

Instructions for Implementing Active Policy Reflection Sessions on November 2020 California Ballot Propositions

1. Go to the Ballotpedia website (https://ballotpedia.org/Sample_Ballot_Lookup) to select propositions on which you want to focus in your APR lesson. Or, go to the Voter's Edge Voting Guide, put out by the California League of Women Voters - <https://votersedge.org/ca>
2. Enter address or zip code to see a list of all the ballot propositions.
3. Click a proposition to go to its page.
4. Navigate the content about the different propositions from the links on the right, including the proposition text, analyses, lists of supporters and opponents, and arguments for and against.
5. Read the proposition and the arguments for and against. Copy those texts into a format that your students can read or just simply give them the Ballotpedia link (the attached example has the overview and arguments pasted in).
6. Take the time to differentiate the issue that the proposition addresses, the problem that the supporters think the proposition addresses, and the plan of action that the proposition puts forth as the solution to the problem. Then, decide if you want to tell the students what the issue, problem, and solution is, or have them figure it out as part of the lesson.
7. Fill in the blanks on the template and get ready to circulate it as a worksheet for your students.

After implementation, post how it went on the Facebook APR group page so that other implementers can learn from your experience.

Here is an example of how you could use the APR template for a particular proposition coming up on the November 2020 ballot. The template text is black. [The example text is blue.](#)

ACTIVE POLICY REFLECTION

California Proposition 25, Replace Cash Bail with Risk Assessments Referendum (2020)
[https://ballotpedia.org/California_Proposition_25,_Replace_Cash_Bail_with_Risk_Assessments_Referendum_\(2020\)](https://ballotpedia.org/California_Proposition_25,_Replace_Cash_Bail_with_Risk_Assessments_Referendum_(2020))

Overview:

How does bail work in California?

As of 2019, California utilized a cash bail system to release detained criminal suspects before their trials. Suspects paid a cash bond to be released from jail pending trial with the promise to return to court for trial and hearings. The cash bond was repaid to suspects after their criminal trials were completed, no matter the outcome. The Judicial Council of California, which is the rule-making department of the state's judicial system, described bail as a tool to "ensure the presence of the defendant before the court." The state's countywide superior courts were responsible for setting cash bail amounts for crimes, and judges were permitted to adjust the cash bail amounts upward or downward. Suspects could post bail with their own money or through a commercial bail bond agent, who pays the full bail amount in exchange for a non-refundable premium from suspects. In California, there was no law setting or

capping premiums on bail bonds. According to the California Department of Insurance, agents typically charged around 10 percent.

What was SB 10 designed to change about bail in California?

SB 10 was designed to make California the first state to end the use of cash bail for all detained suspects awaiting trials. The legislation would replace the state's cash bail system with risk assessments to determine whether a detained suspect should be granted pretrial release and under what conditions. The risk assessments would categorize suspects as low risk, medium risk, or high risk. Suspects deemed as having a low risk of failing to appear in court and a low risk to public safety would be released from jail, while those deemed a high risk would remain in jail, with a chance to argue for their release before a judge. Those deemed a medium risk could be released or detained, depending on the local court's rules. SB 10 would exempt suspects of misdemeanors, with exceptions, from needing a risk assessment to be released.

Argument for...

- Voter referendums are supposed to be about direct democracy - now wealthy people can simply write big checks. The reality is that California is the biggest bail market and has the highest bail rates in the country.

Argument against...

- The biggest flaw is the use of computer programs to make important justice decisions. These are the same type of algorithms that Big Data companies use to bombard us with ads every day. While I might appreciate an algorithm recommending books or television shows, I have long been against their use in making determinations over insurance rates, and whether or not someone gets a home loan or credit card. The use of algorithms has been proven to discriminate against the poor, minorities and people who live in certain neighborhoods. Relying on algorithms to make important criminal justice decisions is even more appalling.

Step 1 (Participant Group Activity – 3 minutes). Understand the proposition's topic, perceived problem, and proposed solution.

a. Topic (i.e., What the proposition is about, in neutral terms):

How to manage suspects awaiting trial for crimes they have been accused of committing

b. Perceived Problem (i.e., What supporters think is the problem):

The cash bail system unfairly discriminates against poor people by keeping more of them locked up simply because they cannot afford the bail

c. Perceived Solution (i.e., What action plan supporters propose as the solution):

Replace cash bail with algorithmically-generated risk assessments for detained suspects awaiting trials

Step 2 (Individual Activity – 5 minutes). Fill out the Proposition Evaluation Survey below by marking in the appropriate cells how much you agree or disagree with each statement in the survey.

Note: This survey is simply a tool to help you reflect deeply about the proposition. For example, filling it out may stimulate you to conclude that the perceived problem driving Measure B

- ...is only somewhat of a problem, and that greater problems will arise if it passes, so you decide to oppose it.
- ...is a problem with moral dimensions that you care deeply about, yet though you have doubts about success of the proposed solution, you may want to support it anyway.