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****PRESS RELEASE****

**California Supreme Court Rules in Favor of Pretrial Rights in
Re Kenneth Humphrey Decision**

Court unanimously rules California's money bail system unconstitutional, reiterates that detention should only be used if absolutely necessary

SAN FRANCISCO – Today, the California Supreme Court upheld Californians' fundamental right to pretrial liberty in a unanimous decision in *In re Kenneth Humphrey*. In their decision, the court found that California unconstitutionally detained Petitioner Kenneth Humphrey by setting a bail amount without considering his ability to pay or considering nonmonetary alternatives.

In the three years since his release, Humphrey has satisfied every court mandate and thrived. "I am pleased other people will have the same opportunities I had to change their lives and they will not have to wait in jail for years because they are too poor to pay bail," **Kenneth Humphrey said.**

The Court declared that California's pervasive practice of requiring money bail in most cases is unconstitutional and that courts must consider all non-monetary alternatives to detention. While the Court did not rule on the process for denying bail, it reiterated past federal precedent in *United States v. Salerno* that "liberty is the norm, and detention prior to trial or without trial is the carefully limited exception."

"Today's decision will go a long way toward eradicating wealth-based human caging from our society," said **Alec Karakatsanis, Founder and Executive Director of Civil Rights Corps.** "The police, prosecutors, and bail bond companies who benefit from pretrial human caging are working hard to ensure that any system that replaces this money bail system reproduces its harms; however, today's victory provides us much needed energy as we continue our fight for basic liberty and for returning people to their families and communities."

"Today's historic decision affirms that people like our client Kenneth Humphrey, who bravely fought for his pretrial freedom, can no longer be locked up in jail simply for being poor and when they pose no threat to public safety. Mr. Humphrey's success while out of custody shows what can happen when we invest in people, not cages, and my office is committed to continuing to

push for changes that will result in more fairness and equity for all Californians,” said **Mano Raju, Public Defender of San Francisco.**

The case originated in 2017 when Humphrey was kept in jail because he was unable to pay the \$350,000 bail set after his arrest. The San Francisco Public Defender along with Civil Rights Corps represented Humphrey in the subsequent appeals process.

In January 2018, California’s First District Court of Appeal ruled in favor of Humphrey, holding that California’s money bail system violated due process and equal protection – a decision that the California Supreme Court affirmed today. Humphrey was released from jail in May 2018.

“As a community that has been torn apart by pretrial detention, we applaud the Supreme Court’s ruling that our loved ones can’t be held because of their inability to pay. But this fight for freedom was never only about ending money bail, it was about freeing our people,” said **Alicia Chavez, Participatory Defense Organizer with Silicon Valley De-Bug.** “The Supreme Court avoiding the movement’s call to limit who can be stripped of their liberty means that our community will continue to be vulnerable to pretrial incarceration based solely on judicial bias. So our fight for pretrial justice in California continues.”

“Essie Justice Group is a loving and powerful community of women with incarcerated loved ones based in CA. Our members are the women who have shouldered the cost of bail fees and have seen and experienced first hand the devastation caused by our state’s bail system,” said **Gina Clayton-Johnson, Executive Director and Founder of Essie Justice Group.** “As all Essie members who have had a loved one detained pretrial can tell you – when you are fighting a case from behind bars, you are more likely to take a plea deal, less likely to win your case, and even if you are eventually found innocent – your family may be left financially devastated. Today’s Supreme Court decision matters for the mothers we bail out and for all those who remain behind bars despite being legally innocent. It matters in a history of child separation, class inequity, and racial bias that disproportionately harms Black women.”

The money bail system that California used to detain Humphrey – and used in other states – keeps poorer people in jail for months to years waiting for trial while releasing wealthier people with similar charges. Across the country, over 500,000 people – predominantly Black and Brown folks – are held in pretrial incarceration each night solely because they are poor.

Even though the Court’s decision ending unconstitutional money bail applies only in California, the language the justices used reaffirms that pretrial incarceration should be restricted to only the most limited circumstances. This decision is a step forward in advancing racial justice and ending mass incarceration in California and across the United States.

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