



July 5, 2017

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The Honorable Reginald Jones-Sawyer
Chair, Assembly Public Safety Committee
State Capitol, Room 2117
Sacramento, CA 95814

**Re: SB 10 (Hertzberg) – Bail: Pretrial Release.
As Amended March 27, 2017 – Oppose Unless Amended
Set to be heard July 11, 2017 – Assembly Public Safety Committee**

Dear Assembly Member Jones-Sawyer:

The California State Association of Counties (CSAC) writes to respectfully oppose Senate Bill 10 by Senator Bob Hertzberg. This measure would enact major reforms to California's bail system, unless it is amended to address the incredible costs that counties would have to bear in establishing a Pretrial Services Agency, as well as the other costly mandates that are embedded within the measure.

CSAC supports the concept of reforming California's bail system from one that is solely based on an individual's ability to pay, to a system that looks at an individual's risk of reoffending. CSAC would like to continue working with the author on these reforms through the fall so we can ensure a comprehensive reform of California's bail system that can be successful in all 58 counties.

Various counties have implemented comprehensive pretrial and custody alternatives to address the large number of individuals being held pretrial in county jails. Pretrial assessments provide a guide for balancing an individual's overall risk to fail to appear, with risk to reoffend while in the community when making release decisions, as opposed to a money based system of posting bond based on current charges. However, SB 10 creates a complicated system that in some cases releases individuals based on charges not on an assessment of an individual's risk to reoffend. In addition, SB 10 states that if a pretrial services report is not available, the court shall release the person subject to a release agreement without further conditions or subject to conditions. These provisions in SB 10 are very problematic for CSAC and do not improve public safety.

Currently counties provide pretrial service programs through various agencies whether it is the Sheriff's Department or Probation Department depends on the county. SB 10 would remove this flexibility by requiring counties to establish a Pretrial Services Agency. The costs for establishing a new agency as prescribed in SB 10 could be in the tens of millions of dollars for counties. Without any funding in the measure, CSAC must oppose this unfunded mandate.

CSAC has been willing to work on SB 10 to make sure that the reforms provide the flexibility counties need to implement pretrial service programs that work within the counties criminal justice systems. CSAC has also been participating in Chief Justice Tani Cantil-Sakauye's Working Group to Recommend Changes in Pretrial Detention. All of these efforts need additional time to make sure California's bail reforms move in a direction that keeps communities safe.

That is why CSAC would like the opportunity to continue working with the author's office on a bill that could reform the bail system without mandating huge costs on counties and limiting a county's ability to establish a pretrial services program that is effective for that county.

For these reasons, CSAC feels compelled to raise concerns regarding SB 10 and respectfully requests your **NO** vote. We will continue to solicit input from counties and we welcome the opportunity to continue the dialogue with the author's office and the sponsors. Thank you for considering the county perspective. Should you have any questions or concerns regarding our position, please do not hesitate to contact me at dkernan@counties.org or 916.650.8131.

Sincerely,

A handwritten signature in cursive script that reads "Darby Kernan".

Darby Kernan
Legislative Representative

cc: The Honorable Bob Hertzberg, California State Senate
Members and Consultant, Assembly Public Safety Committee
Gary Olson, Consultant, Assembly Republican Caucus