes effectively require that individuals be brought to  
14 court within one court day of arrest.<sup>28</sup>

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19 <sup>25</sup> Fla. R. Crim. P. 3.130 (24 hours); Md. R. 4-212(e)-(f) (24 hours); N.Y. Crim. Proc. §§  
20 120.90, 140.20 (interpreted by *People ex rel. Maxian v. Brown*, 164 A.D.2d 56 (N.Y. App. Div.  
21 1st Dep’t 1990), *aff’d*, 77 N.Y.2d 422 (1991) to require arraignment within 24 hours)); S.C. Code  
Ann. § 22-5-510(B) (2023) (24 hours); Ariz. R. Crim. P. 4.1 (24 hours).

22 <sup>26</sup> *See, e.g.*, Colo. Rev. Stat. § 16-4-102 (2021) (48 hours); Haw. Rev Stat § 803-9 (2023)  
(48 hours); 725 Ill. Comp. Stat. 5-109-1 (2023) (48 hours); Nev. Rev. Stat. § 178.4849 (2025) (48  
23 hours); N.J. Rev. Stat. § 2A:162-16 (2023) (48 hours); Tex. Code Crim. Proc. Ann. art. 15-17(a)  
(West 2023) (48 hours).

24 <sup>27</sup> Alaska Stat. Ann. § 12.25.150 (2024) (“24 hours after arrest, absent compelling  
25 circumstances” and in no event beyond 48 hours); Iowa R. Crim. P. 2.2 (within twenty-four hours  
unless no magistrate is available, and in all events within forty-eight hours).

26 <sup>28</sup> Conn. Gen. Stat. § 54-1g(a) (shall be promptly presented before the superior court sitting  
27 next regularly); Mass. R. Crim. P. 7 (must be brought for arraignment before a court if then in  
session, otherwise at its next session); N.H. Rev. Stat. § 594:20-a (2025) (generally 24 hours  
28 excepting weekends and holidays).

1           155. New Jersey consistently provides initial bail hearings within 24 hours in  
2 approximately 80% of cases, and within 48 hours in 99% of cases.<sup>29</sup>

3           156. Colorado passed a statute requiring arraignments, which include the appointment of  
4 defense counsel and bail hearings, to take place within 48 hours of arrest. In the three years since  
5 the bill took effect in 2022, the provision of weekend court has led to quicker release orders that  
6 have collectively reduced incarceration by tens of thousands of days, totaling decades of freedom.

7           157. The American Bar Association (ABA) recommends that most jurisdictions conduct  
8 initial appearances within six hours while recognizing that certain jurisdictions, such as rural ones,  
9 may need, at most, 24 hours. *See* ABA Standards for Criminal Justice, *Pretrial Release* (3d ed.  
10 2007), at 77, 79-80.<sup>30</sup> Moreover, the ABA emphasizes that “[b]ooking procedures, other  
11 administrative processes, and court congestion should not be used as routine excuses for justifying  
12 police custody beyond this period.” *Id.* at 80-81. Riverside County’s systemic delay is contrary to  
13 these recommendations.

14           158. As the foregoing examples make clear, it is feasible for Defendants to conduct  
15 arraignments far sooner than two or three court days after arrest. The delays are unnecessary and  
16 are not the least restrictive means available to the government to secure court attendance or ensure  
17 public safety.

18           159. Accordingly, even the Committee on Revision of the Penal Code recommended  
19 that “California should . . . update its arraignment timeline to align with other states.”<sup>31</sup> The  
20 Committee determined:

21           California should not have exceptions for Sundays and holidays and should require  
22 arraignment no later than 48 hours [from] arrest, as many other states do, including

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23           <sup>29</sup> [https://www.njcourts.gov/sites/default/files/courts/criminal/criminal-justice-](https://www.njcourts.gov/sites/default/files/courts/criminal/criminal-justice-reform/cjr2021.pdf)  
24 [reform/cjr2021.pdf](https://www.njcourts.gov/sites/default/files/courts/criminal/2020cjrannual.pdf);  
25 <https://www.njcourts.gov/sites/default/files/cjrannualreport2019.pdf>;  
26 <https://www.njcourts.gov/sites/default/files/2018cjrannual.pdf>;  
<https://www.njcourts.gov/sites/default/files/2017cjrannual.pdf>. (each last visited May 23, 2025).

27           <sup>30</sup> <https://drive.google.com/file/d/1zrggV2Z2HzGcRojbQnD5YgKyEkMzaxG/view?pli=1>.

28           <sup>31</sup> 2022 Annual Report and Recommendations, Committee on Revision of the Penal Code  
at 62, [https://clrc.ca.gov/CRPC/Pub/Reports/CRPC\\_AR2022.pdf](https://clrc.ca.gov/CRPC/Pub/Reports/CRPC_AR2022.pdf) (last visited May 23, 2025).

1 Texas, Florida, and Alabama. While removing the exceptions to the arraignment  
2 timeline will impose new costs, local stakeholders can take a variety of approaches  
3 to implementing this requirement. Some localities may prioritize bringing recently  
4 arrested people to court so that the 48-hour timeline is met without requiring court  
5 to be open more days while others may choose to have arraignments every day of  
6 the week. And those that do have more frequent arraignments do not need to have  
7 an entire court building and all its staff to be open a full day — instead, courts can  
8 prioritize efficient arraignment proceedings with minimal court staff at set times on  
9 days when the court would otherwise be closed, as well as exploring other  
10 pragmatic ways to provide initial court appearances. Current law already provides  
11 that at least one judge must be on call whenever court is not in session to resolve  
12 issues about release from custody.

13 *Id.* at 61 (citations omitted).

14 160. The Committee observed that arraigning individuals 48 hours after arrest excluding  
15 weekends and holidays is an “elongated timeline [that] helped earn California a failing grade on its  
16 pretrial procedures in a recent report from the Dedman School of Law.” *Id.* at 60 (citing Malia N.  
17 Brink, Jiacheng Yu, Pamela R. Metzger, *Grading Injustice: Initial Appearance Report Cards*,  
18 Deason Criminal Justice Reform Center (October 2022)).

19 161. Indeed, courts have not tolerated such delay even when mere property, like a car, is  
20 at stake.<sup>32</sup> A hearing delay that is too long for a car is too long for a human being.

21 162. As noted, multiple states require arraignments within a shorter timeframe than 48  
22 hours after arrest, the outer limit suggested to the Legislature by the Committee on the Revision of  
23 the Penal Code. Neither due process nor California law tolerate a standard practice of jailing  
24 individuals for even 48 hours after arrest unless the government can prove it necessary.

25 **F. Defendants’ Promulgation and Enforcement of a System that Needlessly  
26 Delays Arraignment and Conditions Pre-Arraignment Release on a Cash  
27 Payment Greatly Harms Individuals Jailed Under the System, Their Families,  
28 and Their Larger Communities**

163. Unnecessarily jailing people pre-arraignment harms both those in jail and the  
public. That harm is compounded when the time to arraignment is needlessly delayed. Excessive,

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<sup>32</sup> See *Stypmann v. City & Cnty. of San Francisco*, 557 F.2d 1338, 1344 (9th Cir. 1977)  
(statute allowing possessory liens on vehicles for up to five days before a hearing violated due  
process because “[d]ays, even hours, of unnecessary delay may impose onerous burdens upon a  
person deprived of his vehicle”).

1 unconstitutional detention puts class members in danger during their incarceration, results in  
2 worse outcomes in their cases, further impoverishes them, undermines their family relationships,  
3 and makes their communities less safe.

4 **1. Class Members Are Detained in Extremely Dangerous Jails**

5 164. Riverside County operates one of the largest jails in the United States and has the  
6 fourth-highest county jail population in California.<sup>33</sup> On an average day, Riverside County holds  
7 3,776 people in jail, 88% of whom are detained pretrial. In 2022, 41% of the jail population in  
8 Riverside had mental health needs.<sup>34</sup> And most of the pretrial population in Riverside County jails  
9 are detained simply because they cannot pay money bail.

10 165. Riverside County is the second-deadliest jail system in the United States, with the  
11 highest homicide rate among large jails in California from 2020 to 2023.<sup>35</sup> An examination of the  
12 killings in Riverside revealed infrequent and delayed security checks by guards, and failure to act  
13 during fatal attacks or suspicious activity.<sup>36</sup> In 2022 alone, at least 19 people died in County  
14 custody, marking the highest annual total reported by the California Department of Justice in more  
15 than three decades.<sup>37</sup>

16 166. RSO's administration of its jails was also the subject of a grand jury investigation,  
17 which recently concluded that RSO failed to properly identify or classify its arrestees, lacks  
18 functioning equipment to do so, and that RSO's failures caused the in-custody murder in  
19 question.<sup>38</sup>

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21 <sup>33</sup> Vera Institute of Justice, *California: The State of Incarceration, Riverside County* (Mar.  
22 2023), <https://www.vera.org/california-state-of-incarceration/county/Riverside>.

23 <sup>34</sup> *Id.*

24 <sup>35</sup> Damien, *supra* n.2.

25 <sup>36</sup> *Id.*

26 <sup>37</sup> Ashley Ludwig, *Recently Arrested Inmate Dies Behind Bars: Riverside County Sheriff,*  
27 PATCH (May 2, 2025), [https://patch.com/california/lakeelsinore-wildomar/recently-arrested-](https://patch.com/california/lakeelsinore-wildomar/recently-arrested-inmate-dies-behind-bars-riverside-county-sheriff)  
28 [inmate-dies-behind-bars-riverside-county-sheriff](https://patch.com/california/lakeelsinore-wildomar/recently-arrested-inmate-dies-behind-bars-riverside-county-sheriff).

<sup>38</sup> 2024-2025 Riverside County Civil Grand Jury Report, *In-Custody Homicide at Site B*  
27 *Blamed on Prisoner Identification Errors* (Apr. 30, 2025),  
28 <https://rivco.org/sites/g/files/aldnop116/files/Past%20Reports%20%26%20Responses/2024->

1           167. The dangerous conditions in Riverside County jails imperil the lives of the people  
2 detained there before arraignment. Mark Spratt, 24, was arrested for fraud after being found with  
3 stolen debit cards and was detained on \$10,000 cash bail pending arraignment.<sup>39</sup> On his first day  
4 in the jail, Mr. Spratt’s cellmate threw him over a catwalk railing. Mr. Spratt fell 15 feet before  
5 smashing into a metal table and dying.<sup>40</sup> Michael Weaver, 53, was arrested on a Tuesday night on  
6 charges of driving without a license, possession of tear gas, and violation of probation.<sup>41</sup> He was  
7 detained on \$100,000 cash bail as he awaited his arraignment scheduled for Friday, three days  
8 after his arrest.<sup>42</sup> But the day before his arraignment, he was found unconscious in his cell and  
9 ultimately pronounced dead.<sup>43</sup>

10           168. Because of the “concerning levels of in-custody deaths” and “deeply concerning  
11 allegations relating to conditions of confinement in its jail facilities, excessive force, and other  
12 misconduct” in Riverside County’s jails, Attorney General Rob Bonta is conducting a civil rights  
13 investigation into Defendant RSO.<sup>44</sup>

14           169. The dangerous jail conditions in Riverside County are in part the result of  
15 overcrowding. Riverside’s jails are generally at maximum capacity or overcrowded relative to the  
16

17 [2025/In%20Custody\\_Homicide%20at%20Site%20B%20Blamed%20on%20Prisoner%20Identification%20Errors%202025\\_updated.pdf](https://rivco.org/sites/g/files/aldnop116/files/Past%20Reports%20%26%20Responses/2024-2025/In%20Custody_Homicide%20at%20Site%20B%20Blamed%20on%20Prisoner%20Identification%20Errors%202025_updated.pdf).

18  
19 <sup>39</sup> *Id.*; see also Aidan McGloin, *Three more jail death suits against Riverside Sheriff*, Follow Our Courts (Oct. 18, 2023), <https://followourcourts.com/2023/10/three-more-jail-death-suits-against-riverside-sheriff/>; Pristine Villarreal, *Psych Evaluation Ordered for Felon Accused of Murdering Fellow Inmate*, NBC PALM SPRINGS (Mar. 23, 2023),  
20 <https://www.nbcpalmsprings.com/2023/03/23/psych-evaluation-ordered-for-felon-accused-of-murdering-fellow-inmate>.  
21

22 <sup>40</sup> Damien, *supra* n.2.

23 <sup>41</sup> Ludwig, *supra* n.35.

24 <sup>42</sup> *Id.*

25 <sup>43</sup> *Id.*

26 <sup>44</sup> 2024-2025 Riverside County Civil Grand Jury Report, *In-Custody Homicide at Site-B Blamed on Prisoner Identification Errors*,  
27 [https://rivco.org/sites/g/files/aldnop116/files/Past%20Reports%20%26%20Responses/2024-2025/In%20Custody\\_Homicide%20at%20Site%20B%20Blamed%20on%20Prisoner%20Identification%20Errors%202025\\_updated.pdf](https://rivco.org/sites/g/files/aldnop116/files/Past%20Reports%20%26%20Responses/2024-2025/In%20Custody_Homicide%20at%20Site%20B%20Blamed%20on%20Prisoner%20Identification%20Errors%202025_updated.pdf).  
28

1 Board of State and Community Corrections' capacity ratings. For example, Blythe Jail's average  
2 daily population in 2024 was 142% of its rated capacity.

3 170. For years, the County and RSO have been aware of dangerous conditions in  
4 Riverside's jails, but they have failed to adequately remedy them. There is a documented history  
5 and practice of these Defendants providing inadequate medical and mental health care to the  
6 individuals they confine and failing to prevent deaths and suicides in their jails.<sup>45</sup>

7 171. Even short jail stays are dangerous. The U.S. Department of Justice found that  
8 "[a]lmost 40% of inmates who died in local jails in 2019 had been held for 1 week or less."<sup>46</sup> One  
9 analysis found that 44% of known jail deaths in California took place in the first week of  
10 custody.<sup>47</sup>

11 172. For example, incarceration increase a person's risk of suicide,<sup>48</sup> and national data  
12 shows "suicide is still the leading cause of death in local jails. And most suicides occur shortly  
13 after jail admission."<sup>49</sup>

14 173. These dangerous conditions and inadequate care greatly compound the harm class  
15 members face because of their inability to pay pre-arraignment money bail and the delay from  
16 arrest to arraignment.

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21 <sup>45</sup> Christopher Damien, *Inside a Deadly Southern California Jail System: 5 Takeaways*,  
22 N.Y. TIMES (Nov. 1, 2024), <https://www.nytimes.com/2024/11/01/us/california-jail-deaths-takeaways.html>.

23 <sup>46</sup> Bureau of Justice Statistics, *Mortality in Local Jails 2000-2019 – Statistical Tables*  
(Dec. 2021), at 1, <https://bjs.ojp.gov/content/pub/pdf/mlj0019st.pdf>.

24 <sup>47</sup> Liz Adetiba et al., *Here are the 815 people (and counting) who have lost their lives in*  
25 *jail in the year after Sandra Bland died*, HUFFINGTON POST (July 20, 2016),  
<https://data.huffingtonpost.com/2016/jail-deaths>.

26 <sup>48</sup> Nat'l Inst. of Corr., *Nat'l Study of Jail Suicide* (Apr. 2010), at 1,  
27 <https://s3.amazonaws.com/static.nicic.gov/Library/024308.pdf>.

28 <sup>49</sup> Prison Policy Initiative, *The life-threatening reality of short jail stays* (Dec. 22, 2016),  
[https://www.prisonpolicy.org/blog/2016/12/22/bjs\\_jail\\_suicide\\_2016/](https://www.prisonpolicy.org/blog/2016/12/22/bjs_jail_suicide_2016/).

1                   **2. As a Result of Unnecessary Pre-Arrest Jailing, Class Members**  
2                   **Suffer Worse Outcomes in Their Criminal Cases, Strain on Their**  
3                   **Families, Loss of Wealth, and Numerous Other Harms**

4           174. Defendants' unconstitutional detention policies do not just harm class members  
5 through the direct experience of physical confinement and dangers in the jail. These  
6 unconstitutional policies also disadvantage them in their criminal cases and beyond.

7           175. People arrested and held in RSO custody are not appointed counsel until  
8 arraignment. So everyone who cannot afford to pay for a private attorney is deprived of counsel as  
9 they sit in custody for days.

10          176. Most individuals arrested in Riverside County cannot afford their own counsel,  
11 including almost everyone jailed because they cannot afford cash bail.

12          177. People detained pretrial are often under tremendous pressure to plead guilty to  
13 receive a plea bargain or sentence providing quick release. Decades of empirical research have  
14 proven that people detained pretrial are more likely to suffer convictions, sentences of  
15 incarceration, and longer sentences than people who are released, controlling for other factors such  
16 as charges and criminal history. This means that two identically situated people, one of whom is  
17 detained pretrial and one of whom is released pretrial, will likely have different case outcomes  
18 because of detention alone.

19          178. Individuals jailed pre-arrest are less likely to be released at their bail hearing  
20 at arraignment than similarly situated individuals who are released pre-arrest. This is  
21 because those released prior to arraignment have the opportunity to show the arraignment judge  
22 that they are not a flight risk or danger by appearing in court and remaining law-abiding. And, in  
23 practice, being jailed at arraignment makes it less likely a person will be released at all during the  
24 pendency of their criminal case.

25          179. Just a few days of pretrial jailing lead to these life-altering outcomes. In one recent  
26 study of 20,000 individuals, those released on the day of arrest had a 3.99% chance of post-  
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1 conviction incarceration compared with 14.7% for those detained for 1-5 days.<sup>50</sup> Class members  
2 suffer these adverse outcomes solely because of their inability to pay money bail.

3 180. Pretrial detention also causes people to lose their jobs, vehicles, and housing. And  
4 the negative effect on people's finances is often severe: Researchers have found individuals  
5 detained in jail for just three days lose an average of \$29,000 over the course of their working-age  
6 life,<sup>51</sup> and among those with strong work histories, nearly half (46%) of those detained 4-7 days  
7 lose jobs due to missed work.<sup>52</sup>

8 181. Pretrial detention also destabilizes family relationships. Detention isolates people  
9 from their loved ones, sharply limits their ability to communicate with each other, and can  
10 jeopardize the welfare of children. Researchers have confirmed that family separation is often  
11 devastating. Among young children separated from their jailed mothers, researchers observed that  
12 "[c]ommon reactions to initial separation included sadness, worry, confusion, anger, loneliness,  
13 sleep problems, and developmental regressions."<sup>53</sup>

14 182. The California Court of Appeal has remarked specifically about pre-arraignment  
15 detention: "It is difficult to understand [the] assertion that a short deprivation of family relations is  
16 of no significance. It is certainly based on nothing in the record, nor is it based on one's common  
17 sense of humanity or the importance of family in our culture. It should not be hard to realize that  
18 for many persons arrested, the terrible experience of incarceration is new and the break in family  
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21 <sup>50</sup> Brian D. Johnson and Pilar Larroulet, The "Distance Traveled": Investigating the  
22 Downstream Consequences of Charge Reductions for Disparities in Incarceration, JUSTICE  
23 QUARTERLY 36(7), 1229-1257 (2019).

24 <sup>51</sup> Will Dobbie & Crystal Yang, *The Economic Costs of Pretrial Detention*, Brookings  
25 Papers on Economic Activity, BPEA Conference Draft (Mar. 25, 2021), at 2,  
[https://www.brookings.edu/wp-content/uploads/2021/03/BPEASP21\\_Dobbie-Yang\\_conf-  
draft.pdf](https://www.brookings.edu/wp-content/uploads/2021/03/BPEASP21_Dobbie-Yang_conf-draft.pdf).

26 <sup>52</sup> Sandra S. Smith, How Pretrial Incarceration Diminishes Individuals' Employment  
27 Prospects, 86(3) Fed. Prob. 11-18 (2022).

28 <sup>53</sup> Julie Poehlmann-Tynan et al., *Attachment in Young Children with Incarcerated  
Fathers*, 29(2) Dev. and Psych. 389-404 (2017).



1 contact, even for a brief period, debilitating.” *Youngblood v. Gates*, 200 Cal. App. 3d 1302, 1326  
2 (1988).

### 3                   **3.       Unnecessary Pre-Arrest Jailing Harms the Community at Large**

4           183.    The harm of unnecessary pretrial detention reaches beyond detained individuals  
5 and their families. Pretrial detention is so destabilizing that it leads to *increased* crime. When  
6 compared to individuals released within 24 hours of arrest, individuals jailed for two to three days  
7 after arrest are more likely to be arrested for another crime within two years. Compared to  
8 similarly situated individuals released pretrial with the same charges, backgrounds, and  
9 demographics, people jailed pretrial are more likely to be arrested in the future by significant  
10 margins.<sup>54</sup>

11           184.    Pretrial jailing also perpetuates unjustifiable racial disparities in the criminal legal  
12 system. A recent ACLU study concluded that among individuals charged with the most common  
13 serious or violent felony charges (criminal threats, second-degree burglary, and robbery), 31.6% of  
14 Black individuals had money bail of \$100,000 or higher, while exactly half that rate of white  
15 individuals had money bail amounts that high (15.8%).<sup>55</sup>

16           185.    In addition, by comparing county-level changes in poverty and employment to  
17 county-level pretrial detention rates, researchers have found that counties with high levels of  
18 pretrial detention exhibited lower levels of intergenerational mobility. The association between  
19 pretrial detention and these aggregate indicators of economic well-being were strongest among  
20 Black individuals, an indication that pretrial detention takes a disproportionate economic toll on  
21 Black communities.<sup>56</sup>

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25           <sup>54</sup> See Heaton, *supra* n.6.

26           <sup>55</sup> Carly Finkle, ACLU of N. Cal., *In(Justice) in Riverside: A Case for Change and*  
27 *Accountability*, at 29, <https://www.aclusocal.org/sites/default/files/rda-report-022822.pdf>.

28           <sup>56</sup> David Arnold et al., *Racial Bias in Bail Decisions*, 133(4) THE Q. J. OF ECON. 1885–  
1932 (2018), <https://doi.org/10.1093/qje/qjy012>.

1 **CLASS ACTION ALLEGATIONS**

2 **A. Class of People Detained Because of Failure to Pay Secured Money Bail (“Cash Bail**  
3 **Class”)**

4 186. Jailed Plaintiffs Melendres Sandoval, Wholf, Graham, Jensen, and Chismar bring  
5 this action on behalf of themselves and on behalf of all others similarly situated.

6 187. Plaintiffs seek certification of the following class (“Cash Bail Class”): All arrested  
7 individuals who are or will be in the custody of the Riverside County Sheriff’s Department pre-  
8 arraignment because they have not paid secured money bail, regardless of whether there are other  
9 bases for detention in addition to the arrest.

10 188. Plaintiffs reserve the right under California Rule of Court 3.765(b) and other  
11 applicable laws to amend or modify the class definition with respect to issues or in any other way.

12 189. This action is brought and may properly be maintained as a class action pursuant to  
13 Code of Civil Procedure section 382. Certification is appropriate because this action satisfies the  
14 numerosity, commonality, typicality, and adequacy requirements and because Defendants have  
15 acted on grounds that apply generally to the class, so that final injunctive and declaratory relief is  
16 appropriate respecting the class as a whole.

17 190. A class action is a superior means, and the only practicable means, by which the  
18 Plaintiffs and class members may challenge Defendants’ unlawful cash-based detention scheme.

19 191. **Numerosity:** Class members are so numerous that joinder is impracticable.  
20 Defendants detain thousands of individuals pre-arraignment each year. These include hundreds of  
21 arrested individuals who cannot pay cash bail for immediate release and remain in jail.

22 192. **Commonality and Predominance:** The claims the Cash Bail Class assert involve  
23 common questions of law and fact arising from one set of policies and practices: Defendants’  
24 cash-based post-arrest detention scheme. Questions concerning the constitutionality of this scheme  
25 predominate over any questions that affect only individual members of the class. These common  
26 legal and factual questions include, but are not limited to, the following:  
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- 1 a. Do Defendants have a policy and practice of requiring individuals to pay  
2 predetermined secured amounts of money for post-arrest release before any hearing  
3 before a judicial officer?
- 4 b. Do Defendants have a policy and practice of immediately releasing arrested  
5 individuals who can access enough cash to pay the amount on the bail schedule or  
6 arrest warrant?
- 7 c. Do Defendants detain, for any amount of time, any arrested individuals solely  
8 because they have not paid the predetermined monetary amount on the bail  
9 schedule or arrest warrant?
- 10 d. Do the equal protection and due process guarantees of the California Constitution  
11 prohibit Defendants from jailing arrested individuals because they cannot pay cash  
12 bail?
- 13 e. Do the equal protection and due process guarantees of the California Constitution  
14 prohibit Defendants from imposing secured financial conditions on release post-  
15 arrest without any inquiry into ability to pay?
- 16 f. Do the equal protection and due process guarantees of the California Constitution  
17 prohibit Defendants from imposing secured financial conditions on release post-  
18 arrest without any consideration of non-financial alternatives?

19 193. **Typicality:** The Jailed Plaintiffs' claims are typical of the claims of the class  
20 members because, *inter alia*, all class members are confined in jail because they could not afford  
21 pre-arraignment cash bail, and the Jailed Plaintiffs' claims arise from the same policies, practices,  
22 and courses of conduct and rely on the same legal theories. If a Jailed Plaintiff proves that  
23 Defendants' policies and practices concerning cash-based post-arrest detention violate their  
24 constitutional rights, that ruling will likewise benefit every other class member.

25 194. **Adequacy:** The Jailed Plaintiffs will fairly and adequately protect the interests of  
26 the members of the class because their interests are entirely aligned with the interests of the other  
27 class members. The Jailed Plaintiffs have retained counsel experienced in litigating complex  
28 matters in state court, and who have experience in and extensive knowledge of the relevant

1 constitutional and statutory law. The Jailed Plaintiffs intend to prosecute this action vigorously.  
2 The Jailed Plaintiffs have no antagonistic or adverse interest to those of the class. There are no  
3 known conflicts of interest among class members, all of whom have a similar interest in  
4 vindicating their constitutional rights in the face of Defendants' pay-for-freedom system.

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

13       196. **Code of Civil Procedure section 382:** The proposed class meets all the  
14 requirements of Code of Civil Procedure section 382. There is a readily ascertainable class  
15 comprised of individuals who are incarcerated in the County Defendants' jails because they have  
16 not paid cash bail. Defendants have acted on grounds generally applicable to the class through the  
17 promulgation and enforcement of their cash-based detention scheme, such that common questions  
18 of law and fact predominate over questions affecting individual class members. The Jailed  
19 Plaintiffs, who are or were detained because they cannot afford their release, have claims typical  
20 of the class and can adequately represent the class. Declaratory and injunctive relief would apply  
21 in the same manner to every class member. Further, class action treatment is superior to individual  
22 litigation, and will benefit the Court and the parties by streamlining litigation and permitting class  
23 members, who would otherwise lack the means to bring individual claims, to obtain relief. Thus,  
24 class certification is appropriate and necessary.

25 **B. Class of People Subjected to Unnecessary Delay to Arraignment and Initial Bail**  
26 **Hearing ("Prolonged Detention Class")**

27       197. Jailed Plaintiffs Melendres Sandoval, Wholf, Graham, Jensen, and Chismar bring  
28 this action on behalf of themselves and on behalf of all others similarly situated.

1           198. To vindicate arrested individuals' state-law right to a prompt arraignment and due-  
2 process right to a prompt bail hearing, Plaintiffs seek certification of the following class  
3 ("Prolonged Detention Class"): all individuals who are or will be in the custody of the Riverside  
4 County Sheriff's Department following their arrest who have yet to be arraigned, regardless of  
5 whether there are other bases for detention.

6           199. Under Riverside's current practices, all such individuals must wait until at least the  
7 second court day following arrest to be arraigned, which is the first opportunity for a bail hearing  
8 under Riverside's practices.

9           200. Plaintiffs reserve the right under California Rule of Court 3.765(b) and other  
10 applicable laws to amend or modify the class definition with respect to issues or in any other  
11 ways.

12           201. This action is brought and may properly be maintained as a class action pursuant to  
13 Code of Civil Procedure section 382. Certification is appropriate because this action satisfies the  
14 numerosity, commonality, typicality, and adequacy requirements and because Defendants have  
15 acted on grounds that apply generally to the class, so that final injunctive and declaratory relief is  
16 appropriate respecting the class as a whole.

17           202. A class action is a superior means, and the only practicable means, by which the  
18 Plaintiffs and class members may challenge Defendants' unlawful cash-based detention scheme.

19           203. **Numerosity:** Class members are so numerous that joinder is impracticable.  
20 Defendants detain many hundreds of individuals pre-arraignment over the course of any given  
21 month. Riverside County does not hold arraignments over the weekend or court holidays, resulting  
22 in delays of four to five days every week and five to six days on the many long weekends that  
23 include a court holiday. The number of current and future individuals who are or will be subject to  
24 Riverside's standard practices alleged above regarding the timing of arraignments if an injunction  
25 is not entered is well into the thousands.

26           204. **Commonality and Predominance:** This action involves common questions of law  
27 and fact arising from the standard practice of conducting arraignments two to three court days  
28 after arrest. Questions concerning the constitutionality of this practice predominate over any

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

- 3 a. Do Defendants have a policy and practice of not conducting arraignments for at  
4 least two court days?
- 5 b. Do Defendants have a policy and practice of not conducting arraignments over the  
6 weekend?
- 7 c. What is the typical amount of time it takes Defendants Sheriff and RSO to book an  
8 individual?
- 9 d. Are any additional steps required of Defendants to, for example, arraign individuals  
10 arrested on Monday morning on Tuesday as opposed to their current practice of  
11 waiting until Wednesday?
- 12 e. What are Defendants' general practices for calendaring arraignments for  
13 individuals arrested on each day of the week? For example, on what day are  
14 Wednesday arrests arraigned? On what day are Thursday arrests arraigned?
- 15 f. Can Defendants adopt the less restrictive alternative of conducting quicker  
16 arraignments, for example, by utilizing specific practices previously adopted by  
17 jurisdictions across the country that conduct arraignments within 24 or 48 hours?
- 18 g. Does the due process guarantee of the California Constitutions prohibit Defendants  
19 from unnecessarily delaying the opportunity to seek release in front of a judge?
- 20 h. Is it necessary to maintain a practice of conducting arraignments no sooner than  
21 two court days after arrest?

22 205. **Typicality:** The Jailed Plaintiffs' claims are typical of the claims of the class  
23 members because, *inter alia*, all class members are in custody with their arraignment scheduled for  
24 at least two court days after their arrest, and the Jailed Plaintiffs' claims arise from the same  
25 policies, practices, and courses of conduct and rely on the same legal theories. If a Jailed Plaintiff  
26 proves that Defendants' policies and practices concerning timeliness of arraignment violate their  
27 constitutional rights, that ruling will likewise benefit every other class member.

1           206.    **Adequacy:** The Jailed Plaintiffs will fairly and adequately protect the interests of  
2 the members of the class because their interests are entirely aligned with the interests of the other  
3 class members. The Jailed Plaintiffs have retained counsel experienced in litigating complex  
4 matters in state court, and who have experience in and extensive knowledge of the relevant  
5 constitutional and statutory law. The Jailed Plaintiffs intend to prosecute this action vigorously.  
6 The Jailed Plaintiffs have no antagonistic or adverse interest to those of the class. There are no  
7 known conflicts of interest among class members, all of whom have a similar interest in  
8 vindicating their constitutional rights in the face of Defendants' uniform practice of delaying  
9 appearance before the court for arraignment and the individualized setting of bail by a judge.

10           207.    **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           208.    **Code of Civil Procedure section 382:** The proposed class meets all the  
19 requirements of Code of Civil Procedure section 382. There is a readily ascertainable class  
20 comprised of individuals who are in Defendants' jails prior to arraignment. Defendants have acted  
21 on grounds generally applicable to the class through routine practices that determine when a  
22 person will be brought for their arraignment, such that common questions of law and fact  
23 predominate over questions affecting individual class members. The Jailed Plaintiffs, all of whom  
24 are or were incarcerated with an arraignment calendared at least two court days after arrest, have  
25 claims typical of the class and can adequately represent the class. Declaratory and injunctive relief  
26 would apply in the same manner to every class member. Further, class action treatment is superior  
27 to individual litigation, and will benefit the Court and the parties by streamlining litigation and  
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1 permitting class members, who may otherwise lack the means to bring individual claims, to obtain  
2 relief. Thus, class certification is appropriate and necessary.

3 **CLAIMS FOR RELIEF**

4 209. Plaintiffs bring claims for declaratory and injunctive relief against all Defendants  
5 and claims for a writ of mandate against the County Defendants as set forth below.

6 **FIRST CAUSE OF ACTION:**

7 **Unconstitutional Jailing for Not Making a Cash Payment**

8 **(Cal. Const. art. I, § 7; art. IV, § 16; Civ. Proc. Code §§ 526, 1060)**

9 **(Jailed Plaintiffs and Cash Bail Class Against All Defendants)**

10 210. The Jailed Plaintiffs incorporate by reference the allegations in all preceding  
11 paragraphs.

12 211. The Jailed Plaintiffs and the Cash Bail Class are entitled to declaratory and  
13 injunctive relief prohibiting Defendants from jailing them prior to arraignment not because it is  
14 necessary for any compelling government interest, but simply because they have not made a cash  
15 payment. This jailing violates the California Constitution.

16 212. The California Constitution's guarantee of due process (art. I, § 7(a)) prohibits  
17 pretrial jailing except to the extent it is necessary for a compelling interest. Defendants' cash-  
18 based jailing practices violate this principle.

19 213. Additionally, the California Constitution's guarantees of due process (art. I, § 7(a)),  
20 equal protection of the laws (art. I, § 7(a)), privileges and immunities on the same terms to all  
21 citizens (art. I, § 7(b)), and uniformity in the operation of laws (art. IV, § 16) each bars cash-based  
22 pretrial jailing except to the extent it is necessary to further a compelling government interest.  
23 Each of these guarantees prohibits jailing a person solely because of their inability to make a  
24 monetary payment.

25 214. Defendant Superior Court violates the rights of the Jailed Plaintiffs and the Cash  
26 Bail Class under the California Constitution by requiring law enforcement to jail them because  
27 they have not paid a cash bail amount that is imposed prior to any constitutionally compliant bail  
28 hearing. This cash-based jailing is not narrowly tailored to any compelling government interest.



1 Defendant Superior Court imposes unconstitutional pre-arraignment cash-based jailing by  
2 maintaining a bail schedule that conditions class members' liberty on payment of secured money  
3 bail. *See* Penal Code § 1269b. Through its magistrates, Defendant Superior Court additionally  
4 causes unconstitutional pre-arraignment cash-based jailing by issuing arrest warrants with secured  
5 money bail amounts.

6         215. The County Defendants violate the rights of the Jailed Plaintiffs and Cash Bail  
7 Class under the California Constitution by jailing the Jailed Plaintiffs and the Cash Bail Class  
8 because they have not paid a cash amount that is imposed prior to any constitutionally compliant  
9 bail hearing. This cash-based jailing is not narrowly tailored to any compelling government  
10 interest. These Defendants enforce cash-based jailing by detaining class members on warrantless  
11 arrests pursuant to the secured bail amounts listed on the Riverside County Bail Schedule, and by  
12 detaining class members pursuant to the secured money bail amounts imposed on arrest warrants.

13         216. These practices are unconstitutional.

14         217. Unless and until enjoined by this Court, Defendants' unlawful conduct will cause  
15 great and irreparable injury to the Jailed Plaintiffs and the Cash Bail Class.

16         218. An actual controversy has arisen and now exists between the Jailed Plaintiffs and  
17 the Cash Bail Class and Defendants concerning their respective rights and duties. These Plaintiffs  
18 desire a judicial determination of the rights and duties of the parties and a declaration as to  
19 whether Defendants' policy and practice as alleged herein violate the above-mentioned laws and  
20 an injunction to enjoin such practices. A judicial declaration is necessary and appropriate at this  
21 time so that all parties may ascertain their rights and duties under these laws.

22         219. Accordingly, the Jailed Plaintiffs and Cash Bail Class are entitled to declaratory  
23 and injunctive relief.

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**(U.S. Const. amend. XIV, § 1; Cal. Const. art. I, § 7; Cal. Const. art. IV, § 16; Civ. Proc. Code §§ 526a)**

5

1 compelling government interest. Defendant Superior Court imposes unconstitutional pre-  
2 arraignment cash-based jailing by maintaining a bail schedule that conditions class members'  
3 liberty on payment of secured money bail. *See* Penal Code § 1269b. Through its magistrates,  
4 Defendant Superior Court additionally causes unconstitutional pre-arraignment cash-based jailing  
5 by issuing arrest warrants with secured money bail amounts.

6         225. The County Defendants violate individuals' rights by jailing them because they  
7 have not paid a cash amount that is imposed prior to any constitutionally compliant bail hearing.  
8 This cash-based jailing is not narrowly tailored to any compelling government interest. These  
9 Defendants enforce cash-based jailing by detaining class members on warrantless arrests pursuant  
10 to the secured bail amounts listed on the Riverside County Bail Schedule, and by detaining class  
11 members pursuant to the secured money bail amounts imposed on arrest warrants.

12         226. These practices are unconstitutional. When the County Defendants commit these  
13 acts, they are engaged in an illegal expenditure and waste of, and cause of injury to, public funds  
14 and property.

15         227. The Clergy Plaintiffs have an interest in enjoining the unlawful expenditure of tax  
16 and other government funds. Pursuant to California Code of Civil Procedure section 526a and this  
17 Court's equitable power, the Clergy Plaintiffs seek declaratory and injunctive relief to prevent  
18 continued harm and to protect Plaintiffs and the public from Defendants' unlawful policies and  
19 practices as alleged herein.

20         228. Unless and until enjoined by this Court, the County Defendants' unlawful conduct  
21 will cause great and irreparable injury to the Clergy Plaintiffs in that the Clergy Plaintiffs will  
22 continue to make illegal expenditures.

23         229. An actual controversy has arisen and now exists between the Clergy Plaintiffs and  
24 the Defendants concerning their respective rights and duties. These Plaintiffs desire a judicial  
25 determination of the rights and duties of the parties and a declaration as to whether the  
26 Defendants' policy and practice as alleged herein violate the above-mentioned laws. A judicial  
27 declaration is necessary and appropriate at this time so that all parties may ascertain their rights  
28 and duties under these laws.

1 **THIRD CAUSE OF ACTION:**

2 **Jailed Plaintiffs' Writ of Mandate to Compel Compliance with the California Constitution**  
3 **and Prohibit Cash-Based Jailing**

4 **(Cal. Const. art. I, § 7; art. IV, § 16; Civ. Proc. Code § 1085)**

5 **(Jailed Plaintiffs and Cash Bail Class Against the County Defendants)**

6 230. The Jailed Plaintiffs incorporate by reference the allegations in all preceding  
7 paragraphs.

8 231. The Jailed Plaintiffs and the Cash Bail Class are entitled to a peremptory writ of  
9 mandate prohibiting the County Defendants from enforcing cash-based pre-arraignment jailing.

10 232. The County Defendants have the duty to obey the California Constitution,  
11 including its guarantees of due process and equal protection. They violate this duty when they jail  
12 individuals because of their failure to pay secured money bail before arraignment.

13 233. The California Constitution's guarantee of due process (art. I, § 7(a)) prohibits  
14 pretrial jailing except to the extent it is necessary for a compelling interest. The County  
15 Defendants' cash-based jailing practices violate this principle.

16 234. Additionally, the California Constitution's guarantees of due process (art. I, § 7(a)),  
17 equal protection of the laws (art. I, § 7(a)), privileges and immunities on the same terms to all  
18 citizens (art. I, § 7(b)), and uniformity in the operation of laws (art. IV, § 16) each bar cash-based  
19 pretrial jailing except to the extent it is necessary to further a compelling government interest.  
20 Each of these guarantees prohibits jailing a person solely because of their inability to make a  
21 monetary payment.

22 235. The County Defendants have a clear, mandatory statutory duty to keep in their  
23 custody those who do not pay secured money bail pre-arraignment and are not otherwise eligible  
24 for release (*see* Penal Code §§ 849, 1269b(a)-(b), 1270.1) and a corollary duty to *not* perform the  
25 duty in violation of law. The County Defendants discharge their statutory duty in a manner that  
26 violates individuals' constitutional rights.

27 236. The Jailed Plaintiffs and Cash Bail Class have a clear and present legal right to the  
28 County Defendants' performance of their duties in compliance with the law as set forth in this

1 cause of action, and the County Defendants' have refused to perform these duties despite their  
2 ability to do so.

3 237. The Jailed Plaintiffs and the Cash Bail Class are beneficially interested in these  
4 Defendants' compliance with these duties. They also have public interest and citizen standing  
5 because this lawsuit involves a question of public rights and seeks to enforce public duties.

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

9 239. Accordingly, the Jailed Plaintiffs and Cash Bail Class are entitled to a peremptory  
10 writ of mandate prohibiting the County Defendants from enforcing cash-based pre-arraignment  
11 jailing.

12 **FOURTH CAUSE OF ACTION:**

13 **Clergy Plaintiffs' Writ of Mandate to Compel Compliance with the U.S. and California**  
14 **Constitutions and Prohibit Cash-Based Jailing**

15 **(U.S. Const. amend. XIV, § 1; Cal. Const. art. I, § 7; Cal. Const. art. IV, § 16; Civ. Proc.**  
16 **Code § 1085)**

17 **(Clergy Plaintiffs Against the County Defendants)**

18 240. The Clergy Plaintiffs incorporate by reference the allegations in all preceding  
19 paragraphs.

20 241. The Clergy Plaintiffs are entitled to a peremptory writ of mandate prohibiting the  
21 County Defendants from enforcing cash-based pre-arraignment jailing.

22 242. The County Defendants have the duty to obey the United States and California  
23 Constitutions, including their guarantees of due process and equal protection. They violate this  
24 duty when they jail individuals because of their failure to pay secured money bail before  
25 arraignment.

26 243. The United States and California Constitutions' guarantees of due process each  
27 prohibit pretrial jailing except to the extent it is necessary for a compelling interest. The County  
28 Defendants' cash-based jailing practices violate this principle.

1           244. The United States and California Constitutions' guarantees of due process each  
2 prohibit pretrial jailing except to the extent it is necessary for a compelling interest. Defendants'  
3 cash-based jailing practices violate this principle. The Due Process and Equal Protection Clauses  
4 of the United States Constitution likewise prohibit cash-based pretrial jailing except to the extent it  
5 is necessary to further a compelling government interest. Defendants' cash-based jailing practices  
6 are not necessary for any such interest. And California Constitution's guarantees of due process,  
7 equal protection of the laws, privileges and immunities on the same terms to all citizens, and  
8 uniformity in the operation of laws all require the government to obey the same principle against  
9 wealth-based detention. Each of these constitutional guarantees prohibits jailing a person solely  
10 because they cannot make a cash payment.

11           245. The County Defendants have a clear, mandatory statutory duty to keep in their  
12 custody those who do not pay secured money bail pre-arraignment and are not otherwise eligible  
13 for release (*see* Penal Code §§ 849, 1269b(a)-(b), 1270.1) and a corollary duty to *not* perform the  
14 duty in violation of law. The County Defendants discharge their statutory duty in a manner that  
15 violates individuals' constitutional rights.

16           246. The Clergy Plaintiffs have a clear and present legal right to the County Defendants'  
17 performance of their duties as set forth in this cause of action, and the County Defendants have  
18 refused to perform these duties despite their ability to do so.

19           247. The Clergy Plaintiffs have public interest and citizen standing because this lawsuit  
20 involves a question of public rights and seeks to enforce public duties.

21           248. The County Defendants' failure to obey the United States and California  
22 Constitutions and to execute their statutory duty in compliance with them must be remedied.  
23 Petitioners have no plain, speedy, and adequate remedy in the ordinary course of law.

24           249. Accordingly, the Clergy Plaintiffs are entitled to a peremptory writ of mandate  
25 prohibiting the County Defendants from enforcing cash-based pre-arraignment jailing.  
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1 **FIFTH CAUSE OF ACTION:**

2 **Unnecessarily Prolonged Detention Without Arraignment**

3 **(Cal. Const., art. I, § 14; Cal. Penal Code §§ 825, 849, 859; Civ. Proc. Code §§ 526, 1060)**

4 **(Jailed Plaintiffs and the Prolonged Detention Class Against All Defendants)**

5 250. Jailed Plaintiffs incorporate by reference the allegations in all preceding  
6 paragraphs.

7 251. The Jailed Plaintiffs and the Prolonged Detention Class are entitled to declaratory  
8 and injunctive relief prohibiting unnecessary delay before the arraignment of individuals in  
9 custody.

10 252. The right to a prompt arraignment is a fundamental right of the arrested person. If  
11 the prosecutor decides to file charges, an arraignment occurs. At arraignment, a judicial officer  
12 conducts a bail hearing and appoints counsel if the defendant is indigent, among other important  
13 steps.

14 253. The California Constitution and Penal Code require that an arrested person be  
15 brought to court for their arraignment “without unnecessary delay.” Cal. Const. art. I, § 14; Penal  
16 Code §§ 825, 849, 859.

17 254. The County Defendants systemically violate the right of the Jailed Plaintiffs and  
18 Prolonged Detention Class to a prompt arraignment by failing to take detained individuals to court  
19 for two to three court days after arrest, even though such delay is not necessary.

20 255. The County Defendants unlawfully keep in their custody individuals who have not  
21 received a prompt arraignment. An arraignment that takes place two or three court days after arrest  
22 is not prompt.

23 256. Defendant Superior Court systemically violates the right of the Jailed Plaintiffs and  
24 Prolonged Detention Class to a prompt arraignment by maintaining a standard practice of  
25 calendaring arraignments for detained individuals two to three court days after arrest, even though  
26 such delay is not necessary.

27 257. These practices are unconstitutional.  
28

258. An actual controversy has arisen and now exists between the Jailed Plaintiffs and the Prolonged Detention Class and Defendants concerning their respective rights and duties. Plaintiffs desire a judicial determination of the rights and duties of the parties and a declaration as to whether Defendants' policy and practice as alleged herein violate the above-mentioned laws and an injunction to enjoin such practices. A judicial declaration is necessary and appropriate at this time so that all parties may ascertain their rights and duties under these laws.

259. Accordingly, the Jailed Plaintiffs and the Prolonged Detention Class are entitled to declaratory and injunctive relief.

**SIXTH CAUSE OF ACTION:**

**Taxpayer Claim—Unnecessarily Prolonged Detention Without Arraignment**  
**(Cal. Const., art. I, § 14; Cal. Penal Code §§ 825, 849, 859; Civ. Proc. Code § 526a)**  
**(Clergy Plaintiffs Against All Defendants)**

260. The Clergy Plaintiffs incorporate by reference the allegations in all preceding paragraphs.

261. The Clergy Plaintiffs are entitled to declaratory and injunctive relief prohibiting unnecessary delay before the arraignment of individuals in custody.

262. The Clergy Plaintiffs reside in the County of Riverside. The Clergy Plaintiffs have been assessed to pay taxes such as sales and other taxes in Riverside County, have paid taxes to the County of Riverside, and have paid a tax that funds Defendants in the year preceding the filing of this action.

263. The right to a prompt arraignment is a fundamental right of the arrested person. If the prosecutor decides to file charges, an arraignment occurs. At arraignment, a judicial officer conducts a bail hearing and appoints counsel if the defendant is indigent, among other important steps.

264. The California Constitution and Penal Code require that an arrested person be brought to court for their arraignment “without unnecessary delay.” Cal. Const. art. I, § 14; Penal Code §§ 825, 849, 859.



1           265. The County Defendants systemically violate the right of the Jailed Plaintiffs and  
2 Prolonged Detention Class to a prompt arraignment by failing to take detained individuals to court  
3 for two to three court days after arrest, even though such delay is not necessary.

4           266. The County Defendants unlawfully keep in their custody individuals who have not  
5 received a prompt arraignment. An arraignment that takes place two or three court days after arrest  
6 is not prompt.

7           267. Defendant Superior Court systemically violates the right of the Jailed Plaintiffs and  
8 Prolonged Detention Class to a prompt arraignment by maintaining a standard practice of  
9 calendaring arraignments for detained individuals two to three court days after arrest, even though  
10 such delay is not necessary.

11           268. These practices are unconstitutional.

12           269. When Defendants commit the unlawful acts enumerated above, they are engaged in  
13 an illegal expenditure and waste of, and cause of injury to, public funds and property.

14           270. The Clergy Plaintiffs have an interest in enjoining the unlawful expenditure of tax  
15 and other government funds. Pursuant to California Code of Civil Procedure section 526a and this  
16 Court's equitable power, the Clergy Plaintiffs seek declaratory and injunctive relief to prevent  
17 continued harm and to protect Plaintiffs and the public from Defendants' unlawful policies and  
18 practices as alleged herein.

19           271. Unless and until enjoined by this Court, the Defendants' unlawful conduct will  
20 cause great and irreparable injury to the Clergy Plaintiffs in that the Clergy Plaintiffs will continue  
21 to make illegal expenditures.

22           272. An actual controversy has arisen and now exists between the Clergy Plaintiffs and  
23 the Defendants concerning their respective rights and duties. The Clergy Plaintiffs desire a judicial  
24 determination of the rights and duties of the parties and a declaration as to whether the  
25 Defendants' policy and practice as alleged herein violate the above-mentioned laws. A judicial  
26 declaration is necessary and appropriate at this time so that all parties may ascertain their rights  
27 and duties under these laws.

28           273. Accordingly, the Clergy Plaintiffs are entitled to declaratory and injunctive relief.

1 **SEVENTH CAUSE OF ACTION:**

2 **Writ of Mandate to Compel Compliance with the California Constitution and Penal Code**  
3 **and Prohibit Unnecessarily Prolonged Pre-Arrest Detention**

4 **(Cal. Const., art. I, § 14; Cal. Penal Code §§ 825, 849, 859; Civ. Proc. Code §§ 526, 526a,**  
5 **1060)**

6 **(Jailed Plaintiffs, Prolonged Detention Class, and Clergy Plaintiffs Against the County**  
7 **Defendants)**

8 274. Plaintiffs incorporate by reference the allegations in all preceding paragraphs.

9 275. The right to a prompt arraignment is a fundamental right of the arrested person. If  
10 the prosecutor decides to file charges, an arraignment occurs. At arraignment, a judicial officer  
11 conducts a bail hearing and appoints counsel if the defendant is indigent, among other important  
12 steps.

13 276. The California Constitution and Penal Code require that an arrested person be  
14 brought to court for their arraignment “without unnecessary delay.” Cal. Const. art. I, § 14; Penal  
15 Code §§ 825, 849, 859.

16 277. The County Defendants systemically violate the right of the Jailed Plaintiffs and  
17 Prolonged Detention Class to a prompt arraignment by failing to take detained individuals to court  
18 for two to three court days after arrest, even though such delay is not necessary.

19 278. The County Defendants unlawfully keep in their custody individuals who have not  
20 received a prompt arraignment. An arraignment that takes place two or three court days after arrest  
21 is not prompt.

22 279. The County Defendants have the clear, mandatory statutory and constitutional duty  
23 to take an arrested person to a magistrate without unnecessary delay for a bail hearing. Cal. Const.  
24 art. I, § 14; Penal Code §§ 825, 849, 859. They violate this duty when they jail class members who  
25 have not received a prompt arraignment, and when they fail to set prompt arraignments.

26 280. The County Defendants have a clear, mandatory statutory duty to keep in their  
27 custody individuals who have not yet been arraigned when their detention is required by the bail  
28 schedule, an arrest warrant, a magistrate’s order, or a statute. *See, e.g.*, Penal Code §§ 666.1(c),  
849, 1269b(a)-(b), 1270.1, 1319.5; Health and Safety Code § 11395(f). The County Defendants

1 have a corollary duty to *not* perform this duty in violation of law. The County Defendants  
2 discharge their statutory duty in a manner that violates individuals' constitutional rights.

3 281. The County Defendants' justifications for violating these duties are legally and  
4 factually unsupportable. Their failures to comply with these duties constitute prejudicial abuses of  
5 discretion and must be set aside.

6 282. The Jailed Plaintiffs, Prolonged Detention Class, and Clergy Plaintiffs have a clear  
7 and present legal right to the County Defendants' performance of their duties as set forth in this  
8 cause of action, and the County Defendants have refused to perform these duties despite their  
9 ability to do so.

10 283. The Jailed Plaintiffs and Prolonged Detention Class are beneficially interested in  
11 these Defendants' compliance with these duties. The Jailed Plaintiffs and Clergy Plaintiffs also  
12 have public interest and citizen standing because this lawsuit involves a question of public rights  
13 and seeks to enforce public duties.

14 284. Defendants' failure to uphold the above duties must be remedied. Plaintiffs have no  
15 plain, speedy, and adequate remedy in the ordinary course of law.

16 285. Accordingly, the Jailed Plaintiffs, the Prolonged Detention Class, and the Clergy  
17 Plaintiffs are entitled to a peremptory writ of mandate prohibiting unlawfully prolonged pre-  
18 arraignment detention.

19 **EIGHTH CAUSE OF ACTION:**

20 **Unnecessarily Prolonged Detention Without Bail Hearing**

21 **(Cal. Const. art. I, § 7; Civ. Proc. Code §§ 526, 1060)**

22 **(Jailed Plaintiffs and Prolonged Detention Class Against All Defendants)**

23 286. The Jailed Plaintiffs incorporate by reference the allegations in all preceding  
24 paragraphs.

25 287. The Jailed Plaintiffs and Prolonged Detention Class are entitled to declaratory and  
26 injunctive relief protecting their right to a prompt bail hearing under the California Constitution's  
27 due process guarantee.

28

1           288. Defendants violate the fundamental right to pretrial bodily liberty and the due  
2 process rights of the Jailed Plaintiffs and Prolonged Detention Class under the California  
3 Constitution by routinely detaining arrested people without a bail hearing at which they can seek  
4 release, with counsel and before a judicial officer in open court, for an unlawfully prolonged  
5 period of time—two to three court days. *See generally In re Humphrey*, 11 Cal. 5th 135  
6 (describing bail hearings).

7           289. Pre-hearing detention of this length is not narrowly tailored to any compelling  
8 government interest. Due process does not permit pre-hearing detention of any length beyond what  
9 the government proves is necessary in this litigation, which is less than two or three court days.

10           290. The County Defendants systemically violate the right of the Jailed Plaintiffs and  
11 Prolonged Detention Class to a prompt bail hearing by failing to take detained individuals to court  
12 for two to three court days after arrest, even though such delay is not necessary or consistent with  
13 due process.

14           291. The County Defendants unlawfully keep in their custody individuals who have not  
15 received a prompt bail hearing. This detention violates due process.

16           292. Defendant Superior Court systemically violates the right of the Jailed Plaintiffs and  
17 Prolonged Detention Class to a prompt bail hearing by maintaining a standard practice of  
18 calendaring arraignments for detained individuals two to three court days after arrest, even though  
19 such delay is not necessary or consistent with due process.

20           293. Unless and until enjoined by this Court, Defendants' unlawful conduct will cause  
21 great and irreparable injury to the Jailed Plaintiffs and the Prolonged Detention Class.

22           294. An actual controversy has arisen and now exists between the Jailed Plaintiffs and  
23 the Prolonged Detention Class and Defendants concerning their respective rights and duties. These  
24 Plaintiffs desire a judicial determination of the rights and duties of the parties and a declaration as  
25 to whether Defendants' policy and practice as alleged herein violate the above-mentioned laws  
26 and an injunction to enjoin such practices. A judicial declaration is necessary and appropriate at  
27 this time so that all parties may ascertain their rights and duties under these laws.

1           295.   Accordingly, the Jailed Plaintiffs and Prolonged Detention Class are entitled to  
2 declaratory and injunctive relief.

3                                   **NINTH CAUSE OF ACTION:**

4           **Taxpayer Claim—Unnecessarily Prolonged Detention Without Bail Hearing**  
5           **(U.S. Const. amend. XIV, § 1; Cal. Const. art. I, § 7; Civ. Proc. Code § 526a)**  
6           **(Clergy Plaintiffs Against All Defendants)**

7           296.   The Jailed Plaintiffs incorporate by reference the allegations in all preceding  
8 paragraphs.

9           297.   The Clergy Plaintiffs reside in the County of Riverside. The Clergy Plaintiffs have  
10 been assessed to pay taxes such as sales and other taxes in Riverside County, have paid taxes to  
11 the County of Riverside, and have paid a tax that funds the County in the year preceding the filing  
12 of this action.

13          298.   The Clergy Plaintiffs are entitled to declaratory and injunctive relief putting a stop  
14 to Defendants’ violations of the right to a prompt bail hearing under the United States and  
15 California Constitutions’ due process guarantees.

16          299.   Defendants violate individuals’ fundamental right to pretrial bodily liberty and their  
17 due process rights by routinely detaining arrested people without a bail hearing at which they can  
18 seek release, with counsel and before a judicial officer in open court, for an unlawfully prolonged  
19 period of time—two to three court days. *See generally In re Humphrey*, 11 Cal. 5th 135  
20 (describing bail hearings).

21          300.   Pre-hearing detention of this length is not narrowly tailored to any compelling  
22 government interest. Due process does not permit pre-hearing detention of any length beyond what  
23 the government proves is necessary in this litigation, which is less than two or three court days.

24          301.   The County Defendants systemically violate the right of the Jailed Plaintiffs and  
25 Prolonged Detention Class to a prompt bail hearing by failing to take detained individuals to court  
26 for two to three court days after arrest, even though such delay is not necessary or consistent with  
27 due process.

1           302.   The County Defendants unlawfully keep in their custody individuals who have not  
2 received a prompt bail hearing. This detention violates due process.

3           303.   Defendant Superior Court systemically violates the right of the Jailed Plaintiffs and  
4 Prolonged Detention Class to a prompt bail hearing by maintaining a standard practice of  
5 calendaring arraignments for detained individuals two to three court days after arrest, even though  
6 such delay is not necessary or consistent with due process.

7           304.   These practices are unconstitutional. When the Defendants commit these acts, they  
8 are engaged in an illegal expenditure and waste of, and cause of injury to, public funds and  
9 property.

10          305.   The Clergy Plaintiffs have an interest in enjoining the unlawful expenditure of tax  
11 and other government funds. Pursuant to California Code of Civil Procedure section 526a and this  
12 Court's equitable power, the Clergy Plaintiffs seek declaratory and injunctive relief to prevent  
13 continued harm and to protect Plaintiffs and the public from Defendants' unlawful policies and  
14 practices as alleged herein.

15          306.   Unless and until enjoined by this Court, Defendants' unlawful conduct will cause  
16 great and irreparable injury to the Clergy Plaintiffs in that the Clergy Plaintiffs will continue to  
17 make illegal expenditures.

18          307.   An actual controversy has arisen and now exists between the Clergy Plaintiffs and  
19 the County Defendants concerning their respective rights and duties. These Plaintiffs desire a  
20 judicial determination of the rights and duties of the parties and a declaration as to whether  
21 Defendants' policy and practice as alleged herein violate the above-mentioned laws. A judicial  
22 declaration is necessary and appropriate at this time so that all parties may ascertain their rights  
23 and duties under these laws.

24          308.   Accordingly, the Clergy Plaintiffs are entitled to declaratory and injunctive relief.  
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1 **TENTH CAUSE OF ACTION:**

2 **Jailed Plaintiffs' Writ of Mandate to Compel Compliance with the California Constitutions**  
3 **and Prohibit Unnecessarily Prolonged Detention Without Bail Hearings**

4 **(Cal. Const. art. I, § 7; Civ. Proc. Code § 1085)**

5 **(Jailed Plaintiffs and Prolonged Detention Class Against the County Defendants)**

6 309. The Jailed Plaintiffs incorporate by reference the allegations in all preceding  
7 paragraphs.

8 310. Defendants violate the fundamental right to pretrial bodily liberty and the due  
9 process rights of the Jailed Plaintiffs and Prolonged Detention Class under the California  
10 Constitution by routinely detaining arrested people without a bail hearing at which they can seek  
11 release, with counsel and before a judicial officer in open court, for an unlawfully prolonged  
12 period of time—two to three court days. *See generally In re Humphrey*, 11 Cal. 5th 135  
13 (describing bail hearings).

14 311. Pre-hearing detention of this length is not narrowly tailored to any compelling  
15 government interest. Due process does not permit pre-hearing detention of any length beyond what  
16 the government proves is necessary in this litigation, which is less than two or three court days.

17 312. The County Defendants systemically violate the right of the Jailed Plaintiffs and  
18 Prolonged Detention Class to a prompt bail hearing by failing to take detained individuals to court  
19 for two to three court days after arrest, even though such delay is not necessary or consistent with  
20 due process.

21 313. The County Defendants unlawfully keep in their custody individuals who have not  
22 received a prompt bail hearing. This detention violates due process.

23 314. The County Defendants have the duty to obey the California Constitution,  
24 including its guarantees of due process. These Defendants violate this duty when they jail  
25 individuals who have not received a prompt bail hearing, and when they fail to set a prompt bail  
26 hearing.

27 315. The County Defendants have a clear, mandatory statutory duty to keep in their  
28 custody individuals who have not received any bail hearing in open court when their detention is

1 required by the bail schedule, an arrest warrant, a magistrate's order, or a statute. (*See, e.g.*, Penal  
2 Code §§ 666.1(c), 849, 1269b(a)-(b), 1269b(e), 1270.1, 1319.5; Health and Safety Code  
3 § 11395(f).) These Defendants have a corollary duty to *not* perform the duty in violation of law.  
4 The County Defendants discharge their statutory duty in a manner that violates individuals'  
5 constitutional rights.

6 316. These Defendants' justifications for violating these duties are legally and factually  
7 unsupportable. Their failures to comply with these duties constitute prejudicial abuses of  
8 discretion and must be set aside.

9 317. The Jailed Plaintiffs and Prolonged Detention Class have a clear and present legal  
10 right to Defendants' performance of their duties as set forth in this cause of action, and Defendants  
11 have refused to perform these duties despite their ability to do so.

12 318. The Jailed Plaintiffs and Prolonged Detention Class are beneficially interested in  
13 Defendants' compliance with these duties. The Jailed Plaintiffs also have public interest and  
14 citizen standing because this lawsuit involves a question of public rights and seeks to enforce  
15 public duties.

16 319. Defendants' failure to uphold the above duties must be remedied. Petitioners have  
17 no plain, speedy, and adequate remedy in the ordinary course of law.

18 320. Accordingly, the Jailed Plaintiffs and Prolonged Detention Class are entitled to a  
19 peremptory writ of mandate prohibiting unnecessarily prolonged detention without bail hearings.

20 **ELEVENTH CAUSE OF ACTION:**

21 **Clergy Plaintiffs' Writ of Mandate to Compel Compliance with the U.S. and California**  
22 **Constitutions and Prohibit Unnecessarily Prolonged Detention Without Bail Hearings**

23 **(U.S. Const. amend. XIV, § 1; Cal. Const. art. I, § 7; Civ. Proc. Code § 1085)**

24 **(Clergy Plaintiffs Against the County Defendants)**

25 321. The Clergy Plaintiffs incorporate by reference the allegations in all preceding  
26 paragraphs.

27 322. Defendants violate individuals' fundamental right to pretrial bodily liberty and their  
28 due process rights by routinely detaining arrested people without a bail hearing at which they can



1 seek release, with counsel and before a judicial officer in open court, for an unlawfully prolonged  
2 period of time—two to three court days. *See generally In re Humphrey*, 11 Cal. 5th 135  
3 (describing bail hearings).

4 323. Pre-hearing detention of this length is not narrowly tailored to any compelling  
5 government interest. Due process does not permit pre-hearing detention of any length beyond what  
6 the government proves is necessary in this litigation, which is less than two or three court days.

7 324. The County Defendants systemically violate detained individuals' right to a prompt  
8 bail hearing by failing to take them to court for two to three court days after arrest, even though  
9 such delay is not necessary or consistent with due process.

10 325. The County Defendants unlawfully keep in their custody individuals who have not  
11 received a prompt bail hearing. This detention violates due process.

12 326. The County Defendants have the duty to obey the United States and California  
13 Constitutions, including their respective guarantees of due process. These Defendants violate this  
14 duty when they jail individuals who have not received a prompt bail hearing, and when they fail to  
15 set a prompt bail hearing.

16 327. The County Defendants have a clear, mandatory statutory duty to keep in their  
17 custody individuals who have not received any bail hearing in open court when their detention is  
18 required by the bail schedule, an arrest warrant, a magistrate's order, or a statute. (*See, e.g.*, Penal  
19 Code §§ 666.1(c), 849, 1269b(a)-(b), 1269b(e), 1270.1, 1319.5; Health and Safety Code  
20 § 11395(f).) These Defendants have a corollary duty to *not* perform the duty in violation of law.  
21 The County Defendants discharge their statutory duty in a manner that violates individuals'  
22 constitutional rights.

23 328. These Defendants' justifications for violating these duties are legally and factually  
24 unsupportable. Their failures to comply with these duties constitute prejudicial abuses of  
25 discretion and must be set aside.

26 329. The Clergy Plaintiffs have a clear and present legal right to County Defendants'  
27 performance of their duties as set forth in this cause of action, and County Defendants have  
28 refused to perform these duties despite their ability to do so.

330. The Clergy Plaintiffs have public interest and citizen standing because this lawsuit involves a question of public rights and seeks to enforce public duties.

331. The County Defendants' failure to obey the United States and California Constitutions and to execute their statutory duty in compliance with them must be remedied. Petitioners have no plain, speedy, and adequate remedy in the ordinary course of law.

332. The County Defendants' failure to uphold the above duties must be remedied. Petitioners have no plain, speedy, and adequate remedy in the ordinary course of law.

333. Accordingly, the Clergy Plaintiffs are entitled to a peremptory writ of mandate prohibiting unnecessarily prolonged detention without bail hearings.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs request that this Court issue the following relief:

a. A declaration that (1) pre-arraignment jailing is unconstitutional except to the extent it is proven necessary, as required by the “strict scrutiny” standard, (2) pre-arraignment cash-based detention is unconstitutional, regardless of whether it is imposed pursuant to the bail schedule or an arrest warrant, (3) Defendants violate the Jailed Plaintiffs’ and the Cash Bail class members’ constitutional rights by promulgating and enforcing a bail schedule that confines people in jail after arrest and before arraignment solely because they have not made a monetary payment, (4) the routine detention of individuals for two to three court days—or for any other period of time longer than that which the government can prove necessary in this litigation—without an arraignment or bail hearing is unlawful, and (5) Defendants violate the Jailed Plaintiffs’ and the Prolonged Detention class members’ constitutional rights by detaining individuals for two to three court days, or for any other period of time longer than that which the government can prove necessary, without an arraignment or bail hearing;

b. A permanent injunction prohibiting (1) Defendant Superior Court from maintaining or promulgating a bail schedule that imposes secured money bail prior to arraignment, (2) Defendant Superior Court from issuing arrest warrants that impose secured money bail prior to arraignment, (3) the County Defendants from jailing individuals prior to arraignment solely because they have not paid a secured money bail amount, whether that amount is determined by

1 the bail schedule or an arrest warrant, (4) Defendants from delaying the arraignments or bail  
2 hearings of individuals in custody past that period of time that the government proves is necessary  
3 in this litigation, which is less than two court days, and (5) the County Defendants from jailing  
4 individuals for two court days—or for any period of time longer than that which the government  
5 can prove necessary in this litigation—without an arraignment or bail hearing as a matter of  
6 standard practice rather than for individualized reasons such as medical necessity;

7 c. A writ of mandate against the County Defendants prohibiting them from (1) jailing  
8 individuals prior to arraignment solely because they have not paid a secured money bail amount,  
9 whether that amount is determined by the bail schedule or an arrest warrant, (2) delaying the  
10 arraignments or bail hearings of individuals in custody past that period of time that the  
11 government proves is necessary in this litigation, which is less than two court days, (3) jailing  
12 individuals for two court days—or for any period of time longer than that which the government  
13 can prove necessary in this litigation—without an arraignment or bail hearing as a matter of  
14 standard practice rather than for individualized reasons such as medical necessity;

15 d. A further permanent injunction, on behalf of the Clergy Plaintiffs, preventing the  
16 use of taxpayer dollars to fund: (1) the promulgation and enforcement of the secured money bail  
17 provisions of the bail schedule and the issuance and enforcement of arrest warrants imposing  
18 secured money bail; (2) the practice of delaying detained individuals' arraignments and bail  
19 hearings for any period longer than the government proves is necessary in this litigation, which is  
20 less than two court days; and (3) the practice of jailing of individuals who have not received an  
21 arraignment and bail hearing for any period longer than the government proves is necessary in this  
22 litigation, which is less than two court days;

23 e. An award to Plaintiffs for their expenses, costs, fees, and other disbursements  
24 associated with the filing and maintenance of this action, including reasonable attorneys' fees and  
25 costs pursuant to California Code of Civil Procedure section 1021.5, and any other applicable  
26 provision of law;

27 f. Prejudgment and post-judgment interest; and  
28

1 g. Any other relief in equity or law that the Court determines is just and proper. To  
2 avoid any doubt, Plaintiffs request expressly that any and all remedies issued in this case comply  
3 with the principle that pre-arraignment jailing is unconstitutional except to the extent that it is  
4 proven necessary to meet a compelling government interest.

5 h. Petitioners demand a jury trial on any issues so triable.

6 DATED: August 12, 2025

Respectfully Submitted,

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8  
9 By: 

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**VERIFICATION**

I am a party to this action, and I have read the foregoing First Amended Verified Class Action Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandate and know its contents. I am informed and believe and on that ground allege that the matters stated in the First Amended Verified Class Action Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandate 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 August 11, 2025.

Oscar Sandoval

Oscar Sandoval

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**VERIFICATION**

I am one of the attorneys for, Mathew Wholf, a party to this action. Mr. Wholf is currently confined in at Robert Presley Detention Center in Riverside County. He was unable to verify the Verified Class Action Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandate because the Riverside Sheriff's Office did not permit our legal team's non-attorney staff to obtain his signature today.

On Thursday, August 7, I called Robert Presley Detention Center at 4:54 PM and spoke to a Sheriff's deputy. I asked whether it would be possible for non-attorney staff to meet with my client for the purpose of obtaining a signature on a legal document. The deputy informed me he would ask a supervisor. He called back at 5:00 PM and we spoke for two minutes. He informed me that non-attorney staff could come for this purpose anytime so long as they had a letter with the attorney's bar number, the representation that the non-attorney staff worked for the attorney's organization, the case name and number for which the meeting was required, and the representation that the client's signature was needed on legal documents. The deputy further told me that jail staff would review the captions of the documents to ensure they were in fact about the case mentioned in the letter. The deputy stated that if these conditions were met, non-attorney staff could have a confidential meeting with the client and get documents signed.

My co-counsel Brian Olney from Hadsell Stormer Renick & Dai LLP wrote such a letter and sent a member of his firm's staff, David Hannah, to Robert Presley Detention Center today. At around 1:00 PM, Mr. Hannah presented Mr. Olney's letter and asked to see Mr. Wholf. He was denied the visit and told that only an attorney could see him. I called the jail shortly thereafter and was told by a deputy that only attorneys may visit and the letter does not suffice. I asked to speak to the deputy's supervisor. The supervisor told me that only an attorney or notary can visit a detainee and have documents signed. The supervisor told me there is no alternative way to have a detainee sign documents.

Although Mr. Wholf has not been able to verify the First Amended Verified Class Action Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandate, he



1 has submitted a sworn declaration attached thereto attesting to those factual allegations in the  
2 complaint of which he has knowledge. He has authorized me to make this verification on his  
3 behalf.

4 I have read the foregoing First Amended Verified Class Action Complaint for  
5 Declaratory and Injunctive Relief and Petition for Writ of Mandate and know its contents. I am  
6 informed and believe and on that ground allege that the matters stated in the First Amended  
7 Verified Class Action Complaint for Declaratory and Injunctive Relief and Petition for Writ of  
8 Mandate are true.

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

11 Executed on August 11, 2025

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14 Salil Dudani  
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**VERIFICATION**

I am a party to this action, and I have read the foregoing First Amended Verified Class Action Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandate and know its contents. I am informed and believe and on that ground allege that the matters stated in the First Amended Verified Class Action Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandate 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 August 10, 2025.

*Violet Leora Graham*

Violet Graham

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Executed on August 11, 2025.

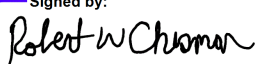
Michael Jensen  
Michael Jensen

**VERIFICATION**

I am a party to this action, and I have read the foregoing First Amended Verified Class Action Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandate and know its contents. I am informed and believe and on that ground allege that the matters stated in the First Amended Verified Class Action Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandate 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 August 11, 2025.


Signed by:  
  
37395A3911134A4...  
Robert Chismar

**VERIFICATION**

I am a party to this action, and I have read the foregoing First Amended Verified Class Action Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandate and know its contents. I am informed and believe and on that ground allege that the matters stated in the First Amended Verified Class Action Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandate 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 August 11, 2025.

Signed by:  
  
0A766FD5387A403...

Rabbi David Lazar

**VERIFICATION**

I am a party to this action, and I have read the foregoing First Amended Verified Class Action Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandate and know its contents. I am informed and believe and on that ground allege that the matters stated in the First Amended Verified Class Action Complaint for Declaratory and Injunctive Relief and Petition for Writ of Mandate 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 August 11, 2025.

DocuSigned by:  
*Jane Quandt*  
12010FA91BD0461...  
Reverend Jane Quandt

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF RIVERSIDE**

Oscar Melendres Sandoval, Mathew Wholf,  
Violet Graham, Michael Jensen, and Robert  
Chismar on behalf of themselves and all  
others similarly situated, and Rabbi David  
Lazar and Reverend Jane Quandt,  
individually,

Plaintiffs,

v.

Riverside County, Riverside County  
Sheriff's Office, Sheriff Chad Bianco, and  
Riverside County Superior Court,

Defendants.

Case No. CVRI2502556

**DECLARATION OF OSCAR MELENDRES  
SANDOVAL IN SUPPORT OF FIRST  
AMENDED VERIFIED CLASS ACTION  
COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF AND PETITION FOR  
WRIT OF MANDATE**

*Assigned for All Purposed to: Hon. William D.  
Claster Department CX101 [Superior Court of  
Orange County, Civil Complex], Sitting by  
Assignment as a Judge of the Superior Court of  
Riverside County*



## Declaration of Oscar Dario Melendres Sandoval

1. I am 18 years old and I have lived in Hemet for most of my life.
2. I live with my mom and my two siblings - my brother who is 14 and my sister who is 12. I also have an older sister who doesn't live with us.
3. I was arrested on May 26, 2025 and am being held at Southwest Justice Center.
4. I am here because I am unable to bail out.
5. I understand my bail is set at \$5000. I learned my bail amount when an attorney from Public Justice showed me a piece of paper printed from the jail website.
6. I can't afford to pay \$5000 bail to be released.

7. I have not been told why I have to pay this amount of bail or how my bail was calculated or determined.
8. No one, other than the attorney at Public Justice, has asked me about my ability to pay bail.
9. Other than paying bail, I have not been told of any way to get out of jail before I go to court.
10. Until I saw the print out with my court date, no one had informed me of when I can see a judge.
11. I have not seen a public defender yet, and I can't afford to hire my own criminal defense attorney.
12. I have not talked with a judge or anyone from the court.



13. I've been doing various kinds of construction work since I was about 15 years old. Currently I work as a foreman for a company. I've had that job for a couple months.
14. I work 12 hours a day, five days a week. I start at about 5am, and I don't get home until 8 at night. The drive takes a hour each way from Hemet and back. I get a ride.
15. If I weren't in jail, I would be working and earning money this week. I was scheduled to be at work today. Being in jail is costing me my income.
16. I'm responsible for contributing to our family's rent and groceries. I pitch in \$500-\$600 a month towards rent and around \$100 a week towards food.
17. My goal is to one day have my own construction company. I am planning to save the money I earn, after expenses, to buy my own truck and buy some tools, and eventually get my own business cards.

18. My other expenses include a monthly cell phone bill, pitching in for gas, work boots for my job, and all my personal items.
19. My mom works full-time at Carl's Jr. She works really hard to take care of my little brother and sister. I worry about my mom making ends meet. Sometimes at the grocery store when she goes to pay, her debit card gets declined.
- 20 ~~18~~. At Christmas, my mom and I make sure my little sister and brother get presents, but I usually don't get any presents.
- 21 ~~19~~. My mom can't afford to pay my bail or even pay a bond company. There's no one who could bail me out.
- 22 ~~20~~. I was supposed to take my driving test tomorrow at the DMV so I could get my driver's license. But because I'm in jail, I will miss that appointment.



- 23 ~~17~~. I want to be a good role model for my younger brother and sister. I am working hard so that I can have my own business, build a good life for myself, buy a house, and someday get married and have a family of my own.
- 24 ~~18~~. Every day that I'm sitting here in jail is another day I can't work towards that future.
- 25 ~~19~~. If I could pay money to be free, I would.
- 26 ~~20~~. I am willing to advocate for the rights of others by serving as a plaintiff in a class action.
- 27 ~~21~~. I, Oscar Dario Melendressandoval, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.

Oscar Sumband

05/27/25

Date

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF RIVERSIDE**

Oscar Melendres Sandoval, Mathew Wholf,  
Violet Graham, Michael Jensen, and Robert  
Chismar on behalf of themselves and all  
others similarly situated, and Rabbi David  
Lazar and Reverend Jane Quandt,  
individually,

Plaintiffs,

v.

Riverside County, Riverside County  
Sheriff's Office, Sheriff Chad Bianco, and  
Riverside County Superior Court,

Defendants.

Case No. CVRI2502556

**DECLARATION OF MATHEW WHOLF IN  
SUPPORT OF FIRST AMENDED VERIFIED  
CLASS ACTION COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE RELIEF  
AND PETITION FOR WRIT OF MANDATE**

*Assigned for All Purposed to: Hon. William D.  
Claster Department CX101 [Superior Court of  
Orange County, Civil Complex], Sitting by  
Assignment as a Judge of the Superior Court of  
Riverside County*



## Declaration of Mathew Douglas Freeman Wholf

1. I am 35 years old. I grew up in the high desert in California and have lived in Riverside County for the last few years.
2. I was arrested on May 24, 2025 and booked into the jail in downtown Riverside and then transferred to Banning where I am now. I have been here ever since because I can't afford to pay bail.
3. I understand that my bail is set at \$30,000 per offense and that there are two alleged offenses.
4. I learned the bail amount from an attorney at Public Justice. Before that, no one had talked to me about the bail amount.
5. Not only can I not afford the bail, I also can't afford to pay a bail bond company.
6. I have not been informed of how the bail amount was calculated or what it is based on.
7. Other than my attorney from Public Justice, no one has asked me about my ability to pay bail.

8. I have not been made aware of any options for getting out of jail before my court date, other than paying bail.
9. I have not been assigned a public defender yet, and I can't afford to hire my own criminal defense lawyer.
10. I have not spoken with a judge, magistrate, or anyone from the court yet ~~about my case~~.
11. I have been homeless for several months. I've been living on the streets without shelter and without any help from anyone.
12. Before I became homeless, I had been working in construction. It has been extremely difficult to find work since I became homeless.
13. I received food stamps and cash aid in the past, but it has been difficult to receive these benefits consistently.



14. I have a car, but it needs to be repaired and I haven't had the money to pay to get it fixed or get the tools to fix it myself. I can't use it for transportation because it's not running.
15. I have no sources of income other than benefits when I get those. I don't have a bank account or any assets.
16. I do not have enough money for <sup>the</sup> basic necessities of life. I do what I can to get by.
17. I don't have any family members or friends who could afford to bail me out of jail.
18. I have a 13 year old daughter, and I have joint custody of her. She is my most important priority in life, and I want to do everything I can to help take care of her. This is why I want to get back on my feet. It's hard to talk about because it makes me emotional.



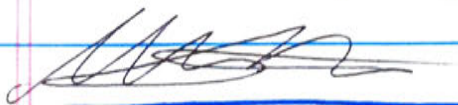
19. Because I'm here in jail, I'm losing more time I could be spending to improve my situation so I can be a more present father to my daughter.

20. If I weren't in jail, I would be trying to find work or earn money to take care of my self and my daughter.

21. This weekend I had planned to go <sup>to</sup> a church in downtown Riverside that provides food, clothes, and blankets to people living on the streets. It is do or die out there and this would have been a huge help. These feeding events only happen once a week on Sundays. Because I'm in jail, I missed the chance to get the things I need to keep warm outside at night.

22. If I could afford to buy my freedom, I would.

23. I, Mathew Douglas Freeman Wholf, declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct to the best of my knowledge.



Additional Plaintiffs' Counsel:

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# EXHIBIT C

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF RIVERSIDE**

Oscar Melendres Sandoval, Mathew Wholf,  
Violet Graham, Michael Jensen, and Robert  
Chismar on behalf of themselves and all  
others similarly situated, and Rabbi David  
Lazar and Reverend Jane Quandt,  
individually,

Plaintiffs,

v.

Riverside County, Riverside County  
Sheriff's Office, Sheriff Chad Bianco, and  
Riverside County Superior Court,

Defendants.

Case No. CVRI2502556

**DECLARATION OF VIOLET GRAHAM IN  
SUPPORT OF FIRST AMENDED VERIFIED  
CLASS ACTION COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE RELIEF  
AND PETITION FOR WRIT OF MANDATE**

*Assigned for All Purposed to: Hon. William D.  
Claster Department CX101 [Superior Court of  
Orange County, Civil Complex], Sitting by  
Assignment as a Judge of the Superior Court of  
Riverside County*



## **DECLARATION OF VIOLET GRAHAM**

I, Violet Graham, declare as follows:

1. My name is Violet Graham. I am 44 years old and live in Riverside County, California.
2. I have personal knowledge of the information contained in this Declaration. If called as a witness, I could and would competently testify to the following.
3. I studied computer science in college and worked as a software engineer for about 15 years. I did contract work for Microsoft and worked for many other companies. Eventually, I became the managing engineer at a start-up called Pixel Fish, overseeing a team of six technical employees. However, ever since I had spinal cord surgery in 2011, my physical disabilities have prevented me from working as a programmer, besides some very occasional freelance work.
4. At the age of 20, I was hit by a truck as a pedestrian, leaving me with complex regional pain syndrome (CRPS). Without the medication I need, I experience intense pain. It feels like hot, sharp wire cutting through my bones, and like my body is on fire. It affects my right arm, back, neck, shoulders, and lower legs and feet. In 2011, I was diagnosed with a neurological condition called syringomyelia, requiring invasive spinal cord surgery to prevent complete paralysis. Ever since the procedure, I have had incomplete paraplegia with a central spinal cord injury, and my pain has greatly increased. My left leg is very hard to move, so I often use a walker or wheelchair for mobility. I also have epilepsy and had seizures as recently as March of this year.
5. I have struggled with mental health challenges including PTSD, anxiety, and depression ever since I experienced childhood sexual abuse and other traumatic events. I have a strong support system and a lot to be grateful for. Still, things sometimes feel like too much. When my physical pain is not managed, that is especially harmful for my ability to feel any hope. I know myself, and I know when I am in danger of harming myself and when I am not. Sometimes, I feel suicidal and need hospitalization to get help.
6. I rely on many medications to get through the day. Some manage my pain. Others manage my blood pressure, which gets dangerously high without them; I've even had to go to the ER when it gets too high. I also take medication for epileptic seizures twice daily and know from experience that there's a significant risk I'll have a seizure without them, especially when I'm under stress. And I take daily anti-depressant medications, which prevent me from feeling suicidal.
7. I work as an Independent Living Advocate at the Riverside Community Access Center, a nonprofit organization serving people with disabilities in the Inland Empire.



8. I love my work. It's so rewarding to help people facing challenges like my own.
9. I have had a paid position at the Community Access Center since June, but before then I volunteered for many years. I was president of the Board of Directors for over a year before my employment. This is the first steady paying work I've had since my operation 14 years ago.
10. After becoming unable to work in 2011, I primarily relied on SSDI for my income until I got my job in June.
11. On the morning of Tuesday, April 8, 2025, for the first time in my life, I was arrested. The deputies took me to a jail in Banning, near the courthouse. There, I was told I was being booked for making criminal threats.
12. I ended up spending about three days in jail because I could not afford to pay bail even though I was never actually charged with any crime. Being jailed harmed me in many ways.
13. After arresting me and before taking me to the jail, Sheriff's deputies took me to a hospital in Hemet. With a deputy in the room, I saw a doctor and explained all my medical needs. The doctor just gave me one dose of my seizure medication and one dose of my medication for anxiety.
14. This was the only time I received any of my medications throughout my time in custody.
15. Shortly after reaching the jail, I went through the booking process. I told the jail staff about my physical and mental health needs, including all the medications I desperately needed. I never received any of them.
16. In that same initial conversation with jail staff, I asked for a wheelchair. It was pointless. I was never given a wheelchair or walker while I was in jail. It was hard for me to move around, and I was constantly afraid that I would fall. I was placed in a top bunk and because of my disabilities it felt very dangerous for me to climb in and out.
17. As hours and days passed, I became desperate. I tried flagging down any deputy who passed by and asked for medical attention as often as I could. That got me nowhere.
18. When deputies transported me from one location to another, they put heavy shackles around my ankles and waist. Because I am an incomplete paraplegic, getting in the ankle restraints took me time, but they rushed me as if I was just being difficult, which

repeatedly put me at risk of falling. When I told them I have a spinal cord injury, they mocked me.

19. Although I told the jail about my food allergies, all I was given that I could eat was milk and apples.
20. I saw others booked into jail with me suffering from their own unmet health needs, including a pregnant woman in pain. Like me, they asked for help but did not receive any. My heart broke for them.
21. The jail was so cold. To try to get some warmth, several of us huddled together in a holding cell in Riverside where we were confined for hours.
22. I could not sleep. I was in pain and afraid.
23. I caught a respiratory infection that was spreading in the jail and felt I had a fever. I was coughing for a week after I finally got out.
24. I expected to receive a piece of paper with information about my charges, court date, and how to contact the public defender. But I wasn't informed of any of that. It felt like I had fallen into a black hole in the county jail.
25. In the jail there were brightly colored ads on the walls for bail bond companies. Jail staff did not tell me anything about my bail. I called bail bond companies and was told that my bail was something like \$20,000.
26. I cannot afford anywhere close to \$20,000, or any lesser amount the bail companies would accept. My low income would be hard to live on anyway, but especially with how much my medications cost, I struggle to meet the basic necessities of life.
27. If I could have paid to leave the awful conditions in jail, I would have.
28. On Wednesday, April 9, the day after my arrest, I was moved to a jail that I was told was called "Robert Presley" in Riverside. The conditions I described above were the same. Even after going through another intake interview and repeating all my physical and psychiatric health needs, I did not receive any of my medications there either.
29. No jail staff at Robert Presley, the jail in Banning, or anywhere else ever said anything to me about bail. I was never told my bail amount, asked whether I could afford it, or informed whether I could ask for a reduction in my bail from a magistrate.

30. Early in the morning of Thursday, April 10, I was transported again. Someone from the jail told me I was being sent to court for my arraignment.
31. However, I was never taken to court for an arraignment. I later learned this was because prosecutors declined to charge me with any crime.
32. On my trip to court, I was kept in shackles from about 5 a.m. to about 3 p.m., when I was taken back to jail. The shackles were physically painful and hard for me to move in. I felt so dehumanized.
33. I was released from jail in the very early morning of Friday, April 11, after waiting in a holding cell for hours. The buses weren't running then, and I had to walk over a mile to a gas station to borrow a phone. It took me a very long time because it was very physically hard for me, and scary. I drive past that gas station every day I drive to work at the Community Access Center, and the fear comes back.
34. In jail I couldn't sleep, couldn't take my medications, and was cut off from my support system. My mental and physical health both worsened. My pain was severe. I felt a headache from my spiking blood pressure, and was scared worse would happen. Without my epilepsy medication and under such stress, I was very worried I'd have seizures. Stuck in this terrifying situation and without my anti-depressants, I fell into a deep, terrible depression that felt like it had no bottom and would never end. It is hard to put into words the psychological pain I felt while confined in jail and in intolerable physical pain, without understanding when I would be able to secure my release. I wouldn't wish the feelings of suicidal depression that being in jail gave me on anyone.
35. While I was in jail, I missed an important pain management appointment with a clinic that I had been trying to establish care with. I needed this appointment because my former pain management specialist had recently retired, interrupting my care. Although I still had some of my vital pain medications, they were not enough. That appointment was essential.
36. After my release I felt so scared by how powerless I had been, and because of all I had gone through my physical pain was worse than ever. Right after getting out, I started experiencing intense night terrors. In my nightmares I am in jail, confined, and restrained. I had never had night terrors before, and even though I am now on specific medication for night terrors, I still get them. Within days of my release, I was in a psychiatric hospital. I stayed there for three days.



37. Fortunately, I have been able to do intensive therapy since. I'm doing much better now, even though I am still affected. It has taken me months to recover from this experience of being arrested, jailed, denied food and medicine, and transported in chains.
38. Before I was released from jail, I was given a piece of paper titled "Inmate Copy – Certification of Detention." It said that I was being released because of "California Penal Code 825" and a box was checked that said: "Did not make last day arraignment". That document is attached as Exhibit C-1.
39. I got a letter in the mail from the Riverside County Sheriff's Department. It was also titled "Certificate of Detention" and dated April 9, 2025. It explained that prosecutors had declined to file any criminal charges against me. I was surprised to see the date on that letter and am still wondering why I wasn't released until April 11 if on April 9 the Sheriff already knew that I was not going to be charged with a crime. The letter is attached as Exhibit C-2.
40. I don't think it's fair that I was jailed for three days and suffered everything I suffered just because I didn't have enough cash to pay for my freedom.
41. I also don't think it's fair that I was made to endure jail for as long as I did. Although I was arrested Tuesday morning, I was not even scheduled for court until Thursday. By the time I was released without charges, it was Friday morning.
42. I do not want others to go through what I did. That is why I am submitting this declaration and participating in this case.

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

Executed on August 10, 2025.

*Violet Leora Graham*

---

Violet Graham

# EXHIBIT C-1

# INMATE COPY

RIVERSIDE COUNTY SHERIFF'S DEPARTMENT  
RIVERSIDE, CALIFORNIA

## CERTIFICATE OF DETENTION

Date: 04/10/2025

In compliance with the provisions of Section 851.6, as amended, of the California Penal Code, this is to certify that the arrest of the subject identified below, is determined to be a detention.

Name: GRAHAM, VIOLET LEORA Booking Number: 202515661 Case Number: 1250980040

Arresting Agency: SAN JACINTO PD Date of Arrest: 04/08/2025

Charge(s): 422 PC Date of Release: 04/10/2025

The reason for this determination is shown below:

- ☐ 1. Section 849(b)(2) of the California Penal Code. Arrested for intoxication only and no further proceedings are desirable (JUS 8715 or JUS 8716 are not required).
- ☐ 2. Section 849(b)(3) of the California Penal Code. Arrested only for being under the influence of a narcotic drug or restricted dangerous drug and was delivered to a facility or hospital for treatment and no further proceedings are desirable.
- ☒ 3. Section 849(b)(1) 825 851.6(b) and 1115 of the California Penal Code.
- ☐ Further investigation exonerated the arrested party
- ☐ The complainant withdrew the complaint
- ☐ Further investigation appeared necessary before prosecution could be initiated
- ☐ The ascertainable evidence was insufficient to proceed further
- ☐ On Call Magistrate rejected Probable Cause Statement
- ☒ Did not make last day arraignment
- ☐ Any other appropriate explanation for release: \_\_\_\_\_

All detentions/arrests must include the ADR or the Juvenile Detention Disposition JUS 8715 or JUS 8716

☐ Copies required for DOJ/FBI

☒ Computer updated for detention only

Signed: Mejia N7518  
Title: SCA

Distribution:  
White: ISB  
Yellow: Subject  
Pink: DOJ/FBI (if required) to ISB

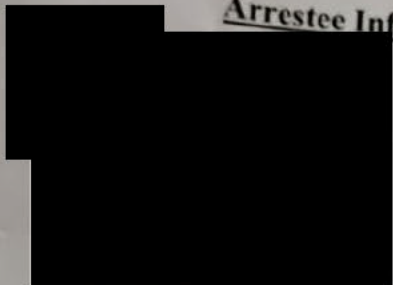
Arresting Officer  
Complaint/Court Officer  
Custody Officer

# EXHIBIT C-2



RIVERSIDE COUNTY SHERIFF'S DEPARTMENT  
RIVERSIDE, CALIFORNIA  
CERTIFICATE OF DETENTION  
Date: 4/9/2025

Arrestee Information



Incident Information

File Number: 1250980040

Date: 4/8/2025

Booking Number: 2025015661

Charge(s): PC422

Dear GRAHAM VIOLET,

On the above date, you were arrested and booked into the Riverside County Jail system. After reviewing the criminal complaint, the prosecuting authority (generally the Riverside County District Attorney's Office) has not filed criminal charges at this time. In compliance with the provisions of Section 849.5 of the California Penal Code, as amended, we are notifying you that our records of your involvement in this incident have been changed from an "Arrest" to a "Detention."

The purpose of this letter is to notify you of the change in this status as required by law.

Signed:

A handwritten signature in black ink, appearing to read "Chadte Z. Lopez".

Riverside County Sheriff's Department



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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF RIVERSIDE**

Oscar Melendres Sandoval, Mathew Wholf,  
Violet Graham, Michael Jensen, and Robert  
Chismar on behalf of themselves and all  
others similarly situated, and Rabbi David  
Lazar and Reverend Jane Quandt,  
individually,

Plaintiffs,

v.

Riverside County, Riverside County  
Sheriff's Office, Sheriff Chad Bianco, and  
Riverside County Superior Court,

Defendants.

Case No. CVRI2502556

**DECLARATION OF MICHAEL JENSEN IN  
SUPPORT OF FIRST AMENDED VERIFIED  
CLASS ACTION COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE RELIEF  
AND PETITION FOR WRIT OF MANDATE**

*Assigned for All Purposed to: Hon. William D.  
Claster Department CX101 [Superior Court of  
Orange County, Civil Complex], Sitting by  
Assignment as a Judge of the Superior Court of  
Riverside County*

## **DECLARATION OF MICHAEL JENSEN**

I, Michael Jensen, declare as follows:

1. My name is Michael Jensen. I am 68 years old and live in Riverside County, California.
2. I have personal knowledge of the information contained in this declaration. If called as a witness, I would competently testify to the following facts.
3. I worked as a drywall installer from my youth until my late 50s, when I had to stop on account of several brain surgeries and a diagnosis of COPD. I was found to be disabled at this time and entitled to SSDI benefits.
4. In recent years I have split my time between living with my 88-year-old mother and my 85-year-old uncle in their home in Palm Springs for ten months of the year and going to Washington State for two months out of the year to visit with my children and grandchildren there.
5. While in Palm Springs, I take care of my mother and uncle since they are both very elderly and are at this point housebound. My uncle gave up driving earlier this year so I now take him to his weekly doctor's appointments and to the drug store for medications. I also do all the grocery shopping for both my mother and uncle and help them with basic household tasks like opening jars and water bottles. This year I decided that I cannot continue to return to Washington at all because my mother and uncle need full-time care and there is no one else to do it but me.
6. On the night of June 9, 2025, I was arrested. In the process of arresting me, officers threw me to the ground. I couldn't raise my shoulder and my ribs were in acute pain, but after a series of x-rays at a local hospital, I was cleared to be booked into jail.
7. I arrived at the jail in Indio several hours after I was arrested. During the jail intake process, I was told that my bail was \$20,000. I told the officers doing the intake I did not have the money and could not bail out. No one told me about any process to lower my bail or get released without paying—they said nothing at all in response.
8. While going through intake, I asked the officers for a Tylenol or Advil because my shoulder and ribs were still in acute pain. I also explained to them that I had eye drops in my pocket and that it was important that I take eye drops three times a day.

Ever since the brain surgeries I had about 10 years ago, the tear duct in one of my eyes has completely stopped working. If I don't use eye drops repeatedly during the day, the eye dries out completely and I get an acute headache.

9. Once the intake was done, I was put in an ice-cold holding cell with just a concrete bench inside. It was the middle of the night, but there was no place to sleep. My ribs and shoulder were in such pain that I couldn't sit up easily and I also couldn't lie down or roll over. The extreme cold and lack of a blanket or cushion made the situation much worse.
10. The officers never gave me the Tylenol or Advil or any eye drops. My eye dried out and the painful headache set in, as I knew it would. I spend the whole night in the freezing holding cell.
11. In the morning, an officer came to the holding cell and told me I was being transported. I was put in shackles and put on a bus with 20 or 30 other people in custody. I thought we were going to court, but then we got on the highway and started driving east away from town.
12. I told the officers on the bus that I hadn't been to court yet but they just said I was being transported and would tell me nothing more.
13. We drove more than an hour and a half down the road to the jail in Blythe, with everyone in custody shackled the entire time.
14. While at intake in the Blythe jail, I mentioned my need for Tylenol and eyedrops and was finally given a dose of each later in the day.
15. As with Indio, I spent several hours in the Blythe jail in a bare holding cell with just a concrete bench in it. But later in the afternoon or evening, I was finally taken to a cell with a blanket and mattress and was able to lie down.
16. The next day, Wednesday, I kept telling the officers that I hadn't been to court yet. Finally, an officer told me that I needed to be transported back to Indio so I could go to court the next day. I was again shackled and put on the bus going back to Indio.
17. I was taken to court on Thursday afternoon. The most important thing to me was getting back home as quickly as possible so I could care for my mother and uncle.

The judge encouraged the lawyers to get the case over with that day rather than making me come back for another hearing. I agreed to plead guilty to a misdemeanor and was sentenced to time served, with no probation or fine.

18. I was then taken back to the jail and not released for another seven hours. While I was waiting in my cell, another person in custody showed up and said he had been assigned to my bed. I thought the officers had forgotten I was there. I was eventually taken to another cold holding cell for hours and then finally released at about 10:00 p.m. on Thursday, about three days after I had been arrested.
19. During my time in the two jails, I repeatedly told officers that I needed to get to court and get released as soon as possible because I am the only caretaker for my 88-year-old mother and 85-year-old uncle. But no one had any advice for me or seemed to take that into account at all. That lack of any concern and the general lack of information the entire time was hard to take.
20. I think it's very unfair that it took so long to get me in front of a judge. As soon as the court heard my case, I was released, as I expected I would be. I should have been home earlier and taking care of my loved ones, rather than getting chained up and shuffled back and forth between jails for days.
21. I think also it's very unfair that I spend three days in custody because I didn't have the money to buy my release. Discriminating against people because they can't afford bail is wrong.
22. I want to help put a stop to the pointless cruelty of holding people for days before they see a judge and keeping people locked up because they can't pay money. And I don't want anyone else to go through what I experienced in the future. That's why I'm very interested in participating in this case.

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

Executed on August 10, 2025 in Palm Springs, California

A handwritten signature in black ink that reads "Michael Jensen". The signature is written in a cursive, flowing style with a long horizontal line extending from the end.

Michael Jensen

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# EXHIBIT E



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**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF RIVERSIDE**

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Riverside County, Riverside County  
Sheriff's Office, Sheriff Chad Bianco, and  
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Defendants.

Case No. CVRI2502556

**DECLARATION OF ROBERT CHISMAR IN  
SUPPORT OF FIRST AMENDED VERIFIED  
CLASS ACTION COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE RELIEF  
AND PETITION FOR WRIT OF MANDATE**

*Assigned for All Purposed to: Hon. William D.  
Claster Department CX101 [Superior Court of  
Orange County, Civil Complex], Sitting by  
Assignment as a Judge of the Superior Court of  
Riverside County*

## **DECLARATION OF ROBERT CHISMAR**

I, Robert Chismar, declare as follows:

1. My name is Robert Chismar. I am 60 years old and live in Los Angeles County, California.
2. I have personal knowledge of the information contained in this declaration. If called as a witness, I would competently testify to the following facts.
3. I have worked as an auto mechanic in Los Angeles County for many years. I operated my own shop in Sun Valley in Los Angeles for around 10 years starting in about 2010. But about 5 years ago, tragedy struck from multiple directions. Within a period of months, my wife died, the landlord of the home where we had lived for 27 years and raised our children refused to renew our lease and then sold the property, and I lost a long-term lease on the place where I was running my auto shop.
4. These events were incredibly destabilizing. Then, in 2022, I got in a motorcycle accident that required multiple surgeries and made it impossible for me to work. I spent several years living with family and several different friends and ultimately wound up living in my truck for about 8 months.
5. As I recovered from the accident, I took very occasional one-off mechanic jobs to make enough money to pay rent to the storage facilities that held all my possessions after I lost my home and shop. To this day almost everything I own remains in storage containers.
6. I finally found a steady job as a mechanic in June 2025 in northern Los Angeles County close to Interstate 5. I also was able to rent living space right on the job site and moved in there when I started work.
7. While on my lunch break on one of my first days on the job, a Los Angeles County Sheriff's Deputy pulled me over in my vehicle. During the stop, he ran my information and told me that a warrant had come up on a 2019 felony vandalism charge from Riverside County.
8. The deputy called Riverside County and was told to execute the warrant, so he took me into custody. Even though my truck was parked at my workplace at the time, he

had it towed away and impounded at a police-affiliated tow yard just a few doors down the street.

9. I spent several days in custody in Los Angeles. I couldn't remember the exact dates offhand, but my arrest records reminded me that it was from June 10 through June 13. On June 13, a van picked me up and drove me in shackles over to the jail in downtown Riverside, California.
10. I recently had both a knee replacement surgery and surgery on my foot, which makes it difficult for me to walk easily. After spending so much time in shackles while being transported, my ankles ached and I felt a lot of pain with every step. I asked for cortisone and painkillers on account of the pain and swelling in my ankles and feet, but the people at intake said they didn't have anything like that and did not seem to care about my problem at all.
11. At some point before my court date, I was taken from the jail in downtown Riverside to some other jail in the county for a day or two. And then after that I was transported back to the jail in downtown Riverside for court. I had trouble walking so when I was transported the officers chained me at the front of the line of shackled prisoners to avoid me getting dragged by people in front of me. But they never gave me any medication or any other assistance at all. And they kept the ankle shackles on each time even though they could see I could barely walk.
12. The whole time I was in custody, I was worried sick about my two dogs. They're like a second pair of children to me and I kept thinking of them alone all day long in my new place on the job site. I knew they'd be very unsettled stuck in a place they had only been living in for a few days, especially with me gone day and night. I knew my son was coming by to feed them, but he couldn't take them anywhere else and I knew they would be scared.
13. While I was in jail, I was also constantly worried about keeping my job and about my truck.
14. I knew the job was my first step in finally getting back on my feet. And now just days after starting, I thought I might be gone so long that I would lose it.
15. My truck has tremendous value to me. I have many fond memories of riding in it with my wife and children. It had been my home for months when I had nowhere else to



go and it was reliable transportation. As I sat in jail, I worried that I would never get it back.

16. While I was in jail, my daughter called a bail bond company and found out that my bail is \$10,000. I couldn't pay anywhere near the amount needed for my release and neither could my friends or my family. No one at the jail ever told me my bail amount or that there was any way I could ask to lower it before going to court.
17. I was finally brought to court on June 17, seven days after being arrested in Los Angeles and four days after arriving in Riverside. The judge in the case kept my bail at \$10,000 and I stayed in custody.
18. Three days after appearing in court, I was released from custody. I didn't pay any bail—I still couldn't. They just let me go. One of the officers involved told me I was released because of "fed kick." I didn't understand what that meant at the time.
19. After my release I went to the impound lot that held my truck, right down the street from the shop where I work. The person at the lot told me it would cost me around \$2,000 to get it back, money I didn't have. Because I spent so much time in jail, I lost my truck forever. I can't afford to buy another one.
20. Several days after I was released, I returned to court and accepted a plea deal for a sentence of time served, probation, and restitution. I accepted those terms because without my own transportation, it cost me a whole lot of time and money to get to Riverside. I needed to pay for Uber and a train and a night at a hotel so I could get to court on time in the morning. And I was also worried about missing more work in the future if I had to go to court. Given the expense I felt I just had to get the case over with as soon as possible.
21. If I had enough money to pay bail, I could have gotten right back home and gotten my truck out of impound before the cost became so expensive that I could never get it back. But because I couldn't afford bail and was kept in jail for days, there was no way for me to pay what they demanded.
22. I want to be a part of this case because I think it's disgraceful how people without money are treated in the criminal system. Whether or not a person is released after arrest shouldn't depend on whether they can pay. And if a person is held in jail before appearing in court, they should be brought to court as quickly as possible,

not after days of waiting around in jails for no reason. I want to help make what change I can and ensure that what happened to me doesn't happen to anyone else.

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

Executed on August 10, 2025 in Lebec, California

*Robert w. Chismar*

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Robert Chismar

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