

The following Resolution was adopted by the Democratic National Committee at its meeting on March 10, 2018, in Washington, DC.

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 Carrie Pugh, At-Large/District of Columbia  
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***Resolution in Support of Reforms to Our Bail System***

**WHEREAS**, authorities including courts in many jurisdictions, the American Bar Association, and the U.S. Justice Department during President Obama’s presidency, are recognizing the unconstitutionality, inequities, and numerous negative consequences of requiring cash bail for defendants who are unable to pay; and

**WHEREAS**, the 8th Amendment to the U.S. Constitution prohibits the requirement of excessive bail or the imposition of excessive fines; and

**WHEREAS**, deprivation of liberty implicates due process and equal protection principles; and

**WHEREAS**, the purpose of bail is to enable defendants to retain their liberty prior to trial by providing a financial incentive for a defendant to show up for court appearances. Bail is not intended to be a form of pre-trial detention, nor constitute a deterrent to liberty; and

**WHEREAS**, there is a legal presumption that all people are innocent until found guilty; and

**WHEREAS**, according to *Moving Beyond Money: A Primer on Bail Reform*, a 2016 publication of the Criminal Justice Policy Program at Harvard Law School: “Nationwide 34% of defendants are kept in jail pretrial solely because they are unable to pay a cash bond, and most of these people are among the poorest third of Americans.”; and

**WHEREAS**, even very short stays in jail can create disruption and devastation in the lives of the incarcerated and their loved ones - causing individuals to lose jobs, leaving children without

care, causing parents to lose custody of their children, risking violence inflicted in jail by guards or other inmates, risking sexual victimization, even risking loss of life; and

**WHEREAS**, being unable to make bail strongly increases the likelihood that even completely innocent individuals will accept plea bargains in order to go free; and

**WHEREAS**, remaining in jail hinders a defendant's ability to participate in their own defense; and

**WHEREAS**, many jurisdictions including Colorado, Kentucky, Illinois, New Jersey, Wisconsin, and the District of Columbia have severely limited the use of cash bail, and other jurisdictions are considering reforms; and

**WHEREAS**, in addition to the devastation created in the lives of people and their families due to the inability to pay bail, incarcerating all these individuals costs governments billions of dollars; and

**THEREFORE, BE IT RESOLVED**, that the Democratic National Committee strongly supports the enactment of laws and/or court rules to reform bail systems and the imposition of unaffordable criminal justice debt at all levels of government.