

JAIL

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WHY SANTA CRUZ

DOESN'T

NEED A NEW JAIL

PRE-TRIAL DETENTION

The California Constitution establishes the right to bail, yet our jail is full of men and women who are being detained awaiting trial. This has been the case since 1970 when the 160 bed rehabilitation farm for sentenced men was opened. Today, Front Street is a pre-trial jail. Now, out of an average jail population of 70, only a handful are sentenced prisoners.

Of those charged with a felony and awaiting disposition in the Santa Cruz Municipal Court, 40% are detained. This is twice as high as the national average.

OVER CHARGING

One of the serious problems with pre-trial justice is the police practice of over charging or using higher charges than are warranted. The discretion in charging and setting bail is the heart of preventive detention.

Of those arrested for a felony only 60% are charged with one by the District Attorney. Only 30% of those charged with a felony are convicted of one. For those persons detained awaiting trial, overcharging encourages plea bargaining and results in higher bail, making pre-trial release difficult if not impossible.

Add to this the fact that most pre-trial detainees are young, unemployed, and unable to pay for the services of an attorney and the inequalities of the bail system become even greater.

HOLDS

A considerable proportion (approximately 60%) of the inmates at the Front Street Jail are "holds" and therefore ineligible for cash bail, bail bond, or own recognizance release. They must wait until they go to court and/or the hold is lifted, sometimes as long as several months, before they can be released. These holds are placed by the police, courts, parole, probation and various other agencies such as

U.S. Immigration, California Youth Authority and the Federal Marshal. The type of hold ranges from failure to pay a parking ticket to a felony warrant from another county. A great deal of discretion is possible in placing a hold and many of these detainees would otherwise be eligible for OR release. If a project was set up whereby the inmates were interviewed and the hold agencies contacted, many of these holds would be lifted.

ALTERNATIVES TO BAIL

There are working alternatives to cash bail in California. Citation release operates in Santa Cruz county. People charged with a misdemeanor are released when they sign a promise to appear in Court. Citation release by the Sheriff's Department since 1972 has kept most people charged with a misdemeanor out of jail.

Santa Cruz needs to adopt a policy favoring pre-trial release backed by an effort to do so. Own recognizance in felony cases could be expanded, summons used in lieu of warrants and measures taken to clear holds. Beyond that some crimes should be decriminalized and some not prosecuted. Social services to the entire community should be increased. It should be remembered that the quest for justice is endless ---- a struggle, not a goal.

WHY NOT TO BUILD A NEW JAIL

Attention must be focused where it is needed the most. A new jail to hold unconvicted people awaiting trial will do nothing to correct the injustices of the bail system. If a jail is built, an examination of the pre-trial process is less likely to occur. There would be a newer, bigger jail to keep people who cannot afford bail.

A new jail will be far more expensive than a pre-trial release program. The cost of one bed in a new jail could pay for an O.R. program for a year.

The county plans to fund a new jail with general revenue sharing funds. This money would be best used in productive programs that better the social environment in Santa Cruz. There are many revenue sharing proposals before the county and not enough money. This June, in budget hearings, priority should be given to funding social/community programs, not new jails.

On June 5th there will be an evening forum on the jail question and criminal justice in Santa Cruz. Watch the papers for more announcements.

For further information write P. O. Box 5252, Santa Cruz, 95063