

MyFOXLA.com

# Lawyers Guild Disputes \$5,000 Bail for Occupiers

Updated: Wednesday, 30 Nov 2011, 3:15 PM PST  
Published : Wednesday, 30 Nov 2011, 3:15 PM PST

Los Angeles - An attorney with the National Lawyers Guild called today for the immediate release of all people still being held on bail for refusing to leave the Occupy L.A. encampment at City Hall.

"California law is clear," said guild attorney and board member Carol Sobel.

Sobel said the law requires "that anyone charged with a misdemeanor shall be released with a written notice to appear."

"The Los Angeles Police Department is deliberately refusing to release anyone arrested in the Occupy raids with a notice to appear," Sobel said. "The city is holding them in jail on \$5,000 bail until they can be arraigned by a judge, which can take up to 48 hours."

Chief Deputy City Attorney William Carter disputed the claim, saying the Los Angeles Police Department has a range of options under California Penal Code for dealing with arrested protesters.

"The code section cited by the guild is not mandatory," Carter said.

The LAPD has discretion to detain and release the protesters; detain, book and release them with notice to appear in court; or to detain, book and recommend bail, "depending on any mitigating or aggravating factors involved," Carter said.

Police officials had not referred any of the demonstrators' cases to the City Attorney's Office for prosecution as of 2 p.m.

"When any of those cases are referred to this office for criminal consideration, we will review the facts and applicable law for each and every one separately and independently in exercising our prosecutorial discretion whether to file charges or not," he said.

Attorneys would also consider whether a protester has a prior criminal record, used force against police officers or did any damage to public property, Carter said.

Once cases are referred to the City Attorney's Office, it will have 48 hours from the time of an arrest to decide whether or not to file charges against protesters.

A total of 292 people were arrested during the pre-dawn raid on City Hall Park. Men who have not posted bail were being detained at the Metropolitan Detention Center downtown and women at a city jail in Van Nuys.

Sobel said protesters at the 2004 Republican National Convention in New York City won a class-action lawsuit against the city after making a similar legal argument.

If the City Attorney's Office files charges against any of the protesters today, the Los Angeles County Superior Court could begin holding arraignment hearings tomorrow, according to the court's public information office.

