

September 24, 2018

Well our Governor, Jerry Brown recently signed another bill, which relates to his overall plan to change the criminal justice system in California. The latest bill, which will go into effect in October 2019, will eliminate the bail system for offenders. Instead of being released on a bond or surety money to appear in court the offender will be assessed as to their risk to the public and likelihood of reoffending while awaiting trial.

The reason for such a move, according to Governor Brown is to place the rich and poor on a level playing field when it comes to waiting trial. Suspects looking at serious, violent felonies will not be eligible for release prior to trial but the majority of suspects arrested for nonviolent felonies and misdemeanors will be let go within 12 hours of booking.

~~So those who had the ability to secure bail and be released and who have committed a serious violent felony will no longer be able to secure bail for release. It leaves the question as to what the criteria is for a serious violent felony and how this assessment tool will work for those now eligible for release without bail.~~

The reason for bail was to have some assurance that a suspect would appear in court at the appointed time for trial. Although not perfect the concept has had a good rate of success. With this new plan those released, absent that monetary assurance, have no incentive to appear which will require additional Law

Enforcement in order to track these people down when the court issues arrest warrants for failure to appear.

The scheme is another in a list of those to alleviate the strain on the state criminal justice system and push more responsibility to the county.

Law enforcement had to adjust when the correctional system was redesigned in 2011 with AB-109, which removed responsibility from the state to house inmates and placed more of that burden on the counties. Lets not forget proposition 47, the safe neighborhood and schools act, which changed the guidelines for drug offenses and allowed those incarcerated to apply for release retroactively, without completing their sentence. Prop 47 released a large number of sentenced individuals back into many communities with negative consequences.

The State of California has been attempting, for some time now, to completely change the criminal justice system due to prison overcrowding. The state does not want to build more prisons, instead they want to either release or push more responsibility to the counties, which do not have the capacity or the resources to hold individuals for long periods of time.

Now with the elimination of bail more individuals will be out on the street with no real incentive to appear in court for their arraignment. This will result in many failures to appear and arrest warrants issued by the judge. Law Enforcement will then be required to seek these individuals and the revolving door

begins. Under the bail system the bail bondsman would assure the individual appeared in court without the added burden being placed on Law enforcement for those who failed to appear.

So here we go again, I hope California will not be a model for the rest of the country, when it comes to this subject. This has been Mike Downey for community comment.