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Over 80 Current and Former Prosecutors, Attorneys General, and Law Enforcement Leaders Call on the Fifth Circuit to End the Use of Cash Bail for Misdemeanor Defendants

Houston District Attorney Kim Ogg and Harris County Sheriff Ed Gonzalez Among the Signers

HOUSTON, TEXAS -- Today, nearly 70 current and former elected prosecutors, state Attorneys General, U.S. Attorneys, and U.S. Department of Justice officials from over 30 states filed [a brief](#) with the United States Court of Appeals for the Fifth Circuit in support of a class action challenging the cash bail practices in Harris County, Texas.

Fifteen current elected prosecutors signed the brief, including Kim Ogg, the Harris County District Attorney, as well as the Attorneys General from the District of Columbia, Maryland, and Vermont and elected local District Attorneys and State's Attorneys Mark Gonzalez (Corpus Christi, Texas), Cy Vance (New York), George Gascon (San Francisco), John Chisholm (Milwaukee), Raul Torrez (Albuquerque), Mark Dupree (Kansas City), Scott Colom (Columbus, Mississippi), Christian Gossett (Winnebago County, Wisconsin), Marilyn Mosby (Baltimore), Carol Siemon (East Lansing, Michigan) and Lynneice Washington (Birmingham). Taken together, these elected prosecutors represent over 11 million people.

More than a dozen current and former police chiefs, sheriffs, and corrections officials from across the country joined the prosecutors in filing a similar brief critical of Harris County's bail practices. This brief argues that detaining poor misdemeanor defendants pending trial, solely because of their inability to pay money bail, threatens public safety, erodes the public's faith in the justice system, and wastes taxpayer resources. Harris County leaders including District Attorney Kim Ogg and Sheriff Ed Gonzalez have led the growing movement to end cash bail practices.

"We appreciate the national interest and concern regarding the constitutional battle for bail reform in Harris County," District Attorney Ogg said. "Eliminating economic status as the determining factor in depriving unconvicted individuals of their liberty is essential to the integrity of our justice system. Harris County's wealth-based bail system has for decades inflicted punishment on poor people before guilt has been proven, while releasing those with money into our communities even when the offenders were dangerous. As the chief prosecutor, we must level the playing field in order to preserve the public's trust and safety."

The prosecutors' brief was authored by the newly-formed Institute for Constitutional Advocacy and Protection at Georgetown Law Center. The law enforcement brief was written by Munger, Tolles, & Olson, LLP and attorney Lisa Foster, the former Director of DOJ's Office for Access to Justice. The briefs were organized under the leadership of Fair and Just Prosecution, a network of recently elected prosecutorial leaders committed to new criminal justice thinking and innovation, and The Constitution Project (TCP), a non-partisan government watchdog entity.

Sarah Turberville, Director of Justice Programs at TCP said, “If you worry about public safety and the responsible use of taxpayer dollars, these briefs make clear that our reliance on cash bail not only raises serious constitutional concerns, but is also just bad public policy. The unbelievably broad nature of support for the petitioners in this case makes that plain for all to see.”

Miriam Krinsky, one of the signators on the brief and the Executive Director of Fair and Just Prosecution, added, “Prosecutors must take responsibility for our role in a broken money bail system. Importantly, a new generation of prosecutive leaders -- including DA Kim Ogg - is increasingly speaking out regarding the need for a justice system that doesn’t treat individuals differently based on economic status.”

For additional questions, or to speak with Amici, please contact Rashidah McCoy at rmccoy@kivvit.com or [\(202\) 331-1002](tel:2023311002)