

GENERAL OFFICE MEMORANDUM 22-053

TO: ALL DEPUTY DISTRICT ATTORNEY PERSONNEL

FROM: SHARON L. WOO 
Chief Deputy District Attorney

SUBJECT: CLARIFICATION OF SPECIAL DIRECTIVE 20-06 PRETRIAL
RELEASE POLICY

DATE: MAY 12, 2022

This Office is committed to the elimination of cash bail for all the reasons outlined in Special Directive 20-06 Pretrial Release Policy. As an alternative to cash bail, the Office strongly supports the rapid development of a well-funded and robust pre-trial services program balancing both the rights of the accused while protecting public safety. Despite the significant efforts by community justice partners, a comprehensive pre-trial services program has not been fully realized. After listening to the community, victims, and members of this Office, I have decided to allow limited exceptions to the pre-trial release policy while such a program is finalized. The below exceptions are narrowly tailored to address those defendants who have been released on bail or on their own recognizance and who have continued to commit crimes during the pendency of their cases or other defendants who pose an exceptional risk to public safety.

- If a law enforcement agency successfully obtains a bail deviation from a magistrate judge, deputies may argue for bail to be maintained as set forth by the magistrate's decision. This includes cases in which the offenses are misdemeanor, non-serious felony, or non-violent offenses.
- Deputies may seek cash bail in cases in which the defendants were released on bail or on their own recognizance (OR) when the new offense was committed. While Penal Code section 12022.1 allegations shall not be filed pursuant to Special Directive 20-08.2, the *facts* supporting such an allegation *may* be argued to the court in support of detention on bail.
- If there are aggravating and extraordinary circumstances justifying the request of cash bail in a misdemeanor, non-serious felony, or non-violent felony offense, deputies may seek cash bail with written Bureau Director approval upon written recommendation by the Head Deputy. The written request and approval must be placed in the case file.
- Deputies should be prepared to respond that the request for bail comports with the California Supreme Court's ruling in *In re Humphrey* (2021) 11 Cal.5th 135.

- Filing Deputies shall note if a defendant is out on bail or OR in the Statement of Facts or on the Misdemeanor Attorney Notes page.
- Arraignment Deputies shall note the request for bail made pursuant to this General Office Memorandum, along with the outcome, in the Attorney Notes.

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