

**UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF CALIFORNIA**

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DECLARATION OF PUBLIC DEFENDER JEFF ADACHI

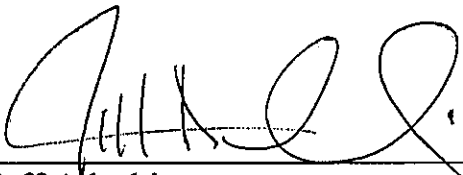
I, Jeff Adachi, state and declare as follows:

1. My name is Jeff Adachi, and I am over 18 years old. I live in San Francisco, California.
2. I am the Public Defender of the City and County of San Francisco. I was first elected as Public Defender in March 2002. My office provides representation to over 20,000 indigent persons each year who cannot afford to hire an attorney. Many are also unable to post bail.
3. I am familiar with the lawsuit brought by the civil rights organization Equal Justice Under Law on behalf of indigent arrestees in San Francisco. The lawsuit alleges that the use of money bail after arrest operates to discriminate against indigent arrestees, thereby depriving them of equal protection under law.
4. I agree that the use of monetary conditions to detain pretrial defendants penalizes indigent arrestees solely based on their wealth status. The harm to indigent arrestees is not just their jailing, but also worse outcomes at trial.
5. There are no sound policy justifications for detaining arrestees based on their wealth status. Indeed, there are strong policy reasons not to do so.
6. Many poor arrestees sit in jail — even though they are not dangerous —

simply because they cannot afford the predetermined amount of money arbitrarily set on the bail schedule.

7. Someone who is detained is more likely to plead guilty — even if they are innocent — to shorten their time in jail.
8. Detained defendants are also less able to fully participate in their own defense. A detained defendant is less able to help gather evidence, identify witnesses, and develop trial strategy. It places the defendant who is in custody in an inferior position to a defendant who has the means to post bail.
9. As a result of these factors, individuals who are detained face worse outcomes at trial. In other words, detained defendants are more likely to be convicted — even if they are innocent — solely due to their detention.
10. The worse outcomes faced by detained defendants are particularly unjust when the detention is wealth-based, as it is in San Francisco.
11. The City and County have many reasonable methods of protecting the public without arbitrarily detaining indigent arrestees. For example, electronic monitoring can be used more widely to minimize flight risk. Pretrial services can also ensure court attendance and help minimize risks to the community.
12. A fair system of pretrial justice would not rely on monetary conditions, as such conditions penalize arrestees solely based on their wealth status.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this twenty-eighth day of October, 2015.



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Jeff Adachi  
Public Defender