SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE
Civil Complex Center
751 W. Santa Ana Blvd
Santa Ana, CA 92701

SHORT TITLE: Sandoval vs. Riverside County

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE	CASE NUMBER: **CVRI2502556**

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CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

SUPERIOR COURT OF CALIFORNIA

COUNTY OF RIVERSIDE

OSCAR MELENDRES SANDOVAL, MATTHEW 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

Plaintiffs,

v.

RIVERSIDE COUNTY, RIVERSIDE COUNTY SHERIFF'S OFFICE, SHERIFF CHAD BIANCO, and RIVERSIDE COUNTY SUPERIOR COURT,

Defendants.

No. CVRI 2502556

RULING ON MOTION FOR PRELIMINARY INJUNCTION

HON. WILLIAM D. CLASTER, ASSIGNED

I. INTRODUCTION

This lawsuit challenges the constitutionality of cash-based pre-arraignment bail in Riverside County. Citing the California Supreme Court's decision in *In re Humphrey* (2021) 11 Cal. 5th 135 and several trial court decisions involving other California counties, Plaintiffs assert that detaining arrestees because of their indigency is "fundamentally unfair" and violative of the arrestees' due process and

equal protection rights. They contend that "countless people remain in Riverside County jails only because they are too poor to buy their freedom."

While Plaintiffs argue that all cash-based jailing is unconstitutional, they do not seek by this motion to enjoin it in its entirety. Rather, Plaintiffs ask this Court for limited relief for the time being, i.e., a preliminary injunction prohibiting Defendants from jailing people arrested for 19 specified non-violent offenses that remain subject to cash bail per the 2026 Riverside County Bail Schedule.

More specifically, Plaintiffs Oscar Melendres Sandoval, Matthew Wholf, Violet Graham, Michael Jensen, and Robert Chismar (the "Jailed Plaintiffs") and Plaintiffs Rabbi David Lazar and Rev. Jane Quandt (the "Clergy Plaintiffs") move for the entry of a preliminary injunction against Defendants Riverside County, Riverside County Sheriff's Office, and Sheriff Chad Bianco (the "County") and Defendant Riverside County Superior Court ("RSC"). Per the notice of motion (ROA 180), as modified by a partial withdrawal of the motion (ROA 222), Plaintiffs seek the following relief:

1. That RSC be enjoined from requiring by bail schedule the pre-arraignment jailing of any person arrested for one of the 19 charges listed in paragraph 1 of the proposed order, if pre-arraignment jailing would not be imposed had the charge been included in the Book and Release ("BR") category of the Riverside County Superior Court Bail Schedule issued in October 2025.

2. That RSC be enjoined from requiring, by arrest warrant, the pre-arraignment jailing of any individual who, had they been arrested without a warrant on the same charges, would be subject to release under the Cite and Release

("CR") or BR provisions of the Riverside County Bail Schedule issued in October 2025 or under paragraph 1 of this preliminary injunction. "Pre-arraignment jailing" does not include subjecting the individual to the booking process.

3. That the County be enjoined from, as a result of an individual's arrest without a warrant on any of the charges listed in paragraph 1 of the proposed order, imposing pre-arraignment jailing that would not be imposed if the charge had been included in the BR category of the Riverside County Superior Court Bail Schedule issued in October 2025.

4. That the County be enjoined from jailing pre-arraignment any individual arrested on a warrant who, had they been arrested without a warrant on the same charges, would be released under the CR or BR provisions of the Riverside County Bail Schedule issued in October 2025 or under Paragraph 3 of this preliminary injunction. "Pre-arraignment jailing" does not include subjecting the individual to the booking process.

The Court rules as follows: The motion is GRANTED as to the third request for relief above and DENIED in all other respects. Plaintiffs are directed to submit a revised proposed order to this effect.

II. EVIDENTIARY MATTERS

Between them, Defendants have filed 62 pages of evidentiary objections, raising at least 197 total objections. (ROA 196, 210.) This runs counter to the

California Supreme Court's instructions in *Reid v. Google*, which involved 175 evidentiary objections: "We recognize that it has become common practice for litigants to flood the trial courts with inconsequential written evidentiary objections, without focusing on those that are critical. . . . To counter that disturbing trend, we encourage parties to raise only meritorious objections to items of evidence that are legitimately in dispute and pertinent to the disposition of the [preliminary injunction] motion. In other words, litigants should focus on the objections that really count. Otherwise, they may face informal reprimands or formal sanctions for engaging in abusive practices." (*Reid v. Google, Inc.* (2010) 50 Cal.4th 512, 532.)

In its tentative ruling, the Court directed Defendants to decide which of their objections "really counted" so the Court could focus on them. Although Defendants did focus on some particular objections, they (especially the County) stressed that *all* of their objections "really counted." Respectfully, the Court disagrees. Insofar as Plaintiffs conceded certain of Defendants' objections in their written responses (ROA 230, 232), those objections are sustained. Insofar as the Court discusses the evidence at issue below, Defendants' objections are overruled. The Court declines to rule on the remaining objections because the material objected to is immaterial to this ruling.

III. PRELIMINARY INJUNCTION STANDARD

"The general purpose of a preliminary injunction is to preserve the status quo pending a determination on the merits of the action." (*SB Liberty, LLC v. Isla Verde Ass'n, Inc.* (2013) 217 Cal. App. 4th 272, 280.) "'In determining whether to issue a preliminary injunction, the trial court considers two related factors: (1) the likelihood that the plaintiff will prevail on the merits of its case at trial, and (2) the

interim harm that the plaintiff is likely to sustain if the injunction is denied as compared to the harm that the defendant is likely to suffer if the court grants a preliminary injunction.'" (*Take Me Home Rescue v. Luri* (2012) 208 Cal.App.4th 1342, 1350.) If the party requesting an injunction would be greatly harmed, and the party opposing an injunction would suffer little harm if it were granted, "it is an abuse of discretion to fail to grant the preliminary injunction." (*Robbins v. Superior Court* (1985) 38 Cal.3d 199, 205.)

The party seeking injunctive relief bears the burden of proof. (*O'Connell v. Superior Court* (2006) 141 Cal.App.4th 1452, 1481.) The first element is met by showing it is "reasonably probable" that the moving party will prevail on the merits." (*San Francisco Newspaper Printing Co., Inc. v. Superior Court* (1985) 170 Cal.App.3d 438, 442.) The second element is met if it "appear[s] that monetary relief would not afford adequate relief or that it would be extremely difficult to ascertain the amount of damages." (*Pacific Decision Sciences Corp. v. Superior Court* (2004) 121 Cal.App.4th 1100, 1110.)

IV. RECENT CALIFORNIA CASE LAW ON CHALLENGES TO CASH BAIL

In re Humphrey (2021) 11 Cal. 5th 135 focused on wealth-based bail determinations by judges at arraignment. It held that conditioning the freedom of an arrestee on whether he or she can afford bail is unconstitutional. As stated by the California Supreme Court:

> The common practice of conditioning freedom solely on whether an arrestee can afford bail is unconstitutional. Other conditions of release — such as electronic monitoring, regular check-ins with a pretrial case manager, community housing or shelter, and drug and alcohol treatment —

can in many cases protect public and victim safety as well as assure the arrestee's appearance at trial. What we hold is that where a financial condition is nonetheless necessary, the court must consider the arrestee's ability to pay the stated amount of bail — and may not effectively detain the arrestee "solely because" the arrestee "lacked the resources" to post bail. (*Id.* at p. 143.)

Yet if a court does not consider an arrestee's ability to pay, it cannot know whether requiring money bail in a particular amount is likely to operate as the functional equivalent of a pretrial detention order. Detaining an arrestee in such circumstances accords insufficient respect to the arrestee's crucial state and federal equal protection rights against wealth-based detention as well as the arrestee's state and federal substantive due process rights to pretrial liberty. (*Id.* at p. 151)

In the pre-arraignment context, at least three California lawsuits have successfully challenged the use of county bail schedules as a basis to release or detain arrestees. In *Buffin v. City and County of San Francisco* (N.D. Cal. 2018) 2018 WL 424362, the court ruled that "the Sheriff's use of the Bail Schedule implicates plaintiffs' fundamental right to liberty, and any infringement on such right requires a strict scrutiny analysis" (Id. at *6), and that the application of the schedule also raised equal protection issues. (Id. at *7.) The Court ultimately found (1) that the plaintiffs had set forth a less restrictive alternative to cash-based bail, and (2) that the County (actually an intervenor) had failed to show that the use of the bail schedule was the least restrictive alternative for achieving the government's interests. *Buffin v. City and County of San Francisco* (N.D. Cal. 2019) 2019 WL 1017537.

A similar result occurred in *Welchen v. County of Sacramento* (E.D. Cal. 2022) 630 F. Supp. 3d 1290. There the court found that the plaintiff's remaining in custody prior to his arraignment due to his inability to afford the cash amount set forth on the County's bail schedule "deprived him of his fundamental right to pretrial liberty solely due to his indigence." *Id.* at 1300. The court found the bail schedule was both overinclusive because it "confines many people who may not pose any risk simply because they cannot afford to post the amount assigned by the bail schedule," and underinclusive inasmuch as "it allows others who might pose a greater risk to go free simply because they can afford to pay a high bail amount." *Id.* at 1301. The court ruled that the money bail schedule was unconstitutional, concluding that it was not narrowly tailored to serve a compelling state interest since less restrictive alternatives adopted by other jurisdictions were determined to be at least as effective at serving the government's interests.

Likewise, in *Urquidi v. City of Los Angeles* (2023) 2023 WL 10677687 the court granted a motion for a preliminary injunction finding a complete lack of evidence that "enforcement of the bail schedules furthers compelling government purposes in reducing or eliminating new criminal activity among arrestees awaiting their first appearances before a judge for the purpose of setting bail." *Id.* at *23.

V. THE BAIL SCHEDULE

While the setting of bail generally is generally understood as a way to ensure that an arrestee appears in court, the California Constitution and Penal Code specify that the safety of the public and of crime victims are permissible - indeed, the primary - considerations in determining bail. (Cal. Const., art. I, § 28;

Pen. Code, § 1275.) The California Constitution also provides that a person must be released on bail by sufficient sureties except in specified cases such as capital crimes and certain serious and/or violent felonies. (Cal. Const., art. I, § 12.) Penal Code § 1269b(c) specifies that the Superior Court judges sitting in each California county create and adopt, on a yearly basis, bail schedules for all felony and misdemeanor criminal offenses for which bail may be posted.

The 2026 Riverside County Bail Schedule was adopted by the RSC in October 2025. (Dudani Decl. Exh. AZ) it differed from previous years' schedules in that it directed law enforcement to "Cite and Release" ("CR") or "Book and Release" ("BR") people arrested on various charges rather than require the payment of secured money bail as a condition of release from pre-arraignment jailing. Similar terms were incorporated into the Los Angeles County Bail Schedule as early as 2023. (*Id.* Exhs. B, C)

VI. LIKELIHOOD OF SUCCESS

A. Standing

1. Jailed Plaintiffs

The Court finds the Jailed Plaintiffs likely have standing for the reasons set forth in the prior demurrer ruling. First, courts have discretion to decide moot cases presenting issues that are capable of repetition, yet evade review. "Questions involving release on bail especially tend to evade review." (*In re Webb* (2019) 7 Cal.5th 270, 273-274.)

Second, "[o]ne who invokes the judicial process does not have 'standing' if

he, *or those whom he properly represents*, does not have a real interest in the ultimate adjudication because the actor *has neither suffered nor is about to suffer* any injury of sufficient magnitude reasonably to assure that all of the relevant facts and issues will be adequately presented." (*California Water & Tel. Co. v. Los Angeles County* (1967) 253 Cal.App.2d 16, 22-23 (emphasis added).) The Jailed Plaintiffs purport to represent classes of persons who are or will become subject to the policies and practices complained of, and they all allege they have suffered the injuries complained of.

2. Clergy Plaintiffs

The Clergy Plaintiffs bring taxpayer claims. There is little dispute they can sue the County. RSC is another matter. The Court concludes the Clergy Plaintiffs have not demonstrated they likely have standing to sue RSC.

Following the demurrer ruling, the California Supreme Court issued its decision in *Taking Offense v. State* (2025) 18 Cal.5th 891. In *Taking Offense*, the Supreme Court repudiated this line of authority: "[W]e hold that section 526a, as amended in 2018, does not afford standing to sue state entities or officials to restrain and prevent asserted illegal expenditure of public funds." (*Id.* at p. 919.) As a result, the Clergy Plaintiffs no longer have standing to sue RSC under § 526a.

No matter, say the Clergy Plaintiffs, they still have common law taxpayer standing. But have the Clergy Plaintiffs pled a common law taxpayer claim? The caption of the First Amended Complaint (FAC) identifies the taxpayer claims as brought pursuant to § 526a. The FAC alleges the Clergy Plaintiffs "are filing a taxpayer claim under Code of Civil Procedure § 526a for injunctive and declaratory relief." (FAC ¶ 13.) And the FAC alleges each of the Clergy Plaintiffs "is a taxpaying

resident of Riverside County within the meaning of Code of Civil Procedure section 526a." (FAC ¶¶ 20-21.) Perhaps the Clergy Plaintiffs could amend the complaint to allege a common law taxpayer claim. But the FAC only mentions § 526a. Even if the complaint could be amended to state such a claim, the Court is not inclined to grant injunctive relief based on a claim that isn't currently pled.

At the hearing, the Clergy Plaintiffs argued the FAC's references to the Court's "equitable power" (e.g., FAC ¶ 227) sufficed to invoke common law taxpayer claims. The Court disagrees. Assuming common law taxpayer claims still exist, a one-phrase reference to a court's equitable powers is not sufficient to plead them, particularly in the context of a complaint that repeatedly makes express allegations about § 526a. (Whether common law taxpayer claims still exist was a question raised, but not answered, in *Taking Offense*. See 18 Cal.5th at p. 911.) As a result, the Court concludes the Clergy Plaintiffs have not shown they likely have standing to sue RSC.

B. Merits

Before turning to a strict scrutiny analysis, which both sides appear to agree applies here, the Court notes that it does not write on a blank slate. In the post-arraignment context, "[t]he common practice of conditioning freedom solely on whether an arrestee can afford bail is unconstitutional." (*In re Humphrey* (2021) *supra,* at p. 143.) RSC has argued throughout this case that *Humphrey* is inapplicable in the pre-arraignment context. RSC renewed those arguments at the hearing on this motion.

The Court remains unpersuaded. While *Humphrey* arose in the post-arraignment context, it "'made broad pronouncements that significantly inform

the legal issues here'—namely, '[d]ue process principles, as discussed and applied to the bail context there, support the argument that detention before trial based on an individual's inability to pay bail can raise constitutional problems.'" (*Welchen v. Bonta*, *supra,* at p. 1307 (quoting from the California Attorney General's brief on the applicability of *Humphrey* in the pre-arraignment setting).) The teachings of *Humphrey* are relevant to this case.

RSC also suggested at the hearing that the pre-arraignment review process described in the 2026 bail schedule (ROA 181, Ex. AZ, at p. 1) provides due process under *Humphrey*. The Court disagrees. The schedule states, "The Riverside County Superior Court will implement a process for Pre-Arraignment Review for crimes designated PAR. This date is to be determined." (*Ibid.*) That is, RSC has yet to implement the pre-arraignment review process. A non-existent process plainly does not provide the process due under *Humphrey*.

1. Standard of Review

There appears to be no dispute the strict scrutiny standard applies to Plaintiffs' claims. "Under the strict standard applied in such cases, the state bears the burden of establishing not only that it has a [c]ompelling interest which justifies the law but that the distinctions drawn by the law are [n]ecessary to further its purpose." (*In re Antazo* (1970) 3 Cal.3d 100, 111.) The state's actions are not "necessary" if "there exist[] alternative and less-intrusive means whereby the state could further its interest." (*Id.*, at p. 114.)

At the hearing, the Court asked the parties about how the strict scrutiny standard—where the state bears the burden of proof—interacts with the preliminary injunction standard—where the moving party must show a likelihood

of success on the merits. For example, is it Plaintiffs' burden to show Defendants cannot meet their burden of proof? Or do Defendants bear the burden of proof despite the preliminary injunction standard? The Court concludes that regardless of which standard applies, the result is the same.

2. Compelling Interest

There appears to be no dispute that Defendants have a compelling interest in (1) ensuring criminal defendants appear for trial and (2) protecting the alleged victim and the public at large.

3. Least Restrictive Means: Bail Schedule Claims

a. Overinclusive and Underinclusive

"'[A] statute is not narrowly tailored if it is either underinclusive or overinclusive in scope.'" (*Welchen, supra,* at p. 1301 (quoting *Imdb.com Inc. v. Becerra* (9th Cir. 2020) 962 F.3d 1111, 1125).) Plaintiffs contend the bail schedule is both overinclusive and underinclusive. Arrestees who are risks to reoffend or fail to appear, but have financial means, can purchase their freedom without regard to those risks. Arrestees who pose no such risks, but lack financial means, remain in jail. For these reasons, the federal court in *Welchen* found the Sacramento Superior Court's bail schedule both overinclusive and underinclusive. (*Ibid.*)

The Court sees no reason why similar reasoning wouldn't apply here. Defendants argue that *Welchen* considered the Sacramento bail schedule, not RSC's bail schedule, so reading *Welchen* as stating generally applicable principles is improper. The Court disagrees. The overinclusivity and underinclusivity of cash bail

schedules arises from the very nature of cash bail schedules, not from the particulars of any specific cash bail schedule. When cash bail is mechanically set according to a schedule, there will likely be some number of high-risk defendants who have the means to purchase their freedom and some number of zero-risk defendants who will remain jailed because of their inability to pay. Accordingly, Plaintiffs have likely shown the bail schedule is both overinclusive and underinclusive.

b. Ineffectiveness of Bail Schedules

Plaintiffs argue bail schedules are ineffective at both of their primary goals: ensuring court appearances and protecting public safety. Their expert, Jennifer Copp, opines as follows in her declaration (which is at Ex. AS to ROA 181):

- Pretrial detention of more than 24 hours increases the likelihood the defendant will engage in new criminal activity in the next few years. (Copp Decl. ¶¶ 31-34.)

- More specifically, pretrial detention of more than 24 hours increases the likelihood of engaging in new criminal activity *while on pretrial release*. (¶¶ 46-52.)

- Secured money bail is no more effective than non-monetary conditions at ensuring court appearances. (¶¶ 54-58, citing, among other things, a study of pretrial releasees in Orange County.)

- In California, cash bail logically *cannot* incentivize law-abiding behavior while on pretrial release because PC § 1305 prohibits forfeiture of money

bail for new criminal activity. (¶ 64.)

Defendants object to nearly all of Copp's testimony as irrelevant and without foundation because she admitted at deposition that she hasn't studied Riverside County specifically. The Court does not understand why this would matter. This case is before the Court on a motion for a preliminary injunction. Plaintiffs bear the burden of showing a likelihood of success on the merits. Extensive evidence from other jurisdictions pointing to the ineffectiveness of cash bail suggests a *likelihood* of success on the merits. Furthermore, Defendants never identify any reason to expect the same results wouldn't hold in Riverside County.

In any event, the only evidentiary support Defendants offer for the importance of cash bail is the conclusory three-sentence testimony of RCSO Chief Deputy Misha Graves: "Pre-arraignment cash-based jailing is a necessary aspect of the criminal justice system. Specifically, it is necessary to ensure the attendance of the arrested person in court. A prohibition on the use of pre-arraignment cash-bail would drastically decrease the probability that arrested persons will show up to court." (ROA 204, ¶ 22.) Like Copp, Graves' testimony says nothing specific about Riverside County. Rather, it concerns the "criminal justice system" generally. If Graves doesn't offer Riverside County-specific evidence, the Court sees no reason to exclude Copp's testimony on the same basis.

The Court finds Plaintiffs have likely shown the bail schedule is ineffective at promoting Defendants' stated interests.

c. Existence of Less Restrictive Alternatives

"The burden is on Plaintiff to identify 'a plausible alternative that is less

restrictive and at least as effective at serving the government's compelling interests.'" (*Welchen*, *supra*, at p. 1301.) "Plaintiff's burden is not high, as it does not need to reach a level of scientific precision." (*Id.*, at p. 1302.)

As the California Supreme Court recognized, "[o]ther conditions of release — such as electronic monitoring, regular check-ins with a pretrial case manager, community housing or shelter, and drug and alcohol treatment — can in many cases protect public and victim safety as well as assure the arrestee's appearance at trial." (*In re Humphrey*, *supra*, at p. 143.)

Plaintiffs offer the testimony of Copp on this point as well. Among other things, she notes the literature has found:

- Unsecured money bail (where the defendant is immediately released in exchange for a promise to pay if he or she fails to appear) is just as effective as secured money bail at ensuring appearances. (Copp. Decl. ¶ 54.)

- Court date reminders, such as text messages, reduce the failure to appear rate by 37%, which is consistent with other studies showing that most failures to appear are unwilful (e.g., lack of childcare coverage, lack of transportation, forgetfulness) rather than intentional. (¶ 59.)

- A study of Philadelphia's bail reform—which simply eliminated cash bail for a broad range of charges—showed no significant effect on failures to appear. (¶ 55.)

- A study of Orange County's pretrial supervision program found that

defendants released on pretrial supervision were less likely to fail to appear than those released on cash bail. (¶ 54.)

Defendants do not appear to argue with any of Copp's testimony. Instead, they again object to it as irrelevant and without foundation. As above, extensive evidence from other communities showing that effective, less restrictive means exist support a finding that Plaintiffs have established a likelihood of success on the merits.

4. Least Restrictive Means: Arrest Warrant Claims

In addition to the bail schedule, Plaintiffs challenge the use of cash bail in arrest warrants. By way of background, the bail schedule categorizes crimes as cite and release ("CR"), book and release ("BR"), pre-arraignment review ("PAR"), or arraignment review ("AR"). When a person is arrested without an arrest warrant, the County (which processes arrestees at jails) must categorize the crime per the bail schedule and follow the instructions therein. (ROA 181, Ex. AZ, at p. 1.)

Things are different for arrests made pursuant to warrants. "This Felony & Misdemeanor Bail Schedule is not for mandatory use in setting bail where a warrant is issued. In such cases, bail shall be set in accordance with the principles set forth in 1275 P.C. and lies within the sound discretion of the magistrate." (*Ibid.*) Plaintiffs put on evidence tending to indicate that RSC magistrates simply follow the bail schedule when setting arrest warrant bail. (See generally ROA 181, Exs. AO, AP.) But it is undisputed that magistrates have discretion not to use the bail schedule at all.

This discretion means Plaintiffs' arrest warrant claims don't fit the rubric of

Raju v. Superior Court (2023) 92 Cal.App.5th 1222 (rev. granted, S281001). *Raju* was a taxpayer challenge to the San Francisco Superior Court's courtwide policies regarding resource allocation and a "script" to be used in resolving speedy trial motions. The Superior Court argued the plaintiffs' claims were barred by *Ford v. Superior Court* (1986) 188 Cal.App.3d 737, "which held that one department of a superior court may not restrain the implementation of a judgment entered by another department in a prior action." (*Raju, supra*, at p. 1229.) The appellate court found *Ford* inapplicable because the plaintiffs challenged courtwide policies, not a speedy trial decision in any individual criminal case. (*Id.*, at p. 1235.)

Magistrates' discretion to set bail means Plaintiffs' claims are much closer to *Ford*. Regardless of whether magistrates tend to follow the bail schedule as a matter of practice, the formal courtwide policy is that magistrates may exercise discretion. To determine whether arrest warrant bail violates the Constitution, the Court would have to undertake a case-by-case review of what the magistrate considered in setting the bail amount. *Ford* likely prohibits such review.

Plaintiffs resist this conclusion, arguing that while judges are magistrates by statute (see Penal Code § 808), the offices of magistrate and judge are separate. A judge acting in his or her capacity as a magistrate does not invoke the jurisdiction of the elected judge. (See *People v. Henson* (2022) 13 Cal.5th 574, 588.) As a result, they argue, *Ford* is no obstacle to relief.

Henson involved preliminary hearings conducted by magistrates. In the bail context, authority suggests the analysis may be different. In *People v. The North River Ins. Co.* (2020) 48 Cal.App.5th 226, the appellate court considered whether the trial court's alleged noncompliance with *Humphrey* when setting bail meant a subsequent summary judgment on the bond was void. It explained: "[T]he *trial*

court at all times had fundamental jurisdiction over the subject matter and the parties. The *court* had the jurisdiction over the subject matter when it followed the statutory procedures then in effect when setting the bail amount for defendant." (*Id.* at p. 234 (emphasis added).) "Any noncompliance with *Humphrey* would, at best, be an act 'in excess of [the trial court's] jurisdiction.'" (*Ibid.* (alteration in original).)

Taking all the foregoing into account, the Court concludes Plaintiffs have not shown a likelihood of success on the arrest warrant claims.

5. Additional Arguments

a. Sheriff's Lack of Discretion

The County argues the Sheriff has no discretion *but* to follow the bail schedule established by the RSC. Citing both *Buffin* and *Welchen*, the County asserts that it has no role in setting the bail schedule and that it is required by Penal Code § 1269b(a) to comply with the schedule. Since Plaintiffs want what amounts to a rewrite of the bail schedule, and since the Sheriff plays no role other than following the bail schedule as written, the County argues Plaintiffs aren't entitled to relief against the Sheriff/County. As summarized by the County:

> In other words, the County Defendants have no discretion whether to (1) impose pre-arraignment jailing as a result of an individual's arrest without a warrant on any of the 19 crimes identified by Plaintiffs if pre-arraignment jailing would not otherwise be imposed if the charge was one designated as BR in the Riverside County Superior Court Bail Schedule issued in October 2025; or (2) jail pre-arraignment individuals arrested on a warrant who, had

they been arrested without a warrant on the same charges, would be released under the CR or BR provisions of the Riverside County Bail Schedule issued in October 2025. (See, Proposed Order, ROA #176, Nos. 3-4). *For Plaintiffs to obtain the relief they seek, the bail schedules themselves would have to be changed—relief the County Defendants cannot provide*. (County Opp. p. 7; emphasis added)

The Court disagrees for two reasons. First, as set forth in the Court's ruling on the County's demurrer, courts have approved injunctions against government officials who are tasked with enforcing allegedly illegal or unconstitutional laws. In *Serrano v. Priest* (1976) 18 Cal. 3d 728, 752 the California Supreme Court stated: "[I]t is the general and long-established rule that in actions for declaratory and injunctive relief challenging the constitutionality of state statutes, state officers with statewide administrative functions under the challenged statute are the proper parties defendant." Similar pronouncements are found in *McKay Jewelers v. Bowron* (1942) 19 Cal. 2d 595, 598-99 and *Planned Parenthood Affiliates v. Van de Kamp* (1986) 181 Cal. App. 3d 245, 263.

Second, in *Welchen*, the Sacramento Superior Court wasn't party to the case, only the county (and county sheriff) and the state. The court nevertheless held the use of that court's bail schedule unconstitutional and ordered briefing on injunctive relief. (*Welchen, supra*, at p. 1312.) Similarly, in *Buffin v. City and County of San Francisco* (N.D.Cal. 2019) 2019 WL 1017537, the San Francisco Superior Court wasn't party to the case, only the city and county (and sheriff) and the state. The court found "the Sheriff's use of the Bail Schedule" unconstitutional and ordered briefing on injunctive relief. (*Id.* at *24.) And in *Urquidi v. City of Los Angeles* (Cal.Super.Ct., L.A. Cty. 2023) 2023 WL 10677687, the court preliminarily enjoined the Los Angeles Police Department and the Los Angeles County Sheriff's

Department from enforcing the Los Angeles Superior Court's bail schedules, even though the court wasn't party to the case. (*Id.*, at *24-*25.)

These authorities support the conclusion that if RSC's bail schedule is unconstitutional, Plaintiffs are entitled to relief against the County, which enforces the bail schedule.

b. Further Considerations Regarding RSC

RSC argues Plaintiffs' claims for relief are barred by *Mooney v. Garcia* (2012) 207 Cal.App.4th 229, which holds that mandamus will not lie to compel performance of a discretionary duty. It contends: "The judges' and judicial officers' exercise of their discretion cannot be challenged here." (ROA 206 at p. 18.) The Court doubts *Mooney* stands for so broad a proposition. Suppose, for example, RSC exercised its discretion to adopt a bail schedule that set bail for Black defendants at an amount ten times higher than defendants of all other races. Surely *Mooney* wouldn't insulate this from a constitutional challenge simply because it was an exercise of discretion—although it might affect the scope of the remedy. A court could say, "The bail schedule unconstitutionally discriminates on the basis of race; draft a new bail schedule that complies with the Constitution." But a court presumably could not say, "The bail schedule unconstitutionally discriminates on the basis of race; fix the bail schedule in the following manner." The former would preserve RSC's discretion (subject to constitutional limits), while the latter would compel a particular exercise of discretion.

This points to a problem with the intersection of the merits and the nature of the relief sought by Plaintiffs. Although *Mooney* isn't directly applicable here because Plaintiffs don't bring mandamus claims against RSC, the Court has serious

concerns about the propriety of compelling particular exercises of discretion. Through this motion, Plaintiffs seek to have RSC treat 19 identified charges as BR or CR. This is tantamount to ordering RSC to write its bail schedule in a particular way, at least on an interim basis. But subject to constitutional and statutory limits, superior courts have broad discretion when adopting bail schedules. (See Penal Code § 1269b.) Unless the Constitution compels Plaintiffs' treatment of those 19 charges, the relief they seek may be an improper intrusion into RSC's discretion.

Moreover, as noted above, experience shows superior courts are unnecessary to afford relief in cases challenging California bail schedules. What matters is the party that enforces the bail schedules—here, the County, through the Sheriff. If the County is enjoined from enforcing the bail schedule, the Court need not order RSC to do anything, just as the Sacramento, San Francisco and Los Angeles courts weren't ordered to take action in *Welchen*, *Buffin* and *Urquidi*.

Finally, the Court notes continuing uncertainty regarding *Raju*. The California Supreme Court granted review, then held the case pending resolution of *Taking Offense*. *Taking Offense*, as noted above, held that § 526a does not create taxpayer standing for claims against state agencies like RSC. The Supreme Court ordered supplemental briefing in *Raju* on the impact of the *Taking Offense* opinion. While the Court continues to find *Raju* more apposite to this case than *Ford*, there is a real possibility that *Raju* may be reversed. Whether or not that possibility is a proper consideration at the demurrer stage, it informs the Court's judgment at the preliminary injunction stage, which involves *likelihood* of success.

Given the foregoing, the Court concludes there is too much uncertainty about Plaintiffs' bail schedule claims against RSC for the Court to conclude Plaintiffs have established a likelihood of success.

VII. BALANCE OF HARMS

A. Harm of Failing to Enjoin RSC

For the reasons discussed above, it appears Plaintiffs would suffer no harm if the Court failed to enjoin RSC. *Welchen*, *Buffin* and *Urquidi* teach that a superior court is unnecessary to afford complete relief in bail schedule challenges. The interim relief Plaintiffs seek—stopping cash-based detention for 19 charges—can be accomplished by enjoining the County from enforcing the bail schedules.

B. Harms Associated with Arrest Warrant Claims

The discretionary nature of arrest warrant bail makes it all but impossible to evaluate the harm of failing to enter Plaintiffs' injunction on an aggregate basis. Without knowing what factors the magistrate considered in exercising his or her discretion to set an arrestee's bail, the Court cannot say whether the harm that arrestee suffers as a result of pretrial detention outweighs the harm Defendants would suffer in the event the injunction were granted. Therefore, as to the arrest warrant claims, this factor neither favors nor disfavors relief.

C. Harms Associated with Bail Schedule Claims

Legal authorities at all levels recognize the harm associated with incarceration. (See, e.g., *Barker v. Wingo* (1972) 407 U.S. 514, 532 ("The time spent in jail awaiting trial has a detrimental impact on the individual. It often means loss of a job; it disrupts family life; and it enforces idleness."); *Lopez-Valenzuela v. Arpaio* (9th Cir. 2014) 770 F.3d 772, 777 ("'[p]retrial confinement

may imperil the suspect's job, interrupt his source of income, ... impair his family relationships' and affect his 'ability to assist in preparation of his defense'"); *Buffin*, *supra*, 2019 WL 1017537 at *6 ("One to five days in jail can take a mental and physical toll on arrestees, impact custody of their children, and, as happened here, lead to loss of employment."); *In re Humphrey*, *supra*, at p. 147 ("The disadvantages to remaining incarcerated pending resolution of criminal charges are immense and profound.").)

Plaintiffs' expert Copp testifies to studies discussing the economic and family-based harms of pretrial detention. (Copp. Decl. ¶¶ 35-45.) Defendants criticize/object to this and other evidence to the extent that it is based on experiences in other jurisdictions, *e.g.*, Washington D.C., New Jersey. Yet Defendants never explain why experiences in various other jurisdictions would somehow be different from what occurs in Riverside County. Nor do they explain why cash bail under the County's 2026 Bail Schedule requires a separate analysis from cash bail requirements/effects in other jurisdictions.

More to the point, it was experiences in other jurisdictions that the *Humphrey* court relied upon in concluding that less restrictive nonfinancial conditions were often sufficient to assure appearances and protect the community. *Id.* The *Welchen* court ruled similarly: "With respect to less restrictive alternatives adopted by other jurisdictions, Plaintiff provides a number of examples which the Court finds persuasive." (*Welchen, supra,* at p. 1303.) Likewise, the Copp Declaration's reliance on studies from many other jurisdictions are strong evidence of the effectiveness of nonfinancial conditions of release and the negative effects of cash bail on many arrestees.

Among other things, Copp points to studies demonstrating that pretrial

detention lasting more than 24 hours *increases* the likelihood of the arrestee committing future crimes, negatively impacts an arrestee's financial well-being in terms of loss of employment and negatively impacts an arrestee's family well-being. (Copp Decl. ¶¶ 30-44) As started by the *Buffin* court: "[I]ndividuals can also lose their housing, public benefits, and child custody, and be burdened by significant long-term debt due to a short period of detention." (*Buffin, supra*, 2019 WL 1017537, at *18) More significantly, such pretrial detention "does not make it any more likely that a person will appear in court." (Copp Decl. ¶ 46)

These conclusions are echoed by the experiences of the Jailed Plaintiffs in Riverside County. Robert Chismar testified that he was in custody for seven days before being arraigned and that his time in jail resulted in the loss of his truck (his sole means of transportation) and at least a week of pay. Oscar Sandoval and Matthew Wholf point to the loss of income and opportunities while remaining in jail, unable to afford cash bail. Violet Graham suffered physical and emotional trauma as a result of having to remain in jail for 3 days, unable to meet her $20,000 bail. Michael Jensen suffered physical distress and was unable to fulfill his caretaker duties as a result of his inability to come up with cash bail. All of these arrestees were jailed in Riverside County for three to five days solely because they could not afford their cash bail. None were told of any option to obtain pre-arraignment release other than by paying the amount of bail set according to the bail schedule. (*See* Sandoval Decl. ¶¶ 3-6, 13-21, 25; Wholf Decl. ¶¶ 2-7, 11-21; Graham Decl. ¶¶ 11-19, 26-29, 33-35, 41; Jensen Decl. ¶¶ 5-10, 21; Chismar Decl. ¶¶ 9-10, 17-21.)

RSC argues the Jailed Plaintiffs haven't shown any harm if relief is denied. The Jailed Plaintiffs themselves are no longer in jail, and the class they purport to represent may not suffer any harms at all. The Court is not persuaded. The

arrestees at issue will be incarcerated for a few days at most. By the time an arrestee gets a declaration on file to detail the harm of ongoing incarceration, he or she likely will be out of jail, and RSC will simply argue there are no forward-looking harms for that person. The studies Copp describes, and the cases cited above, are enough to show real harm associated with unconstitutional deprivation of liberty.

The County makes two arguments about harm. First, it contends the requested injunction would harm the public interest in ensuring criminal defendants appear for trial. As discussed above, the evidence suggests cash bail isn't any better at ensuring appearance than other release conditions. In fact, it may be worse.

Second, the County contends cities with their own police departments wouldn't be subject to the injunction, leading to a patchwork of bail enforcement regimes across the County. However, the County cites no evidence that any cities in the County have their own police departments, nor have they sought judicial notice of the same. (The County specifically mentions Norco in its papers, but Plaintiffs argue in reply (also without citation to evidence) that Norco contracts with the Sheriff for police services.) Moreover, to the extent city police departments exist, the County puts on no evidence that those cities run their own jails rather than bringing arrestees to County-run jails. Absent such evidence, the Court doesn't see why an injunction governing County jails would create a patchwork of bail enforcement regimes.

Taking all the foregoing into account, the Court finds the balance of harms on the bail schedule claims as between Plaintiffs and the County favors Plaintiffs.

VIII. FURTHER COMMENTS

As discussed at the demurrer stage, the Court does not believe the Attorney General is a necessary party. The Court notes, however, that the Attorney General was a party to both *Welchen* and *Buffin*. Moreover, insofar as Plaintiffs contend the RSC bail schedule is unconstitutional because it doesn't require consideration of an arrestee's ability to pay, it appears Plaintiffs may really be challenging the constitutionality of PC § 1269b, not simply the RSC bail schedule. In these circumstances, while the Attorney General may not be *necessary*, the Court questions why Plaintiffs haven't made the Attorney General part of the case.

Finally, to the extent the Court has commented on the likelihood of success on the merits above, those comments are limited to predictions the Court can make based on the evidentiary record for this motion. The parties should not assume that a full merits hearing following more complete discovery would automatically have the same result.

IX. CONCLUSION

For the foregoing reasons, Plaintiffs' motion is GRANTED as to the third request for injunctive relief and DENIED in all other respects.

Dated: 1/28/26

William D. Claster, Judge

SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
MINUTE ORDER

Orange County Superior Court, Department: CX101

COURT CONVENED AT:	10:55 AM	**ON:**	01/28/2026
JUDGE PRESIDING:	William D. Claster, Assigned	**CLERK:**	G. Hernandez
BAILIFF/COURT ATTENDANT:	None	**REPORTER:**	None

AND THE FOLLOWING PROCEEDINGS WERE HAD:

CVRI2502556 **Sandoval vs. Riverside County, et al.**

EVENT TYPE: Under Submission Ruling

APPEARANCES: None

RE RULING ON MOTION FOR PRELIMINARY INJUNCTION

No appearances.

The Court, having taken the above-entitled matter under submission on 01/16/2026, hereby issues its ruling. The Court's ruling has been signed and filed this date (Docket Entry #270).

Clerk is to give notice and is to e-serve a copy of the Court's ruling upon the parties.

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