1 2 3 4	THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION		
5 6 7		IA BUFFIN and CRYSTAL) TERSON, et al.,)	
8 9 10		Plaintiffs, v. v.) Case No. 15-CV-4959 (YGR) (Class Action)	
11 12 13 14 15 16	FRAI	v.) (Class Action)) CITY AND COUNTY OF SAN) NCISCO and THE STATE OF) IFORNIA,) Defendants.)	
17 18 19) <u>DECLARATION OF CHESA BOUDIN</u>	
20	I, Chesa Boudin, state and declare as follows:		
21	1.	My name is Chesa Boudin, and I am over 18 years old. I live and work in San Francisco,	
22		California.	
23	2.	I am a Deputy Public Defender for the City and County of San Francisco. My office	
24		represents indigent criminal defendants in San Francisco Superior Court criminal	
25		proceedings.	
26	3.	I have personally represented over 400 indigent criminal defendants in my role as Deputy	
27		Public Defender. I am familiar with every stage of the local criminal justice system, from	
28		arrest to booking to arraignment and beyond.	
29	4.	Individuals suspected of criminal activity in San Francisco can be arrested either by the	
30		San Francisco Police Department, the California Highway Patrol, the Sheriff's	
31		Department, or a number of other local law enforcement agencies. If the arrestee is to be	
32		jailed, she is typically booked at the county jail.	

Declaration of Chesa Boudin 4:15-CV-4959 (YGR)

Case 4:15-cv-04959-YGR Document 71-3 Filed 05/27/16 Page 2 of 4

- The arresting law enforcement agency informs the Sheriff's deputies at the county jail
 what the "booking charges" are. Although this is not a formal charge brought by the
 District Attorney ("DA"), the "booking charge" is used to determine an arrestee's bail
 amount.
- 5 6. Bail amounts are set by reference to the San Francisco Bail Schedule.
- 6 7. If an arrestee is wealthy enough to pay her bail amount, she can post bail immediately7 and be released immediately.
- 8 8. If an arrestee is too poor to pay her bail amount, she will remain in the county jail while
 9 the DA decides whether and what charges to file.
- 9. For felony charges, the DA's office has 48 hours to decide whether to bring formal
 charges. If the DA does not bring charges within 48 hours, the arrestee is released from
 the county jail.
- 13 10. If the DA does file charges, the arrestee makes an initial appearance in Superior Court,
 14 typically within two or three business days of the arrest (not counting weekends and
 15 holidays). The initial appearance is also the arrestee's arraignment, at which point she is
 16 read the formal charges and enters a plea. This is the arrestee's first appearance before
 17 any kind of judicial officer.
- 18 11. If an arrestee is indigent, my office is assigned to the case, typically at the arraignment
 (assuming no conflicts or other reason barring appointment of counsel from my office).
- It is the DA's formal charging decision not the "booking charge" used by the county
 jail at booking that officially charges an arrestee with a crime.
- My office has access to the Superior Court's Case Management System ("CMS"), which
 details the status of charges and proceedings.

Declaration of Chesa Boudin 4:15-CV-4959 (YGR)

Case 4:15-cv-04959-YGR Document 71-3 Filed 05/27/16 Page 3 of 4

1	14.	Riana Buffin has never been formally charged with any offense, including the offense for
2		which she was arrested on October 26, 2015. Although she received a "booking charge"
3		and a bail amount from the county, she was never charged by the DA. She was released
4		without formal charges ever being filed.

- 5 15. Ms. Buffin was never arraigned. She has never appeared before a Superior Court judge,
 and there are no future court dates set. She has no open or pending case.
- 7 16. I am personally aware that, as a result of her detention, Ms. Buffin lost her job at the8 Oakland airport.
- 9 17. Crystal Patterson has never been formally charged with any offense, including the
 10 offense for which she was arrested on October 27, 2015. Although she received a
 11 "booking charge" and a bail amount from the county, she was never charged by the DA.
 12 She was released without formal charges ever being filed.
- 13 18. Ms. Patterson was never arraigned. She has never appeared before a Superior Court
 14 judge and there are no future court dates set. She has no open or pending case.
- 15 19. It is not uncommon for arrestees who are too poor to pay their bail amount to contact 16 family and friends to see if anyone else can pay. Especially when the care of dependent 17 relatives is at stake, or the stability of employment or housing is threatened, arrestees can 18 be in a desperate situation. Many of the clients my office represents face imminent 19 threats to employment, housing, and the well-being of family members with even one day 20 of detention.
- 21 20. If an arrestee is wealthy enough to pay her full bail amount, she is released immediately.
 22 She pays her bail amount directly to the county, and her bail money is returned to her in
 23 full after the case is resolved or after the court exonerates bail, meaning that she does not

Declaration of Chesa Boudin 4:15-CV-4959 (YGR)

Case 4:15-cv-04959-YGR Document 71-3 Filed 05/27/16 Page 4 of 4

1 lose any money.

- 2 21. There are numerous private bail bond companies in San Francisco that cater almost
 3 exclusively to arrestees who are too poor to pay their bail amount in full.
- Private bail bond companies typically charge 8–10% of the scheduled or judicially
 determined bail amount to an arrestee. If the arrestee pays that amount, she will never
 see that money again, regardless of whether she makes all her court appearances (and
 regardless of whether she is eventually exonerated). Even if formal charges are never
 filed by the DA, the arrestee will not get the money she paid to a private bail bond
 company back.

10 23. In cases of extreme desperation and for the most destitute arrestees in San Francisco, 11 private bail bond companies will often post the full bail amount after accepting a down 12 payment of 1% of the bail amount and contracting with the arrestee who must agree to pay the balance of the 8–10%. The remaining amount is often financed at exorbitant 13 14 interest rates. In this situation, regardless of what happens with the arrestee's criminal 15 charges, she will never see the 1% returned to her and she is still contractually obligated to the remaining balance of the 8–10%. Even if formal charges are never filed by the 16 17 DA, the arrestee is still contractually obligated to pay the balance, plus interest.

- 18 24. Even after their criminal case concludes, individuals under debt to private bail bond19 companies often spend years paying off their debt.
- I declare under penalty of perjury that the foregoing is true and correct. Executed on thisTwenty-Third day of November, 2015.

Chesa Baudin

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- 24

Chesa Boudin

Declaration of Chesa Boudin 4:15-CV-4959 (YGR)