

For Immediate Release

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**Prosecutors and Law Enforcement Leaders Call for
an End to Cash Bail in California**

*54 Criminal Justice Leaders File California Supreme Court Brief
Challenging Constitutionality of Money Bail System*

WASHINGTON – Over 50 current and former prosecutors and law enforcement leaders filed a brief in the California Supreme Court today in support of an indigent defendant’s challenge to the constitutionality of California’s money bail system.

Georgetown Law’s [Institute for Constitutional Advocacy and Protection](#) (ICAP) authored the amicus brief filed today and [Fair and Just Prosecution](#) (FJP) organized the brief. The respondent in the case, Kenneth Humphrey, argues that he was detained before trial without consideration of his economic status and ability to pay his bail—set at \$350,000. The signatories, who include current and former elected district attorneys, attorneys general, federal prosecutors, sheriffs, and police chiefs, argue in the brief that detaining an individual before trial based solely on the person’s inability to afford money bail violates the Constitution, erodes public trust in the justice system, wastes taxpayer money, and fails to protect public safety.

“A growing contingent of prosecutors and law enforcement leaders is recognizing that our money bail system is unjust, ineffective, and inhumane,” said [Miriam Aroni Krinsky](#), Executive Director of FJP and one of the signators on the brief. “A person’s economic status should not be the deciding factor in whether they sit in jail before trial. In today’s filing, a strong chorus of elected prosecutors and criminal justice leaders denounced the cash bail system in place in many parts of the nation.”

“The Constitution has long stood for the principle that people who would otherwise be eligible for release cannot be incarcerated simply because they are poor,” said [Mary McCord](#), Senior Litigator at ICAP and a former federal prosecutor. “Pretrial detention, especially based on a poor person’s inability to buy his or her freedom, results in tremendous personal harm—loss of employment, housing, government assistance, and even their children.”

In the brief filed today, the signatories argue that “meaningful inquiry into ability to pay and the imposition of nonmonetary conditions of release where appropriate” is required in order to “promote a justice system that avoids perpetuating modern-day debtors’ prisons that incarcerate individuals based on lack of wealth, and that inherently erode community trust.”

The brief follows recent favorable decisions in other jurisdictions, including in New Orleans; Harris County, Texas; and New Jersey, which emphasize the constitutional concerns associated with money bail.

Although many states, including California, are in the process of reforming their bail systems, the hardships imposed by money bail persist.

Twenty six current elected prosecutors signed the amicus brief, including Attorneys General **Brian Frosh** (Maryland) and **Karl Racine** (District of Columbia); District Attorneys **Diana Becton** (Contra Costa County, California), **John Chisholm** (Milwaukee, Wisconsin), **Scott Colom** (Columbus, Mississippi), **Michael Dougherty** (Boulder, Colorado), **Mark Dupree** (Kansas City, Kansas), **Sim Gill** (Salt Lake City), **Mark Gonzalez** (Corpus Christi, Texas), **Christian Gossett** (Oshkosh, Wisconsin), **John Hummel** (Bend, Oregon), **Larry Krasner** (Philadelphia), **Beth McCann** (Denver, Colorado), **Kim Ogg** (Houston), **Marian Ryan** (Lowell, Massachusetts), **David Sullivan** (Northampton, Massachusetts), **Raúl Torrez** (Albuquerque, New Mexico), and **Cy Vance** (New York); State's Attorneys **Kim Foxx** (Chicago), **Sarah George** (Burlington, Vermont), and **Marilyn Mosby** (Baltimore); State Attorneys **Aramis Ayala** (Orlando, Florida) and **Andrew Warren** (Tampa, Florida); Prosecuting Attorney **Carol Siemon** (Lansing, Michigan); Circuit Attorney **Kim Gardner** (St. Louis, Missouri); and City Attorney **Peter Holmes** (Seattle). The full list of signatories is below and the full amicus brief is available at [this link](#).

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About the [Institute for Constitutional Advocacy and Protection at Georgetown Law](#)

The Institute for Constitutional Advocacy and Protection at Georgetown Law ([ICAP](#)) was founded at Georgetown Law in 2017 by leading former government national security and law enforcement lawyers and has advocated for a fair criminal justice system. Follow us on twitter at [@GeorgetownICAP](#).

About [Fair and Just Prosecution](#)

Fair and Just Prosecution is a national network of elected prosecutors committed to a fair, equitable and compassionate criminal justice system. To learn more about FJP's work, visit our website www.fairandjustprosecution.org or follow us on [Facebook](#).

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