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Yolanda M. Jackson

June 4, 2019

Ann O'Leary
California Governor's Office
1303 10th Street, Suite 1173
Sacramento, CA 95814
Via Email: ann.oleary@gov.ca.gov

Dear Ms. O'Leary;

The Bar Association of San Francisco (BASF) and its nearly 8,000 members write to address a critical issue in San Francisco's criminal justice system: the need for pretrial release services to be provided by a neutral entity that is independent from any law enforcement agency. Our Criminal Justice Task force researched both pretrial services in San Francisco and others across the country and the BASF Board of Directors approved our conclusion that San Francisco benefits from the San Francisco Pretrial Diversion Project (SF Pretrial) and their role in providing risk assessments, supervision and programming for thousands of defendants in pretrial criminal proceedings in the San Francisco Superior Court. SF Pretrial has played a pivotal role in piloting the implementation and critical examination of the Public Safety Assessment (PSA) tool.

Whether a defendant is granted pretrial release or detained is one of the most important determinations made in every criminal case. Detention determinations profoundly impact lives, families, employment and cases. Pretrial services agencies like SF Pretrial are designed to carry out important legal policies that favor release while assuring public safety. The mission of the Adult Probation Departments is fundamentally different from SF Pretrial's. It administers punishment to convicted criminals in the form of probation (an alternative to custody). By contrast, pretrial services agencies must establish trust with defendants to advance both the policy and the success of pretrial release. If defendants—or their counsel—suspect that information provided to pretrial services officers in the course of seeking pretrial release could be used against them by law enforcement agencies, they may refuse to cooperate. For communities of color, the issue of trust is particularly important, and for these additional reasons, BASF strongly recommends maintaining SF Pretrial's independence from law enforcement.

We urge the Governor to adopt budget language recommended by the Assembly in this year's state budget. Even with high public safety rates in the 90% range and court appearance rates near the same levels, SF Pretrial is potentially facing elimination in the absence of your advocacy. **It is our request that you support SF Pretrial by including the Assembly language in the**



Judicial Council Pretrial Services Pilot Projects budget on behalf of the Governor's Office, clearly stating that the San Francisco Pretrial Diversion Project is to be included in and eligible for the Pretrial Pilot program as an independent agency.

SF Pretrial has been operating for 43 years, was started by the Bar Association of San Francisco and is reliably and successfully embedded in San Francisco's criminal justice system. California Policy Lab has independently validated their success, with outcomes that lead and exceed pretrial agencies across the United States.

On the qualitative front, in partnership with the U.S. DOJ Bureau of Justice Assistance recently featured SF Pretrial's procedural justice approach. This program sets the standard for the State of California.

Please consider this request, and adopt the Pretrial Pilot funding language proposed by the Assembly.

Thank you,

Yolanda Jackson
Executive Director
Bar Association of San Francisco

cc: Jason Elliott, Chief Deputy Cabinet Secretary: jason.elliott@gov.ca.gov
cc: Kelli Evans, Deputy Legal Affairs Secretary: kelli.evans@gov.ca.gov



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