



OPEN LETTER: The National Bail Reform Movement Opposes #SB10 And Will Fight Back!

Open Letter to Governor Brown, the California State Legislature and Judiciary,

We write today as members of the national bail reform movement, in solidarity with our partners in California, to denounce the passage and signing into law of SB10. This is not what real progress looks like. Progress does not create a false choice between ending money bail or expanded tools of detention. Progress eliminates them both. Across the country, we fight to end the punitive and discriminatory pretrial policies that have devastated our families and communities for decades, primarily Black, Native, Latinx, and all communities of color, LGBTQ people and immigrants, and all people experiencing poverty. This national effort, led largely by Black women, has turned the tide in the fight to decarcerate jails and prisons, end race and wealth-based jailing, and overhaul the pretrial system. Rather than supporting the momentum built by the movement for true bail reform, Governor Jerry Brown and the California State Legislature have passed SB10 - a law that flies in the face of demands made by directly impacted communities, grassroots organizations and criminal justice reform advocates.

SB10 masquerades as bail reform but will, in fact, make California's harmful and unjust bail system even worse. The version of SB10 that was signed into law on Tuesday, August 28th, 2018 sets up Californians for more harm and mass jailing by trading in an exploitative money bail system for a new pretrial detention regime that would keep people locked up through the use of unregulated risk assessments - wholly controlled by law enforcement - and with expansive and unchecked judicial control over who receives or is denied freedom. **SB10 puts in place a pretrial system that further entrenches racialized harm and discriminates based on class paving the way for an increase in the state's pre-trial population,** which already accounts for 60% of those imprisoned in California's jails, with no mechanism for release. SB10 is, at its core, antithetical to principles of racial justice, a betrayal of the promise of equal rights, and a denial of the freedoms that flow from those rights. In a state that was ground zero for the devastating "tough on crime" policy sweep of the 1990's, the deceptive and punitive qualities of SB10 ring familiar for so many. The national bail reform movement affirms our commitment to supporting the leadership of directly impacted Californians, grassroots organizations and groups on the ground as they continue to fight for the real progress that elected leaders have failed to deliver. **We will not allow this botched policy to justify expansion of California's already immense jail system.** SB10 exposed the coordinated collusion between law enforcement, the legislature, the judiciary and the executive branch to thwart justice, and our condemnation is one of collective force and commitment. **The passage of SB10 has set in motion an organized, concerted statewide**



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movement for real bail reform in California and a powerful national swell of opposition to carceral expansion that extends beyond this one bill.

At the local level, communities will intensify their work to hold judges and prosecutors accountable. Grassroots groups and directly impacted advocates are already in California's courtrooms at arraignments and bail hearings everyday, advocating for the release of community members and the reunification of families. In light of the SB10 framework, we will be monitoring court actors, and creating local policies that protect our people from pretrial detention system vision of SB10.

SB10's constitutionality will be aggressively litigated and challenged:

Rather than eliminating money bail AND ensuring the presumption of release in all cases (1) SB10 creates a "rebuttable presumption" of detention, keeping people locked up, not based on their individual cases, but based on a broad category of felony charges. We have a fundamental constitutional right to liberty and to a presumption of innocence. Arrest and the filing of charges by prosecutors are insufficient to deprive us of those rights, which make it harder for a fair trial and a true shot at freedom. (2) SB10 allows delays of up to six court days from arraignment before a detention hearing is even required to be held. In practice, this means that any number of people will be detained for more than two weeks before they actually get a hearing. Just one day in jail can have devastating consequences including housing and job loss, education disruption, immigration jail and deportation, loss of child custody, and many other dire consequences. (3) SB10 repeals existing mandatory release at arraignment for people facing misdemeanor charges and puts into place a system that makes it even harder for people to be released prior to arraignment who rather than being treated as individuals, are treated as members of broad categories with misdemeanor charges. SB10 also allows prosecutors to file detention motions, with the power to arbitrarily lock us up, in virtually any case. This is all in the context of an already racially unjust system with limited oversight mechanisms - where people are arrested and charged in over-policed communities; corrupt police and DAs over charge; and judges make life-changing decisions with unchecked bias.

History shows us that the fight against systemic oppression and manufactured criminalization is long. We are unified, we are innovative and true justice is on our side. We have the endurance, we have the power, and we will win.

Signed,



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[list in formation]

- 1. Californians United for a Responsible Budget (CURB)**
- 2. JusticeLA**
- 3. Los Angeles Community Action Network (LA-CAN)**
- 4. Silicon Valley De-Bug**
- 5. Dignity and Power Now**
- 6. Youth Justice Coalition**
- 7. Essie Justice Group**
8. A New PATH (Parents for Addiction Treatment & Healing)
9. The Alliance for Boys and Men of Color
10. The Bail Project
11. Black Alliance for Just Immigration (BAJI)
12. Bronx Freedom Fund
13. Brooklyn Community Bail Fund (BCBF)
14. California Alliance for Youth and Community Justice (CAYCJ)
15. California Coalition for Women Prisoners
16. California Partnership
17. California Prison Watch
18. The California National Organization for Women
19. Center for Media Justice
20. Chicago Community Bond Fund
21. Color of Change
22. Colorado Freedom Fund
23. Communities United for Restorative Youth Justice (CURYJ)
24. Connecticut Bail Fund
25. Corrections Accountability Project (CAP)
26. Criminal Justice Policy Program at Harvard Law School
27. Denver Justice Project
28. End Solitary Santa Cruz County
29. Enlace
30. Families for Justice as Healing
31. Free The 350 Bail Fund (Madison, WI)
32. Human Rights Watch
33. Immigrant Family Defense Fund
34. Immigrant Legal Resource Center



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35. Indivisible
36. JustLeadershipUSA
37. LatinoJusticePRLDF
38. Massachusetts Bail Fund
39. Media Mobilizing Project
40. Minnesota Freedom Fund
41. Orleans Parish Prison Reform Coalition
42. Philadelphia Bail Fund
43. Philadelphia Community Bail Fund
44. PolicyLink
45. The Portland Freedom Fund
46. Progressive Leadership Alliance of Nevada (PLAN)
47. Public Justice Center
48. Revolve Impact
49. RFK Human Rights
50. Richmond Community Bail Fund
51. San Francisco Public Defenders
52. SURJ Bay Area
53. The Tucson Second Chance Community Bail Fund (TSCCBF)
54. VOCAL-NY