



**FOR IMMEDIATE RELEASE**

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## **Over 60 Criminal Justice Leaders Urge VA Supreme Court to Protect Prosecutorial Discretion**

*Group Challenging Circuit Judges' Order Includes Seven Current VA Prosecutors*

**RICHMOND, VA** – Today, a [petition for writ of prohibition](#) and [memorandum](#) were filed in the Virginia Supreme Court on behalf of Commonwealth's Attorney Parisa Dehghani-Tafti in response to a highly unprecedented and sweeping order by the Arlington County Circuit Court requiring detailed written justification by CA Dehghani-Tafti for decisions to dismiss, charge and settle cases in her jurisdiction – decisions that are at the core of the exercise of independent prosecutorial discretion. The writ was accompanied by an *amicus* brief supporting the requested relief, signed by 63 current and former prosecutors – including 55 current elected prosecutors (District Attorneys and Attorneys General from around the nation, 8 of whom are sitting Virginia Commonwealth's Attorneys). In their brief, *amici* argue that the circuit court's order is a clear violation of well-settled prosecutorial independence and an infringement on the will of the people of Virginia.

“The Circuit Court's order in this case is the latest example of an unsettling trend nationwide of interference with elected prosecutors' efforts to promote evidence-based approaches that move away from past decades of ‘tough on crime’ punitive policies,” said **Miriam Krinsky, Executive Director of Fair and Just Prosecution**, the organization that coordinated the *amicus* brief. “Voters overwhelmingly elected CA Dehghani-Tafti to reform the criminal legal system. While courts did not previously interfere with prosecutorial discretion when it was used to fuel mass incarceration, the circuit court's attempt to undermine a *new* vision of justice, that promotes safer and healthier communities, runs counter to decades of well settled prosecutorial autonomy.”

*Amici* argue that the Circuit Court's order undermines prosecutorial discretion that is both inherent in the role of the prosecutor and critical to the effective operation of our justice system. Prosecutors – not judges – retain the power to make decisions about what cases to prosecute or dismiss. As *amici* stress in the brief, “Especially when making charging decisions, prosecutors use this discretion to carry out their duties as ministers of justice and in accordance with their ethical obligations. They are *ethically bound* to pursue the interests of justice in deciding what cases to prosecute or dismiss.”

“Prosecutors have a legal responsibility to exercise their discretion to protect the safety and well-being of their communities,” said **Karl Racine, Attorney General for the District of Columbia**, a signatory on the brief. “Allowing unlimited judicial interference in the decision making of democratically elected prosecutors undermines public safety and their ability to effectively represent their constituents.”

*Amici* also stress that this order could actually compromise public safety by requiring the release of sensitive information underlying charging and dismissal decisions, which could endanger witnesses and interfere with other ongoing investigations. It would also put a strain on already limited resources, forcing the prosecutor’s office to spend precious time on administrative duties to comply with the order, rather than on investigating and pursuing cases involving more serious offenses.

“Prosecutors are the gatekeepers to the justice system and the autonomous function of our offices must be protected,” said **Buta Biberaj, Commonwealth’s Attorney for Loudon County, Virginia**, another signatory on the brief. “We are entrusted by the people we serve to make decisions that prioritize safety and pursue justice. This overstep of judicial authority puts the wellbeing of the community at risk and diminishes the ability of the community to determine what public safety looks like and to hold their elected prosecutor responsible for pursuing that vision.”

CA Dehghani-Tafti’s writ was authored by [Hogan Lovells](#) and the *amicus* brief was coordinated by [Fair and Just Prosecution](#) – a non-profit organization dedicated to promoting a justice system grounded in fairness, equity, compassion and fiscal responsibility.

Read the brief [here](#), and 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 [www.fairandjustprosecution.org](http://www.fairandjustprosecution.org) or follow us on Facebook [@FairAndJustProsecution](#).*

### **List of Amici**

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