

City of Philadelphia



Council of the City of Philadelphia
Office of the Chief Clerk
Room 402, City Hall
Philadelphia

(Resolution No. 180032)

RESOLUTION

Encouraging the Philadelphia District Attorney's Office and the First Judicial District of Pennsylvania to institute internal policies that reduce reliance on cash bail; and further calling on the Pennsylvania State Legislature and the Pennsylvania Supreme Court to revise state laws and procedure codes governing bail to allow for the elimination of cash bail statewide, or to provide for an exemption in the law for cities of the first class.

WHEREAS, The City of Philadelphia has one of the highest rates of incarceration of any urban area in the United States and the use of monetary bail, along with the widespread use of detainers, contributes to the overcrowding of our City's jails; and

WHEREAS, Philadelphia criminal justice agencies, including the First Judicial District, District Attorney's Office, and the Defender Association of Philadelphia, through the MacArthur Safety and Justice Challenge, have made significant progress in reducing the City's prison population by 20% since July of 2015; and

WHEREAS, Despite this progress, there are still individuals who remain incarcerated in the Philadelphia Department of Prisons solely because they cannot afford to post their assigned bail; and

WHEREAS, Research suggests that cash bail does not improve public safety, and does not increase the likelihood of assuring a defendant's presence in court; and

WHEREAS, Cash bail and pretrial detention has devastating consequences for individuals, families and communities-- disproportionately and unfairly harming low-income communities of color; and

WHEREAS, Cash bail keeps hundreds of impoverished Philadelphians incarcerated while awaiting resolution of criminal matters; and

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WHEREAS, The Pennsylvania Constitution prohibits the use of excessive bail, recognizes that all people are born equally free with an inherent right to liberty, and enshrines the presumption of innocence until proven guilty; and

WHEREAS, Jailing people because they cannot afford to post money bail amounts to wealth-based detention that violates well-established norms of fairness and constitutional principles and undermines the integrity of our criminal justice system; and

WHEREAS, Recognizing that cash bail should not determine a person's freedom from incarceration, and understanding that wealth-based detention harms individuals, families, and our communities, the City's criminal justice agencies should work together to end the practice of reliance on cash bail within Philadelphia's criminal justice system and the City Council of Philadelphia should fully support them in these endeavors; and

WHEREAS, These agencies can work towards this goal by ensuring the use of the least restrictive conditions of release necessary to assure likelihood of appearance in court, instead of relying on the use of financial conditions or collateral for release for defendants in pretrial status; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That it hereby encourages and supports the Philadelphia District Attorney's Office and the First Judicial District of Pennsylvania in instituting internal policies that reduce reliance on cash bail; and further calling on the Pennsylvania State Legislature and the Pennsylvania Supreme Court to revise state laws and procedure codes governing bail to allow for the elimination of cash bail statewide, or to provide for an exemption in the law for cities of the first class.

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CERTIFICATION: This is a true and correct copy of the original Resolution, Adopted by the Council of the City of Philadelphia on the first of February, 2018.

Darrell L. Clarke
PRESIDENT OF THE COUNCIL

Michael A. Decker
CHIEF CLERK OF THE COUNCIL

Introduced by: Councilmember Jones

Sponsored by: Councilmembers Jones, Green, Gym, Quiñones Sánchez,
Parker, Reynolds Brown, Johnson and Domb