



FOR IMMEDIATE RELEASE

April 25, 2023

MEDIA CONTACT

Miriam Krinsky

krinskym@krinsky.la

818-416-5218

More Than 65 Current & Former Elected Prosecutors Call On CA Supreme Court to Protect Prosecutorial Discretion, Public Safety and the Will of Los Angeles Voters

Lower court's ruling would undermine Los Angeles DA George Gascón's autonomy to implement charging policies backed by his community

SAN FRANCISCO – Yesterday, 68 current and former elected district attorneys and attorneys general from across the country filed an [amicus brief](#) urging the California Supreme Court to affirm the constitutionally protected discretion of Los Angeles County District Attorney George Gascón and other elected prosecutors to decide if and when to pursue sentencing enhancements. The signatories call for a reversal of a Court of Appeals ruling that would require prosecutors to charge and prove *all* enhancements under the state's three strikes law – whether or not the interests of justice support those extreme penalties – thereby undermining separation of powers and the ability of elected prosecutors to make decisions about how to allocate their offices' limited resources. If left as is, the lower court's ruling would also override the will of voters who elected DA Gascón based on his commitment to shrink the footprint of the criminal legal system.

The case before the court stems from a lawsuit by 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 addressing three strikes sentencing enhancements that have fueled mass incarceration and racial disparities without improving community safety. The signatories to the brief underscore the deeply troubling nature of efforts such as these to “harness the authority of the court system to prevent DA Gascón from making policy decisions with which the deputies do not agree,” and urge the California Supreme Court to reject this attempt to disrupt purely prosecutorial functions.

“The people of Los Angeles chose George Gascón – and kept him in office through two well-funded recall attempts – to implement the evidence-backed reforms that will create lasting safety in their communities. There is no evidence that extreme prison sentences make us safer, yet the lower court's ruling would override separation of powers and mandate that prosecutors throughout the state commit to this failed tough-on-crime strategy. We are hopeful that California's highest court will act to safeguard the discretion of elected prosecutors and the will of the people to bring about change in their communities,” 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 President of LA City's Ethics Commission.

The signatories to the brief emphasize the concerning and unprecedented elements of the Court of Appeal’s ruling: “We know of no other precedent or law in the country where prosecutors are forced to file and prove enhancements or special penalty provisions over their expressed objections.” This intrusion would erode the separation of powers that is “essential to a well-functioning, healthy democracy” and hinder the district attorney from effectively carrying out their constitutional duties.

“A foundational tenet of the American criminal legal system is the independence of chief prosecutors, who are democratically elected to represent their community’s vision of safety, equity and fairness. Denying a prosecutor the ability to set officewide charging and sentencing policies would undermine decades of settled prosecutorial autonomy, supplant the will of voters and undermine public trust in the justice system,” said **former Los Angeles County District Attorney Ira Reiner**, a signatory to the brief.

The signatories stress that the Court of Appeal’s ruling not only infringes on prosecutorial discretion but also threatens public safety by *mandating* the use of three strikes enhancements in all cases, noting that “there is no research that shows sentencing enhancements or alternate penalty provisions improve public safety, but there is evidence that excessive sentences increase recidivism and therefore create more victims in the future.” Under DA Gascón’s directives ending the use of three strikes enhancements, people who cause harm are still held accountable but without wasting limited resources on pursuing lengthy, counterproductive sentences.

“The court must protect prosecutorial discretion as they have through decades of tough-on-crime policies and reject this attempt by unelected line prosecutors to usurp that authority. Like other communities nationwide that are retreating from the failed punitive policies that led to mass incarceration, Los Angeles elected a district attorney who embraces a new approach to justice, and the voters deserve to see that vision carried out,” said **Contra Costa County, Calif. District Attorney Diana Becton**, a signatory to the brief and former Contra Costa County Superior Court judge.

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

###

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](#).

List of Amici

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

Former District Attorney, City and County of San Francisco, California

Alvin Bragg

District Attorney, New York County (Manhattan), New York

Aisha Braveboy

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

Douglas Chin

Former Attorney General, Hawaii

Former Lieutenant Governor, Hawaii

John Choi

County Attorney, Ramsey County (St. Paul), Minnesota

Dave Clegg

District Attorney, Ulster County, New York

Shameca Collins

District Attorney, 6th Judicial District, Mississippi

Laura Conover

County Attorney, Pima County (Tucson), Arizona

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, 20th Judicial District (Boulder), Colorado

Mark Dupree

District Attorney, Wyandotte County (Kansas City), Kansas

Matt Ellis

District Attorney, Wasco County, Oregon

Ramin Fatehi

Commonwealth's Attorney, City of Norfolk, Virginia

Kimberly M. Foxx

State's Attorney, Cook County (Chicago), Illinois

Glenn Funk

District Attorney, Nashville, Tennessee

Gil Garcetti

Former District Attorney, Los Angeles County, California

Kimberly Gardner

Circuit Attorney, City of St. Louis, Missouri

Stan Garnett

Former District Attorney, 20th Judicial District (Boulder), Colorado

Sarah F. George

State's Attorney, Chittenden County (Burlington), Vermont

Sim Gill

District Attorney, Salt Lake County, Utah

Terry Goddard

Former Attorney General, Arizona

Deborah Gonzalez

District Attorney, Western Judicial Circuit (Athens), Georgia

Eric Gonzalez

District Attorney, Kings County (Brooklyn), New York

Christian Gossett

Former District Attorney, Winnebago County, Wisconsin

Scott Harshbarger

Former Attorney General, Massachusetts

Former District Attorney, Middlesex County, Massachusetts

Jim Hingeley

Commonwealth's Attorney, Albemarle County, Virginia

Elizabeth K. Humphries

Commonwealth's Attorney, City of Fredericksburg, Virginia

Natasha Irving

District Attorney, 6th Prosecutorial District, Maine

Justin F. Kollar

Former Prosecuting Attorney, County of Kaua'i, Hawaii

Lawrence S. Krasner

District Attorney, Philadelphia, Pennsylvania

Rebecca Like

Prosecuting Attorney, County of Kaua'i, Hawaii

Brian S. Mason

District Attorney, 17th Judicial District, Colorado

Leesa Manion

Prosecuting Attorney, King County (Seattle), Washington

Beth McCann

District Attorney, 2nd Judicial District (Denver), Colorado

Karen McDonald

Prosecuting Attorney, Oakland County, Michigan

Ryan Mears

Prosecuting Attorney, Marion County (Indianapolis), Indiana

Stephanie Morales

Commonwealth's Attorney, Portsmouth, Virginia

J. Tom Morgan

Former District Attorney, DeKalb County, Georgia

Mary Moriarty

County Attorney, Hennepin County (Minneapolis), Minnesota

Steve Mulroy

District Attorney, Shelby County (Memphis), Tennessee

Jody Owens

District Attorney, Hinds County (Jackson), Mississippi

Alonzo Payne

Former District Attorney, 12th Judicial District (San Luis), Colorado

Jim Petro

Former Attorney General, Ohio

Joseph Platania

Commonwealth's Attorney, City of Charlottesville, Virginia

Harold F. Pryor

State Attorney, 17th Judicial Circuit (Fort Lauderdale), Florida

Ira Reiner

Former District Attorney, Los Angeles County, California

Former City Attorney, Los Angeles, California

Stephen Rosenthal

Former Attorney General, Virginia

Marian Ryan

District Attorney, Middlesex County, Massachusetts

Jacqueline Sartoris

District Attorney, Cumberland County (Portland), Maine

Daniel T. Satterberg

Former Prosecuting Attorney, King County (Seattle), Washington

Eli Savit

Prosecuting Attorney, Washtenaw County (Ann Arbor), Michigan

Mike Schmidt

District Attorney, Multnomah County (Portland), Oregon

Brian L. Schwalb

Attorney General, District of Columbia

Carol Siemon

Former Prosecuting Attorney, Ingham County (Lansing), Michigan

Eric Sparr

District Attorney, Winnebago County, Wisconsin

David Sullivan

District Attorney, Northwestern District, Massachusetts

James Tierney

Former Attorney General, Maine

Suzanne Valdez

District Attorney, Douglas County (Lawrence), Kansas

Matthew Van Houten

District Attorney, Tompkins County, New York

Cyrus R. Vance

Former District Attorney, New York County (Manhattan), New York

Lynneice Washington

District Attorney, Jefferson County, Bessemer District, Alabama

Jared Williams

District Attorney, Augusta, Georgia