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New \$0 Emergency Bail Rule implemented in response to COVID-19

An emergency bail schedule rule goes into effect today for the State of California, reducing bail for misdemeanors and most lower-level felonies to \$0.

The California Judicial Council adopted the new emergency rule, [in addition to 10 others](#), at a meeting on April 6, 2020, in an effort to “reduce jail populations,” and create a uniform standard for addressing certain offenses during the COVID-19 pandemic. While the Judicial Council’s order was mandated to go into effect by tonight at 5 p.m., the Humboldt County Superior Court began the process on Friday, with eight Humboldt County Correctional Facility inmates released that day following bail reduction hearings.

Humboldt County District Attorney Maggie Fleming says her office is currently reviewing cases to identify inmates eligible to be released without bail under the emergency rule.

“I consider the zero-bail policy for people charged with most misdemeanors and low-level felonies a well-justified response to a unique public health challenge,” Fleming said. “However, as always in criminal justice, it’s important to recognize the uniqueness of each case and to maintain focus on the safety of victims and the public.”

While the emergency rule does not apply to serious or violent felonies, Sheriff William Honsal says this “one-size-fits-most” approach could jeopardize public health during the COVID-19 pandemic, putting extraordinary demands on service providers.

“I understand the unprecedented impacts that the COVID-19 outbreak has created but am deeply concerned that this rule will have far-reaching public safety ramifications,” Sheriff Honsal said. “There will certainly be a strain on our local service providers to assist our mentally ill, homeless and drug-addicted population with the appropriate planning and tools they need to be successful after release.”

Honsal warned that the emergency rule would apply to other offenses including child abuse, elder abuse, and violating public health orders. “In Humboldt County, more than a dozen inmates have been identified as eligible to have their bail reduced to \$0, and more may be eligible for significant bail reductions despite being held on serious or violent felony charges,” Sheriff Honsal said.

Though the emergency rule lowers the bail schedule, judges still have the ability to deny the release of inmates per the California Constitution. Humboldt County prosecutors are encouraging the judges making decisions about the release of inmates to carefully consider

the trade-off between reducing the jail population to enhance the safety of inmates and correctional officers versus holding people likely to cause harm in custody to enhance the safety of victims and the public. The District Attorney's Office is also contacting the victims who might be affected by the release of specific inmates and giving them the opportunity to address the judge making the custody decision.

"While I appreciate the Judicial Council's work to keep court operations running, I urge our Humboldt County judges to examine the totality of the circumstances when applying this order," Sheriff Honsal said.

[Read the full order from the California Judicial Council here.](#)

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