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## **67 Current and Former Elected Prosecutors and AGs 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** – Today, 67 current and former elected prosecutors and attorneys general from around the country, including two former Los Angeles County District Attorneys, filed an [amicus brief](#) supporting Los Angeles County District Attorney George Gascón's implementation of criminal justice reforms that are rooted in research and align with his commitment to the community to bring change to the Los Angeles criminal legal system. The brief was filed in the California Court of Appeal and is in response to a lawsuit from the Los Angeles County Association of Deputy District Attorneys (ADDA), which seeks to stop DA Gascón from carrying out policies he campaigned on and enacted upon assumption of office, including ending sentencing enhancements that have fueled mass incarceration and racial disparities, without improving community safety. Gascón's appeal seeks to correct a lower court ruling that creates barriers to his ability to carry out the reforms that LA County voters embraced by electing him to serve as their District Attorney.

The signatories stress that elected prosecutors are provided with discretion to enact policies that guide who, when and what to prosecute, and note that DA Gascón's reforms are consistent with the interests of justice, public safety and the efficient use of limited prosecutorial resources. They further argue that the ADDA is seeking to unlawfully and unconstitutionally infringe on decisions uniquely entrusted to the DA.

"The voters of Los Angeles elected DA Gascón because of his commitment to bring about fundamental change to the criminal legal system; any effort to prevent him from implementing this vision is an infringement on the will of the people and a violation of settled prosecutorial discretion," said **Miriam Krinsky, Executive Director of [Fair and Just Prosecution](#)**, co-counsel on 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. "Mass incarceration has come at a huge human and financial cost without making our communities any safer. DA Gascón has been entrusted by his community to change paradigms and put in place different data-driven strategies. The courts must adhere to the sanctity of separation of powers and allow him to do so."

The brief notes that upon taking office, DA Gascón immediately sought to reform a number of long-standing prosecutorial practices that have swelled California's incarcerated population with minimal benefits to public safety, if any at all. Signatories 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.

“It is up to the duly elected district attorney – not the courts or line prosecutors – to determine policies within the DA’s office,” said **Minnesota Attorney General Keith Ellison**, a signatory to the brief. “For decades, prosecutorial discretion was respected even as it was used to lock more people up for longer sentences, which disproportionately impacted people of color and devastated communities without making them safer. Now, when discretion is being used to undo these harms, that same precedent must apply.”

“As an elected prosecutor, I make difficult decisions every day about which cases to prosecute and how to best use limited resources to promote justice and public safety. Prosecutorial discretion is constitutionally enshrined in California and cannot be usurped simply because someone disagrees with the elected district attorney’s approach,” said **Contra Costa County, Calif. District Attorney Diana Becton**, a signatory to the brief.

The brief also notes that as elected officials, district attorneys are the ones directly accountable to their communities and must be allowed to follow through on the vision chosen by the voters: “The Superior Court’s intervention here set a dangerous precedent, allowing the Association (which opposed Gascon’s election) and unelected line prosecutors to strip the elected District Attorney of the autonomy to make decisions around the safety and well-being of the community. The decision also necessarily eroded the rights of local voters to have a say in that vision.”

“District Attorney Gascón ran on a clear platform of evidence-based criminal justice reforms rooted in justice, fairness and safety. Over two million Los Angeles residents voted for him, and it is essential that the elected DA has the authority to set broad office policy so that all who interact with the criminal legal system receive fair and equal treatment,” said **District of Columbia Attorney General Karl Racine**, another signatory to the brief.

“Nationwide, communities are retreating from the failed tough-on-crime policies that led to mass incarceration, including in Los Angeles, where the voters elected a district attorney who embraced a new approach to justice,” said **Erwin Chemerinsky, Dean of the University of California at Berkeley School of Law** and a co-counsel for *amici*. “It would be dangerous for the courts and deputy prosecutors to intrude on the discretion uniquely vested in the elected DA and on the will of the voters who have given DA Gascón a mandate for change.”

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](#), [Twitter](#), and [LinkedIn](#).*

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