

# MEET CALIFORNIA'S DISTRICT ATTORNEYS

WHEN IT COMES TO JUSTICE REFORM, THEY SAY NO EVEN WHEN VOTERS SAY YES



A REPORT BY THE ACLU OF CALIFORNIA & FAIR PUNISHMENT PROJECT

**District attorneys in California have tremendous power** to make decisions that impact the lives of millions of people, their families, and entire communities.

As elected officials, they are ultimately accountable to the voters who elected them. Or at least that is how it is supposed to work. In reality, California's 58 elected district attorneys largely use their power to promote statewide criminal justice policies that are in opposition to the wishes of their constituencies.

This report, brought to you by the ACLU of California's **Hey, Meet Your DA Campaign** and the Fair Punishment Project, examines California's nine largest counties: Los Angeles, Orange, San Diego, Riverside, San Bernardino, Alameda, Contra Costa, Santa Clara, and Sacramento. Each has more than one million residents and combined they make up about 70 percent of the state's total population. We compare local voters' positions with their elected district attorneys' public statements on four successful statewide criminal justice reform ballot measures in recent years: Propositions 36, 47, 57 and 64. As this report details, these four ballot measures represent a broad range of reforms—from sentencing reform, to parole and juvenile justice reform, to legalization of the adult use of marijuana—which cumulatively have reduced the jail and prison population in California.

The findings show that locally elected district attorneys strongly opposed reforms that the communities they were elected to represent overwhelmingly supported at the ballot box. Their constituents knew these reforms are necessary if California is serious about altering the trajectory of mass incarceration.

We hope this report serves as a conversation starter between community based organizations and local district attorneys. For more information, please visit [MeetYourDA.org](https://MeetYourDA.org).



# TABLE OF CONTENTS

- I. WHAT IS A DISTRICT ATTORNEY?.....1
- II. CALIFORNIANS SAY YES TO REFORM.....2
  - A. PROPOSITION 36: REFORM THREE STRIKES.....3
  - B. PROPOSITION 47: CHANGE SOME FELONIES TO MISDEMEANORS.....5
  - C. PROPOSITION 57: GREATER ACCESS TO PAROLE AND JUVENILE JUSTICE.....8
  - D. PROPOSITION 64: LEGALIZE ADULT USE OF MARIJUANA.....10
- III. CONCLUSION.....12
- IV. WAYS TO USE THIS REPORT.....13

About the **Hey, Meet Your DA Campaign** of the ACLU of California:

The **Hey, Meet Your DA Campaign** asserts that elected district attorneys in California have the power to end mass incarceration and tackle racial disparities in the criminal justice system. California’s 58 elected district attorneys (DAs) are responsible for making decisions that affect the lives of millions of people and are tasked with representing the interests of the people in the criminal justice system. It is up to us to hold them accountable, which means getting to know them. The power we have, as voters and members of diverse communities, starts with just saying, “Hey.”

For more information and to get involved, visit **MeetYourDA.org**.

*Hey,*

**MEET YOUR DA**

The most powerful elected official you may not know.

**AUTHORS:**

Ana Zamora, Criminal Justice Policy Director, ACLU of Northern California  
Jessica Brand, Legal Director, Fair Punishment Project  
Rob Smith, Director, Fair Punishment Project

**RESEARCH:**

Yoel Haile, Criminal Justice Associate, ACLU of Northern California  
Brooke Acevedo, Marshal Arnwine & Cybele Kotonias, Legal/Policy Interns, ACLU of Northern California  
All Fellows with the Fair Punishment Project, especially Dawn Milam & Michael Admirand

**EDITOR:**

Leslie Fulbright, Communications Strategist, ACLU of Northern California

**DESIGN:**

Gopika Prabhu and Abigail Maravalli, Elefant Design  
Illustrations by Robert Liu-Trujillo  
Gigi Harney, Creative Strategist, ACLU of Northern California



**FAIR PUNISHMENT PROJECT**



Published August 2017 by the ACLU of California and Fair Punishment Project

**ACKNOWLEDGEMENTS:**

Special thanks to Ari Rosmarin and Taylor Pendergrass from the ACLU's **Campaign for Smart Justice** for advising on this report.

The ACLU of California also wishes to thank **Fund for Nonviolence**, **Libra Foundation**, and **Open Philanthropy Project** for their generous support of the Meet Your DA Campaign.

# I. WHAT IS A DISTRICT ATTORNEY?

District attorneys (DAs) are more than just prosecutors.

The district attorney's job is to seek justice in criminal cases, work to prevent crime, and serve as a leader in the diverse communities they represent. The DAs are also elected officials, which means they are ultimately accountable to the voters. In California, we have 58 elected DAs each representing one of our 58 counties.

The power of California's DAs extends into the courtroom through their decisions in individual criminal cases and all the way up to the State Capitol through their tremendous influence on statewide criminal justice policy. In one way or another, DAs are responsible for decisions that affect the lives of millions of people, including families and entire communities.

If someone is accused of committing a crime, it is not the police but the DA who has the sole power to decide if criminal charges are filed and the severity of those charges. They alone decide who is deserving of a jail or prison sentence by deciding to file felony charges, who will instead be routed into a diversion program designed to help them rebuild their lives, and who will have charges dismissed.

DAs also have powerful platforms from which to influence statewide policy. During the legislative session, DAs and their representatives are often seen roaming the halls of the Capitol lobbying state legislators on important criminal justice policy. The California District Attorneys Association (CDAA) has a powerful lobbyist in Sacramento. In addition to legislation, DAs often weigh in on statewide ballot measures.



## II. CALIFORNIANS SAY YES TO REFORM

Over the last several years, the country has seen a significant move away from the antiquated and ineffective “tough on crime” approach, with bipartisan support moving toward “smart on crime” policies. Voters and policymakers alike increasingly understand that the ruthless and senseless mass incarceration fervor sparked in the 80s and 90s with the War on Drugs has come at great human and taxpayer cost, including wreaking devastation to the well-being, economic security, and safety of low income communities and Black and Brown communities.

Nowhere have the harsh effects of mass incarceration been more visible than in California, where we spend \$75,560 per person in state prison each year and lock up around 130,000 people.<sup>1</sup> The gross racial disparities in California’s incarceration regime are reflected in the fact that while Black and Latino people are only 6% and 38% of the state population, they make up 27% and 41% of its incarcerated population.<sup>2</sup> Since the 2012 election, California voters have passed four ballot measures designed to roll back the tough-on-crime policies of the 90s that contributed to a seven-fold increase in the state’s incarceration rate.<sup>3</sup>

Each of the ballot measures promised to reform a unique piece of our complicated criminal justice ecosystem. The people of California have emphasized that our previous system of harsh punishment and mass incarceration has not worked and have demonstrated a commitment to transformational change that prioritizes treatment, rehabilitation, and prevention over incarceration.

The voters have spoken, but did their elected DAs agree?

To answer this question, this report examines the election results of Prop 36 in 2012, Prop 47 in 2014, and Props 57 and 64 in 2016 in California’s nine largest counties—Los Angeles, Orange, San Diego, Riverside, San Bernardino, Alameda, Contra Costa, Santa Clara, and Sacramento—each with populations over 1 million and combined representing 70 percent of the total population in California. We then compare these county election results with the public positions taken by the elected DA of each county. We first examined district attorneys who took formal positions on the official ballot proposition websites. But DAs need not join an official campaign, such as “Say No to 47,” to influence the outcome. An elected DA’s statements to the press in support of or in opposition to a ballot measure can have enormous influence over both

voters and legislators. We therefore also examined these statements to assess positions, looking at comments made in the news and other public statements. This analysis reveals that most locally elected DAs have opposed the reforms that their communities overwhelmingly supported.

## PROPOSITION 36: REFORM THREE STRIKES

Prior to the passage of Proposition 36, California's "three strikes and you're out law" required that a person charged with any felony crime—even a non-violent crime like shoplifting—receive a sentence of life imprisonment with parole eligibility after 25 years if he had two prior serious or violent felonies.<sup>4</sup> With this law, California imprisoned four times as many people as all other three-strikes law states combined, even though the combined population of those states was more than triple the size of California's.<sup>5</sup> Numerous people, including Eddie Griffin, received life without parole for simply possessing crack cocaine.<sup>6</sup> Curtis Penn shoplifted a pair tennis shoes—life in prison for him, too.<sup>7</sup> Larry Williams received the same sentence for possession of a stolen cell phone.<sup>8</sup> Curtis Wilkerson stole a pair of tube socks costing \$2.50. He also received a life sentence.<sup>9</sup>

Prop 36 significantly narrowed the scope of California's three strikes law. Now, only those with a third serious or violent "strike" are subject to automatic life-in-prison sentences. Other people with prior convictions are subject to "twice the usual term for their most recent offense" instead of



life.<sup>10</sup> Under the old law, if a third striker’s felony carried a sentence of two to four years, he received life. If resentenced, he will now receive four to eight years.<sup>11</sup>

Since the passage of Prop 36 in 2012, the state has released 2,265 individuals from prison.<sup>12</sup> The number of people serving three strikes sentences has fallen from 8,900 at the end of 2012 to approximately 6,900 at the end of 2015.<sup>13</sup> There is no evidence that violent crime has increased.<sup>14</sup>

On Election Day in 2012, Prop 36 passed with 69.3 percent of the vote.<sup>15</sup> Voters in every county with a population of more than one million supported this reform by large margins. But among the DAs who are still in office in those counties, only Santa Clara District Attorney Jeff Rosen supported it.<sup>16</sup> Then Los Angeles District Attorney Steve Cooley also publicly supported the ballot measure, as did his Deputy District Attorney Jackie Lacey who is the current elected DA of Los Angeles.<sup>17</sup> Although not one of the nine counties analyzed in this report, San Francisco’s District Attorney George Gascón publically supported the measure and served as the Yes on 36 campaign co-chair.<sup>18</sup> The other elected DAs in the nine counties publicly opposed the measure or simply decided to stay out of this important policy debate. Notwithstanding, majorities of voters in all 58 California counties passed Prop 36.<sup>19</sup>

**Table 1: Prop 36 Results in Nine Largest Counties**

County	Percentage of Voters in Favor	DA Supported	DA Opposed	DA Took No Position
Los Angeles	72.2%	X*		
San Diego	68.3%		X	
Orange County	65%		X	
Riverside	64.1%			X**
San Bernardino	62.4%		X <sup>20</sup>	
Santa Clara	75.7%	X		
Alameda	78.6%			X
Sacramento	66.6%		X*	
Contra Costa	72.2%		X	

Election results taken from <http://elections.cdn.sos.ca.gov/sov/2012-general/ssov/ssov-complete.pdf>

\*Not in office, but issued public statements about the proposition

\*\*Not in office

The California District Attorneys Association opposed Prop 36, and so did many individual district attorneys.<sup>21</sup> While 68 percent of voters in San Diego County supported the reform,<sup>22</sup> then District Attorney Bonnie Dumanis<sup>23</sup> described the draconian sentence that accompanied a third strike as an appropriate “lifetime achievement award.”<sup>24</sup> In Contra Costa County, where 72 percent of voters supported the three-strikes reform,<sup>25</sup> then District Attorney Mark Peterson—who recently resigned and pleaded no contest to a felony charge of perjury in exchange for prosecutors dropping 12 other counts<sup>26</sup>—argued that the three strikes law “gives [prosecutors] a powerful bargaining position.”<sup>27</sup> A prosecutor, for example, could use the threat of a third strike as a bargaining chip to avoid a trial. Although not yet the elected DA, Anne Marie Schubert from Sacramento insisted that three strikes “makes us safer.”<sup>28</sup> District Attorney Tony Rackauckas from Orange County—now embroiled in his own controversy over his office’s illegal use of jailhouse informants and failure to turn over exculpatory evidence<sup>29</sup>—also opposed it. He argued that three-strikes was “working well” and provided “prosecutors a way to put recidivists away for a long time.”<sup>30</sup> Nearly two-thirds of voters in Orange County disagreed when they voted in favor of the reform.<sup>31</sup>

## **PROPOSITION 47: CHANGES SOME FELONIES TO MISDEMEANORS**

Proposition 47, which passed in 2014 with nearly 60 percent of the vote,<sup>32</sup> shortened sentences for those convicted of low-level and nonviolent property and drug crimes.<sup>33</sup> The reform reduced some drug possession felonies to misdemeanors and reclassified petty theft, receiving stolen property, and forging or writing bad checks involving \$950 or less as misdemeanors.<sup>34</sup> Those serving (or who already served) sentences for crimes that were felonies but are now misdemeanors under Prop 47 can petition for resentencing and record expungement—meaning they can have their felony record erased.

Prop 47 has been a major success. In conjunction with Prop 36, it reduced the state prison population to its lowest level since 1994 without a correlating increase in violent crime.<sup>35</sup> A study conducted by the Center on Juvenile and Criminal Justice in 2016 concluded that the comprehensive reforms contained in Prop 47 showed “no demonstrated county level correlation between rates of Prop 47 related state prison releases, reductions in county jail average daily populations, and crime rates and trends.”<sup>36</sup> Furthermore, Prop 47 has saved millions of dollars,

allowing the state to shift funds previously used for incarceration toward rehabilitation efforts. This year, the state will award \$103 million dollars in Prop 47 grants to organizations that provide counselors, therapy, housing assistance, and job opportunities to those released from prison.<sup>37</sup>

Notably, Prop 47 received considerable support from people of extremely varied backgrounds. It was co-authored by San Francisco District Attorney George Gascón and former San Diego Police Chief William Lansdowne, who argued it would shift needed focus to the rehabilitation of low-level offenders.<sup>38</sup> Stephen Downing, former deputy chief of the Los Angeles Police Department,

also spoke out in support of the measure, arguing that tough-on-crime policies disproportionately targeted low income communities and communities of color.<sup>39</sup> Republican Senator Rand Paul and conservative philanthropist B. Wayne Hughes<sup>40</sup> voiced their support for the proposition's "common-sense" "prioritiz[ation of] incarceration resources."<sup>41</sup>

Voters in California's nine largest counties supported the proposition, with the exception of San Bernardino, where it nearly passed with 49 percent of the vote. Despite this, Santa Clara District Attorney Jeff Rosen was the only elected prosecutor from the nine largest counties to join San Francisco District Attorney George Gascón in support of Prop 47.<sup>42</sup>



**Table 2: Prop 47 Results in Nine Largest Counties**

County	Voters in Favor	DA Supported	DA Opposed	DA Took No Position
Los Angeles	64.3%		X <sup>43</sup>	
San Diego	55.9%		X	
Orange County	53.2%		X <sup>44</sup>	
Riverside	52.8%		X*	
San Bernardino	49%		X <sup>45</sup>	
Santa Clara	67%	X		
Alameda	73.9%		X	
Sacramento	53%		X*	
Contra Costa	66.1%		X	

Election results taken from <http://elections.cdn.sos.ca.gov/sov/2014-general/ssov/ssov-complete.pdf>

\*Not in office at the time of the election, but issued public statements.

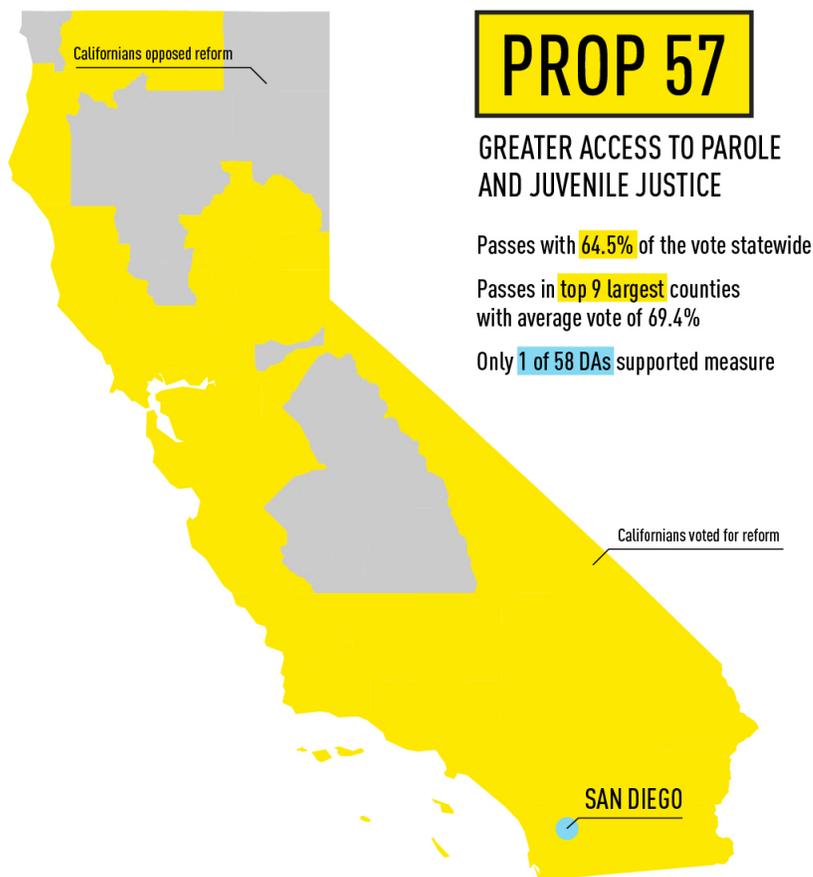
Soon-to-be Sacramento District Attorney Anne Marie Schubert<sup>46</sup> dubbed Prop 47 the “anti-safety initiative,”<sup>47</sup> stating falsely that “you have to be a Supermax type of violent felon to be exempted from the statute.”<sup>48</sup> Alameda County District Attorney Nancy O’Malley warned that Prop 47 would “expose Californians to significant harm”<sup>49</sup> and characterized the measure as “a frightening fraud with irrevocable and far-reaching repercussions.”<sup>50</sup> Her prediction did not come to fruition—at the one year mark, recidivism rates under Prop 47 were lower than 5 percent.<sup>51</sup> Then Contra Costa District Attorney Mark Peterson called one part of the measure “absurd” and said that another part “appalled and offended and horrified” him.<sup>52</sup> Then San Diego District Attorney Bonnie Dumanis also opposed Prop 47, calling the initiative “a dangerous package of ill-conceived policies . . . that will endanger San Diegans.”<sup>53</sup> She took particular aim at the treatment of simple drug possession as only a misdemeanor offense, arguing that drug addicts, like “teenagers[,] . . . want you to set the boundaries.”<sup>54</sup> After the initiative passed, she argued in court that Prop 47 did not apply to juveniles.<sup>55</sup> She tried to take the important reforms away from young people even after voters supported it. Riverside County District Attorney Mike Hestrin—not in office at the time of the proposition—has harshly criticized the law since its passage, complaining that the proposition was a “disaster” and that “[t]he criminal justice system has lost its teeth . . . I think it’s a shame.”<sup>56</sup>

## PROPOSITION 57: GREATER ACCESS TO PAROLE AND JUVENILE JUSTICE

Proposition 57, passed in 2016, increased parole chances for people convicted of nonviolent crimes. It gave the state parole board the authority to allow release for nonviolent offenders who served the full term of their primary offense.<sup>57</sup> It also gave corrections officials the authority to award good-behavior credits which can be considered in favor of parole.<sup>58</sup> Finally, it removed DAs' unilateral discretion to file juvenile cases in adult court.<sup>59</sup>

Because the law is new, there is little data on its effects. But experts predict Prop 57 will dramatically reduce the prison population. Scott Kernan, Secretary of the California Department of Corrections and Rehabilitation, stated: "I don't think that [any state] has altered how they are incarcerating offenders as much as what Prop 57 does."<sup>60</sup> The Legislative Analyst's Office has reported that approximately 7,500 of those admitted to state prison each year will be eligible for parole consideration under the measure.<sup>61</sup> Experts are similarly optimistic that the proposition will keep kids out of adult jails and reduce the disparity in juvenile transfers—90 percent of all youth charged as adults and sentenced to adult prison, otherwise known as "direct file," were youth of color.<sup>62</sup>

In the counties we examined, the majority of voters supported these reforms, but, in a familiar refrain, their elected DAs did not.



**Table 3: Prop 57 Results in Nine Largest Counties**

County	Voters in Favor	DA Supported	DA Opposed	DA Took No Position
Los Angeles	67.7%		X	
San Diego	67%	X		
Orange County	58%		X	
Riverside	56.8%		X	
San Bernardino	56.3%		X	
Santa Clara	70.4%			X
Alameda	77.1%			X
Sacramento	63.5%		X	
Contra Costa	69.2%		X	

Election results taken from <http://elections.cdn.sos.ca.gov/sov/2014-general/ssov/ssov-complete.pdf>

The only elected DA out of the nine largest counties to voice support for Prop 57 was then San Diego District Attorney Bonnie Dumanis,<sup>63</sup> an otherwise outspoken opponent of the other reforms examined. District Attorney Jeff Rosen from Santa Clara County and Nancy O'Malley from Alameda County remained neutral on the proposition from the nine counties analyzed in this report.<sup>64</sup>

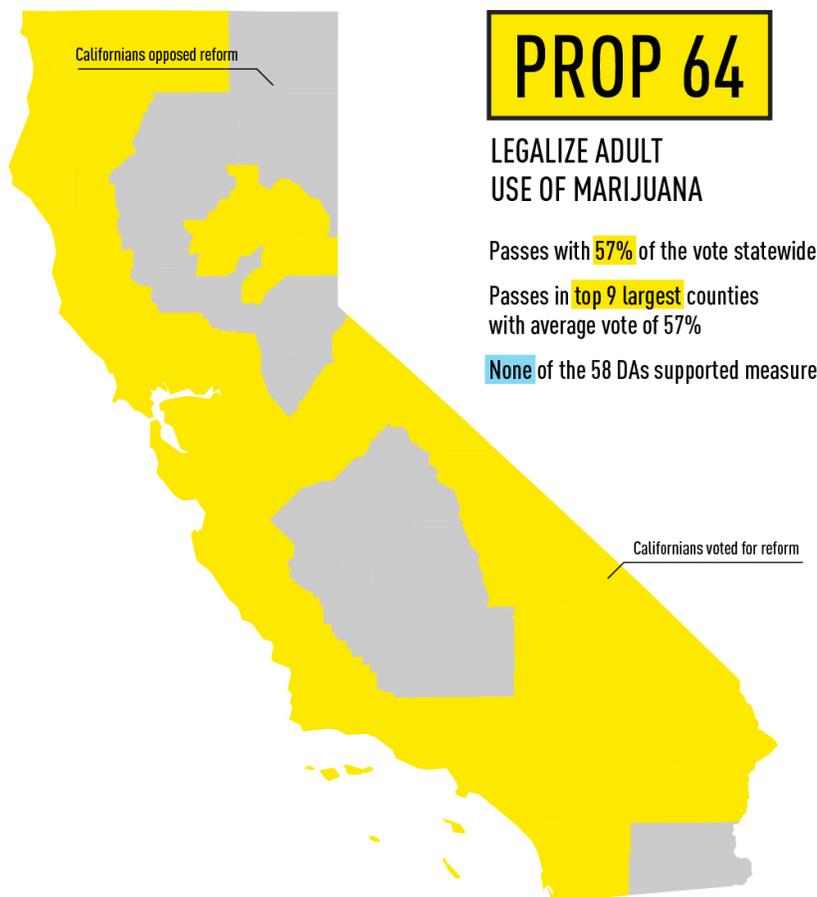
The other DAs from the nine largest counties opposed Prop 57, and many resorted to intense fear-mongering in an attempt to defeat the initiative. Under the leadership of San Mateo District Attorney Steve Wagstaffe, whose county supported the reform measure with 73 percent of the vote, the California District Attorneys Association (CDAA) declared that the measure would “allow criminals convicted of rape, lewd acts against a child, gang gun crimes, and human trafficking to be released early from prison,” adding “every home, every neighborhood, [and] every school will be less safe than it is today.”<sup>65</sup> Riverside County District Attorney Mike Hestrin warned that Prop 57 “may be the most dangerous and misleading measure ever to be on a California ballot.”<sup>66</sup> Sacramento District Attorney Anne Marie Schubert, who declared the proposition’s use of the term non-violent “deceitful,”<sup>67</sup> joined the CDAA to file a lawsuit to derail the proposition from ever reaching the voters.<sup>68</sup> San Bernardino District Attorney Mike Ramos stated he was “absolutely opposed” to the proposition, claiming it would reverse decades of legislative work.<sup>69</sup> Jackie Lacey, the Los Angeles District Attorney, also opposed the measure,

saying she feared the parole board would be “very liberal about recommending who gets parole.”<sup>70</sup>

## PROPOSITION 64: LEGALIZE THE ADULT USE OF MARIJUANA

Passing with 57 percent of the vote in 2016, Proposition 64 legalized recreational marijuana possession, transport, and use for adults over age 21, making California the fifth state<sup>71</sup> to legalize the plant for non-medical use.<sup>72</sup> Those serving sentences for crimes that are now legal can petition for resentencing and record expungement—meaning thousands of people are currently eligible for resentencing, and hundreds of thousands more can expunge their records.<sup>73</sup> In addition to creating the framework for a legal marijuana distribution system, it reduces penalties by changing crimes that were previously felonies to misdemeanors, or misdemeanors to infractions, particularly for youth.<sup>74</sup>

Because of its recent passage, there is little data on the effect of Prop 64 on the California prison population or crime rates to-date. But several studies about other jurisdictions that have legalized marijuana have shown no increase in crime after legalization.<sup>75</sup> In Denver, for example, in the year following marijuana legalization, violent crime decreased by 2.2 percent, burglaries by 9.5 percent, and property crime by 8.9 percent.<sup>76</sup>



A majority of voters approved Prop 64 in all nine counties examined in this report. Despite the massive shift in public opinion over the legalization of marijuana, both in California and nationally, all but three of the nine DAs opposed the reform. The remaining three—Jeff Rosen of Santa Clara, Nancy O’Malley of Alameda, and Mark Peterson of Contra Costa—took no position.

**Table 4: Prop 64 Results in Nine Largest Counties**

County	Voters in Favor	DA Supported	DA Opposed	DA Took No Position
Los Angeles	59.5%		X	
San Diego	57%		X <sup>77</sup>	
Orange County	52%		X	
Riverside	52.9%		X <sup>78</sup>	
San Bernardino	52.5%		X	
Santa Clara	58.3%			X
Alameda	66.4%			X
Sacramento	54.2%		X	
Contra Costa	60.7%			X

Election results taken from <http://elections.cdn.sos.ca.gov/sov/2014-general/ssov/ssov-complete.pdf>

Again, several of the DAs utilized scare tactics to discourage voters from supporting the measure, without relying on any empirical evidence. Los Angeles District Attorney Jackie Lacey warned that Prop 64 would make it more difficult to convict someone for driving under the influence (DUI).<sup>79</sup> Riverside District Attorney Mike Hestrin predicted that children and pets would start accidentally ingesting marijuana, that black market and gang activity would intensify, and that auto accidents and traffic fatalities would increase, leading to “the biggest effect we will see immediately.”<sup>80</sup> San Diego DA Bonnie Dumanis also opposed Prop 64,<sup>81</sup> arguing it would jeopardize roadway safety and lead to increased teen use.<sup>82</sup> San Bernardino District Attorney Mike Ramos, who opposed the measure, warned that it would do “nothing to curb black-market activity in California.”<sup>83</sup> Sacramento District Attorney Anne Marie Schubert warned: “[T]here’s a very big difference between saying somebody needs it for medical purpose and removing the stigma we’ve had for years associated with marijuana use . . . We don’t have studies to show what the effect will be on future generations.”<sup>84</sup> “We’re removing the stigma,” she warned, “and telling our kids it’s OK.”<sup>85</sup>

### III. CONCLUSION

There can be no doubt that by 2010, California's prison system was at a crisis point, burdened by skyrocketing incarceration rates and serious issues of prison overcrowding. The courts recognized it, politicians acknowledged it, and California voters both realized it and took action to change course. Voters repeatedly supported important reforms that have led to the release of people who fell victim to draconian sentencing policies and who can safely return home to their families and communities.

As this report demonstrates, however, locally elected district attorneys, vested with enormous discretion and political power, have consistently opposed popular and common sense reforms that are widely supported by their constituents.

This does not have to be the case. Across the country, a new "wiser generation" of prosecutors are on the leading edge of criminal justice reform. In Houston, Texas, elected prosecutor Kim Ogg recently announced a pre-charge diversion program for people arrested for low-level marijuana possession. In Chicago, elected prosecutor Kim Foxx announced a new bail policy aimed at reducing the county's reliance on cash bail. In Denver and Orlando, elected prosecutors Beth McCann and Aramis Ayala vowed to never seek the death penalty.

The people of California have repeatedly shown support for reforms that put an end to harsh and outdated sentencing laws, reduce the jail and prison population, and prioritize rehabilitation. It's time Californians demand that their elected district attorneys start listening and responding to the communities they were elected to serve.

## IV. WAYS TO USE THIS REPORT

We hope this report serves as a conversation starter between community based organizations and local district attorneys. Below is a list of a few specific ways it could be used. For more information, advocacy tools, or to get involved with the campaign, visit <http://MeetYourDA.org> and sign up!

### TOWN HALL MEETINGS

Call for a Town Hall meeting between community members and the District Attorney in order to open a dialogue between the communities most impacted by the criminal justice system and the DA. After the first meeting, consider asking your DA for regular (quarterly) Town Hall meetings.

### REQUEST A MEETING

Request a meeting with your DA to share this report and other issues that you care about. This could include a meeting to ask your DA to take positions on pending legislation or ballot measures related to criminal justice reform. This is also an opportunity for your organization to talk about individual cases and overall sentencing trends within your community.

### ORGANIZE A CANDIDATE FORUM

During election season, organize candidate forums and debates to pose questions to candidates to help educate the community about their platforms. This is especially important since most DA elections occur during the midterm primaries when voter turnout is historically very low.

### MEET WITH EDITORIAL BOARDS

Schedule a meeting with the Editorial Boards at your local newspapers to share the content of the report and let them know you are working to create greater channels of communication with your DA.

## END NOTES

- <sup>1</sup> At \$75,560, housing a prisoner in California now costs more than a year at Harvard, L.A. TIMES (June 4, 2017), available at <http://www.latimes.com/local/lanow/la-me-prison-costs-20170604-htmlstory.html>.
- <sup>2</sup> PRISON POLICY INITIATIVE, *Racial and Ethnic Disparities in Prisons and Jails in California* (2016), available at [https://www.prisonpolicy.org/graphs/disparities2010/CA\\_racial\\_disparities\\_2010.html](https://www.prisonpolicy.org/graphs/disparities2010/CA_racial_disparities_2010.html).
- <sup>3</sup> PUBLIC POLICY INSTITUTE OF CALIFORNIA, *Corrections: California's Future* (2016), available at [http://www.ppic.org/contents/pubs/report/R\\_116MLR.pdf](http://www.ppic.org/contents/pubs/report/R_116MLR.pdf).
- <sup>4</sup> LEGISLATIVE ANALYST'S OFFICE, *Proposition 36. Three Strikes Law, Sentencing for Repeat Felony Offenders*. Initiative Statute, July 18, 2012, available at [http://www.lao.ca.gov/ballot/2012/36\\_11\\_2012.aspx](http://www.lao.ca.gov/ballot/2012/36_11_2012.aspx).
- <sup>5</sup> Vincent Schiraldi, et al., JUSTICE POLICY INSTITUTE, *Three Strikes and You're Out* 4-5 (2004), available at [http://www.justicepolicy.org/uploads/justicepolicy/documents/04-09\\_rep\\_threestrikesnatl\\_ac.pdf.pdf](http://www.justicepolicy.org/uploads/justicepolicy/documents/04-09_rep_threestrikesnatl_ac.pdf.pdf).
- <sup>6</sup> STANFORD LAW SCHOOL THREE STRIKES PROJECT & NAACP LEGAL DEFENSE AND EDUCATION FUND, *Progress Report: Three Strikes Reform (Proposition 36)* 1,7 (2013), available at [http://www.naacpldf.org/files/publications/ThreeStrikesReport\\_v6.pdf](http://www.naacpldf.org/files/publications/ThreeStrikesReport_v6.pdf).
- <sup>7</sup> *Id.* at 7.
- <sup>8</sup> *Id.*
- <sup>9</sup> Matt Taibbi, *Cruel and Unusual Punishment: The Shame of Three Strikes Laws*, ROLLING STONE (Mar. 27, 2013), available at <http://www.rollingstone.com/politics/news/cruel-and-unusual-punishment-the-shame-of-three-strikes-laws-20130327>.
- <sup>10</sup> *Proposition 36, supra* note 2.
- <sup>11</sup> *Id.*
- <sup>12</sup> Defendant's April 2017 Status Report at Exh. B, *Plata v. Brown*, Case No. 3:01-cv-1351 (N.D. Cal. Apr. 17, 2017), available at <http://www.cdcr.ca.gov/News/docs/3JP-Apr-2017.pdf>.
- <sup>13</sup> Phillip Reese, *Number of California Inmates Serving Time on "Three-Strikes" Falls to 15-Year Low*, SACRAMENTO BEE, Apr. 21, 2016, available at <http://www.sacbee.com/site-services/databases/article72913277.html>. According to the most recent CDCR data, there are 6,931 three-strikers in state custody. See CALIFORNIA DEPT. OF CORR. AND REHAB., *Second and Third Striker Felons in the Adult Institution Population* (2016), available at [http://www.cdcr.ca.gov/Reports\\_Research/Offender\\_Information\\_Services\\_Branch/Quarterly/Strike1/STRIKE1d1609.pdf](http://www.cdcr.ca.gov/Reports_Research/Offender_Information_Services_Branch/Quarterly/Strike1/STRIKE1d1609.pdf).
- <sup>14</sup> PUB. POL'Y INST. OF CAL., *Public Safety Realignments: Impacts So Far* (2015), available at [http://www.ppic.org/content/pubs/report/R\\_915MLR.pdf](http://www.ppic.org/content/pubs/report/R_915MLR.pdf).
- <sup>15</sup> California Proposition 36, Changes in the "Three Strikes" Law, BALLOTPEDIA.COM, available at [https://ballotpedia.org/California\\_Proposition\\_36\\_Changes\\_in\\_the\\_%22Three\\_Strikes%22\\_Law\\_\(2012\)](https://ballotpedia.org/California_Proposition_36_Changes_in_the_%22Three_Strikes%22_Law_(2012)) (last visited July 31, 2017).
- <sup>16</sup> Maria Lagos and Ellen Huel, *Prop 36: "Three Strikes" Change Approved*, S.F. GATE (Nov. 7, 2012), available at <http://www.sfgate.com/politics/article/Prop-36-Three-strikes-changes-approved-4014677.php>; Tracey Kaplan, *Voters Overwhelmingly Ease Three Strikes Laws*, MERCURY NEWS (Nov. 6, 2012), available at <http://vig.cdn.sos.ca.gov/2012/general/pdf/36-arg-rebuttals.pdf>.
- <sup>17</sup> Abby Sewell, *Jackie Lacey's Victory Means Continuity at the Da's Office*, L.A. TIMES (Nov. 7, 2012), available at <http://articles.latimes.com/2012/nov/07/local/la-me-district-attorney-20121108>.
- <sup>18</sup> Marisa Lagos, *Prop 36: Three strikes changes approved*, SF GATE (November 7, 2012), available at <http://www.sfgate.com/politics/article/Prop-36-Three-strikes-changes-approved-4014677.php>.
- <sup>19</sup> Tracey Kaplan, *Proposition 36: Voters Overwhelmingly Ease Three Strike Law*, MERCURY NEWS (updated Aug. 13, 2016), available at <http://www.mercurynews.com/2012/11/06/proposition-36-voters-overwhelmingly-ease-three-strikes-law/>; CAL. SEC'Y OF STATE, *Statement of Vote, November 6, 2012 General Election* 67-69, available at <http://elections.cdn.sos.ca.gov/sov/2012-general/sov-complete.pdf> (last visited July 31, 2017).
- <sup>20</sup> Dan Morain, *Three-Strikes Changes Appear to Be Working*, SACRAMENTO BEE (April 13, 2014), available at <http://www.sacbee.com/opinion/opn-columns-blogs/dan-morain/article2595529.html#storylink=cpy> (noting, however, that Ramos has since conceded the referendum is working well).

- <sup>21</sup> NAT'L FAMILIES IN ACTION, *A Guide to Drug Related State Ballot Initiatives*, available at [www.nationalfamilies.org/guide/california36-opponents.html](http://www.nationalfamilies.org/guide/california36-opponents.html) (last visited July 31, 2017).
- <sup>22</sup> CAL. SEC'Y OF STATE, *Supplement to the Statement of Vote, November 6, 2012 General Election* 101, available at <http://elections.cdn.sos.ca.gov/sov/2012-general/ssov/ssov-complete.pdf> (documenting that 68.3% of San Diego County voters supported reform) (last visited July 31, 2017).
- <sup>23</sup> Bonnie Dumanis announced she will not seek re-election in 2018 and resigned early from office in July 2017. The San Diego Board of Supervisors appointed Deputy District Attorney Summer Stephan as interim DA. Greg Moran, *Dumanis to resign July 7, mulls run for county board*, SAN DIEGO UNION-TRIB. (April 20, 2007), available at <http://www.sandiegouniontribune.com/news/courts/sd-me-dumanis-resigns-20170420-story.html>.
- <sup>24</sup> *Prop. 36 Would Loosen "Three Strikes" Law*, SAN DIEGO UNION-TRIB. (Oct. 6, 2012), available at <http://www.sandiegouniontribune.com/news/politics/sdut-prop-36-would-loosen-three-strikes-law-2012oct06-htmlstory.html>.
- <sup>25</sup> CAL. SEC'Y OF STATE, *supra* note 19, at 100.
- <sup>26</sup> *Contra Costa DA Mark Peterson Resigns After No Contest Plea*, KTVU FOX 2 (June 14, 2017), available at <http://www.ktvu.com/news/261357633-story>.
- <sup>27</sup> Paul T. Rosynsky, *Neighboring County DA's Use Three Strikes Similarly But Differ on Support for Reform*, MERCURY NEWS (July 21, 2011), available at <http://www.mercurynews.com/2011/07/21/neighboring-county-d-a-s-use-three-strikes-similarly-but-differ-on-support-for-reform/>.
- <sup>28</sup> Raheem Hoesseini, *Are We Still Tough on Crime?*, CHICO NEWS & REV. (Oct. 18, 2012), available at <https://www.newsreview.com/chico/are-we-still-tough-on/content?oid=8118264>.
- <sup>29</sup> Tony Saavedra, *News Show '60 Minutes' to Focus on Orange County Snitch Scandal*, O.C. REGISTER (May 19, 2017), <http://www.ocregister.com/2017/05/19/news-show-60-minutes-to-focus-on-orange-county-snitch-scandal/>.
- <sup>30</sup> Martin Wisckol, *Prop. 36 Would Tweak 'Three Strikes'*, O.C. REGISTER (Oct. 5, 2012), available at <http://www.ocregister.com/2012/10/05/prop-36-would-tweak-three-strikes/>.
- <sup>31</sup> CAL. SEC'Y OF STATE, *supra* note 19, at 101 (documenting that 65.0% of Orange County voters supported reform).
- <sup>32</sup> California Proposition 47: Reduced Penalties for Some Crimes Initiative, BALLOTEDIA.COM, available at [https://ballotpedia.org/California\\_Proposition\\_47\\_Reduced\\_Penalties\\_for\\_Some\\_Crimes\\_Initiative\\_\(2014\)](https://ballotpedia.org/California_Proposition_47_Reduced_Penalties_for_Some_Crimes_Initiative_(2014)) (last visited July 31, 2017).
- <sup>33</sup> These crimes include: grand theft, shoplifting, receiving stolen property, writing bad checks, check forgery, and drug possession. LEGISLATIVE ANALYST'S OFFICE, Proposition 47: Criminal Sentences. Misdemeanor Penalties. Initiative Statute. (Nov. 4, 2014), available at <http://www.lao.ca.gov/ballot/2014/prop-47-110414.aspx>.
- <sup>34</sup> CAL. DEPT. OF CORR. AND REHAB., *What you need to know about Proposition 47*, available at <http://www.cdcr.ca.gov/news/prop47.html> (last visited July 31, 2017).
- <sup>35</sup> Jessica Eaglin, *California Quietly Continues to Reduce Mass Incarceration*, BRENNAN CTR. FOR JUST. (Feb. 17, 2015), available at <https://www.brennancenter.org/blog/california-quietly-continues-reduce-mass-incarceration>; Andrew Beale, *Study Finds No Correlation Between Proposition 47 Releases and Crime Rates*, OAKLAND NORTH (Oct. 13, 2016, 9:03 AM), available at <https://oaklandnorth.net/2016/10/13/study-finds-no-correlation-between-proposition-47-releases-and-crime-rates/>; Mike Males & Erica Webster, CTR. ON JUVENILE AND CRIM. JUST., *Proposition 47 and Crime in 2015: A County Level Analysis 2* (2016), available at [http://www.cjcj.org/uploads/cjcj/documents/prop\\_47\\_and\\_crime\\_in\\_2015.pdf](http://www.cjcj.org/uploads/cjcj/documents/prop_47_and_crime_in_2015.pdf).
- <sup>36</sup> *Id.*
- <sup>37</sup> Jazmine Ulloa, *Prop 47 Got Thousands Out of Prison. Now, \$103 Million in Savings Will Go Towards Keeping Them Out*, L.A. TIMES (Mar. 29, 2017), available at <http://www.latimes.com/politics/la-pol-sac-prop-47-grant-awards-20170329-htmlstory.html>.
- <sup>38</sup> Kristina Davis, *Should Drug Possession Be Less Illegal?*, SAN DIEGO UNION-TRIB. (Oct. 4, 2014), available at <http://www.sandiegouniontribune.com/sdut-prop-47-law-misdemeanor-drug-theft-california-2014oct04-htmlstory.html>.
- <sup>39</sup> *Id.*
- <sup>40</sup> Dan Morain, *B. Wayne Hughes Jr. Spends Millions and Finds God in Felons*, SACRAMENTO BEE (Dec. 6, 2014), available at <http://www.sacbee.com/opinion/opn-columns-blogs/dan-morain/article4303048.html>.

- 41 Rand Paul, *Rand Paul and B. Wayne Hughes Jr.: Republicans should back Prop. 47*, O.C. REGISTER (Oct. 29, 2014), available at <http://www.ocregister.com/2014/10/29/rand-paul-and-b-wayne-hughes-jr-republicans-should-back-prop-47/>
- 42 Damian Trujillo, *Santa Clara County DA Rosen Comes out in Support of Prop 47*, NBC BAY AREA (Sept. 5, 2014), available at <http://www.nbcbayarea.com/news/local/Prop-47-Santa-Clara-County-DA-Rosen-Comes-Out-in-Support-274164571.html>.
- 43 Paige St. John & Marisa Gerber, *Prop. 47 Jolts Landscape of California Justice System*, L.A. TIMES (Nov. 5, 2014), <http://www.latimes.com/local/politics/la-me-ff-pol-proposition47-20141106-story.html>.
- 44 Matt Coker, *Prop 47 Advocates Counter Orange County Law Enforcement's Exploitation of Jimmy Truong*, O.C. WEEKLY (Nov. 10, 2015), available at <http://www.ocweekly.com/news/prop-47-advocates-counter-orange-county-law-enforcements-exploitation-of-jimmy-truong-6781860>; Hailey Branson-Potts, *Man Whose Felonies Were Reduced by Prop. 47 Arraigned on Attempted Murder Charges*, L.A. TIMES (Feb. 19, 2016), <http://www.latimes.com/local/lanow/la-me-ln-orange-county-proposition-47-20160219-story.html>.
- 45 *San Bernardino County DA Ramos Making Run for California Attorney General in 2018*, San Bernardino Cnty Sentinel (Dec. 5, 2014), available at <http://sbcsentinel.com/2014/12/san-bernardino-county-da-ramos-making-run-for-california-attorney-general-in-2018/>.
- 46 Annmarie Schubert ran and won the June 2014 primary race for Sacramento District Attorney. She assumed the position on January 1, 2015.
- 47 CAL. STATEWIDE LAW ENFORCEMENT ASS'N, CSLEA Quarterly Meeting, Sacramento District Attorney-Elect Anne Marie Schubert Thanks CLSEA Board of Directors for Support (Oct. 1, 2014), available at <https://cslea.com/2014/10/cslea-board-of-directors-quarterly-meeting/>.
- 48 *Can California's Prop 47 Counter the Problem of Overcrowded Prisons?*, Al Jazeera (Oct. 30, 2014), available at <http://america.aljazeera.com/articles/2014/10/30/can-california-s-prop47-countertheproblemofovercrowdedprisons.html>.
- 49 Nancy O'Malley, *Vote No on Prop. 47: Measure Ends Effective Crime Intervention*, SF GATE (Sept. 19, 2014), available at <http://www.sfgate.com/crime/article/Note-No-on-Prop-47-Measure-ends-effective-crime-5768101.php>.
- 50 *Id.*
- 51 STANFORD JUST. ADVOCACY PROJ., *Proposition 47 Progress Report: Year One Implementation 6* (2015), available at <https://law.stanford.edu/2015/10/29/prop-47-one-year-in-new-stanford-report-highlights-incarceration-drop-and-low-recidivism/>.
- 52 Shawn Baldwin, *Voters Set to Reduce Numbers of Criminals in California Prisons*, RICHMOND CONFIDENTIAL (Oct. 27, 2014), <http://richmondconfidential.org/2014/10/27/voters-set-to-reduce-numbers-of-criminals-in-california-prisons/>.
- 53 Shelley Zimmerman, *No on Prop 47: Passage Would Have Dangerous Consequences*, SAN DIEGO UNION-TRIB. (Sept. 20, 2014), <http://www.sandiegouniontribune.com/opinion/commentary/sdut-prop-47-passage-would-have-dangerous-consequences-2014sep20-story.html>.
- 54 Dumanis argued that Prop 47 would reduce drug court's effectiveness because drug users would elect to serve a lighter jail sentence over court-mandated treatment. See Kristina Davis, *To Treat or Punish Minor Drug Users?*, SAN DIEGO UNION-TRIB. (Oct. 18, 2014), available at <http://www.sandiegouniontribune.com/sdut-election-proposition-47-drug-possession-punishment-2014oct18-htmlstory.html>. However, this may overstate California's drug courts' effectiveness, reliant as they are on underfunded and overcrowded treatment programs. See *id.* The funds created by Prop 47 could help address this. *Id.*
- 55 Megan Burks, *San Diego DA Says Proposition 47 Doesn't Apply To Juveniles*, KPBS PUBLIC BROADCASTING (April 21, 2015), available at <http://www.kpbs.org/news/2015/apr/21/san-diego-da-says-prop-47-doesnt-apply-juveniles/>.
- 56 Jeff Stahl, *Riverside County's Top Cops Talk Unintended Consequences of AB 109 & Prop 47*, CBS Local 2 (May 4, 2015), available at <http://www.kesq.com/home/riverside-countys-top-cops-talk-unintended-consequences-of-ab-109-prop-47/63151161>; Gail Wesson, *Riverside County: Challenging Times for Incoming District Attorney*, Press Enterprise (Jan. 4, 2015), available at <http://www.pe.com/2015/01/04/riverside-county-challenging-times-for-incoming-district-attorney/>.
- 57 CAL. DEPT. OF CORR. AND REHAB., Fact Sheet for Proposition 57 (March 24, 2017), available at <http://www.cdcr.ca.gov/proposition57/docs/prop-57-fact-sheet.pdf> (last visited July 31, 2017).
- 58 Jazmine Ulloa, *Officials Unveil Controversial Guidelines for the Release of More Inmates to Relieve Prison Overcrowding*, L.A. TIMES (March 24, 2017), available at <http://www.latimes.com/politics/la-pol-sac-proposition-57-regulations-20170324-story.html>.
- 59 Fact Sheet for Proposition 57, *supra* note 55.
- 60 *Prop. 57 to Further Reduce California Prison Population*, CORR. NEWS (Mar. 29, 2017), available at <http://correctionalnews.com/2017/03/29/prop-57-reduce-california-prison-population/>.

- 61 LEGISLATIVE ANALYST'S OFFICE, *Proposition 57 Analysis 6* (July 20, 2016), available at <http://www.lao.ca.gov/ballot/2016/Prop57-110816.pdf>.
- 62 Laura Ridolfi, W. HAYWOOD BURNS INST., et al. *The Prosecution of Youth as Adults 3* (2015), available at [http://www.burnsinstitute.org/wp-content/uploads/2016/06/Ending-Adult-Prosecution\\_FINAL.pdf](http://www.burnsinstitute.org/wp-content/uploads/2016/06/Ending-Adult-Prosecution_FINAL.pdf).
- 63 Sara Libby & Kelly Davis, *Sacramento Report: The San Diego Split Over Prop. 57*, VOICE OF SAN DIEGO (July 22, 2016), available at <http://www.voiceofsandiego.org/topics/government/sacramento-report-the-san-diego-split-over-prop-57/>.
- 64 Tracy Kaplan, *Proposition 57: California Weighs Earlier Release for Some Prisoners*, Mercury News (Oct. 9, 2016), available at <http://www.mercurynews.com/2016/10/09/proposition-57-california-weighs-earlier-release-for-some-prisoners/>.
- 65 NO on 57 Ballot Argument, NO ON 57, <http://www.stop57.com/ballot-argument/> (emphasis omitted) (last visited June 16, 2017) [on file with the Fair Punishment Project and the ACLU of Northern California]
- 66 Michael A. Hestrin, *No on Prop. 57: Early Release of Violent Criminals Would Be Allowed*, SAN DIEGO UNION-TRIB. (Oct. 21, 2016), available at <http://www.sandiegouniontribune.com/opinion/commentary/sd-utbg-prop57-opposition-20161021-story.html>
- 67 Tony Lopez, *Proposition 57: How Will Changes Affect The State Prison System?*, CBS SACRAMENTO (Nov. 3, 2016), available at <http://sacramento.cbslocal.com/2016/11/03/proposition-57-how-will-changes-affect-the-state-prison-system/>.
- 68 Jim Miller, *Prosecutors' Lawsuit Challenges Jerry Brown's Crime Initiative*, SACRAMENTO BEE (Feb. 12, 2016), available at <http://www.sacbee.com/news/politics-government/capitol-alert/article60053121.html>.
- 69 Brian Rokos, *Prop. 57: Rewarding Good Prison Behavior or Increasing Public Danger?*, PRESS-ENTERPRISE (Nov. 3, 2016), available at <http://www.pe.com/2016/11/03/prop-57-rewarding-good-prison-behavior-or-increasing-public-danger/>; see also Monica Solano, *Law Enforcement Officials Urge 'No' Vote on Prop 57*, DAILY PRESS (Nov. 6, 2016), available at <http://www.wdailypress.com/news/20161106/law-enforcement-officials-urge-no-vote-on-prop-57>.
- 70 Sarah Le, *Law Enforcement Officials Say Prop. 57 May Have "Unintended Consequences"*, EPOCH TIMES (Oct. 22, 2016), available at <http://www.theepochtimes.com/n3/2175745-law-enforcement-officials-say-prop-57-may-have-unintended-consequences/>.
- 71 As of the publication of this report, there are eight states (and DC) that have legalized the adult use of non-medical marijuana and another 29 states have legalized medical marijuana. See NATIONAL CONFERENCE OF STATE LEGISLATURES, *State Medical Marijuana Laws* (August 2, 2017) available at <http://www.ncsl.org/research/health/state-medical-marijuana-laws.aspx>.
- 72 Proposition 64, Text of Proposed Laws, available at <http://vig.cdn.sos.ca.gov/2016/general/en/pdf/text-proposed-laws.pdf#prop64> (last visited July 31, 2017); Katy Steinmetz, *What to Know About Marijuana Legalization in California*, TIME (Nov. 9, 2016), available at <http://time.com/4565438/california-marijuana-faq-rules-prop-64/>.
- 73 Press Release, DRUG POLICY ALLIANCE, *It's Not Legal Yet: Nearly 500,000 Marijuana Arrests in California in the Last Decade* (Aug. 18, 2016), available at <http://www.drugpolicy.org/news/2016/08/its-not-legal-yet-nearly-500000-marijuana-arrests-california-last-decade>.
- 74 J. Richard Couzens & Tricia A. Bigelow, *Proposition 64 "Adult Use of Marijuana Act" Resentencing Procedures and Other Selected Provisions 4, 9-10* (2016), available at <http://www.courts.ca.gov/documents/prop64-Memo-20161110.pdf>.
- 75 Brian Heuberger, *Despite claims, data show legalized marijuana has not increased crime rates*, COLORADO POLITICS (March 22, 2017), available at <https://coloradopolitics.com/despite-claims-data-show-legalized-marijuana-not-increased-crime-rates/>
- 76 DRUG POLICY ALLIANCE, *Status Report: Marijuana Legalization in Colorado After One Year of Retail Sales and Two Years of Decriminalization 1* (2015), available at [http://www.drugpolicy.org/sites/default/files/Colorado\\_Marijuana\\_Legalization\\_One\\_Year\\_Status\\_Report\\_1.pdf](http://www.drugpolicy.org/sites/default/files/Colorado_Marijuana_Legalization_One_Year_Status_Report_1.pdf). The Cato Institute found that other cities in Colorado mirrored Denver's findings, but the report characterized these declines as insignificant deviations from cyclical crime patterns. Angela Dills, et al., THE CATO INSTITUTE, *Dose of Reality: The Effect of State Marijuana Legalizations 14-16* (2016), available at <https://object.cato.org/sites/cato.org/files/pubs/pdf/pa799.pdf>.
- 77 Bonnie Dumanis is listed as an "opponent" of Proposition 64 who spoke out against the measure at a San Diego County Board of Supervisors meeting. Elana Gomez, *San Diego County Board of Supervisors Oppose California Marijuana Legalization Initiative*, NBC SAN DIEGO 7, available at <http://www.nbcsandiego.com/news/local/San-Diego-Leaders-Oppose-Proposition-64-California-Marijuana-Legalization-395803921.html>.
- 78 Hestrin is introduced in a local news video as one "of the Proposition's biggest opponents." Zak Dahlheimer & Patrick Edgell, *Both Sides Weigh In on Prop 64 Ahead of Election Day*, NEWS CHANNEL 3 / CBS LOCAL 2 (Oct. 26, 2016), available at <http://www.ksq.com/news/agencies-for-against-prop-64-listed-ahead-of-election-day/132228388>. In the interview, he said: "The prevalence of medical marijuana in this state, we've seen a real

up tick in the number of marijuana-related fatalities, where we prosecute cases, typically manslaughter cases. . . . So, I only expect that to increase when you have sort of an open season where marijuana is legal for recreational purposes if that happens.”

<sup>79</sup> Adrienne Alpert, *LA County DA Jackie Lacey talks death penalty, legalizing pot*, ABC 7 (Aug. 1, 2016), available at <http://abc7.com/news/la-county-da-jackie-lacey-talks-death-penalty-legalizing-pot/1452438/>.

<sup>80</sup> DW Duke, *Interview with Riverside County District Attorney Michael Hestrin*, 67 RIVERSIDE LAWYER

1, 22–23 (2017), available at <http://www.riversidecountybar.com/Documents/Magazine-2017/Riverside-Lawyer-Magazine-volume-67-1-January-2017.pdf>.

<sup>81</sup> San Diego County Board of Supervisors, Regular Meeting Agenda (Oct. 4, 2016), available at

[https://content.govdelivery.com/attachments/CASAND/2016/09/30/file\\_attachments/632067/04%2B0ct%2B2016\\_Regular\\_agendaFINAL.pdf](https://content.govdelivery.com/attachments/CASAND/2016/09/30/file_attachments/632067/04%2B0ct%2B2016_Regular_agendaFINAL.pdf).

<sup>82</sup> Hoa Quach, *Supervisors Consider Opposing Legal Marijuana Initiative Prop 64*, TIMES OF SAN DIEGO (Oct. 3, 2016), available at

<http://timesofsandiego.com/politics/2016/10/03/supervisors-consider-endorsing-legalizing-marijuana-initiative/>.

<sup>83</sup> Brooke Edwards Staggs, *Many in Law Enforcement Oppose Prop. 64 – That Would Legalize Recreational Marijuana – But Lack Funds to Fight*, O.C. REGISTER (Aug. 5, 2016), available at <http://www.ocregister.com/2016/08/05/many-in-law-enforcement-oppose-prop-64-that-would-legalize-recreational-marijuana-but-lack-funds-to-fight/>.

<sup>84</sup> Robin Abcarian, *California Voters Will Most Likely Legalize Marijuana This November*, L.A. TIMES (August 19, 2016), available at <http://www.latimes.com/local/abcarian/la-me-abcarian-pot-initiative-20160819-snap-story.html?=#0>.

<sup>85</sup> Kristin Lepore, *5 Things to Know About Legalizing Recreational Pot in California*, KPCC (August 17, 2016), available at

<http://www.scpr.org/programs/airtalk/2016/08/17/51327/5-things-to-know-about-legalizing-recreational-pot/>.