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MEDIA CONTACT
Miriam Krinsky
krinskym@krinsky.la
818-416-5218

65 Current and Former Elected Prosecutors From Across the United States File *Amicus* Brief In Support of Los Angeles DA George Gascón's Reforms

***Elected DAs argue that Gascón's policy eliminating most sentencing enhancements
is consistent with prosecutorial discretion and the will of the community***

LOS ANGELES, CA – Today, 65 current and former elected prosecutors, including two former Los Angeles County District Attorneys as well as other elected prosecutors from around the nation, filed an *amicus* brief in support of Los Angeles County District Attorney George Gascón's implementation of a host of policies consistent with the vision for criminal justice he articulated throughout the course of his campaign. The *amicus* brief is in response to the lawsuit filed by the Los Angeles County Association of Deputy District Attorneys (ADDA), which seeks to bar District Attorney Gascón from implementing new policies he enacted upon assumption of office, including ending gang and "three strikes" enhancements that have fueled mass incarceration and not made communities safer.

The *amicus* brief stresses the inherent discretion of elected prosecutors to enact policies that guide who, when and what to prosecute, and notes that DA Gascón's reforms are consistent with the interests of justice, public safety and the efficient use of limited prosecutorial resources. *Amici* further argue that the ADDA is seeking to unlawfully and unconstitutionally infringe on decisions uniquely entrusted to the DA and that voters specifically elected him to carry out.

"Thousands marched in the streets of Los Angeles over the past few months demanding a transformation of LA's criminal legal system, and millions of voters elected DA Gascón with a mandate of reform," said **Miriam Krinsky, Executive Director of Fair and Just Prosecution** (the organization that coordinated the brief) and a former federal prosecutor in Los Angeles, as well as the former Executive Director of the Los Angeles County's Citizens' Commission on Jail Violence and former President of LA's Ethics Commission. "Efforts to prevent the duly elected District Attorney from implementing the exact vision and approach to criminal justice overwhelmingly supported by LA County voters – and increasingly embraced by communities around the nation – aren't just an attack on prosecutorial discretion, they're an attack on our community and our democratic process."

The *amicus* brief notes that upon taking office, District Attorney Gascón immediately sought to reform a number of long-standing prosecutorial practices in his office that research shows have ballooned California's incarcerated population. *Amici* highlight the fact that "there is no research that shows sentencing enhancements improve public safety, but there is evidence that excessive sentences increase recidivism and therefore create more victims in the future." Gascón's new policies seek to bring Los Angeles in line with best practices and research, and reduce recidivism and victimization.

“Historically, prosecutorial discretion has too often been used to impose harsher penalties that have particularly impacted people of color and harmed communities, not made them safer,” said **former Los Angeles County District Attorney Gil Garcetti**, a signatory on the brief. “DA Gascón made clear – and voters embraced – his intent to reverse that practice. While some prosecutors are having difficulty accepting these changes, there is only *one* elected official in the DA’s office.”

“As the *amicus* brief explains, no prosecutor has the ability and resources to prosecute every case and every violation of the law, and all elected prosecutors must make tough decisions about how limited resources are best used,” said **Contra Costa County, Calif. District Attorney Diana Becton**, another signatory on the brief.

In the brief, *amici* underscore the fundamental obligation of elected prosecutors to carry out their role in ways that take into account the interests of justice and the prudent use of limited resources. They also note that enjoining implementation of these reforms based on the disagreement of some line prosecutors in the office would undermine and intrude on the DA’s ability to effectively guide these important decisions, invite disparate results based on the fortuity of the individual prosecutor on the case, and erode the voters’ right to decide the vision of justice they sought through their election of new leadership in the office.

“To avoid unequal application of the law throughout an office of over 1,000 DDAs, serving a population of 10 million, broad issues of office policy must, of necessity, reside with the elected DA consistent with law and ultimately answerable to the public,” stressed **former Los Angeles County District Attorney Ira Reiner**, another signatory on the brief.

“All around the country, communities are demanding a change from the harsh and biased policies that led to mass incarceration. The Los Angeles community chose a DA who they knew would make that change possible,” said **Erwin Chemerinsky, Dean of the University of California at Berkeley School of Law** and one of the counsel for *amici*. “The current legal action threatens that community mandate and would set a dangerous precedent permitting concerning court and staff intrusion into discretion uniquely vested in elected prosecutors.”

Read the brief [here](#); for a list of *amici*, see below.

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Fair and Just Prosecution is a national network of elected prosecutors working towards common-sense, compassionate criminal justice reforms. To learn more about FJP’s work, visit our [website](#) and follow us on [Facebook](#) and [Twitter](#).

List of Amici

Jean Peters Baker

Prosecuting Attorney, Jackson County, Missouri

Diana Becton

District Attorney, Contra Costa County, California

Wesley Bell

Prosecuting Attorney, St. Louis County, Missouri

Buta Biberaj

Commonwealth's Attorney, Loudoun County, Virginia

Sherry Boston

District Attorney, DeKalb County, Georgia

Chesa Boudin

District Attorney, City and County of San Francisco, California

Aisha Braveboy

State's Attorney, Prince George's County, Maryland

John Choi

County Attorney, Ramsey County, Minnesota

Dave Clegg

District Attorney, Ulster County, New York

Shameca Collins

District Attorney, Sixth Judicial District, Mississippi

Scott Colom

District Attorney, Sixteenth Judicial District, Mississippi

John Creuzot

District Attorney, Dallas County, Texas

Satana Deberry

District Attorney, Durham County, North Carolina

Parisa Dehghani-Tafti

Commonwealth's Attorney, Arlington County and the City of Falls Church, Virginia

Steve Descano

Commonwealth's Attorney, Fairfax County, Virginia

Michael Dougherty

District Attorney, Twentieth Judicial District, Colorado

Mark Dupree

District Attorney, Wyandotte County, Kansas

Matthew Ellis

District Attorney, Wasco County, Oregon

Kimberly M. Foxx

State's Attorney, Cook County, Illinois

Glenn Funk

District Attorney, Twentieth Judicial District, Tennessee

Gil Garcetti

Former District Attorney, Los Angeles County, California

Kimberly Gardner

Circuit Attorney, City of St. Louis, Missouri

José Garza

District Attorney, Travis County, Texas

Sarah F. George

State's Attorney, Chittenden County, Vermont

Sim Gill

District Attorney, Salt Lake County, Utah

Joe Gonzales

District Attorney, Bexar County, Texas

Deborah Gonzalez

District Attorney, Western Judicial Circuit, Georgia

Eric Gonzalez

District Attorney, Kings County, New York

Mark Gonzalez

District Attorney, Nueces County, Texas

Christian Gossett

District Attorney, Winnebago County, Wisconsin

Andrea Harrington

District Attorney, Berkshire County, Massachusetts

Jim Hingeley

Commonwealth's Attorney, Albemarle County, Virginia

John Hummel

District Attorney, Deschutes County, Oregon

Natasha Irving

District Attorney, Sixth Prosecutorial District, Maine

Justin F. Kollar

Prosecuting Attorney, Kauai County, Hawaii

Lawrence S. Krasner

District Attorney, Philadelphia, Pennsylvania

Brian S. Mason

District Attorney, Seventeenth Judicial District, Colorado

Beth McCann

District Attorney, Second Judicial District, Colorado

Karen McDonald

Prosecuting Attorney, Oakland County, Michigan

Ryan Mears

Prosecuting Attorney, Marion County, Indiana

Brian Middleton

District Attorney, Fort Bend County, Texas

Stephanie Morales

Commonwealth's Attorney, City of Portsmouth, Virginia

Marilyn J. Mosby

State's Attorney, Baltimore City, Maryland

Jody Owens

District Attorney, Hinds County, Mississippi

Alonzo Payne

District Attorney, Twelfth Judicial District, Colorado

Jim Petro

Former Attorney General, Ohio

Joseph Platania

Commonwealth's Attorney, City of Charlottesville, Virginia

Karl A. Racine

Attorney General, District of Columbia

Ira Reiner

Former District Attorney, Los Angeles County, California

Former City Attorney, Los Angeles, California

Mimi Rocah

District Attorney, Westchester County, New York

Rachael Rollins

District Attorney, Suffolk County, Massachusetts

Stephen Rosenthal

Former Attorney General, Virginia

Marian T. Ryan

District Attorney, Middlesex County, Massachusetts

Dan Satterberg

Prosecuting Attorney, King County, Washington

Eli Savit

Prosecuting Attorney, Washtenaw County, Michigan

Mike Schmidt

District Attorney, Multnomah County, Oregon

Carol A. Siemon

Prosecuting Attorney, Ingham County, Michigan

David E. Sullivan

District Attorney, Northwestern District, Massachusetts

Raúl Torrez

District Attorney, Bernalillo County, New Mexico

Gregory Underwood

Commonwealth's Attorney, City of Norfolk, Virginia

Matthew Van Houten

District Attorney, Tompkins County, New York

Cyrus R. Vance

District Attorney, New York County, New York

Andrew H. Warren

State Attorney, Thirteenth Judicial Circuit, Florida

Lynneice Washington

District Attorney, Jefferson County, Bessemer District, Alabama

Monique Worrell

State Attorney, Ninth Judicial Circuit, Florida