

THE LEAGUE OF WOMEN VOTERS OF SANTA MONICA



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#MakingDemocracyWork

July 27, 2021

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Re: City Council Meeting Agenda Item 13-O

Dear Mayor Himmelrich, Mayor Pro Tem McCowan, and City Councilmembers,

The League of Women Voters of Santa Monica is strongly opposed to the resolution proposed in item 13-O to request that the Los Angeles County District Attorney rescind its Special Directives 20-06, 20-07, and 20-08. We urge the Council to reject this proposal.

Special Directive 20-06 eliminated cash bail for misdemeanor, non-serious felony, and non-violent felony offenses. The League of Women Voters of California [supported Proposition 25](#) in the November 2020 election, which would have eliminated cash money bail statewide. The move away from money bail is important for reasons of equity and justice. Under a money bail system, those who remain in jail awaiting a hearing, despite a presumption of innocence, are often those who cannot afford to pay bail rather than those truly deemed a threat to society. Millions of taxpayer dollars are spent on needless pretrial detention of individuals. In addition, the money bail system perpetuates racial inequities in the criminal legal system by disproportionately keeping people of color incarcerated before they are tried in a court of law.

The League of Women Voters supports a criminal justice system that is just, effective, and equitable at all stages, including in pretrial practices. The constitutional presumption of innocence is vital in pretrial detention considerations, and all instances of detention while awaiting trial must be narrowly tailored exceptions to that constitutional protection.

Special Directive 20-07 details numerous misdemeanor charges that will be declined or dismissed before arraignment and without conditions unless “exceptions” or “factors for consideration” exist. These include charges such as trespassing, disturbing the peace, criminal threats, drinking in public, drug and paraphernalia possession, under the influence of controlled substance in public, public intoxication, resisting arrest, driving without a valid license or with a suspended license, minor in possession of alcohol, loitering, and loitering to commit prostitution. Although misdemeanors are classified as less serious than felony charges, they can and do wreak havoc on people’s lives.

Historically, [misdemeanor offenses have been used as a pretext to punish and incarcerate disenfranchised communities](#), with a particular focus on Black Americans. The 13th amendment to the constitution abolished slavery but carved out an exception for incarcerated individuals. [After the civil war, Southern states repurposed their misdemeanor systems to criminalize and control formerly enslaved African American people](#). After abolition, one of the most common misdemeanors used to control formerly enslaved people was the catchall “vagrancy”.

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Today, “loitering” is one of the most common misdemeanor charges and the majority of those charged with loitering are people of color.

[There are 13 million people each year, most of whom are poor and/or people of color, who are abused by the misdemeanor system.](#) Many of the instances of police violence that prompted recent racial justice protests started with alleged low-level misdemeanor infractions such as passing counterfeit bills (*George Floyd*), selling loose cigarettes (*Eric Garner*) and having a broken tail light (*Philando Castile*).

Special Directive 20-08 eliminates several sentence enhancements, such as the Three Strikes Law, gang enhancements, and violations of bail. The League supports sentencing practices that consider the individual circumstances of the person charged and nature of the crime, rather than mandatory minimum sentences. Sentence enhancements, such as the [Three Strikes Law](#) and [gang enhancements](#), support the unfounded belief that harsher sentencing will lead to reduction in crime. Similarly to other regressive criminal justice measures, sentencing enhancements increase racial disparities in sentencing, do not address the root causes of crime, and carry increasingly high fiscal and human costs.

In addition to the specific directives that this item seeks to rescind, the method by which this proposed resolution comes to the Council is troubling. The newly formed [Public Safety Reform and Oversight Commission](#) is tasked with evaluating and making recommendations regarding ideas for implementing best practices in community-oriented policing and reimagining public safety and wellbeing. However, the agenda item does not include any evaluation or recommendation by the Commission regarding this proposed resolution. If the Council intends for the Public Safety Reform and Oversight Commission to have a meaningful impact on our community’s public safety, it must utilize this excellent resource to evaluate proposed actions rather than unilaterally proposing resolutions that would further perpetuate harm under the guise of public safety.

The League supports a criminal justice system that is just, effective, equitable, transparent, and that fosters public trust at all stages, including policing practices, pre-trial procedures, sentencing, incarceration, and re-entry. Furthermore, we support the elimination of systemic bias, including the disproportionate policing and incarceration of marginalized communities.

We hope that the Santa Monica City Council will join us in working to correct the inequities in our current criminal justice system and reject the resolution proposed in item 13-O.

Sincerely,
Natalya Zernitskaya
President
League of Women Voters of Santa Monica