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Elected Prosecutors Take the Lead in Bringing New Criminal Justice Thinking to the US

*DAs Visit Courts, Prisons, NGOs and Treatment Providers in Germany and
Portugal to Learn How to Transform the Criminal Justice System*

LOS ANGELES – Over the past two weeks, elected prosecutors from across the U.S. travelled to Germany and Portugal to learn about more compassionate and effective international approaches to incarceration, juvenile and young adult justice, conditions of confinement, harm reduction and drug policy. During the trip, prosecutors met with academics, service providers, law enforcement and public health and correctional leaders. They also visited courts, diversion programs, safe consumption sites and other harm reduction services as well as treatment facilities that offer insights into how to create a more fair and equitable justice system.

“Today’s 21st century prosecutors are committed to charting a different pathway that moves beyond past incarceration-driven approaches,” said **Miriam Krinsky, Executive Director of [Fair and Just Prosecution](#)** (FJP), a national network of elected prosecutors working to promote a smarter, more compassionate justice system and the organizer and funder of the trip. “Visits like this enable inspiring leaders to crystallize their thinking, see innovation beyond our nation’s borders that models how to transform the justice system and experience tangible on-the-ground examples of public health approaches to substance use that can reduce incarceration, save lives and make communities safer and healthier.”

Participants spent one week in Berlin learning about how Germany diverts almost all people away from prison, treats most young people under 21 who commit serious crimes as juveniles, and places human dignity at the center of its correctional philosophy.

Key takeaways from **Germany** include:

- When the goal of the justice system is rehabilitation and education rather than punishment, it catapults thinking and leads to dramatically lower rates and length of incarceration that have not adversely impacted crime rates.
- We need a new starting point for youth justice. The decision to treat a young adult as a juvenile or an adult should not be based on the severity of the offense, but should reflect the developmental state of the young person. Under this basic premise, children under 14 in Germany cannot be

charged with crimes, children under 18 are always treated as juveniles and many 18-20 year olds are also treated as juveniles in the justice system.

- Like Germany, the US has an ugly legacy of bias to reckon with. Healing communities and gaining their trust will take courageous leadership. This requires acknowledging and repairing our past and present racial inequity, proactively protecting the rights of all members of our communities and redefining what justice looks like in the 21st century.

“Prosecutors wield tremendous power, and for far too long have used that power in a way that has fueled mass incarceration,” said Philadelphia **District Attorney Larry Krasner**, one of the elected DAs who joined the trip. “It’s time to learn from countries that have already built systems that are less carceral, fairer and more just.”

Participants also spent a week in Lisbon, learning how Portugal has decriminalized drug use, shifting resources away from enforcement and instead implementing a variety of treatment and harm reduction services which have proven to be extremely effective at meeting people where they are and saving lives.

Key takeaways from **Portugal** include:

- Addressing stigma and promoting decriminalization are critical to successfully addressing substance use. Reducing stigma pulls people out of the shadows and enables them to access treatment and life-saving services like medication-assisted treatment and safe consumption sites. Decriminalization of drugs in Portugal helped the government and public recognize drug use as a public health issue, rather than a crime.
- Harm reduction requires meeting people where they are. Low-barrier treatment interventions such as mobile methadone clinics or street outreach teams and non-abstinence housing and employment are highly effective at helping people lead healthy and productive lives.
- Drug use is influenced by—and interconnected with—housing, employment, trauma, lack of social support and poverty. Holistic services that address a wide array of needs are an essential part of responding to drug use.

“As a former defense attorney and new prosecutor, I am seeking evidence-based approaches to fulfill my promise to build a stronger, safer community with the people who elected me,” said **Berkshire County, Massachusetts District Attorney Andrea Harrington**, another elected prosecutor who joined the trip. “Lessons from other countries – that have turned toward evidence and compassion rather than doubling down on ineffective punitive responses – are essential to redefining justice and creating a system that is transparent, equitable and builds trust with the communities we serve.”

For additional information about the trip, please contact Miriam Krinsky at krinskym@krinsky.la or 818-416-5218.

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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 www.fairandjustprosecution.org or follow us on Facebook [@FairAndJustProsecution](https://www.facebook.com/FairAndJustProsecution).