

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, current law states that, except in certain circumstances, a defendant shall be granted release on bail prior to their trial; and

WHEREAS, in many cases, when a defendant cannot afford to post bail, they remain incarcerated while awaiting trial; and

WHEREAS, the current bail system in California creates a two-tiered pretrial population based on income, with defendants with the economic means to post bail able to return to their homes and jobs, while poor defendants remain incarcerated; and

WHEREAS, pretrial incarceration can cause significant disruptions to a defendant's life, resulting in the loss of work, economic hardship, relationship strains, and can increase the likelihood that a defendant would offend again; and

WHEREAS, SB 210 (Hancock) would revise the criteria for determining eligibility for pretrial release from custody, including a defendant's release on their own recognizance (OR), without the requirement to post bail; and

WHEREAS, SB 210 would require the court to consider the nature of the charged offense, the history and characteristics of a defendant and their prior criminal history, as well as the probability that the defendant would appear for their court dates, when considering pretrial release; and

WHEREAS, SB 210 emphasizes the use of evidence-based pretrial risk assessments to determine if a defendant is eligible for pretrial release from custody; and

WHEREAS, SB 210 would create a more fair way of dealing with pretrial incarceration, allowing poorer defendants to be released on OR without having to post bail, while reserving pretrial incarceration for those who pose a threat to the community, thereby reducing jail populations and allowing lower income defendants to remain a part of their community while awaiting trial;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2013 - 2014 State Legislative Program SUPPORT for SB 210 (Hancock), which would revise the criteria for determining eligibility for pretrial release from custody.