March 4, 2019

Mr. Robert Hertzberg

Senator for California Senate District 18

c/o Freddie Quintana

State Capitol, Room 313
Sacramento, CA 95814

**RE: DPSFV Conditionally Supports Senate Bill 36 [Pretrial Release: Risk Assessment]**

Dear Senator Hertzberg:

Please note for the record that last night the Executive Board of the Democratic Party of the San Fernando Valley (DP/SFV) voted to conditionally support Senate Bill 36, provided that it is amended to include certain transparency and data collection provisions discussed below. To provide some background on our organization, DP/SFV was founded in 1978 and chartered by the Los Angeles County Democratic Central Committee. Our organization is the coordinating body for a coalition of twenty-one Democratic Clubs located in the six Assembly Districts (38, 39, 43, 45, 46, and 50) which are wholly or partially in the San Fernando Valley.

The DP/SFV Political Action Committee met last month to discuss Senate Bill 36 and voted to recommend that the DP/SFV Executive Board support this important piece of legislation, provided that the bill be amended to include the following provisions:

“When possible, the courts shall provide the following data to the Judicial Council and the public: Demographic data of those released and detained, including race or ethnicity and gender.

“A report containing the results of the pretrial risk assessment tool and the pretrial services agency’s recommendations on conditions of release must be made available to the public.

“Risk assessment tools must be consistent with and guided by current research and evidence-based best practices.

“Risk assessment tools must be regularly validated according to current best practices and standards to ensure that it accurately predicts risk of failure to appear in court and risk to public safety.

“‘Validated’ means developed through peer-reviewed research and statistical analysis and proven to produce results that are accurate, based on the characteristics of the population being assessed, in predicting the likelihood that a person will fail to appear for trial or act as a threat to the safety of the community during the period of time between the initial arrest and the subsequent trial for the offense. The research and statistical analysis used to develop the risk assessment tools must be available to the public.

“Risk assessment tools must be regularly adjusted, as appropriate, to ensure that the assessment tool is equally accurate across all racial groups, ethnic groups, and genders. The validation study shall include testing for predictive bias, and disparate results by race, ethnicity, and gender. The tool shall be adjusted to ensure accuracy and to minimize disparate results.

“Risk assessment tools shall give appropriate weight to factors, including criminal history, in a manner that ensures accuracy while minimizing racial and economic disparities.

“Each county must make publicly available its risk assessment tool guidelines, factors, weights, studies, data upon which validation studies rely, and information about how a risk assessment tool was renormed.

“It must be the intent of the Legislature to reduce racial, ethnic, and gender bias and disparate impact in pretrial release decision making.”

Thank you for introducing this important piece of legislation and for your work on behalf of all Californians. Please feel free to contact me if our organization may be of any further assistance in supporting this important piece of legislation. We hope to see it signed into law soon with the amendments listed above.

Sincerely,

Shanna Ingalsbee

Chair of the Democratic Party of the San Fernando Valley

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