

# JUSTICELA

## Free Our People, No on Prop 25

This November, Californians will be voting on Proposition 25, a ballot initiative that would uphold the discriminatory Senate Bill 10 (SB10), a law that funds more law enforcement, expands judges' power to incarcerate people pretrial, and requires courts to use racially biased risk assessment tools to decide who deserves freedom. Simply put, SB10 would leave our communities worse off than under the current money bail system.

In 2018, led by Black and Latinx communities, Californians demanded reform of the bail system that held people in jail pretrial and worked to pass a bill that would advance freedom. Just days before the vote on the law, Senator Hertzberg, with opportunistic "reform" organizations at his side, substituted a completely different bill that he created with judges and law enforcement. That bill was SB10.

Backers of SB10 call it "bail reform," when in fact it replaces the money bail system with an even more harmful system of jailing people who have been *accused* - not convicted - of crimes. Prop 25 would put California law SB10 into effect immediately. SB10 is the product of a backroom deal by politicians, judges and law enforcement unions to expand their power to lock people up without conviction of any crime or due process of law. They took community demands to end the unfair money bail system of pretrial incarceration which allows judges to hold people in jail who can't afford to pay, and simply removed the payment option, giving judges practically unlimited power to hold people in jail with absolutely no way out.

Holding people in custody pretrial causes people to lose jobs and homes, interferes with family relationships, and damages people's health. Being in custody makes it difficult to assert innocence and leads people to plead guilty and accept the lifelong consequences of criminal convictions, regardless of actual guilt. The statewide Emergency \$0 Bail Order during the Covid-19 pandemic revealed that reducing pretrial incarceration does not increase crime, but it does help people achieve safety.

While JusticeLA vehemently opposes the exploitative system of money bail and the industries that profit from the detention of our loved ones, increasing the power and funding of law enforcement in exchange for ending the system of money bail is not a deal we are willing to make. The demand from our communities is to dramatically decrease pretrial incarceration. Myopic policies like SB10 detract from the root causes of pretrial incarceration: the surveillance, profiling, over-policing and overcharging of Black, Latinx and poor people. Prop 25 only serves to empower the system we are working tirelessly to dismantle by expanding the bureaucracy of pretrial incarceration.

If voters approve Prop 25, judges will be allowed to order "preventive detention," pretrial custody with no bail set, in nearly all felony cases based on their own subjective discretion and with almost no due process protections for people accused of crimes.

Prop 25/SB10, if passed, will require every California county to use statistical estimates from risk assessment tools to decide who is even eligible to be released from custody. These tools are sold as being objective and scientific, but, in fact, are inherently racially biased. Judges can calibrate these tools' scoring scales to increase the number of people held in jail pretrial.

Prop 25/SB10, if passed, will grant huge amounts of money to courts and, especially, to probation departments to administer the discriminatory risk assessments and to monitor and supervise people

who do get released. This money will feed the carceral and supervision system and will not be used to meet community needs. At a time when the public is awakening to the need to divest from law enforcement and invest in improving our communities, SB10 increases funding for mass incarceration.

A “NO” vote on Prop 25 repeals SB10 and gives us a chance to advance real pretrial reform, instead of replacing the money bail system with a worse system of biased risk assessments and unlimited judicial power. Black, Latinx and poor communities and anti-racist advocates who seek to roll back mass incarceration in California support a different vision of pretrial reform that will vastly reduce pretrial incarceration, and create mechanisms to protect the presumption of innocence. Only those accused of the most serious crimes who have been proven to be a known threat to another person are even eligible for pretrial jail, and only after a full hearing with due process protections. This real reform rejects any use of discriminatory risk assessment tools or supervision of released people by law enforcement. Pretrial services will be community-based and designed to support, rather than monitor and surveille, people. Savings from reduced jailing will go to community care and development.

The supporters of SB10 hijacked our communities’ demands for freedom and an end to the harms of pretrial incarceration. Repealing SB10 by voting “NO” on Prop 25 gives us the chance to roll back a racist system and to advance the cause of freedom.

### **The JusticeLA Coalition**

Arts for Incarcerated Youth Network (AIYN)

Bend the Arc

Color of Change

Communities United for Restorative Youth Justice (CURYJ)

Dignity and Power Now

Encode Justice

From Gangs to Glory Opportunities Foundation

Frontline Wellness Network

Human Rights Watch

La Defensa

Local 148 - Los Angeles County Public Defenders Union

Los Angeles Community Action Network

Prevention at the Intersections

Project Rebound

San Bernardino Free Them All

Silicon Valley DeBug

Stop LAPD Spying Coalition

The Coalition for Engaged Education

University of California Cops Off Campus Coalition, Faculty Committee

White People 4 Black Lives

Youth Justice Coalition