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January 11, 2017

The Honorable Robert Hertzberg  
State Capitol, Room 4038  
Sacramento, CA 95814  
Fax: (916) 651-4918

RE: SB 10 (Hertzberg): Bail: pretrial release AAP-CA Position: Support

Dear Senator Hertzberg:

The American Academy of Pediatrics, California (AAP-CA), representing over 5,000 California pediatricians, strongly supports your proposed legislation SB 10 (Hertzberg). SB 10 would declare the intent of the Legislature to safely reduce the number of people held in pretrial detention, with special attention to racial and economic disparities created by the current bail system.

As pediatricians know first-hand, “toxic stress” is immensely damaging to children’s emotional and physical health. Harvard’s Center on the Developing Child defines toxic stress as the “[p]rolonged activation of stress response systems in the absence of protective relationships,” such as a parent-child relationship. The incarceration of a loved one thus poses long-term negative health consequences for children. Jail detention before trial can also cause loss of employment, housing, or medical coverage, endangering children’s well-being.

Studies show that pretrial detention most heavily impacts children of color. African-American and Hispanic defendants are more likely to be detained pending trial, less likely to make bail (which is assessed at higher amounts), and less likely to be granted release than similarly situated white defendants. In 2013, the Vera Institute found race and ethnicity to be predictive factors in determining whether defendants were released at arraignment: for misdemeanors, African Americans were 20 percent more likely than whites to be detained.

It is essential that pretrial detention—in which the detained has not been proven guilty of a crime—only be used when the harm caused by the detention is outweighed by the risk that the detainee will flee or cause harm. Yet it is all too common that those accused of a crime remain behind bars simply because they cannot afford bail.

SB 10 (Hertzberg) would mark a bold first step in reforming the bail system to minimize unjust detentions and their unfair impact on children. Pediatricians across the state proudly support SB 10 (Hertzberg). We thank you for your leadership on behalf of the health and well-being of children, youth, and families in California.

Sincerely,

Kris Calvin

*Kris E. Calvin*

Chief Executive Officer  
American Academy of Pediatrics, California

CC: AAP-CA Leadership; Lydia Bourne