

COPY
BY FAX

1 JEFFREY D. STEIN (*pro hac vice* pending)
jeff@civilrightscorps.org
2 ALESSANDRO CLARK-ANSANI (*pro hac vice*
pending)
3 alessandro@civilrightscorps.org
CIVIL RIGHTS CORPS
4 1601 Connecticut Avenue NW, Suite 800
Washington, D.C. 20009
5 Telephone: (202) 844-4975
Facsimile: (202) 609-8030

6 SALIL H. DUDANI (SBN 330244)
7 salil@civilrightscorps.org
CIVIL RIGHTS CORPS
8 9861 Irvine Center Dr,
Irvine, CA 92618
9 Telephone: (202) 844-4975
Facsimile: (202) 609-8030

10 DAN STORMER (SBN 101967) A. Amezcua
11 dstormer@hadsellstormer.com
BRIAN OLNEY (SBN 298089)
12 bolney@hadsellstormer.com
HADSSELL STORMER RENICK & DAI LLP
13 128 N. Fair Oaks Avenue
Pasadena, California 91103
14 Telephone: (626) 585-9600
Facsimile: (626) 577-7079

15 *Attorneys for Plaintiffs*

LESLIE A. BAILEY (SBN 232690)
lbailey@publicjustice.net
BRIAN HARDINGHAM (SBN 288773)
bhardingham@publicjustice.net
PUBLIC JUSTICE
475 14th St., Ste. 610
Oakland, CA 94612
Telephone: (510) 622-8150

ASHLEY CRAWFORD (SBN 257246)
avcrawford@akingump.com
DANIELLE GINTY (SBN 261809)
dginty@akingump.com
AKIN GUMP STRAUSS HAUER & FELD
100 Pine St Suite 3200
San Francisco, CA 94111
Telephone: (415) 765-9500
Facsimile: (415) 765-9501

RYAN DOWELL (*pro hac vice* pending)
rdowell@akingump.com
AKIN GUMP STRAUSS HAUER & FELD
2001 K Street, N.W.
Washington, DC 20006-1037 US
Telephone: (202) 887-4000
Facsimile: (202) 887-4288

[Additional Counsel Listed on Last Page]

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
18 **COUNTY OF RIVERSIDE, WESTERN DISTRICT**

19 Oscar Melendres Sandoval and Mathew
Wholf, on behalf of themselves and all others
20 similarly situated, and Rabbi David Lazar and
Reverend Jane Quandt, individually,

21 Plaintiffs,

22 vs.

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

25 Defendants.

Case No. **CVRI 2502556**

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

- 1 (4) Writ of Mandate (Cal. Code Civ. P. §
2 1085): Unconstitutional Jailing (Clergy
3 Plaintiffs v. County Defendants)
4 (5) Prolonged Detention Without
5 Arraignment (Jailed Plaintiffs &
6 Prolonged Detention Class v. All
7 Defendants)
8 (6) Taxpayer Claim (Cal. Code Civ. P. §
9 526a): Prolonged Detention Without
10 Arraignment (Clergy Plaintiffs v. All
11 Defendants)
12 (7) Writ of Mandate (Cal. Code Civ. P. §
13 1085): Prolonged Detention Without
14 Arraignment (Jailed Plaintiffs,
15 Prolonged Detention Class & Clergy
16 Plaintiffs v. County Defendants)
17 (8) Prolonged Detention Without Bail
18 Hearing (Jailed Plaintiffs and Prolonged
19 Detention Class v. All Defendants)
20 (9) Taxpayer Claim (Cal. Code Civ. P. §
21 526a): Prolonged Detention Without Bail
22 Hearing (Clergy Plaintiffs v. All
23 Defendants)
24 (10) Writ of Mandate (Cal. Code Civ. P.
25 § 1085): Prolonged Detention Without
26 Bail Hearing (Jailed Plaintiffs and
27 Prolonged Detention Class v. County
28 Defendants)
29 (11) Writ of Mandate (Cal. Code Civ. P.
30 § 1085): Prolonged Detention Without
31 Bail Hearing (Clergy Plaintiffs v. County
32 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,” is unconstitutional. *In re Humphrey*, 11 Cal. 5th 135, 156 (2021). Yet, every day, Riverside County imprisons people based on nothing more than their inability to pay an arbitrary, pre-set

1 amount of cash that Defendants demand for their release. These individuals have not been
2 convicted of any crimes, are presumed innocent, and are not yet represented by counsel. The dollar
3 amount required to purchase their freedom is determined by a chart called a “bail schedule” or by
4 magistrates who impose money bail on arrest warrants based on allegations of arresting officers. If
5 individuals cannot pay the required bail amount, they remain in jail until their first court hearing,
6 as many as six days later. These individuals are not detained because they are too dangerous to
7 release: the government would release them right away if they could pay. They are detained
8 simply because they are too poor to purchase their freedom.

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

17 3. Every person detained after their arrest in Riverside County is presumed innocent,
18 yet suffers significant harm from being jailed under Defendants’ unconstitutional policies. While
19 in jail, these individuals are separated from their children, parents, and other family members.
20 They cannot pay their bills, go to work or school, access medical treatment for their acute physical
21 and mental health needs, care for dependent loved ones and pets, or sleep in their own beds. Being

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23 ¹ See, e.g., *Urquidi v. City of Los Angeles*, No. 22STCP04044, 2023 WL 10677687, at *23
24 (Cal. Super., L.A. Cnty. May 16, 2023) (granting preliminary injunction enjoining enforcement of
25 pre-arraignment cash bail schedule, with certain exceptions, because its enforcement constitutes “a
26 clear, pervasive, and serious constitutional violation”); *Welchen v. Bonta*, 630 F. Supp. 3d 1290,
27 1312 (E.D. Cal. 2022) (granting plaintiffs’ motion for partial summary judgment because “the use
28 of the bail schedule in Sacramento County is unconstitutional”); *Buffin v. City and County of San 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 jailed for even short periods of time may cause them to lose their vehicle, their job, their housing,
2 or custody of their children.

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

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

15 6. The law requires all pretrial jailing to be carefully limited to what is necessary.
16 Yet, pre-arraignment jailing in Riverside County is both arbitrary and unjustifiably prolonged.
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19 ² Christopher Damien, *In California Jails, a Rash of Homicide and Negligence*, N.Y. TIMES
20 (Apr. 23, 2025), <https://www.nytimes.com/2025/04/23/us/riverside-county-jails-homicides.html>.

³ *Id.*

21 ⁴ Press Release, Cal. Dep't of Just., *Attorney General Rob Bonta Launches Civil Rights*
22 *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)
[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).

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

24 ⁶ Social scientists have shown that just a few days of pretrial jailing in a low-level case
25 increase a person's likelihood of committing a felony in the next 18 months by 32%, even after
26 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.,
27 *The Effects of Pretrial Detention on Conviction, Future Crime, and Employment: Evidence from*
Randomly Assigned Judges, 108(2) Am. Econ. Review 201–240
28 (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),
https://chansman.github.io/GHF_Bail.pdf.

1 7. In Riverside County, most individuals⁷ who are arrested and jailed without a
2 warrant are detained until their first hearing, called “arraignment,” unless they can pay the amount
3 of money listed on a chart called a “bail schedule.”⁸ The Riverside County Superior Court creates
4 the bail schedule, which assigns monetary amounts based on the offense(s) alleged by the arresting
5 agency. The amounts listed on the bail schedule do not vary based on an arrested individual’s
6 ability to pay, flight risk, or likelihood of posing a danger if released.

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

12 9. While any period of cash-based pre-arraignment detention is unconstitutional,
13 Defendants commit a separate constitutional violation by unlawfully prolonging pre-arraignment
14 jailing for *all* arrested individuals, both those who are jailed for failure to pay cash bail and those
15 jailed without bail entirely. Individuals who have been arrested in Riverside County are
16 systematically denied their constitutional right to a prompt hearing in court: they are routinely
17 jailed without a hearing for up to five days, and in some cases up to six days. Many of the people
18 Defendants jail will never be charged with a crime at all because, once a prosecutor reviews the
19 alleged facts in anticipation of the hearing, they will determine there is no basis to move forward
20 with a case. Others will be released at the hearing once a judge reviews the case, hears argument
21 from attorneys, and considers the arrested person’s individual circumstances. Individuals who are
22 perfectly safe to release—and who *will be* released once a prosecutor or judge reviews their
23 case—unnecessarily languish in jail for days awaiting their first court date.

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

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

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

9 11. Plaintiffs/Petitioners Oscar Melendres Sandoval and Mathew Wholf (the “Jailed
10 Plaintiffs”) are individuals who were arrested and remain jailed because they are unable to pay the
11 amount Defendants demand for their pre-arraignment liberty and who have languished in jail
12 without a prompt hearing. No judge or magistrate has considered these individuals’ ability to pay
13 the price of release. If they could afford to pay, they would have been freed days ago. But because
14 they cannot access enough cash to pay for their release, they likely will remain in jail until they are
15 finally brought to court on Thursday, June 29, five days after the arrest of Mr. Wholf, and three
16 days after the arrest of Mr. Melendres Sandoval. Neither of the Jailed Plaintiffs has been to court,
17 attended a hearing, or been assigned a lawyer to represent them in criminal court.

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

24 13. Plaintiffs/Petitioners Rabbi David Lazar and Reverend Jane Quandt (the “Clergy
25 Plaintiffs”) are faith leaders in Riverside County who view unconstitutional confinement,
26 including of people jailed simply because they cannot make a cash payment, as unconscionable.
27 They are filing a taxpayer claim under Code of Civil Procedure § 526a for injunctive and
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1 declaratory relief, as well as a mandamus claim under Code of Civil Procedure § 1085,⁹ to prevent
2 the above-mentioned violations of law.

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

6 **PARTIES**

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

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

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⁹ Unless otherwise noted, all statutory references herein are to the California Code.

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

10 18. Plaintiff Reverend Jane Quandt served for 17 years as the Senior Minister of First
11 Congregational Church in Riverside. Reverend Quandt is a taxpaying resident of Riverside County
12 within the meaning of Code of Civil Procedure section 526a because, within one year of the filing
13 of this action, she has paid taxes that fund Defendants. Reverend Quandt lives and owns property
14 in Riverside County. Reverend Quandt brings this lawsuit as a taxpayer with the goal of protecting
15 Plaintiffs and the public by ending Defendants' illegal and wasteful expenditure of public funds on
16 unconstitutional cash-based jailing and their harmful practice of routinely delaying arraignments
17 and initial bail hearings, all of which results in unnecessary and unconstitutional jailing. Reverend
18 Quandt further brings this lawsuit as a citizen seeking a writ of mandate that puts an end to these
19 unlawful practices.

20 19. Defendant Chad Bianco ("Sheriff") is the elected Sheriff of Riverside County. He
21 is responsible for formulating, executing, and administering the laws, customs, and practices that
22 comprise the post-arrest release and detention policy of the Riverside Sheriff's Office. Defendant
23 Bianco has charge of the county jails and the people confined in them. *See* Gov. Code § 26605.
24 Defendant Bianco is responsible for presenting individuals in his custody to a judicial officer for
25 prompt arraignments and bail hearings. Defendant Bianco is sued in his official capacity.

26 20. Defendant Riverside County Sheriff's Office ("RSO") operates the County's jails.
27 At its facilities, RSO jails individuals who are unable to pay the amount dictated by the bail
28 schedule or an arrest warrant. RSO also jails some people without bail prior to their arraignment.

1 RSO officers and employees are authorized to accept money bail, issue and sign pre-arraignment
2 release orders when secured money bail is paid, and set a time for each individual's initial
3 appearance in Riverside Superior Court. RSO, by policy and practice, detains people who are
4 arrested, who are not released on a citation or on their own recognizance, and who cannot pay any
5 secured money bail amount prescribed by the bail schedule or an arrest warrant.¹⁰ RSO is
6 responsible for bringing jailed individuals to court for their arraignments and initial bail hearings.

7 21. RSO is aware of who is in Riverside County's jails, the basis for each individual's
8 detention, whether any individual is subject to any detainers or otherwise ineligible for pretrial
9 release, and the amount of secured money bail each person must pay for immediate release. RSO
10 therefore knows that the imposition of secured money bail results in systemic, cash-based
11 detention, and that there are people confined every night who would be released but for their
12 inability to pay a cash amount. RSO is likewise aware of how long individuals have been in its
13 custody without any bail hearing or arraignment.

14 22. Defendant County of Riverside ("County") is a local government entity organized
15 and existing under the laws of the State of California. The County knowingly funds the operations
16 of Defendants Sheriff and RSO, including their cash-based and unlawfully prolonged pre-
17 arraignment jailing of class members. If the County did not fund the Sheriff's and RSO's
18 constitutional violations, the Sheriff and RSO would be unable to carry them out.

19 23. This Complaint will collectively refer to Defendants Sheriff, RSO, and County as
20 the "County Defendants."
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23 ¹⁰ 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.

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

JURISDICTION AND VENUE

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

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

FACTUAL ALLEGATIONS

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

1. Plaintiff Oscar Melendres Sandoval

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

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

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

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

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

13 32. Mr. Melendres Sandoval cannot afford to pay his money bail. If Mr. Melendres
14 Sandoval could pay to secure his release, he would.

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

19 34. Mr. Melendres Sandoval's declaration is attached as Exhibit A.

20 **2. Plaintiff Mathew Wholf**

21 35. Plaintiff Mathew Wholf is incarcerated because he cannot afford the preset
22 \$30,000 money bail required by Riverside County's bail schedule. He was arrested on Saturday,
23 May 24. His court date is scheduled for Thursday, May 29. According to the jail, he was not
24 arrested on a warrant.

25 36. Mr. Wholf is 35 years old. He lives in Riverside County. For the past several
26 months, he has been homeless and living on the street. Before then, he had a job in construction.
27 Since becoming homeless, it has been extremely difficult for him to find work. Besides
28 government benefits, which he receives inconsistently, Mr. Wholf has no income. Aside from a

1 car that is not running because he can't afford to get it fixed, he has no assets. He has no bank
2 account and struggles to meet the basic necessities of life.

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

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

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

13 40. If Mr. Wholf could afford to pay for his release, he would. Because he cannot, he
14 remains incarcerated.

15 41. Mr. Wholf has not seen or talked to a judge. Nor has he been provided or spoken
16 to a public defender.

17 42. Mr. Wholf's declaration is attached as Exhibit B.

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

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

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

25 45. Defendants jail people for failing to pay cash bail in one of two ways. First, for
26 warrantless arrests, the Riverside County Superior Court maintains a secured money bail schedule
27 directing law enforcement to jail class members who haven't paid the required sums
28 corresponding to their arrest charges. Second, for warranted arrests, magistrates issue arrest

1 warrants with secured money bail amounts commanding law enforcement to jail individuals who
2 do not pay the amount listed on the warrant. Magistrates typically impose money bail equal to the
3 amount provided in the bail schedule. Both practices result in cash-based pre-arraignment jailing.
4 Both are unconstitutional.

5 **1. Riverside County's Cash-Based Pre-Arraignment Bail Schedule**

6 46. In Riverside County, the secured money bail provisions in the bail schedule do not
7 consider a person's financial circumstances, likelihood of appearing in court, level of
8 dangerousness to the community, family or community ties, employment or other commitments,
9 or any other factor. Instead, they determine pre-arraignment liberty based on access to cash.

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

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

15 48. State law further mandates that, if a person arrested without a warrant has not yet
16 "appeared before a judge of the court," "the amount of bail shall be [set] pursuant to the uniform
17 countywide schedule of bail[.]" Penal Code § 1269b(b).¹¹ "[A]n officer of a sheriff's department
18 or police department of a city who is in charge of a jail . . . may approve and accept bail in the
19 amount fixed by the . . . schedule of bail . . . to issue and sign an order for the release of the
20 arrested person[.]" Penal Code § 1269b(a). Some individuals arrested for misdemeanors are
21 eligible to be released on citations instead. Penal Code § 853.6.

22 49. For a small subset of cases, state law imposes additional limits on pre-arraignment
23 release absent some form of judicial review. For example, individuals arrested for possessing a
24 "hard drug" within the meaning of Health & Safety Code section 11395(e) who have two prior
25 drug-related offenses may not be released on any terms without "judicial review." Health and
26

27 ¹¹ 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 Safety Code § 11395(f). The same is true of individuals arrested for petty theft or shoplifting who
2 have two prior convictions related to theft or burglary. Penal Code §666.1(c).

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

8 51. These statutes nowhere require secured rather than unsecured money bail.
9 Likewise, these statutes nowhere require the bail amounts on the schedule to be more than zero
10 dollars. These statutes therefore permit the Riverside Superior Court to promulgate a money bail
11 schedule that does not impose cash-based detention on any person, no matter the booking charge,
12 whether by using unsecured bail, zero-dollar bail, or a combination thereof in lieu of secured
13 money bail. As such, a court could comply with both the Penal Code, on the one hand, and the
14 federal and state Constitutions, on the other, by creating a uniform countywide bail schedule that
15 prescribes zero-dollar bail amounts and unsecured bail in lieu of secured money bail.¹² Such a bail
16 schedule would eliminate unconstitutional cash-based detention.

17 52. For example, the Los Angeles County Superior Court’s bail schedule eliminates
18 cash-based detention in significant part.¹³ For warrantless arrests on most non-violent charges,
19 individuals in LA County are given a court date and simply released after arrest, without any cash-
20 based jailing.

21 53. Because the applicable statutes do not require unconstitutional cash-based
22 detention, Plaintiffs do not challenge any statute. Rather, Plaintiffs challenge the Superior Court’s
23 unconstitutional bail schedule and the County Defendants’ unconstitutional enforcement of it.
24 However, any statute that required secured money bail prior to arraignment would be

25 ¹² See Jones, *supra*, n.10 (concluding unsecured bonds are as effective as secured bonds at
26 achieving both public safety and court appearance).

27 ¹³ Los Angeles County’s bail schedule does not impose cash-based detention, except as to
28 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
May 23, 2025).

1 unconstitutional. In the alternative, if the Court interpreted any statute to require pre-arraignment
2 secured money bail, Plaintiffs would also challenge these statutes as unconstitutional through this
3 Complaint.

4 54. Whatever the statutes require the Riverside Superior Court to do when
5 promulgating the bail schedule, the County Defendants are bound by statute to follow the bail
6 schedule. The County Defendants violate the Constitution to the extent that they enforce
7 unconstitutional secured money bail as required by the bail schedule.

8 b. *Defendants' adoption and use of a cash-based schedule*

9 55. Prior to 2020, the countywide bail schedule in Riverside County imposed secured
10 money bail for all or almost all misdemeanor and felony offenses.

11 56. After the onset of the COVID-19 pandemic, the Judicial Council and the Superior
12 Court significantly reduced the use of pre-arraignment cash bail. On March 27, 2020, the Superior
13 Court issued a "Temporary Emergency Felony and Misdemeanor Bail Schedule." On April 6,
14 2020, the Judicial Council superseded this schedule with its own statewide "Emergency Bail
15 Schedule." The statewide schedule was rescinded in June 2020. The Superior Court thereafter
16 passed its own emergency bail schedules that mandated release on zero-dollar bail for many
17 offenses. By June 2021, the Court reverted to a cash-based schedule for almost all offenses.

18 57. The current bail schedule was adopted on December 20, 2024, and took effect
19 February 7, 2025. It requires secured money bail for almost all felonies and misdemeanors.¹⁴

20 58. Plaintiffs challenge the constitutionality of Defendants' use of secured money bail
21 under the current bail schedule and under any other future bail schedules whereby Defendants
22 detain arrested individuals based on whether they have paid cash bail prior to arraignment.

23 c. *Riverside's inadequate system of magistrate review*

24 59. For most offenses, if a defendant is arrested without a warrant, Riverside County
25 Superior Court magistrates are permitted by statute to impose pre-arraignment bail in amounts
26

27 ¹⁴ 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 different than the amounts on the bail schedule. Penal Code § 1269c. Law enforcement is
2 authorized to seek increases in bail, and the magistrate is authorized to set bail in an amount the
3 magistrate “deems sufficient” to ensure the arrested individual’s appearance in court and the safety
4 of others. *Id.*

5 60. In modifying bail at the request of law enforcement, magistrates impose pre-
6 arraignment secured money bail without any hearing at all, let alone an adversarial bail hearing in
7 open court that complies with *In re Humphrey*, 11 Cal. 5th 135. Magistrates making these
8 decisions do not know how much secured money bail an arrested individual is able to pay, do not
9 render any finding that pretrial detention is necessary on the record of a hearing in court, and do
10 not issue any written explanation of their decisions.

11 61. In addition, magistrates modify and issue pre-arraignment secured money bail
12 orders without giving the arrested individual the opportunity to be heard, without taking evidence,
13 and without the input of counsel. Most arrested individuals are indigent but are not appointed
14 counsel until arraignment.

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

18 63. Magistrates have statutory authority to reduce bail amounts or release individuals
19 on their own recognizance when the arrest charges do not fall under Penal Code section 1270.1.¹⁵
20 Penal Code § 1269c. Defendants Sheriff and RSO are required to “assist the arrested person or the
21 arrested person’s attorney in contacting the magistrate on call as soon as possible for the purpose
22 of obtaining release on bail.” Penal Code § 810.

23 64. In practice, however, Defendant Superior Court’s bail schedule and Defendant
24 RSO’s policy manuals refer only to the possibility of requests by law enforcement to increase
25 scheduled money bail. The Superior Court publishes a form for law enforcement to request an
26 increase in pre-arraignment money bail, but no form for any person to request a reduction in pre-
27

28 ¹⁵ When the arrest charges are covered by Penal Code section 1270.1(a) (serious or violent felonies), the magistrate may only increase the scheduled bail amount.

1 arraignment money bail or own-recognizance release. None of these documents mention either the
2 possibility of pre-arraignment bail reductions or own-recognizance release orders or the jailers'
3 duty to facilitate such requests. And when RSO deputies who work in the jails are asked whether
4 there is any way to reduce a person's money bail before their court date, they say no.

5
6 **2. Riverside County Magistrates' Issuance of Arrest Warrants That
Impose Cash-Based Jailing**

7 65. Magistrates in Defendant Superior Court condition pre-arraignment liberty on the
8 payment of cash bail by imposing secured money bail amounts on arrest warrants. This is
9 unconstitutional.

10 66. Magistrates issue arrest warrants in response to declarations of probable cause by
11 law enforcement. Penal Code § 817. Magistrates also issue arrest warrants when a criminal
12 complaint has been filed before the individual charged has been arrested. Penal Code §§ 813,
13 1427. Magistrates impose bail conditions on these warrants. Penal Code §§ 815a, 817(f).

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

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

27 69. In Riverside County, magistrates typically simply impose secured money bail in
28 the amount listed on the Superior Court's bail schedule.

1 70. No statute requires secured rather than unsecured money bail on arrest warrants.
2 Likewise, no statute requires the bail amounts on warrants to be non-zero. Therefore, the
3 applicable statutes permit Riverside Superior Court magistrates to issue arrest warrants that do not
4 impose cash-based detention on any person, no matter the charge, whether by using unsecured
5 bail, zero-dollar bail, or a combination thereof in lieu of secured money bail.

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

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

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

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

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

27 75. Thus, if the arrested person subjected to secured money bail is able to pay it,
28 whether by paying the money bail themselves or using a bond company, they can go free. But if

1 an individual cannot afford to pay the preset money bail, it is the policy and practice of Defendants
2 to continue to jail that person.

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

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

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

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

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

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

1 81. In practice, then, posting secured money bail does not incentivize appearance in
2 court. Yet it results in pretrial jailing and deepens the poverty of Riverside County's most
3 vulnerable residents.

4 82. Nor does secured money bail promote public safety. Under California law, a
5 person who posts money bail does not forfeit that bail if they are arrested for a new crime. Penal
6 Code § 1305. As one federal judge has explained, "[T]he bail the person posts does nothing to
7 incentivize him not to commit crimes."¹⁶ The California Court of Appeal has likewise concluded,
8 "Money bail . . . has no logical connection to protection of the public."¹⁷ And the California
9 Attorney General has agreed that "the amount of any money bail . . . bears no rational relationship
10 to protecting public safety."¹⁸

11 83. Unsurprisingly, the empirical evidence shows no relationship between requiring
12 secured money bail as a condition of release and individuals' rates of appearance in court or re-
13 arrest on bond.¹⁹

14 84. Empirical evidence from other U.S. jurisdictions shows that using non-financial
15 alternative conditions of release leads to significantly higher rates of court appearance and
16 significantly lower rates of new criminal activity than release on secured financial conditions.
17 These practices include the use of unsecured bonds (which do not require payment up front);
18 phone and text message court date reminders; and rides to court for those without transportation or
19

20 ¹⁶ *Reem v. Hennessy*, No. 17-cv-06628-CRB, 2017 WL 6539760, at *3 (N.D. Cal. Dec. 21,
2017).

21 ¹⁷ *In re Humphrey*, 19 Cal. App. 5th 1006, 1029 (2018) ("Money bail, however, has no logical
22 connection to protection of the public, as bail is not forfeited upon commission of additional
23 crimes. Money bail will protect the public only as an incidental effect of the defendant being
24 detained due to his or her inability to pay, and this effect will not consistently serve a protective
25 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
135.

25 ¹⁸ 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
26 of any money bail currently bears no rational relationship to protecting public safety.").

27 ¹⁹ See, e.g., Arpit Gupta, Christopher Hansman, & Ethan Frenchman, *The Heavy Costs of High*
28 *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 a stable address. For instance, empirical evidence shows that an unsecured bond—in which the
2 person signs a bond agreeing to forfeit the amount promised if the person fails to appear—is just
3 as effective or *more* effective in securing court appearance as secured money bail.²⁰

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

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

15 87. Based on the scientific literature, the *Urquidi* court concluded:

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

21 *Id.* (emphases in original).

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

25
26
27
28 ²⁰ 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 89. On information and belief, in Riverside County, prosecutors typically do not
4 decide whether and how to charge individuals jailed pursuant to warrantless arrests until the day of
5 arraignment.

6 90. 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 91. The arraignment is an individual's first opportunity to receive a bail hearing and
10 an assessment of their suitability for release that complies with the constitutional standards
11 announced in *In re Humphrey*, 11 Cal. 5th 135.

12 92. 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 93. 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 94. 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 95. 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 96. 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 97. 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 98. It is the standard practice in Riverside County for people arrested on a Sunday to
12 be arraigned on Wednesday, three days after their arrest.

13 99. 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.

17 100. Under these standard practices, people in Riverside County are arraigned two
18 court days after their arrest, with the exception that if the person is arrested after court is closed on
19 a 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).

21 101. 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.

24 102. 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.

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

3 104. Defendant RSO is responsible for arresting and timely booking the accused and
4 transporting them to court.²¹

5 105. Defendant Superior Court is responsible for staffing the Superior Court to conduct
6 timely arraignments.

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

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

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

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

21 109. People arrested for an alleged crime have a fundamental right to pretrial bodily
22 liberty. That liberty interest is second only to life itself in terms of constitutional importance.²² Yet
23 Defendants’ standard practice is to jail people for up to five or even six days before providing
24 them with a bail hearing, even though there is a readily available less-restrictive alternative of
25 providing them with prompt hearings. This practice of prolonged pre-arraignment detention
26

27 ²¹ Cal. Const. art. I, § 14; Penal Code §§ 825, 849, 859; RSO Corrections Division Policy
28 Manual § 504.05.

²² *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.

3 110. 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.

10 111. At least 13 states require by statute that arrested individuals be brought to court
11 within 24 hours (five states),²³ 48 hours (six states),²⁴ or either 24 or 48 hours depending on the
12 circumstances (two states).²⁵

13 112. At least three other states’ statutes effectively require that individuals be brought
14 to court within one court day of arrest.²⁶

15 113. New Jersey consistently provides initial bail hearings within 24 hours in
16 approximately 80% of cases, and within 48 hours in 99% of cases.²⁷

17 ²³ Fla. R. Crim. P. 3.130 (24 hours); Md. R. 4-212(e)-(f) (24 hours); N.Y. Crim. Proc. §§
18 120.90, 140.20 (interpreted by *People ex rel. Maxian v. Brown*, 164 A.D.2d 56 (N.Y. App. Div.
19 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).

20 ²⁴ See, e.g., Colo. Rev. Stat. § 16-4-102 (2021) (48 hours); Haw. Rev Stat § 803-9 (2023) (48
21 hours); 725 Ill. Comp. Stat. 5-109-1 (2023) (48 hours); Nev. Rev. Stat. § 178.4849 (2025) (48
22 hours); N.J. Rev. Stat. § 2A:162-16 (2023) (48 hours); Tex. Code Crim. Proc. Ann. art. 15-17(a)
(West 2023) (48 hours).

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

26 ²⁶ 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
28 session, otherwise at its next session); N.H. Rev. Stat. § 594:20-a (2025) (generally 24 hours
excepting weekends and holidays).

²⁷ [https://www.njcourts.gov/sites/default/files/courts/criminal/criminal-justice-
reform/cjr2021.pdf](https://www.njcourts.gov/sites/default/files/courts/criminal/criminal-justice-reform/cjr2021.pdf);
<https://www.njcourts.gov/sites/default/files/courts/criminal/2020cjrannual.pdf>;
<https://www.njcourts.gov/sites/default/files/cjrannualreport2019.pdf>;

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

6 115. The American Bar Association (ABA) recommends that most jurisdictions
7 conduct initial appearances within six hours while recognizing that certain jurisdictions, such as
8 rural ones, may need, at most, 24 hours. *See* ABA Standards for Criminal Justice, *Pretrial Release*
9 (3d ed. 2007), at 77, 79-80.²⁸ Moreover, the ABA emphasizes that “[b]ooking procedures, other
10 administrative processes, and court congestion should not be used as routine excuses for justifying
11 police custody beyond this period.” *Id.* at 80-81. Riverside County’s systemic delay is contrary to
12 these recommendations.

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

17 117. Accordingly, even the Committee on Revision of the Penal Code recommended
18 that “California should . . . update its arraignment timeline to align with other states.”²⁹ The
19 Committee determined:

20 California should not have exceptions for Sundays and holidays and should require
21 arraignment no later than 48 hours [from] arrest, as many other states do, including
22 Texas, Florida, and Alabama. While removing the exceptions to the arraignment
23 timeline will impose new costs, local stakeholders can take a variety of approaches
24 to implementing this requirement. Some localities may prioritize bringing recently
25 arrested people to court so that the 48-hour timeline is met without requiring court to
be open more days while others may choose to have arraignments every day of the
week. And those that do have more frequent arraignments do not need to have an
entire court building and all its staff to be open a full day — instead, courts can
prioritize efficient arraignment proceedings with minimal court staff at set times on
days when the court would otherwise be closed, as well as exploring other pragmatic

26 <https://www.njcourts.gov/sites/default/files/2018cjannual.pdf>;

27 <https://www.njcourts.gov/sites/default/files/2017cjannual.pdf>. (each last visited May 23, 2025).

²⁸ <https://drive.google.com/file/d/1zrggV2Z2HzGcRojbQnD5YgKyIEkMzaxG/view?pli=1>.

28 ²⁹ 2022 Annual Report and Recommendations, Committee on Revision of the Penal Code at
62, https://clrc.ca.gov/CRPC/Pub/Reports/CRPC_AR2022.pdf (last visited May 23, 2025).

1 ways to provide initial court appearances. Current law already provides that at least
2 one judge must be on call whenever court is not in session to resolve issues about
release from custody.

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

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

9 119. Indeed, courts have not tolerated such delay even when mere property, like a car,
10 is at stake.³⁰ A hearing delay that is too long for a car is too long for a human being.

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

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

18 121. Unnecessarily jailing people pre-arraignment harms both those in jail and the
19 public. That harm is compounded when the time to arraignment is needlessly delayed. Excessive,
20 unconstitutional detention puts class members in danger during their incarceration, results in
21 worse outcomes in their cases, further impoverishes them, undermines their family relationships,
22 and makes their communities less safe.

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27 ³⁰ See *Stypmann v. City & Cnty. of San Francisco*, 557 F.2d 1338, 1344 (9th Cir. 1977) (statute
28 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 **1. Class Members Are Detained in Extremely Dangerous Jails**

2 122. Riverside County operates one of the largest jails in the United States and has the
3 fourth-highest county jail population in California.³¹ On an average day, Riverside County holds
4 3,776 people in jail, 88% of whom are detained pretrial. In 2022, 41% of the jail population in
5 Riverside had mental health needs.³² And most of the pretrial population in Riverside County jails
6 are detained simply because they cannot pay money bail.

7 123. Riverside County is the second-deadliest jail system in the United States, with the
8 highest homicide rate among large jails in California from 2020 to 2023.³³ An examination of the
9 killings in Riverside revealed infrequent and delayed security checks by guards, and failure to act
10 during fatal attacks or suspicious activity.³⁴ In 2022 alone, at least 19 people died in County
11 custody, marking the highest annual total reported by the California Department of Justice in more
12 than three decades.³⁵

13 124. RSO's administration of its jails was also the subject of a grand jury investigation,
14 which recently concluded that RSO failed to properly identify or classify its arrestees, lacks
15 functioning equipment to do so, and that RSO's failures caused the in-custody murder in
16 question.³⁶

17 125. The dangerous conditions in Riverside County jails imperil the lives of the people
18 detained there before arraignment. Mark Spratt, 24, was arrested for fraud after being found with
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21 ³¹ 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 ³² *Id.*

24 ³³ Damien, *supra* n.2.

25 ³⁴ *Id.*

26 ³⁵ 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).

29 ³⁶ 2024-2025 Riverside County Civil Grand Jury Report, *In-Custody Homicide at Site B*
30 *Blamed on Prisoner Identification Errors* (Apr. 30, 2025),
31 [https://rivco.org/sites/g/files/aldnop116/files/Past%20Reports%20%26%20Responses/2024-](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)
32 [2025/In%20Custody_Homicide%20at%20Site%20B%20Blamed%20on%20Prisoner%20Identific](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)
33 [ation%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).

1 stolen debit cards and was detained on \$10,000 cash bail pending arraignment.³⁷ On his first day
2 in the jail, Mr. Spratt’s cellmate threw him over a catwalk railing. Mr. Spratt fell 15 feet before
3 smashing into a metal table and dying.³⁸ Michael Weaver, 53, was arrested on a Tuesday night on
4 charges of driving without a license, possession of tear gas, and violation of probation.³⁹ He was
5 detained on \$100,000 cash bail as he awaited his arraignment scheduled for Friday, three days
6 after his arrest.⁴⁰ But the day before his arraignment, he was found unconscious in his cell and
7 ultimately pronounced dead.⁴¹

8 126. Because of the “concerning levels of in-custody deaths” and “deeply concerning
9 allegations relating to conditions of confinement in its jail facilities, excessive force, and other
10 misconduct” in Riverside County’s jails, Attorney General Rob Bonta is conducting a civil rights
11 investigation into Defendant RSO.⁴²

12 127. The dangerous jail conditions in Riverside County are in part the result of
13 overcrowding. Riverside’s jails are generally at maximum capacity or overcrowded relative to the
14 Board of State and Community Corrections’ capacity ratings. For example, Blythe Jail’s average
15 daily population in 2024 was 142% of its rated capacity.

16 128. For years, the County and RSO have been aware of dangerous conditions in
17 Riverside’s jails, but they have failed to adequately remedy them. There is a documented history
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20 ³⁷ *Id.*; see also Aidan McGloin, *Three more jail death suits against Riverside Sheriff*, Follow
21 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*
22 *Murdering Fellow Inmate*, NBC PALM SPRINGS (Mar. 23, 2023),
23 <https://www.nbcpalmsprings.com/2023/03/23/psych-evaluation-ordered-for-felon-accused-of-murdering-fellow-inmate>.

24 ³⁸ Damien, *supra* n.2.

25 ³⁹ Ludwig, *supra* n.35.

26 ⁴⁰ *Id.*

27 ⁴¹ *Id.*

28 ⁴² 2024-2025 Riverside County Civil Grand Jury Report, *In-Custody Homicide at Site-B Blamed on Prisoner Identification Errors*,
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.

1 and practice of these Defendants providing inadequate medical and mental health care to the
2 individuals they confine and failing to prevent deaths and suicides in their jails.⁴³

3 129. Even short jail stays are dangerous. The U.S. Department of Justice found that
4 “[a]lmost 40% of inmates who died in local jails in 2019 had been held for 1 week or less.”⁴⁴ One
5 analysis found that 44% of known jail deaths in California took place in the first week of
6 custody.⁴⁵

7 130. For example, incarceration increase a person’s risk of suicide,⁴⁶ and national data
8 shows “suicide is still the leading cause of death in local jails. And most suicides occur shortly
9 after jail admission.”⁴⁷

10 131. These dangerous conditions and inadequate care greatly compound the harm class
11 members face because of their inability to pay pre-arraignment money bail and the delay from
12 arrest to arraignment.

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

15 132. Defendants’ unconstitutional detention policies do not just harm class members
16 through the direct experience of physical confinement and dangers in the jail. These
17 unconstitutional policies also disadvantage them in their criminal cases and beyond.

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

22 ⁴³ Christopher Damien, *Inside a Deadly Southern California Jail System: 5 Takeaways*, N.Y.
23 TIMES (Nov. 1, 2024), <https://www.nytimes.com/2024/11/01/us/california-jail-deaths-takeaways.html>.

24 ⁴⁴ 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>.

25 ⁴⁵ Liz Adetiba et al., *Here are the 815 people (and counting) who have lost their lives in jail in*
26 *the year after Sandra Bland died*, HUFFINGTON POST (July 20, 2016),
<https://data.huffingtonpost.com/2016/jail-deaths>.

27 ⁴⁶ Nat’l Inst. of Corr., *Nat’l Study of Jail Suicide* (Apr. 2010), at 1,
<https://s3.amazonaws.com/static.nicic.gov/Library/024308.pdf>.

28 ⁴⁷ 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/.

1 134. Most individuals arrested in Riverside County cannot afford their own counsel,
2 including almost everyone jailed because they cannot afford cash bail.

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

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

16 137. Just a few days of pretrial jailing lead to these life-altering outcomes. In one recent
17 study of 20,000 individuals, those released on the day of arrest had a 3.99% chance of post-
18 conviction incarceration compared with 14.7% for those detained for 1-5 days.⁴⁸ Class members
19 suffer these adverse outcomes solely because of their inability to pay money bail.

20 138. Pretrial detention also causes people to lose their jobs, vehicles, and housing. And
21 the negative effect on people's finances is often severe: Researchers have found individuals
22 detained in jail for just three days lose an average of \$29,000 over the course of their working-age
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27 ⁴⁸ Brian D. Johnson and Pilar Larroulet, *The "Distance Traveled": Investigating the*
28 *Downstream Consequences of Charge Reductions for Disparities in Incarceration*, JUSTICE
QUARTERLY 36(7), 1229-1257 (2019).

1 life,⁴⁹ and among those with strong work histories, nearly half (46%) of those detained 4-7 days
2 lose jobs due to missed work.⁵⁰

3 139. Pretrial detention also destabilizes family relationships. Detention isolates people
4 from their loved ones, sharply limits their ability to communicate with each other, and can
5 jeopardize the welfare of children. Researchers have confirmed that family separation is often
6 devastating. Among young children separated from their jailed mothers, researchers observed that
7 “[c]ommon reactions to initial separation included sadness, worry, confusion, anger, loneliness,
8 sleep problems, and developmental regressions.”⁵¹

9 140. The California Court of Appeal has remarked specifically about pre-arraignment
10 detention: “It is difficult to understand [the] assertion that a short deprivation of family relations is
11 of no significance. It is certainly based on nothing in the record, nor is it based on one’s common
12 sense of humanity or the importance of family in our culture. It should not be hard to realize that
13 for many persons arrested, the terrible experience of incarceration is new and the break in family
14 contact, even for a brief period, debilitating.” *Youngblood v. Gates*, 200 Cal. App. 3d 1302, 1326
15 (1988).

16 3. Unnecessary Pre-Arrestment Jailing Harms the Community at Large

17 141. The harm of unnecessary pretrial detention reaches beyond detained individuals
18 and their families. Pretrial detention is so destabilizing that it leads to *increased* crime. When
19 compared to individuals released within 24 hours of arrest, individuals jailed for two to three days
20 after arrest are more likely to be arrested for another crime within two years. Compared to
21 similarly situated individuals released pretrial with the same charges, backgrounds, and
22
23

24 ⁴⁹ Will Dobbie & Crystal Yang, *The Economic Costs of Pretrial Detention*, Brookings Papers
25 on Economic Activity, BPEA Conference Draft (Mar. 25, 2021), at 2,
26 [https://www.brookings.edu/wp-content/uploads/2021/03/BPEASP21_Dobbie-Yang_conf-](https://www.brookings.edu/wp-content/uploads/2021/03/BPEASP21_Dobbie-Yang_conf-draft.pdf)
[draft.pdf](https://www.brookings.edu/wp-content/uploads/2021/03/BPEASP21_Dobbie-Yang_conf-draft.pdf).

27 ⁵⁰ Sandra S. Smith, *How Pretrial Incarceration Diminishes Individuals’ Employment*
Prospects, 86(3) Fed. Prob. 11–18 (2022).

28 ⁵¹ Julie Poehlmann-Tynan et al., *Attachment in Young Children with Incarcerated*
Fathers, 29(2) Dev. and Psych. 389–404 (2017).

1 demographics, people jailed pretrial are more likely to be arrested in the future by significant
2 margins.⁵²

3 142. Pretrial jailing also perpetuates unjustifiable racial disparities in the criminal legal
4 system. A recent ACLU study concluded that among individuals charged with the most common
5 serious or violent felony charges (criminal threats, second-degree burglary, and robbery), 31.6% of
6 Black individuals had money bail of \$100,000 or higher, while exactly half that rate of white
7 individuals had money bail amounts that high (15.8%).⁵³

8 143. In addition, by comparing county-level changes in poverty and employment to
9 county-level pretrial detention rates, researchers have found that counties with high levels of
10 pretrial detention exhibited lower levels of intergenerational mobility. The association between
11 pretrial detention and these aggregate indicators of economic well-being were strongest among
12 Black individuals, an indication that pretrial detention takes a disproportionate economic toll on
13 Black communities.⁵⁴

14 **CLASS ACTION ALLEGATIONS**

15 **A. Class of People Detained Because of Failure to Pay Secured Money Bail** 16 **("Cash Bail Class")**

17 144. Jailed Plaintiffs Melendres Sandoval and Wholf bring this action on behalf of
18 themselves and on behalf of all others similarly situated.

19 145. Plaintiffs seek certification of the following class ("Cash Bail Class"): All arrested
20 individuals who are or will be in the custody of the Riverside County Sheriff's Department pre-
21 arraignment because they have not paid secured money bail, regardless of whether there are other
22 bases for detention in addition to the arrest.

23 146. Plaintiffs reserve the right under California Rule of Court 3.765(b) and other
24 applicable laws to amend or modify the class definition with respect to issues or in any other way.
25

26 ⁵² See Heaton, *supra* n.6.

27 ⁵³ Carly Finkle, ACLU of N. Cal., *In(Justice) in Riverside: A Case for Change and Accountability*, at 29, <https://www.aclusocal.org/sites/default/files/rda-report-022822.pdf>.

28 ⁵⁴ 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>.

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

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

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

11 150. **Commonality and Predominance:** The claims the Cash Bail Class assert involve
12 common questions of law and fact arising from one set of policies and practices: Defendants'
13 cash-based post-arrest detention scheme. Questions concerning the constitutionality of this scheme
14 predominate over any questions that affect only individual members of the class. These common
15 legal and factual questions include, but are not limited to, the following:

- 16 a. Do Defendants have a policy and practice of requiring individuals to pay
17 predetermined secured amounts of money for post-arrest release before any hearing
18 before a judicial officer?
- 19 b. Do Defendants have a policy and practice of immediately releasing arrested
20 individuals who can access enough cash to pay the amount on the bail schedule or
21 arrest warrant?
- 22 c. Do Defendants detain, for any amount of time, any arrested individuals solely
23 because they have not paid the predetermined monetary amount on the bail
24 schedule or arrest warrant?
- 25 d. Do the equal protection and due process guarantees of the California Constitution
26 prohibit Defendants from jailing arrested individuals because they cannot pay cash
27 bail?

1 e. Do the equal protection and due process guarantees of the California Constitution
2 prohibit Defendants from imposing secured financial conditions on release post-
3 arrest without any inquiry into ability to pay?

4 f. Do the equal protection and due process guarantees of the California Constitution
5 prohibit Defendants from imposing secured financial conditions on release post-
6 arrest without any consideration of non-financial alternatives?

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

13 152. **Adequacy:** The Jailed Plaintiffs will fairly and adequately protect the interests of
14 the members of the class because their interests are entirely aligned with the interests of the other
15 class members. The Jailed Plaintiffs have retained counsel experienced in litigating complex
16 matters in state court, and who have experience in and extensive knowledge of the relevant
17 constitutional and statutory law. The Jailed Plaintiffs intend to prosecute this action vigorously.
18 The Jailed Plaintiffs have no antagonistic or adverse interest to those of the class. There are no
19 known conflicts of interest among class members, all of whom have a similar interest in
20 vindicating their constitutional rights in the face of Defendants' pay-for-freedom system.

21 153. **Superiority:** A class action is superior to other available means for the fair and
22 efficient adjudication of the claims of the class and it would be beneficial for the parties and the
23 Court. Class action treatment will allow the simultaneous and efficient prosecution of class
24 members' common claims in a single forum. Prosecutions of individual actions are likely to be
25 economically impractical for individual members of the class. In addition, prosecuting this action
26 as a class will alleviate the burden of multiple lawsuits that would otherwise face the Court and the
27 parties. Moreover, class litigation prevents the potential for inconsistent or contradictory
28 judgments raised by individual litigation.

1 154. **Code of Civil Procedure section 382:** The proposed class meets all the
2 requirements of Code of Civil Procedure section 382. There is a readily ascertainable class
3 comprised of individuals who are incarcerated in the County Defendants’ jails because they have
4 not paid cash bail. Defendants have acted on grounds generally applicable to the class through the
5 promulgation and enforcement of their cash-based detention scheme, such that common questions
6 of law and fact predominate over questions affecting individual class members. The Jailed
7 Plaintiffs, who are detained because they cannot afford their release, have claims typical of the
8 class and can adequately represent the class. Declaratory and injunctive relief would apply in the
9 same manner to every class member. Further, class action treatment is superior to individual
10 litigation, and will benefit the Court and the parties by streamlining litigation and permitting class
11 members, who would otherwise lack the means to bring individual claims, to obtain relief. Thus,
12 class certification is appropriate and necessary.

13 **B. Class of People Subjected to Unnecessary Delay to Arraignment and Initial**
14 **Bail Hearing (“Prolonged Detention Class”)**

15 155. Jailed Plaintiffs Melendres Sandoval and Wholf bring this action on behalf of
16 themselves and on behalf of all others similarly situated.

17 156. To vindicate arrested individuals’ state-law right to a prompt arraignment and due-
18 process right to a prompt bail hearing, Plaintiffs seek certification of the following class
19 (“Prolonged Detention Class”): all individuals who are or will be in the custody of the Riverside
20 County Sheriff’s Department following their arrest who have yet to be arraigned, regardless of
21 whether there are other bases for detention.

22 157. Under Riverside’s current practices, all such individuals must wait until at least
23 the second court day following arrest to be arraigned, which is the first opportunity for a bail
24 hearing under Riverside’s practices.

25 158. Plaintiffs reserve the right under California Rule of Court 3.765(b) and other
26 applicable laws to amend or modify the class definition with respect to issues or in any other
27 ways.
28

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

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

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

15 162. **Commonality and Predominance:** This action involves common questions of law
16 and fact arising from the standard practice of conducting arraignments two to three court days
17 after arrest. Questions concerning the constitutionality of this practice predominate over any
18 questions that affect only individual members of the class. These common legal and factual
19 questions include, but are not limited to, the following:

- 20 a. Do Defendants have a policy and practice of not conducting arraignments for at
21 least two court days?
- 22 b. Do Defendants have a policy and practice of not conducting arraignments over the
23 weekend?
- 24 c. What is the typical amount of time it takes Defendants Sheriff and RSO to book an
25 individual?
- 26 d. Are any additional steps required of Defendants to, for example, arraign individuals
27 arrested on Monday morning on Tuesday as opposed to their current practice of
28 waiting until Wednesday?

- 1 e. What are Defendants' general practices for calendaring arraignments for
2 individuals arrested on each day of the week? For example, on what day are
3 Wednesday arrests arraigned? On what day are Thursday arrests arraigned?
- 4 f. Can Defendants adopt the less restrictive alternative of conducting quicker
5 arraignments, for example, by utilizing specific practices previously adopted by
6 jurisdictions across the country that conduct arraignments within 24 or 48 hours?
- 7 g. Does the due process guarantee of the California Constitutions prohibit Defendants
8 from unnecessarily delaying the opportunity to seek release in front of a judge?
- 9 h. Is it necessary to maintain a practice of conducting arraignments no sooner than
10 two court days after arrest?

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

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

26 165. **Superiority:** A class action is superior to other available means for the fair and
27 efficient adjudication of the claims of the class and it would be beneficial for the parties and the
28 Court. Class action treatment will allow the simultaneous and efficient prosecution of class

1 members' common claims in a single forum. Prosecutions of individual actions are likely to be
2 economically impractical for individual members of the class. In addition, prosecuting this action
3 as a class will alleviate the burden of multiple lawsuits that would otherwise face the Court and the
4 parties. Moreover, class litigation prevents the potential for inconsistent or contradictory
5 judgments raised by individual litigation.

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

18 **CLAIMS FOR RELIEF**

19 167. Plaintiffs bring claims for declaratory and injunctive relief against all Defendants
20 and claims for a writ of mandate against the County Defendants as set forth below.

21 **FIRST CAUSE OF ACTION:**

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

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

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

25 168. The Jailed Plaintiffs incorporate by reference the allegations in all preceding
26 paragraphs.

27 169. The Jailed Plaintiffs and the Cash Bail Class are entitled to declaratory and
28 injunctive relief prohibiting Defendants from jailing them prior to arraignment not because it is

1 necessary for any compelling government interest, but simply because they have not made a cash
2 payment. This jailing violates the California Constitution.

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

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

12 172. Defendant Superior Court violates the rights of the Jailed Plaintiffs and the Cash
13 Bail Class under the California Constitution by requiring law enforcement to jail them because
14 they have not paid a cash bail amount that is imposed prior to any constitutionally compliant bail
15 hearing. This cash-based jailing is not narrowly tailored to any compelling government interest.
16 Defendant Superior Court imposes unconstitutional pre-arraignment cash-based jailing by
17 maintaining a bail schedule that conditions class members' liberty on payment of secured money
18 bail. *See* Penal Code § 1269b. Through its magistrates, Defendant Superior Court additionally
19 causes unconstitutional pre-arraignment cash-based jailing by issuing arrest warrants with secured
20 money bail amounts.

21 173. The County Defendants violate the rights of the Jailed Plaintiffs and Cash Bail
22 Class under the California Constitution by jailing the Jailed Plaintiffs and the Cash Bail Class
23 because they have not paid a cash amount that is imposed prior to any constitutionally compliant
24 bail hearing. This cash-based jailing is not narrowly tailored to any compelling government
25 interest. These Defendants enforce cash-based jailing by detaining class members on warrantless
26 arrests pursuant to the secured bail amounts listed on the Riverside County Bail Schedule, and by
27 detaining class members pursuant to the secured money bail amounts imposed on arrest warrants.

28 174. These practices are unconstitutional.

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

176. An actual controversy has arisen and now exists between the Jailed Plaintiffs and the Cash Bail Class and Defendants concerning their respective rights and duties. These 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.

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

SECOND CAUSE OF ACTION:

Taxpayer Claim—Unconstitutional Jailing for Not Making a Cash Payment

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

(Clergy Plaintiffs Against All Defendants)

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

179. 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 the County in the year preceding the filing of this action.

180. The Clergy Plaintiffs are entitled to declaratory and injunctive relief prohibiting Defendants from jailing individuals prior to arraignment not because it is necessary for any compelling government interest, but simply because they have not made a cash payment. This jailing violates the United States and California Constitutions.

181. The United States and California Constitutions’ guarantees of due process each prohibit pretrial jailing except to the extent it is necessary for a compelling interest. Defendants’ cash-based jailing practices violate this principle. The Due Process and Equal Protection Clauses

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

8 182. Defendant Superior Court violates individuals' constitutional rights by requiring
9 law enforcement to jail them because they have not paid a cash amount that is imposed prior to
10 any constitutionally compliant bail hearing. This cash-based jailing is not narrowly tailored to any
11 compelling government interest. Defendant Superior Court imposes unconstitutional pre-
12 arraignment cash-based jailing by maintaining a bail schedule that conditions class members'
13 liberty on payment of secured money bail. *See* Penal Code § 1269b. Through its magistrates,
14 Defendant Superior Court additionally causes unconstitutional pre-arraignment cash-based jailing
15 by issuing arrest warrants with secured money bail amounts.

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

22 184. These practices are unconstitutional. When the County Defendants commit these
23 acts, they are engaged in an illegal expenditure and waste of, and cause of injury to, public funds
24 and property.

25 185. The Clergy Plaintiffs have an interest in enjoining the unlawful expenditure of tax
26 and other government funds. Pursuant to California Code of Civil Procedure section 526a and this
27 Court's equitable power, the Clergy Plaintiffs seek declaratory and injunctive relief to prevent
28

1 continued harm and to protect Plaintiffs and the public from Defendants' unlawful policies and
2 practices as alleged herein.

3 186. Unless and until enjoined by this Court, the County Defendants' unlawful conduct
4 will cause great and irreparable injury to the Clergy Plaintiffs in that the Clergy Plaintiffs will
5 continue to make illegal expenditures.

6 187. An actual controversy has arisen and now exists between the Clergy Plaintiffs and
7 the Defendants concerning their respective rights and duties. These Plaintiffs desire a judicial
8 determination of the rights and duties of the parties and a declaration as to whether the
9 Defendants' policy and practice as alleged herein violate the above-mentioned laws. A judicial
10 declaration is necessary and appropriate at this time so that all parties may ascertain their rights
11 and duties under these laws.

12 **THIRD CAUSE OF ACTION:**

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

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

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

17 188. The Jailed Plaintiffs incorporate by reference the allegations in all preceding
18 paragraphs.

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

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

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

27 192. Additionally, the California Constitution's guarantees of due process (art. I,
28 § 7(a)), equal protection of the laws (art. I, § 7(a)), privileges and immunities on the same terms to

1 all citizens (art. I, § 7(b)), and uniformity in the operation of laws (art. IV, § 16) each bar cash-
2 based pretrial jailing except to the extent it is necessary to further a compelling government
3 interest. Each of these guarantees prohibits jailing a person solely because of their inability to
4 make a monetary payment.

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

10 194. The Jailed Plaintiffs and Cash Bail Class have a clear and present legal right to the
11 County Defendants' performance of their duties in compliance with the law as set forth in this
12 cause of action, and the County Defendants' have refused to perform these duties despite their
13 ability to do so.

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

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

20 197. Accordingly, the Jailed Plaintiffs and Cash Bail Class are entitled to a peremptory
21 writ of mandate prohibiting the County Defendants from enforcing cash-based pre-arraignment
22 jailing.

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(Clergy Plaintiffs Against the County Defendants)

203. The County Defendants have a clear, mandatory statutory duty to keep in their custody those who do not pay secured money bail pre-arraignment and are not otherwise eligible

1 for release (*see* Penal Code §§ 849, 1269b(a)-(b), 1270.1) and a corollary duty to *not* perform the
2 duty in violation of law. The County Defendants discharge their statutory duty in a manner that
3 violates individuals' constitutional rights.

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

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

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

12 207. Accordingly, the Clergy Plaintiffs are entitled to a peremptory writ of mandate
13 prohibiting the County Defendants from enforcing cash-based pre-arraignment jailing.

14 **FIFTH CAUSE OF ACTION:**

15 **Unnecessarily Prolonged Detention Without Arraignment**

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

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

18 208. Jailed Plaintiffs incorporate by reference the allegations in all preceding
19 paragraphs.

20 209. The Jailed Plaintiffs and the Prolonged Detention Class are entitled to declaratory
21 and injunctive relief prohibiting unnecessary delay before the arraignment of individuals in
22 custody.

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

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

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

7 213. The County Defendants unlawfully keep in their custody individuals who have not
8 received a prompt arraignment. An arraignment that takes place two or three court days after arrest
9 is not prompt.

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

14 215. These practices are unconstitutional.

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

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

23 **SIXTH CAUSE OF ACTION:**

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

27 218. The Clergy Plaintiffs incorporate by reference the allegations in all preceding
28 paragraphs.

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

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

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

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

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

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

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

24 226. These practices are unconstitutional.

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

27 228. The Clergy Plaintiffs have an interest in enjoining the unlawful expenditure of tax
28 and other government funds. Pursuant to California Code of Civil Procedure section 526a and this

1 Court's equitable power, the Clergy Plaintiffs seek declaratory and injunctive relief to prevent
2 continued harm and to protect Plaintiffs and the public from Defendants' unlawful policies and
3 practices as alleged herein.

4 229. Unless and until enjoined by this Court, the Defendants' unlawful conduct will
5 cause great and irreparable injury to the Clergy Plaintiffs in that the Clergy Plaintiffs will continue
6 to make illegal expenditures.

7 230. An actual controversy has arisen and now exists between the Clergy Plaintiffs and
8 the Defendants concerning their respective rights and duties. The Clergy Plaintiffs desire a judicial
9 determination of the rights and duties of the parties and a declaration as to whether the
10 Defendants' policy and practice as alleged herein violate the above-mentioned laws. A judicial
11 declaration is necessary and appropriate at this time so that all parties may ascertain their rights
12 and duties under these laws.

13 231. Accordingly, the Clergy Plaintiffs are entitled to declaratory and injunctive relief.

14
15 **SEVENTH CAUSE OF ACTION:**

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

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

18 **(Jailed Plaintiffs, Prolonged Detention Class, and Clergy Plaintiffs Against the County
19 Defendants)**

20 232. Plaintiffs incorporate by reference the allegations in all preceding paragraphs.

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

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

1 235. 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.

4 236. 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.

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

12 238. The County Defendants have a clear, mandatory statutory duty to keep in their
13 custody individuals who have not yet been arraigned when their detention is required by the bail
14 schedule, an arrest warrant, a magistrate's order, or a statute. *See, e.g.*, Penal Code §§ 666.1(c),
15 849, 1269b(a)-(b), 1270.1, 1319.5; Health and Safety Code § 11395(f). The County Defendants
16 have a corollary duty to *not* perform this duty in violation of law. The County Defendants
17 discharge their statutory duty in a manner that violates individuals' constitutional rights.

18 239. The County Defendants' justifications for violating these duties are legally and
19 factually unsupportable. Their failures to comply with these duties constitute prejudicial abuses of
20 discretion and must be set aside.

21 240. The Jailed Plaintiffs, Prolonged Detention Class, and Clergy Plaintiffs have a clear
22 and present legal right to the County Defendants' performance of their duties as set forth in this
23 cause of action, and the County Defendants have refused to perform these duties despite their
24 ability to do so.

25 241. The Jailed Plaintiffs and Prolonged Detention Class are beneficially interested in
26 these Defendants' compliance with these duties. The Jailed Plaintiffs and Clergy Plaintiffs also
27 have public interest and citizen standing because this lawsuit involves a question of public rights
28 and seeks to enforce public duties.

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

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

EIGHTH CAUSE OF ACTION:

Unnecessarily Prolonged Detention Without Bail Hearing

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

(Jailed Plaintiffs and Prolonged Detention Class Against All Defendants)

244. The Jailed Plaintiffs incorporate by reference the allegations in all preceding paragraphs.

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

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

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

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

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

3 250. Defendant Superior Court systemically violates the right of the Jailed Plaintiffs
4 and 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.

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

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

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

17 **NINTH CAUSE OF ACTION:**

18 **Taxpayer Claim—Unnecessarily Prolonged Detention Without Bail Hearing**

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

20 **(Clergy Plaintiffs Against All Defendants)**

21 254. The Jailed Plaintiffs incorporate by reference the allegations in all preceding
22 paragraphs.

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

1 256. The Clergy Plaintiffs are entitled to declaratory and injunctive relief putting a stop
2 to Defendants' violations of the right to a prompt bail hearing under the United States and
3 California Constitutions' due process guarantees.

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

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

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

16 260. The County Defendants unlawfully keep in their custody individuals who have not
17 received a prompt bail hearing. This detention violates due process.

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

22 262. These practices are unconstitutional. When the Defendants commit these acts, they
23 are engaged in an illegal expenditure and waste of, and cause of injury to, public funds and
24 property.

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

3 264. Unless and until enjoined by this Court, Defendants' unlawful conduct will cause
4 great and irreparable injury to the Clergy Plaintiffs in that the Clergy Plaintiffs will continue to
5 make illegal expenditures.

6 265. An actual controversy has arisen and now exists between the Clergy Plaintiffs and
7 the County Defendants concerning their respective rights and duties. These Plaintiffs desire a
8 judicial determination of the rights and duties of the parties and a declaration as to whether
9 Defendants' policy and practice as alleged herein violate the above-mentioned laws. A judicial
10 declaration is necessary and appropriate at this time so that all parties may ascertain their rights
11 and duties under these laws.

12 266. Accordingly, the Clergy Plaintiffs are entitled to declaratory and injunctive relief.

13
14 **TENTH CAUSE OF ACTION:**

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

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

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

19 267. The Jailed Plaintiffs incorporate by reference the allegations in all preceding
20 paragraphs.

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

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

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

5 271. The County Defendants unlawfully keep in their custody individuals who have not
6 received a prompt bail hearing. This detention violates due process.

7 272. The County Defendants have the duty to obey the California Constitution,
8 including its guarantees of due process. These Defendants violate this duty when they jail
9 individuals who have not received a prompt bail hearing, and when they fail to set a prompt bail
10 hearing.

11 273. The County Defendants have a clear, mandatory statutory duty to keep in their
12 custody individuals who have not received any bail hearing in open court when their detention is
13 required by the bail schedule, an arrest warrant, a magistrate's order, or a statute. (*See, e.g.*, Penal
14 Code §§ 666.1(c), 849, 1269b(a)-(b), 1269b(e), 1270.1, 1319.5; Health and Safety Code
15 § 11395(f).) These Defendants have a corollary duty to *not* perform the duty in violation of law.
16 The County Defendants discharge their statutory duty in a manner that violates individuals'
17 constitutional rights.

18 274. These Defendants' justifications for violating these duties are legally and factually
19 unsupportable. Their failures to comply with these duties constitute prejudicial abuses of
20 discretion and must be set aside.

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

24 276. The Jailed Plaintiffs and Prolonged Detention Class are beneficially interested in
25 Defendants' compliance with these duties. The Jailed Plaintiffs also have public interest and
26 citizen standing because this lawsuit involves a question of public rights and seeks to enforce
27 public duties.

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

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

5
6 **ELEVENTH CAUSE OF ACTION:**

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

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

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

11 279. The Clergy Plaintiffs incorporate by reference the allegations in all preceding
12 paragraphs.

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

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

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

23 283. The County Defendants unlawfully keep in their custody individuals who have not
24 received a prompt bail hearing. This detention violates due process.

25 284. The County Defendants have the duty to obey the United States and California
26 Constitutions, including their respective guarantees of due process. These Defendants violate this
27 duty when they jail individuals who have not received a prompt bail hearing, and when they fail to
28 set a prompt bail hearing.

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

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

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

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

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

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

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

23 **PRAYER FOR RELIEF**

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

25 a. A declaration that (1) pre-arraignment jailing is unconstitutional except to the
26 extent it is proven necessary, as required by the "strict scrutiny" standard, (2) pre-arraignment
27 cash-based detention is unconstitutional, regardless of whether it is imposed pursuant to the bail
28 schedule or an arrest warrant, (3) Defendants violate the Jailed Plaintiffs' and the Cash Bail class

1 members' constitutional rights by promulgating and enforcing a bail schedule that confines people
2 in jail after arrest and before arraignment solely because they have not made a monetary payment,
3 (4) the routine detention of individuals for two to three court days—or for any other period of time
4 longer than that which the government can prove necessary in this litigation—without an
5 arraignment or bail hearing is unlawful, and (5) Defendants violate the Jailed Plaintiffs' and the
6 Prolonged Detention class members' constitutional rights by detaining individuals for two to three
7 court days, or for any other period of time longer than that which the government can prove
8 necessary, without an arraignment or bail hearing;

9 b. A permanent injunction prohibiting (1) Defendant Superior Court from maintaining
10 or promulgating a bail schedule that imposes secured money bail prior to arraignment, (2)
11 Defendant Superior Court from issuing arrest warrants that impose secured money bail prior to
12 arraignment, (3) the County Defendants from jailing individuals prior to arraignment solely
13 because they have not paid a secured money bail amount, whether that amount is determined by
14 the bail schedule or an arrest warrant, (4) Defendants from delaying the arraignments or bail
15 hearings of individuals in custody past that period of time that the government proves is necessary
16 in this litigation, which is less than two court days, and (5) the County Defendants from jailing
17 individuals for two court days—or for any period of time longer than that which the government
18 can prove necessary in this litigation—without an arraignment or bail hearing as a matter of
19 standard practice rather than for individualized reasons such as medical necessity;

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

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

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

13 f. Prejudgment and post-judgment interest; and

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

18 h. Petitioners demand a jury trial on any issues so triable.
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1 DATED: May 28, 2025

Respectfully Submitted,

2 CIVIL RIGHTS CORPS

3
4 By: 

SALIL H. DUDANI (SBN 330244)

salil@civilrightscorps.org

CIVIL RIGHTS CORPS

9861 Irvine Center Dr,

Irvine, CA 92618

Telephone: (202) 844-4975

Facsimile: (202) 609-8030

JEFFREY D. STEIN (*pro hac vice pending*)

jeff@civilrightscorps.org

ALESSANDRO CLARK-ANSANI (*pro hac vice pending*)

alessandro@civilrightscorps.org

CIVIL RIGHTS CORPS

1601 Connecticut Avenue NW, Suite 800

Washington, D.C. 20009

Telephone: (202) 844-4975

Facsimile: (202) 609-8030

LESLIE A. BAILEY (SBN 232690)

lbailey@publicjustice.net

BRIAN HARDINGHAM (SBN 288773)

bhardingham@publicjustice.net

PUBLIC JUSTICE

475 14th St., Ste. 610

Oakland, CA 94612

Telephone: (510) 622-8150

ASHLEY CRAWFORD (SBN 257246)

avcrawford@akingump.com

DANIELLE GINTY (SBN 261809)

dginty@akingump.com

AKIN GUMP STRAUSS HAUER & FELD

100 Pine St Suite 3200

San Francisco, CA 94111

Telephone: (415) 765-9500

Facsimile: (415) 765-9501

RYAN DOWELL (*pro hac vice pending*)

rdowell@akingump.com

AKIN GUMP STRAUSS HAUER & FELD

2001 K Street, N.W.

Washington, DC 20006-1037 US

Telephone: (202) 887-4000

Facsimile: (202) 887-4288

1
2
3
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10
11
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13
14
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27
28

DAN STORMER (SBN 101967)
dstormer@hadsellstormer.com
BRIAN OLNEY (SBN 298089)
bolney@hadsellstormer.com
Hadsell Stormer Renick & Dai LLP
128 N. Fair Oaks Avenue
Pasadena, California 91103
Telephone: (626) 585-9600
Facsimile: (626) 577-7079

PAUL L. HOFFMAN (SBN 71244)
hoffpaul@aol.com
JOHN C. WASHINGTON (SBN 315991)
jwashington@sshhzlaw.com
SCHONBRUN, SEFLOW, HARRIS,
HOFFMAN & ZELDES, LLP
200 Pier Ave., Suite 226
Hermosa Beach, CA 90254
Telephone: (424) 297-0114
Facsimile: (310) 399-7040

MARGOT MENDELSON (SBN 268583)
mmendelson@prisonlaw.com
DONALD SPECTER (SBN 83925)
dspecter@prisonlaw.com
PRISON LAW OFFICE
1917 Fifth Street
Berkeley, California 94710
Telephone: (510) 280-2621
Facsimile: (510) 280-2704

1 Additional Plaintiffs' Counsel:

2 PAUL L. HOFFMAN (SBN 71244)
hoffpaul@aol.com

3 JOHN C. WASHINGTON (SBN 315991)
jwashington@sshhzlaw.com

4 SCHONBRUN, SEPLOW, HARRIS,
HOFFMAN & ZELDES, LLP

5 200 Pier Ave., Suite 226
Hermosa Beach, CA 90254

6 Telephone: (424) 297-0114
Facsimile: (310) 399-7040

7 MARGOT MENDELSON (SBN 268583)

8 mmendelson@prisonlaw.com

DONALD SPECTER (SBN 83925)

9 dspecter@prisonlaw.com

PRISON LAW OFFICE

10 1917 Fifth Street
Berkeley, California 94710

11 Telephone: (510) 280-2621

Facsimile: (510) 280-2704

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Executed on May 28, 2025

Rabbi David Lazar

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VERIFICATION

I am a party to this action, and I have read the foregoing 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 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 May 28, 2025


Reverend Jane Quandt

1 **VERIFICATION**

2 I am one of the attorneys for Oscar Melendres Sandoval and Mathew Wholf, who are
3 parties to this action. All are presently confined in jails in Riverside County. Each of these
4 Plaintiffs authorized me to make this verification on his behalf. They were unable to verify the
5 Verified Class Action Complaint for Declaratory and Injunctive Relief and Petition for Writ of
6 Mandate in full themselves because of the practical obstacles posed by their confinement.
7 However, these Plaintiffs have each submitted a declaration that they have sworn is true and
8 correct to the best of their knowledge under penalty of perjury attesting to those factual
9 allegations in the complaint of which they have personal knowledge. I have read the foregoing
10 Verified Class Action Complaint for Declaratory and Injunctive Relief and Petition for Writ of
11 Mandate and know its contents. I am informed and believe and on that ground allege that the
12 matters stated in the Verified Class Action Complaint for Declaratory and Injunctive Relief and
13 Petition for Writ of Mandate are true.

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

16 Executed on May 28, 2025



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18 _____
19 Leslie A. Bailey
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EXHIBIT A

JEFFREY D. STEIN (*pro hac vice pending*)
jeff@civilrightscorps.org
ALESSANDRO CLARK-ANSANI (*pro hac vice pending*)
alessandro@civilrightscorps.org
CIVIL RIGHTS CORPS
1601 Connecticut Avenue NW, Suite 800
Washington, D.C. 20009
Telephone: (202) 844-4975
Facsimile: (202) 609-8030

SALIL H. DUDANI (SBN 330244)
salil@civilrightscorps.org
CIVIL RIGHTS CORPS
9861 Irvine Center Dr,
Irvine, CA 92618
Telephone: (202) 844-4975
Facsimile: (202) 609-8030

DAN STORMER (SBN 101967)
dstormer@hadsellstormer.com
BRIAN OLNEY (SBN 298089)
bolney@hadsellstormer.com
HADSELL STORMER RENICK & DAI LLP
128 N. Fair Oaks Avenue
Pasadena, California 91103
Telephone: (626) 585-9600
Facsimile: (626) 577-7079

Attorneys for Plaintiffs

LESLIE A. BAILEY (SBN 232690)
lbailey@publicjustice.net
BRIAN HARDINGHAM (SBN 288773)
bhardingham@publicjustice.net
PUBLIC JUSTICE
475 14th St., Ste. 610
Oakland, CA 94612
Telephone: (510) 622-8150

ASHLEY CRAWFORD (SBN 257246)
avcrawford@akingump.com
DANIELLE GINTY (SBN 261809)
dginty@akingump.com
AKIN GUMP STRAUSS HAUER & FELD
100 Pine St Suite 3200
San Francisco, CA 94111
Telephone: (415) 765-9500
Facsimile: (415) 765-9501

RYAN DOWELL (*pro hac vice pending*)
rdowell@akingump.com
AKIN GUMP STRAUSS HAUER & FELD
2001 K Street, N.W.
Washington, DC 20006-1037 US
Telephone: (202) 887-4000
Facsimile: (202) 887-4288

[Additional Counsel Listed on Last Page]

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE, WESTERN DISTRICT

Oscar Melendres Sandoval and Mathew
Wholf, 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.

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

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 Carls 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

1 Additional Plaintiffs' Counsel:

2 PAUL L. HOFFMAN (SBN 71244)

3 hoffpaul@aol.com

4 JOHN C. WASHINGTON (SBN 315991)

5 jwashington@sshhzlaw.com

6 SCHONBRUN, SEPLOW, HARRIS,

7 HOFFMAN & ZELDES, LLP

8 200 Pier Ave., Suite 226

9 Hermosa Beach, Ca 90254

10 Telephone: (424) 297-0114

11 Facsimile: (310) 399-7040

12 MARGOT MENDELSON (SBN 268583)

13 mmendelson@prisonlaw.com

14 DONALD SPECTER (SBN 83925)

15 dspecter@prisonlaw.com

16 PRISON LAW OFFICE

17 1917 Fifth Street

18 Berkeley, California 94710

19 Telephone: (510) 280-2621

20 Facsimile: (510) 280-2704

EXHIBIT B

JEFFREY D. STEIN (*pro hac vice pending*)
jeff@civilrightscorps.org
ALESSANDRO CLARK-ANSANI (*pro hac vice pending*)
alessandro@civilrightscorps.org
CIVIL RIGHTS CORPS
1601 Connecticut Avenue NW, Suite 800
Washington, D.C. 20009
Telephone: (202) 844-4975
Facsimile: (202) 609-8030

SALIL H. DUDANI (SBN 330244)
salil@civilrightscorps.org
CIVIL RIGHTS CORPS
9861 Irvine Center Dr,
Irvine, CA 92618
Telephone: (202) 844-4975
Facsimile: (202) 609-8030

DAN STORMER (SBN 101967)
dstormer@hadsellstormer.com
BRIAN OLNEY (SBN 298089)
bolney@hadsellstormer.com
HADSELL STORMER RENICK & DAI LLP
128 N. Fair Oaks Avenue
Pasadena, California 91103
Telephone: (626) 585-9600
Facsimile: (626) 577-7079

Attorneys for Plaintiffs

LESLIE A. BAILEY (SBN 232690)
lbailey@publicjustice.net
BRIAN HARDINGHAM (SBN 288773)
bhardingham@publicjustice.net
PUBLIC JUSTICE
475 14th St., Ste. 610
Oakland, CA 94612
Telephone: (510) 622-8150

ASHLEY CRAWFORD (SBN 257246)
avcrawford@akingump.com
DANIELLE GINTY (SBN 261809)
dginty@akingump.com
AKIN GUMP STRAUSS HAUER & FELD
100 Pine St Suite 3200
San Francisco, CA 94111
Telephone: (415) 765-9500
Facsimile: (415) 765-9501

RYAN DOWELL (*pro hac vice pending*)
rdowell@akingump.com
AKIN GUMP STRAUSS HAUER & FELD
2001 K Street, N.W.
Washington, DC 20006-1037 US
Telephone: (202) 887-4000
Facsimile: (202) 887-4288

[Additional Counsel Listed on Last Page]

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF RIVERSIDE, WESTERN DISTRICT

Oscar Melendres Sandoval and Mathew
Wholf, 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.

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

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 ^{the} 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.

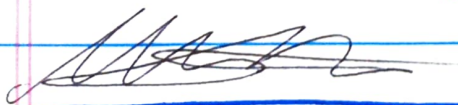
19. Because I'm here in jail, I'm losing more time I could be spending to improve my situation so I can be a more present father to my daughter.

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 ^{to} 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.



1 Additional Plaintiffs' Counsel:

2 PAUL L. HOFFMAN (SBN 71244)
hoffpaul@aol.com

3 JOHN C. WASHINGTON (SBN 315991)
jwashington@sshhzlaw.com

4 SCHONBRUN, SEPLOW, HARRIS,
HOFFMAN & ZELDES, LLP

5 200 Pier Ave., Suite 226
Hermosa Beach, CA 90254

6 Telephone: (424) 297-0114
Facsimile: (310) 399-7040

7 MARGOT MENDELSON (SBN 268583)

8 mmendelson@prisonlaw.com

DONALD SPECTER (SBN 83925)

9 dspecter@prisonlaw.com

PRISON LAW OFFICE

10 1917 Fifth Street
Berkeley, California 94710

11 Telephone: (510) 280-2621

Facsimile: (510) 280-2704