

State Senator Robert Hertzberg
California State Senate
State Capitol, Room 4038
Sacramento, California 95814

Assemblymember Rob Bonta
California State Assembly
State Capitol, Room 2148
Sacramento, CA 95814

Re: SUPPORT for California Bail Reform Act of 2017 – AB 42 (Bonta) and SB 10 (Hertzberg)

Dear Senator Hertzberg and Assemblymember Bonta:

As medical and public health professionals working in California, we write in support of bills AB 42 (Bonta) and SB 10 (Hertzberg) — the California Bail Reform Act of 2017 (the Act). The Act is vital to improving the health and safety of all Californians. It will ensure that people are not held in dangerous and overcrowded jails after an arrest simply because they cannot afford to post bail, and that they still return to court as required.

The current money bail system directly undermines health and exacerbates underlying economic and racial inequities that shape health. On a given day, 63% of people (nearly 46,000 people) in California jails await trial or sentencing. [1] Most Californians cannot afford to post bail and have 2 “choices”: stay in jail or pay substantial nonrefundable fees to a bail bond company. In jail, people are held in unhealthy conditions and may die needlessly, often of suicide — it is the leading cause of death in jails, and in California nearly 8 in 10 people who die in jail have not been convicted of their current charges.[2,3] Despite similar charges and criminal histories, Black people are more likely than White people to be detained pretrial and to face higher bail amounts.[4]

The current system is particularly destructive for people with mental health conditions, who are less likely to make bail and more likely to stay in jail longer than the general population. [5, 6] Instead of more jail time, the system can divert people to community-based treatment much sooner, with more appropriate programs and better results for individuals and public safety.[6]

Families pay a price too, taking on debt and paying substantial fees to for-profit companies to buy loved ones’ safety and freedom. Women are hit the hardest: one survey found that women are by far the family members who take on these court-related costs.[7] As medical and health professionals, we know that debt is associated with various conditions, including stress, anxiety, severe depression, ulcers, and heart attacks.[8-10] We see the impacts to children who may experience trauma, lose housing, and have their education disrupted when a parent is incarcerated.[6]

Successful and cost-effective models for reform exist in parts of California and in other states — it is time to implement them statewide. Under the Act, judges will be able to determine based on the circumstances of an individual case, rather than a person’s wealth, who returns home and under what conditions while the case is resolved. More informed decision-making protects public safety while reducing the number of people held in jail after arrest. For these reasons, among others, we support the California Bail Reform Act of 2017 and thank you for advancing this critical legislation.

Signed,
[83 public health and medical professionals]

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