

Legislation Text

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Authorizing the Special Committee on Criminal Justice Reform to hold hearings regarding the role of a bail fund in Philadelphia.

WHEREAS, The system of cash bail is a problematic feature of our criminal justice system, exacerbating racial and economic discrimination, contributing to overcrowding, and conflicting with the presumption of innocence embedded in our constitutional order; and

WHEREAS, Today, one in four of the people in the world who are incarcerated are incarcerated in the U.S., despite our having only 5 percent of the population; and

WHEREAS, Nationally, an average of 700,000 people are held in jails each day because they cannot afford to pay bail, with women representing the fastest-growing group of incarcerated people in the United States, and black and trans women being especially vulnerable - for example, black women are twice as likely to be incarcerated as white women; and

WHEREAS, Eight out of ten women that are incarcerated are mothers, and half are incarcerated in local jails, mainly because they cannot afford to pay bail, which undermines a woman's ability to take care of her children, hold a steady job, and maintain stable housing; and

WHEREAS, Philadelphia has the fourth highest incarceration rate of the nation's 50 largest cities, with nearly 6 of every 1,000 residents behind bars, and most of those in the prison system population awaiting trial; and

WHEREAS, People of color are disproportionately arrested and incarcerated in the City of Philadelphia, for example black people are five times as likely to be incarcerated, twice as likely to be imprisoned once arrested, and thrice as likely to receive probation compared to white people; and

WHEREAS, About a quarter of the roughly 6,700 inmates currently housed in Philadelphia's criminal justice system are still awaiting trial; and

WHEREAS, Since July 2015, the City of Philadelphia has slashed its daily inmate population by nearly 20 percent as part of a multi-year, \$3.5 million grant from the national MacArthur Foundation, and much of that progress was made by reducing the number of inmates sitting on State Road awaiting trial; and

WHEREAS, Washington, D.C. has demonstrated that cash bail is not the only model, having eliminated that system in the 1990s in favor of one in which most arrested individuals are released with check-in supervision alongside case management, job training services, random alcohol and drug testing, and medication-assisted drug treatment; and

WHEREAS, Locally, groups like the #No215JailCoalition have been working to end the current bail system in cooperation with impacted communities and individuals, including most recently the Mamas Bail Out Team in coordination with the national Movement for Black Lives; and

WHEREAS, A bail fund is a pot of money, usually from charitable sources, used to provide bail for defendants who are too poor to pay their way out of jail, which can only function until the cash bail system is ended; and

WHEREAS, While the elimination of the bail system is a Commonwealth legislative issue, it is incumbent upon the City to explore ways of bridging the gap between our current, unacceptable system and a future without cash bail; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That Council does hereby authorize the Special Committee on Criminal Justice Reform to hold hearings regarding the role of a bail fund in Philadelphia.