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Comment on California Judicial Council's Actions This Week

Yesterday the California Judicial Council enacted a series of [emergency rules](#) that include setting a zero dollar bail amount for certain misdemeanor and lower level felony offenses, and also reinforcing protections of defendants' rights to appear in court for critical stages of their cases, even while other court hearings move to remote or video technology. These reforms align with broader steps [elected prosecutors around the nation are taking](#) as jurisdictions seek to dramatically reduce detained and custodial populations to address the dire consequences of the spread of COVID-19 inside prisons and jails. Fair and Just Prosecution's Executive Director Miriam Aroni Krinsky, who served on the California Judicial Council from 2013 to 2016, issued the following statement in response to the Judicial Council's action yesterday:

"Our nation's jails and prisons are a ticking time bomb -- we have already seen deaths and infection in the hundreds in these dense facilities where abiding by CDC guidelines is simply not possible. This is just the tip of the iceberg and the death count will only mount as this infection takes hold. That's why leadership and bold action is needed now before more lives are put at risk.

"The California Judicial Council's action yesterday, and their unanimous decision to set bail at \$0 for misdemeanor and lower level felonies, is the exact leadership that is needed and that ensures state uniformity as we seek to promote the health and safety of all in our community. Just as the Council's decision to protect the constitutional rights of defendants to have access to counsel and be present at critical stages of their case acknowledges that times of crisis cannot provide an excuse for erosion of constitutional rights – all of us lose if that is our starting point.

"Times of crisis necessarily test our moral compass and remind us of the need to stand up for those most vulnerable and create greater visibility for those least empowered in our communities. In these challenging times, our responses cannot be ones that compromise and erode constitutional rights. The threat in the midst of this pandemic is not from those in jails who pose no threat to public safety. Instead, the threat we must work to address is from a virus that will spread like wildfire in our jails, that will spill over those walls and into our communities, and that threatens to promote seemingly facile solutions that undermine the rule of law integral to our system of justice."

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Fair and Just Prosecution is a national network of elected prosecutors working towards common-sense, compassionate criminal justice reforms. To learn more about FJP's work, visit <http://www.fairandjustprosecution.org/> or follow us on Facebook [@FairAndJustProsecution](#).