

EMPTYING JAILS DIGITAL TOOLKIT

ABOUT:

The pandemic forced the Courts to make difficult trade-offs to protect public health and reduce COVID transmission in jails. The judges [recently voted to abandon the Superior Court’s Emergency Bail Schedule](#), which authorized the release of hundreds of felony arrestees without bail. The judges also allowed the expiration of their “[Citation and Release Order](#),” which enabled unaccountable administrators in the County Department of Corrections to release felony arrestees without judicial review.

While we applaud the judges’ decision, Santa Clara County officials continue to pursue an explicit policy of ‘depopulating the jails’ that has pushed violent criminals into our streets, and reduced jail populations far below their historic levels. **We urge the County to abandon its policy of emptying the jails without adequate safeguards for our communities.**

The need for a balanced approach is significant. If the County is not providing the drug and alcohol treatment necessary to counter the number of criminal offenders being released from the jails, we have a public safety crisis on our hands. Judges, drug treatment experts, and community members have expressed frustration at the lack of any “third options” –such as inpatient treatment–between jail and the release of addicted arrestees into vulnerable communities.

MESSAGING:

Summary of the situation

Message:

- Santa Clara County has quietly undergone a pandemic-era experiment of releasing unprecedented numbers of jail inmates.

Facts:

- County decisions have directly produced policies that cause dangerous, predatory criminals to avoid incarceration. Moreover, with a lack of alternative programs, such as drug rehabilitation or mental health treatment facilities, pandemic-era policies have led to the release of repeat offenders and caused a preventable rise in crime.
- Dangerous repeat offenders that shouldn’t have been released are being released by the county and re-committing crimes, contributing to a rise in crime in San José.
- SJPD officers have primarily avoided taking anyone to jail since the County will simply release them anyway. That’s because booking an arrestee at the jail is extraordinarily time-consuming (and with additional pandemic protocols, the entire process can take 3 hours or more), and officers (and their supervisors) can’t afford to have them off the beat for that long a duration. It’s not rational for them to do so for any but the most severe offenders.

That’s why...

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- While the pandemic forced the Courts to make difficult trade-offs to protect public health and reduce COVID transmission in jails, the County must now recognize the cost to public safety of this ‘catch and release’ system of justice. We urge the County to abandon its policy of emptying the jails without adequate safeguards for our communities.
 - Ensure there is judicial review of any future releases.
 - Incorporate public safety as a competing factor in assessing whether and how to vacate our jails.

Tragic Failures of Ill-Advised Pretrial Releases

Several examples illustrate the failures of excessive adherence to “zero bail” and “jail depopulation” policies. Some released arrestees commit petty theft. Others do far worse, including the February 2019 home-invasion [homicide of Bambi Larson](#), the [November 2020 stabbing of several residents at a homeless shelter](#), and other individuals described [here](#).

Three such examples:



Frankie Pollesel (Murder)

- In 2017, Pollesel committed a strong-arm robbery in which he pistol-whipped the victim in Medford, Oregon.
- On June 15, 2020, the DA’s Office filed charges against Pollesel for **vehicle theft**, alleging the prior robbery strike. The defendant was arraigned two days later, **but released on zero dollars bail**.
- **While out on bail**, on September 29, 2020, **Pollesel committed several robberies in San Francisco, as well as a new felony in Santa Clara County**, receiving a stolen vehicle. He was charged in the latter offense in this County, with the allegation that he committed the crime while on release.
- Pollesel **failed to appear** for his Santa Clara County court date on the auto theft charge, and the court issued a warrant for his arrest.
- On December 12, 2020, Pollesel was **arrested, but again released on a zero-dollar bail** warrant, and for his prior possession of methamphetamine.
- **Twenty-seven days after his release, Pollesel committed two murders with a firearm** on separate dates on January 9 and January 13 of 2021. (Dockets C2100745 and C2105419).

Francisco Lopez Torres (Child Molestation)

- **Torres**, a 29-year-old man, **was arrested for child molestation** (specifically, lewd and lascivious acts with a child under 14 years old, in violation of Penal Code S 288(a).
- He was **released the following day on his own recognizance—over the DA’s objection**.
- **Torrest failed to appear for court** weeks later, and **he fled from the state** of California.

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- Officials in Texas arrested Torres and held him on the warrant, until **SJPD Officer Villanueva flew out to Texas and extradited him back to Santa Clara County**, where he was booked and flown out to Webb County in November 2021.
- On December 1, 2021 Torres was **released by the Superior Court judge again—over the DA’s objection**—on \$100,000 bail.

42 Pounds of Methamphetamine and Fentanyl:

Finally, these photos are worth thousand words—and apparently, zero bail: The defendant in this case, Angel Torres, was arrested by SJPD and federal agents in San Jose on March 16, 2022, transporting 41 pounds of methamphetamine and a pound of fentanyl, a cargo worth millions of dollars on the street, and one attributable to a steep rise in deaths and emergency room admissions statewide. He was released on zero bail.



FOR MORE INFORMATION:

- [Emergency Bail Schedule](#), Santa Clara County Superior Court, Effective until July 31, 2022
- [Citation and Release Order](#), Santa Clara County Superior Court, Effective until July 31, 2022
- [Ten Examples of Violent/ Serious Offenders Released In Recent Months](#)
- SJPD Violent Crime Data, Dec. 2019-May 2022, and Active Officer Headcount
- [List of Offenses Which Offender Could be Subject to Immediate Release with Zero Bail under Pandemic-Era Bail Schedule](#)
- 2017 Form Authorizing Release of Arrestees by County Officials Without Judge’s Order
- [Minutes of Board of Supervisors Meeting of November 17, 2020](#) (Board approval of direction to evaluate continuation of implementing reduction in jail population), p.3.

EMPTYING JAILS DIGITAL TOOLKIT

- Director of Pretrial Services Matthew Fisk, August 5, 2021 Pretrial Services [Annual Population Trend Report to the Public Safety and Justice Committee](#), pp. 16-17.
- Supervisors Susan Ellenberg and Cindy Chavez, August 31, 2021 [Board Referral \(to evaluate “options...for appropriately sizing the jail population...\[and\] reducing the County jail population.”\)](#)
- County Counsel James R. Williams, November 16, 2021 [Memorandum, “Report-Back on Options to Reduce Jail Population...”](#)
- Deputy County Executive Martha Wapenski, January 25, 2022 [Memorandum, “Report back relating to options to reduce the jail population and improve jail management.”](#)
- Sam Liccardo, [“Opinion: County must re-think release of dangerous pandemic-era inmates,” Mercury News](#), May 9, 2022
- Councilmember Matt Mahan, [“Coordination with the County Regarding Repeat Offenders,” Memorandum to the Rules Committee](#), June 15, 2022.