



November 21, 2024

Via Email

Alameda County Board of Supervisors
1221 Oak Street
Oakland, CA
Board President & Supervisor Nate Miley
Nate.miley@acgov.org
Supervisor David Haubert
david.haubert@acgov.org
Supervisor Lena Tam
lena.tam@acgov.org
Supervisor Elisa Marquez

elisa.marquez@acgov.org

Supervisor Keith Carson

Kcarson@acgov.org; keith.carson@acgov.org

Re: Alameda County District Attorney Appointment

Dear Supervisors,

This letter is sent on behalf of the undersigned organizations who work for safe and just communities and have led the work against the criminalization of poverty and mental illness, mass incarceration, police violence, and the entrenched racism within the criminal legal system in Alameda County for decades. Collectively, we serve and represent thousands of Alameda County residents.

As a result of the passage of the measure to recall District Attorney Pamela Price, you now have the obligation to appoint the next District Attorney for Alameda County. Collectively, we share the following demands for that process to be open, transparent, and aligned with Alameda County's existing commitments to human rights, justice, and equity.

1. The appointment process must be open and transparent with meaningful opportunities for public input.

Prior to making this appointment, we urge you to consult community leaders who reflect and represent the geographic and demographic diversity of Alameda County, as well as representatives from directly impacted groups, including crime survivors, formerly incarcerated individuals, victims of police violence, wrongly convicted individuals, members of overpoliced communities, and advocates for immigrant rights and environmental, housing, public health, labor and justice reform. Other counties in California, including Contra Costa County in 2017, have previously conducted an open District Attorney recruitment, application, and appointment process including community forums, multiple opportunities to provide public and online comments, and interviews of each of the finalists. We encourage you to take similar action to ensure the appointment is transparent and includes public input.

2. The appointment of a new District Attorney must reflect the long-standing values of Alameda County residents and oppose the death penalty.

The next District Attorney of Alameda County should oppose the death penalty, pledge to never seek a death sentence, and seek to resolve the remaining death-sentenced cases from our

county with non-death outcomes. The death penalty is fundamentally racist, barbaric, and unjust. Alameda County residents voted twice to abolish the death penalty in 2012 (Proposition 34, by 62.5%)¹ and in 2016 (Proposition 62, by 62.1%)². In 2019, California Governor Gavin Newsom signed an executive order that placed an indefinite moratorium on the death penalty in the state. Furthermore, D.A Price's office has exposed a decades-long practice of excluding Black, Jewish, and LGBTQ members of the community from death penalty juries, which has led to a federal judge ordering the review of dozens of death penalty cases in Alameda County going back more than 30 years. The incoming District Attorney must commit to ensuring good faith continuity of the review that is currently underway.

3. The appointment of a new District Attorney must uphold evidence-based criminal justice reforms.

a. Hold Law Enforcement Accountable When They Break the Law:

The next District Attorney should have the courage to hold law enforcement officers accountable when they break the law. Alameda County has a long and sordid history of police violence where community members were killed either by police officers or found dead in custody with little to no accountability in the court of law. The Oakland Police Department remains under federal oversight for scandals that continue to plague it, including the case of a homicide detective charged with bribing a witness and perjury³ (instances which have led to two murder convictions being overturned) and a sergeant who faced no real consequences for a hit and run incident in a parking garage⁴. We need a District Attorney with a commitment to the principle of equal justice under the law and the courage to hold law enforcement accountable.

b. Invest in Prevention, Treatment, and Rehabilitation:

The next District Attorney of Alameda County should be committed to the idea that public safety is best achieved through prevention, treatment and rehabilitative services. Over-incarceration is a poor remedy to the social ills it is too often used to address. Mental illness, substance use, poverty, and inequality can all be better addressed through

¹ "Cumulative Totals Certified Final Results Alameda County General Election November 6, 2012," 2012. <https://acvote.alamedacountyca.gov/acvote-assets/pdf/elections/2012/11062012/results/nov-6-2012-summary-results-report.pdf>.

² Alameda County. "Cumulative Totals Certified Final Results Alameda County General Election November 8, 2016," 2016. <https://acvote.alamedacountyca.gov/acvote-assets/pdf/elections/2016/11082016/results/november-8-2016-summary-results-report.pdf>.

³ "OPD Officer Charged With Perjury, Threatening Witness; 125 Homicide Cases Under Review: DA," *ABC7 San Francisco*, April 26, 2023, <https://abc7news.com/oakland-police-officer-charged-opd-perjury-bribery-phong-tran/13187527/>.

⁴ Darwin BondGraham, "'Systemic Failures' Found in Oakland Police Investigations of Officer Misconduct," *The Oaklandside*, January 20, 2023, <https://oaklandside.org/2023/01/18/systemic-failures-investigations-officer-misconduct-2023-report/>.

non-carceral responses that uphold dignity and invigorate communities. Mass incarceration does the opposite, creating multiple constitutional problems resulting from substandard living conditions, depriving communities of valued members, and wasting human life and potential, all at enormous expense to taxpayers.

c. Treat Children as Children:

The next District Attorney of Alameda County should be committed to never prosecuting children as adults. Nationally, a study published by the Sentencing Project showed that in 2015, Black youth were 500 percent more likely to be incarcerated than white youth, while Latino youth were 65 percent more likely to be incarcerated than their white peers.⁵ In 2016, all the youth who were charged as adults in Alameda County were youth of color. Moreover, the scientific and legal consensus is now abundantly clear: adolescents are different from adults in ways that diminish their culpability for offense conduct, and which portend a far greater potential for reform. Instead of seeking jail or prison time, young people should be diverted to effective alternative-to-incarceration programs so that they may mature and return to their communities as rehabilitated adults, without the lost time and trauma of a carceral sentence or kept in the juvenile justice system.

d. Commit to Second Chances and Resentencing:

The next District Attorney of Alameda County should be committed to utilizing all the tools and legal vehicles available to bring our incarcerated loved ones home to their families and communities. Research has shown that lengthy sentences and high rates of incarceration have a diminishing rate of return, little to no deterrent effect, and that people age out of crime, and that their criminal involvement diminishes significantly after they reach age 40, and even more so when they reach 50 years of age. Nearly 1 in 4 people incarcerated in California are over the age of 50. Additionally, surveys by victim advocacy groups show that 75% of surveyed victims favor reducing sentence lengths for people who are assessed to be a low risk to public safety.⁶ We need a District Attorney who recognizes excessive sentences are riddled with entrenched racism, cost the state millions of dollars, and keep people who are rehabilitated needlessly incarcerated and

⁵ The Sentencing Project, “*Black Disparities in Youth Incarceration*” December 12, 2023, available at: <https://www.sentencingproject.org/fact-sheet/black-disparities-in-youth-incarceration/>; the Sentencing Project, *Latinx in Youth Incarceration*, December 12, 2023, available at: <https://www.sentencingproject.org/fact-sheet/latinx-disparities-in-youth-incarceration/>

⁶ The Sentencing Project, “Long Sentences: Time to Reconsider the Scale of Punishment” (2018) <https://www.sentencingproject.org/reports/long-term-sentences-time-to-reconsider-the-scale-of-punishment/>; Prison Policy Initiative, “The aging prison population: Causes, costs, and consequences” (August 2, 2023), available at: <https://www.prisonpolicy.org/blog/2023/08/02/aging/#:~:text=Considering%20the%20proportion%20of%20California's,population%20decreased%20by%201%25.>; Alliance for Safety & Justice, “California Crime Survivors Speak: A Statewide Survey of California Victims’ Views on Safety and Justice” (April 2019) at page 2. Available at <https://allianceforsafetyandjustice.org/wp-content/uploads/2019/04/201904-CSJ-CA-Crime-Survivors-Speak.pdf>

separated from their families; and who will seek to vigorously exercise their discretion to bring people home.

There are real impacts of crime and violence on Alameda County communities, and residents deserve to feel safe in their neighborhoods. Alameda County must focus on the root causes of crime and not fall back on the failed tools of incarceration and over-policing. A reversion to failed methods will lead to predictable results: the abominable jail and prison conditions that flow from mass incarceration with attendant suffering, litigation costs, and judicial monitoring; harassment and death at the hands of police for our most vulnerable citizens; and a deepening divide between law enforcement and the community that will only exacerbate existing problems. We are relying on the next District Attorney to protect recent gains in criminal justice policy while our organizations continue to pursue the transformative change that our communities demand.

We look forward to hearing how you will ensure that the new District Attorney continues to move criminal justice reform forward in Alameda County, and we look forward to meeting with the new District Attorney once they take office.

Yoel Haile

Criminal Justice Program Director
ACLU of Northern California

Michael Collins

Senior Director of State & Local Government Affairs
Color Of Change

Sikander Iqbal

Acting Executive Director
Urban Peace Movement

Sonja Tonnesen-Casalegno

Policy & Legal Director
Communities United for Restorative Youth Justice

Rev. Barbara F. Meyers

Unitarian Universalist Mental Health Community Minister
Mission Peak Unitarian Universalist Congregation

Richard Speiglmán

Chair

Interfaith Coalition for Justice in our Jails

Pastor Todd Benson

Interim Executive Director
Faith In Action East Bay

Joshlyn Turner

Director
Fresh Lifelines for Youth (FLY)

Pecolia Manigo

Executive Director
Oakland Rising

Kyle Magallanes Castillo

Co-Executive Director
Community Works

Juleen Lam

Executive Director of Project Rebound
Cal State East Bay

David A. Harris

President & CEO
Urban Strategies Council

Michai Freeman

Systems Change Advocate
Center for Independent Living

Tanisha Cannon

Managing Director
Legal Services for Prisoners with Children

John Lindsay-Poland and Fatimeh Khan

Co-Directors, California Healing Justice Program
American Friends Service Committee

Millie Cleveland

Coalition for Police Accountability

Cathy Rodriguez

CEO

Probation Support Network

Sheryl Walton

Co-Chair

Block by Block Organizing Network

Zoë Polk

Executive Director

East Bay Community Law Center