



Californians United for a Responsible Budget

Attn: Senator Robert M Hertzberg, SB10 Author
State Capitol, Room 4038
Sacramento, CA 95814-4900

National Advisory Board

Dolores Canales

Jane Dorotik

Soffiyah Elijah

Ruthie Wilson Gilmore

Kenneth Hartman

Bonnie Long

Sara Norman

Dorsey Nunn

Nicole Porter

Dear Senator Hertzberg,

This letter is to inform you that CURB is strongly opposing Senate Bill 10 (Hertzberg). Although we share the desire to end the predatory practice of money bail, we believe that replacing it with a system of “preventive detention” and risk assessment is equally, if not more harmful.

The system proposed in SB 10 would expand preventative detention, further entrenching communities targeted by generations of unjust policing practices, biased sentencing, and economic inequality. These are the very communities our members represent and advocate for. We are deeply concerned that SB 10 would hand judges unrestrained power to incarcerate a person pre-trial with no bail set and no possibility of release. Much like the current money bail system, this expanded preventive detention will only pressure the accused to plead guilty regardless of actual guilt in order to return to their families. We cannot support a system that inflicts punishment and operates without due process of law. We are also concerned with the heavy reliance on Algorithmic Risk Assessment Instruments, as RAI technology represents a step towards the automation of racial profiling and class bias. Jailing people based on algorithmic-based assessments of their future behavior is just as bad as jailing people because they can't afford bail.

SB 10 does not meaningfully consider the immigration consequences of any potential interaction with the criminal justice system. California is home to over 10 million immigrants where one in four are foreign-born. We are talking about our neighbors, coworkers, students, doctors, nurses. Those from low-income communities that are heavily over-policed are more likely to encounter law enforcement and be negatively impacted by biased risk assessments. By expanding preventative detention while eliminating the option to bail out, immigrant people are vulnerable to detection by ICE and being funneled into the deportation pipeline. Once an immigrant is booked, ICE is informed of their arrest and they will immediately be at risk of deportation, whether their charges are sustained or dismissed. There is no retracting them from ICE's radar.

Despite calls for reduced pretrial incarceration by bail reformers, SB 10 will do nothing to lower those rates and gives courts and law enforcement power to put more people in jail. This is costly for communities targeted by the carceral system and for the people of California who are already taking on billions of dollars in debt to expand bloated jail systems across the state. Honoring due process and the presumption of innocence is not only morally and legally correct, it is fiscally responsible.

What we are left with is a potentially less accountable and equally damaging jailing mechanism that we cannot support. We urge you to pull SB 10, and consider an alternative vision for bail reform in California that centers the voices of the community, not the will of judges and law enforcement.

Ivette Alé
Statewide Coordinator
Californians United for a Responsible Budget

Los Angeles

1137 E. Redondo Blvd.

Inglewood, CA 90302

(213) 864-8931

info@curbprisonspending.org

curbprisonspending.org