



October 3, 2023

The Honorable Samantha P. Jessner
Presiding Judge Los Angeles County Superior Court
Stanley Mosk Courthouse
111 N. Hill Street
Los Angeles, CA 90012

RE: Request to Suspend October 1 implementation of Pre-Arrestment Release Protocols (PRRP)

Honorable Presiding Judge Jessner:

On behalf of the Las Virgenes-Malibu Council of Governments, which includes the cities of Agoura Hills, Calabasas, Hidden Hills, Malibu, and Westlake Village, we strongly urge the Court to suspend the October 1, 2023, implementation of the Pre-Arrestment Release Protocols (PRRP). We request that the Court retain the current presumptive bail schedule for felonies and misdemeanors, under which indigent defendants may request bail reductions from the Court when appropriate pursuant to existing law.

As elected officials, representing cities that contract with Los Angeles Sheriff Department, we have deep concerns regarding the public safety impacts that the new PRRP will have in our communities. These new protocols represent a substantial change for all law enforcement agencies in Los Angeles County; these protocols will increase their already burdened workload and significantly hinder their ability to protect our residents within Los Angeles County.

Our citizens have been increasingly voicing their serious concerns for their safety, based on the rise in crimes in our region and throughout Los Angeles County, including assaultive crimes, organized retail theft and other property-related crimes that impact our residents and businesses the most. It is difficult for our residents to trust the criminal justice system when the list of crimes in our county that are no longer being prosecuted vigorously, or at all, continues to grow. The Court's proposed zero bail schedule (PRRP) further erodes this public trust and the public's sense of community security.

The Court's proposal mandates the release without presumptive bail for most arrestees following their arrest. This PRRP proposal was announced and scheduled for speedy implementation without a Court solicitation of community input and without sufficient consideration of the impact that this new policy would have on those affected by it. The latest version of the Court's new bail schedule was issued on September 12, 2023, with an effective date, 19 days later, on October 1, 2023. Based on comments made at the September 26th Board of Supervisors' hearing on this issue, it appears that many are still confused regarding how this new PRRP plan will work; it also appears that affected agencies, such as the Sheriff's Department, other police agencies and the District Attorney's Office, will not be as prepared as they should be before these major bail changes are implemented. The Court appears to recognize this problem, as it has issued a new eight-page FAQ, explaining its PRRP, on September 26, 2023, only four days before its scheduled implementation. At the very least, this

PRRP should not go into effect until all the Court's justice partners fully understand and are sufficiently prepared to perform all their duties required by this new bail plan.

The Court's current bail schedule, which has been in effect for decades, lists a presumptive bail amount for each criminal offense. Such bail is legally required by the California Constitution, Article 1, Section 12, to ensure that the arrestee who posts such bail will attend his court appearances and not endanger public safety if released. Under the Court's proposed PRRP, most crimes listed in the revised bail schedules do not provide for presumptive bail or a magistrate review prior to the required release of an arrestee.

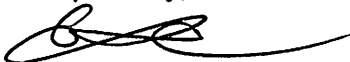
There are many circumstances, however, in which releasing an arrestee for one of these offenses, without requiring appropriate monetary bail, would endanger a crime victim or members of the public. To obtain a court hearing to request approval of bail for these offenses, however, the Court's PRRP requires law enforcement agencies, within two hours of an arrestee's booking, to make a written application to the Court for a bail deviation, with reasons, pursuant to Penal Code Section 1269c. This Section only applies to "a bailable felony or for the misdemeanor offense of violating a restraining order" and specifies no time period within which a bail deviation request must be made. The Court's PRRP places an undue burden on police agencies who are busily preparing police reports and continuing to further investigate after an arrestee is booked for one or more crimes so that they can present the case to the prosecutor for filing within the statutorily required 48 hours after the arrest.

We recognize the Court's responsibility to preserve constitutional rights for all. However, we strongly believe that the Court's bail system for offenses should be a presumptive bail system, as exists currently, which assigns a presumptive amount for each offense based on the nature and severity of the offense and incorporates amounts for additional factors such as offender history, number of crimes charged, and public safety risks. Under current law, except for capital offenses, a defendant is entitled to request a speedy court hearing to request a lower bail amount than the presumptive amount; the court is authorized to lower the defendant's bail or even provide him with a release on his promise to appear when it is legally appropriate to do so. This system provides for a fair hearing for both sides.

There is no reason to implement this new plan without full public input and on an expedited basis. The court should provide everyone who may be affected by it an opportunity to be heard and be willing to change this plan based on that input. Even if the Court is unwilling to modify its plan, there is no reason for the Court not to permit its justice partners to fully prepare for its implementation.

The Las Virgenes-Malibu Council of Governments believes strongly in the scales of justice within our criminal system must be balanced. However, the implementation of the PRRP tips these scales too far in the direction of endangering public safety in our communities. We urge your delay in implementation and reconsideration of the Court's new bail protocols.

Respectfully,



Eniko Gold
President
Mayor Pro Tem, City of Hidden Hills

cc: Los Angeles County Board of Supervisors
Sheriff Robert Luna
Assemblymember Jacqui Irwin
Senator Ben Allen