

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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RIANA BUFFIN and CRYSTAL)
PATTERSON, *et al.*,)
)
Plaintiffs,)
)
v.)
THE CITY AND COUNTY OF SAN)
FRANCISCO and THE STATE OF)
CALIFORNIA,)
)
Defendants.)
_____)

Case No. 15-CV-4959 (YGR)
(Class Action)

DECLARATION OF CHESA BOUDIN

I, Chesa Boudin, state and declare as follows:

1. My name is Chesa Boudin, and I am over 18 years old. I live and work in San Francisco, California.
2. I am a Deputy Public Defender for the City and County of San Francisco. My office represents indigent criminal defendants in San Francisco Superior Court criminal proceedings.
3. I have personally represented over 400 indigent criminal defendants in my role as Deputy Public Defender. I am familiar with every stage of the local criminal justice system, from arrest to booking to arraignment and beyond.
4. Individuals suspected of criminal activity in San Francisco can be arrested either by the San Francisco Police Department, the California Highway Patrol, the Sheriff's Department, or a number of other local law enforcement agencies. If the arrestee is to be jailed, she is typically booked at the county jail.

1 5. The arresting law enforcement agency informs the Sheriff’s deputies at the county jail
2 what the “booking charges” are. Although this is not a formal charge brought by the
3 District Attorney (“DA”), the “booking charge” is used to determine an arrestee’s bail
4 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 immediately
7 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.

10 9. For felony charges, the DA’s office has 48 hours to decide whether to bring formal
11 charges. If the DA does not bring charges within 48 hours, the arrestee is released from
12 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
19 (assuming no conflicts or other reason barring appointment of counsel from my office).

20 12. It is the DA’s formal charging decision — not the “booking charge” used by the county
21 jail at booking — that officially charges an arrestee with a crime.

22 13. My office has access to the Superior Court’s Case Management System (“CMS”), which
23 details the status of charges and proceedings.

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,
6 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 the
8 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

