



Andrew Warren and Aramis Ayala blast Jeff Sessions plan for stricter sentencing in criminal cases

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May 22, 2017

In recent years, criminal justice reform, especially in drug sentencing, has taken on more momentum, with governors in some of most conservative parts of the country embracing such efforts.

In Florida, progressive State Attorney candidates like **Andrew Warren** in Tampa and **Aramis Ayala** in Orlando won their respective races last year by running on a similar platform.

The two State Attorneys joined a group of current and former prosecutors last week in blasting Attorney General **Jeff Sessions** recent directive that the Justice Department return to a previous policy of filing the most serious charge available against a defendant under provable facts.

“The Attorney General’s directive marks an unnecessary and unfortunate return to past ‘tough on crime’ practices that we now know simply don’t enhance or promote the safety of our communities,” wrote 31 state and local prosecutors from around the nation in a letter to Sessions.

“There is no empirical evidence to suggest that increases in sentences, particularly for low-level offenses, decrease the crime rate,” the letter continued. “Instead, we know that in many instances contact with the justice system exacerbates the likelihood of future criminal conduct and that the deterrent effect of long-term prison sentences is questionable at best,” the letter continued.

“Moreover, it is important to note that national crime rates remain near all-time lows — down over 50% from their peak in 1991, to levels the country has not experienced since 1970.”

In a memo sent out to federal prosecutors on May 10, Sessions announced that he was reversing a Justice Department policy from the Obama administration that led to prosecutors in drug cases often filing charges in a way that avoided triggering mandatory minimum sentences in federal law.

“It is a core principle that prosecutors should charge and pursue the most serious, readily provable offense,” Sessions said in his directive. Such a move is expected to increase the chances that suspects will receive mandatory minimum sentences. That’s a significant change from the policies that Obama and former Attorney General **Eric Holder** had advocated. Instead, Holder gave prosecutors more latitude to avoid charges that would trigger mandatory minimums. In the last five years of the Obama administration, the number of defendants charged in federal cases dropped from about 103,000 to about 77,500, the lowest number since 1998.

GOP-controlled state legislatures in Texas, Oklahoma, South Carolina and Georgia have adopted a number of progressive initiatives in this field over the past decade. Many of those states began by establishing task forces to examine the laws that they wanted to change.

However, St. Petersburg Republican **Jeff Brandes** criminal justice reform bill (**SB 458**) died in the Senate Rules Committee earlier this month.

After he had defeated 16-year Republican incumbent **Mark Ober** last November, Warren **said** he was “grateful for the fact that Hillsborough County shares my vision of criminal justice reform.”

Others signing on to the letter include New York City District Attorney **Cyrus Vance Jr.**, Baltimore State Attorney **Marilyn Mosby** and former Los Angeles District Attorney **Gil Garcetti**.

You can read the contents of that letter to Sessions here:

On May 10, 2017, Attorney General Sessions announced a new charging and sentencing policy for the United States Department of Justice that requires federal prosecutors in all cases (absent high-level approval) to “charge and pursue the most serious, readily provable offense” — defined as those offenses that “carry the most substantial guidelines sentence, including mandatory minimum sentences.” Any prior inconsistent policy of the Department of Justice relating to these matters was rescinded.

The Attorney General’s directive marks an unnecessary and unfortunate return to past “tough on crime” practices that we now know simply don’t enhance or promote the safety of our communities. There is no empirical evidence to suggest that increases in sentences, particularly for low-level offenses, decrease the crime rate. Instead, we know that in many instances contact with the justice system exacerbates the likelihood of future criminal conduct and that the deterrent effect of long-term prison sentences is questionable at best. Moreover, it is important to note that national crime rates remain near all-time lows — down over 50 percent from their peak in 1991, to levels the country has not experienced since 1970.

Although there are no certain benefits to the newly announced policy, there are definitive and significant costs. The increased use of mandatory minimum sentences will necessarily expand the federal prison population and inflate federal spending on incarceration. There is a human cost as well. Instead of providing people who commit low-level drug offenses or who are struggling with mental illness with treatment, support and rehabilitation programs, the policy will subject them to decades of incarceration. In essence, the Attorney General has reinvigorated the failed “war on drugs,” which is why groups ranging from the American Civil Liberties Union to the Cato Institute to Right on Crime have all criticized the newly announced policy.

As current and former elected state and local prosecutors, we are committed to prioritizing the safety, fair treatment and dignity of all members of our community. This is why we have grave concerns with the tenets embodied in the Attorney General’s directive. And it is why we agree with national law enforcement leaders who have opined that we “need not use arrest, conviction, and prison as the default response for every broken law.”

We will continue in our own jurisdictions to undertake innovative approaches that promote public safety and fairness, and that ensure that law enforcement’s finite resources are directed to

the arrest and prosecution of the most serious offenders. It is through these priorities that prosecutors can best advance public safety and fortify trust in the legitimacy of our criminal justice system.