

Communication from Public

Name: ABRA, Against Bigotry, Responding with Action
Date Submitted: 02/14/2022 01:48 PM
Council File No: 21-0002-S196
Comments for Public Posting: ABRA opposes the resolution requesting that the State Legislative Program support legislation reinstating cash bail. ABRA stands with the Reseda and Eagle Rock Neighborhood Councils, who have already expressed how cash bail disproportionately affects poor people of color and marginalized communities.



February 14, 2022

RE: Position Letter in **OPPOSITION** to Council File 21-0002-S196

ABRA opposes the resolution requesting that the State Legislative Program support legislation reinstating cash bail. ABRA stands with the Reseda and Eagle Rock Neighborhood Councils, who have already expressed how cash bail disproportionately affects poor people of color and marginalized communities.

According to data published by the [Prison Policy Initiative](#), people of color are disproportionately over-represented in the carceral system, particularly African American, Latinx, and indigenous people. People of color are also more likely to live in poverty and lack equal access to quality education, employment, and housing. These factors directly impact their ability to pay cash bail, particularly when it is set exorbitantly high, as was the case with Kenneth Humphrey. He was incarcerated for allegedly stealing \$7 and a bottle of cologne, yet his bail was initially set for \$600,000. As a result of Humphrey's case, the California Supreme Court has already taken the position that "conditioning freedom solely on whether an arrestee can afford bail is unconstitutional."

The Vera Institute of Justice has published research indicating that pre-trial incarceration rose a shocking 433% between the years 1970 and 2015. Furthermore, as of 2019, more than two thirds of people held in jails across the country hadn't been convicted of a crime; they simply couldn't pay bail and were waiting for their day in court. As others have pointed out, this disrupts those people's lives, jobs, economic security, and family. Data shows it also *increases* their chances of recidivism and harsher sentences. Our "Land of the Free" has a surprising preoccupation with putting black and brown people in jail. If you examine state-by-state data [here](#), the pattern is clear. Not only that, incarceration in the State of California, alone, outpaces *ten* other world nations.

The only people who stand to benefit from a cash bail system are those involved in the bail bond industry, who insist on claiming that without cash bail, public safety is compromised. They fear-monger around myths of mass criminality and catch-and-release of violent offenders. This was the case with smash-and-grab crimes here in Los Angeles, which LAPD Chief Michael Moore and Mayor Garcetti were quick to cite as an example of increased crime resulting from zero bail policies. However, as Ambrose Brooks pointed out in the *LA Times*, "their releases aren't entirely explained by the zero-bail order.... the suspects were released for various reasons: because they were juveniles, posted bail or met criteria for zero bail. Blurring that

distinction helps Moore to make his case against a successful [zero-bail] policy.” Let’s be clear, elimination of cash bail applies to *misdemeanors*, not serious or violent felonies; and there are caveats for keeping repeat offenders detained.

ABRA believes that the elimination of cash bail remains an important step in criminal justice reform. People of color and marginalized communities cannot afford to “go back” to systems that impede equal justice for them. We urge you to vote against this resolution.