

Reimagining Roles: Prosecutor-Initiated Resentencing and the Arc of Justice

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INTRODUCTION

Prosecutor-Initiated Resentencing (PIR) is an emerging area of law that empowers prosecutors to use their discretion to revisit sentences and request a lesser sentence to the court in cases where the original sentence is no longer in the interest of justice. Since its emergence in 2019, it is estimated that close to 1,000 people have been resentenced nationwide.¹ PIR is a unique reform that fosters collaboration between prosecutors and defense attorneys, shifting the perspective on the adversarial nature of the U.S. criminal justice system.

In this reflective essay, I will detail the emergence of PIR, synthesize the results of the first five years of its implementation, provide a case study of how the law functions in San Diego County, and offer a vision for the future of this area of law.

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1. Christina Carrega, *This Law Gives Prosecutors Authority to Reduce Mass Incarceration*, CAPITAL B (Oct. 6, 2023, 9:00 PM), <https://capitalbnews.org/prosecutor-resentencing-law/>.

THE HISTORY OF PROSECUTOR-INITIATED RESENTENCING

As Martin Luther King Jr. once said, “The arc of the moral universe is long, but it bends towards justice.”² Yet the arc only bends toward justice through the concerted effort of the people committed to bending it.

Sadly, our criminal justice system often functions in ways that perpetuate injustice, a fact evidenced by the sheer number of people in our prisons, jails, and under state supervision. According to recent data, the carceral system in the United States holds over 1.9 million people in a web made up of thousands of prisons, jails, juvenile correctional facilities, immigration detention facilities, and state psychiatric hospitals.³ The U.S. incarcerates approximately 355 people for every 100,000 residents,⁴ which is among the highest incarceration rates in the world.⁵

Starting in the 1970s, incarceration in the U.S. began to increase precipitously.⁶ This growth reflected a change in policy, not crime rates, as harsh criminal penalties enacted in the 1980s and 1990s led prosecutors to prosecute more people and keep them behind bars for longer periods of time.⁷ Today, many scholars and legal experts agree that we have over-relied on incarceration as a mechanism to ensure public safety.⁸

Instead of relying on punitive policies of the past, key stakeholders in the criminal justice system should explore and implement alternatives to incarceration that can keep communities safe. Research suggests that excessive sentences do little to make communities safer.⁹ Excessive prison sentences produce diminishing returns in terms of public safety for numerous reasons: people “age out” of committing crimes, harsh sentences do little to deter crime, and expensive, lengthy sentences sap our governments of resources that could

2. Dr. Martin Luther King Jr., “How Long, Not Long,” speech after completing the march from Selma to Montgomery, Alabama (Mar. 25, 1965).

3. Wendy Sawyer, *Mass Incarceration: The Whole Pie 2024*, PRISON POL’Y INITIATIVE (Apr. 11, 2025, 9:05 PM), <https://www.prisonpolicy.org/reports/pie2024.html>.

4. THE SENT’G PROJECT, <https://www.sentencingproject.org/research/us-criminal-justice-data/> (last visited Apr. 11, 2025).

5. Emily Widra, *States of Incarceration: The Global Context 2024*, PRISON POL’Y INITIATIVE (Apr. 11, 2025, 9:15 PM), <https://www.prisonpolicy.org/global/2024.html>.

6. James Cullen, *The History of Mass Incarceration*, THE BRENNAN CTR. (Apr. 11, 2025, 9:20 PM), <https://www.brennancenter.org/our-work/analysis-opinion/history-mass-incarceration>.

7. Advancing Prosecutor-Initiated Resentencing: A Guide for Prosecutors, Policymakers, and Advocates, PROSECUTORS’ CTR. FOR EXCELLENCE, 4 (2025), <https://pceinc.org/wp-content/uploads/2023/11/20230900-%E2%80%93Advancing-Prosecutor-Initiated-Resentencing-A-Guide-for-Prosecutors-Policymakers-and-Advocates-%E2%80%93For-the-People-.pdf>.

8. Marta Nelson, Sameul Feineh, & Maris Mapolski, *A New Paradigm for Sentencing in the United States*, VERA INST. OF JUST. (2023), <https://vera-institute.files.svcdn.com/production/downloads/publications/Vera-Sentencing-Report-2023.pdf>.

9. NT’L RSCH. COUNCIL, *The Growth of Incarceration in the United States* (Jeremy Travis, Bruce Western, & Steve Redburn eds., 2014), 155-56, <https://nap.nationalacademies.org/read/18613/chapter/7>.

be redirected to crime prevention.¹⁰ As the national bipartisan organization, Council on Criminal Justice, concluded, “Criminal justice policy should be based on facts and evidence, not rhetoric and emotion, and we should be laser-focused on strategies that make the most effective use of our limited resources.”¹¹

For the better part of a decade, I worked as a prosecutor in the San Francisco District Attorney’s Office. While I attended law school with the intention of becoming a defense attorney, I ultimately became a prosecutor with the belief that I could change the system from within. At the district attorney’s office, I found what felt like a calling—working with victims and survivors of crime, primarily women and children who reminded me of the people I grew up with in a town just across the San Francisco Bay. Day in and day out, sitting with victims as they recounted their traumas and looked to me for help, I felt that I was serving justice.

And yet, years of sending people to prison began to weigh on me. I lost sleep, grappling with the weight of the long and punitive sentences I recommended. My own notions about justice began to change, and I started to wonder if there were other ways of bending the arc.

Around this time, a growing number of scholars and experts in the field, such as Bruce Western, Marc Mauer, and Michelle Alexander were also questioning the supposed long-term benefit of lengthy sentences.¹² Prosecutors, too, began to ask whether certain cases deserved a second look. Starting in 2007, prosecutors’ offices across the country began establishing Conviction Integrity/Review Units (CIUs/CRUs) to revisit cases in which a person may have been factually innocent, or there were due process violations in the process of their conviction.¹³ Since then, numerous prosecutors have embraced the review of wrongful conviction cases as an integral part of their job.¹⁴

Like many prosecutors, I was trained to compartmentalize and focus exclusively on victims. Over time, however, this tunnel vision took a toll. My inner philosophical struggle between what I felt was required of me as a prosecutor and my desire to take a systematic approach to examining the over-use of incarceration led me to leave the district attorney’s office for what I thought was a break from prosecution. But as is often the case, the more I learned, the more I found there was to learn.

10. *Id.* at 138, 144, 154.

11. Sally Yates and Trey Gowdy, *From the Co-Chairs* in COUNCIL ON CRIM. JUST., HOW LONG IS LONG ENOUGH? (2003), <https://counciloncj.foleon.com/tfls/long-sentences-final-report/>.

12. *See generally* BRUCE WESTERN, PUNISHMENT AND EQUALITY IN AMERICA (2006); MARC MAUER, THE SENT’G PROJECT, RACE TO INCARCERATE (rev. and updated 2d ed, 2006); MICHELLE ALEXANDER, THE NEW JIM CROW (10th anniversary ed., 2020).

13. Noah Fromson, *Conviction Integrity Units Expand Beyond Lone Star State Roots*, TEX. TRIBUNE (Mar. 12, 2016, 6:00 AM), <https://www.texastribune.org/2016/03/12/conviction-integrity-units-expand-beyond-texas-roo/>.

14. *Id.*

Soon, I began to approach the system through a new lens and came to understand just how punitive it is, even in my home state. Despite its reputation as a bastion of progressive ideals, California incarcerates a higher percentage of its residents than almost any democratic country on Earth.¹⁵ In 2011, the U.S. Supreme Court ruled that overcrowding in California prisons constituted cruel and unusual punishment and ordered the state to significantly reduce its prison population.¹⁶

I continued to study, read, and meet with mentors working to improve the system. Though I often felt as if I had a scarlet “P” for “Prosecutor” on my chest when I entered reform spaces, I expressed an eagerness to learn and collaborate. I grew close with a few elders. As reform efforts began to grow, I found mentors who were promoting second chances and with their help, I was invited inside a prison to participate in a restorative justice circle. I listened as incarcerated people shared their personal journeys—what led to their life of crime, the context in which they committed their crime, and how they had been living a life of amends since. Across the circle, victims of crime also shared their personal journeys: the story of their loved ones or themselves before the crime, what happened the day of the crime, and how their lives had changed since. As I heard these stories of trauma, loss, rehabilitation, and resilience, a more complete picture of the criminal justice system began to form; one that highlighted the humanity of everyone involved.

The incarcerated men I encountered in the restorative justice circle were candid about their crimes, several of which were violent. As a trained prosecutor and a crime victim myself, I felt a natural compassion for the victims. Yet once I learned about incarcerated peoples’ childhoods and the abuse and trauma they endured, I felt intense compassion. I discovered all the ways they had been victimized and had never received support or protection from the system. I realized that if I had met them as children, after just being beaten unconscious by their caretaker, I would have fought for them, cared for them, and protected them as I always did with the crime victims I encountered as a prosecutor.

As I reflected on the years of my career that I had spent seeing men with similar experiences on the other side of the courtroom, prosecuting them to the full extent of the law, setting aside their stories of victimization, and remaining squarely in my compartment of our adversarial system, I continued to wonder: Was that truly justice? How else might I bend the arc?

After the restorative justice circle, I grew certain that if other prosecutors sat in these spaces inside a prison and heard the same stories I had heard, many of them would no longer be able to compartmentalize. I was also certain they would come to hold two truths at the same time: It is possible to uphold public safety while also providing second chances to people who are rehabilitated.

15. *California Profile*, PRISON POL’Y INITIATIVE, <https://www.prisonpolicy.org/profiles/CA.html>.

16. *Brown v. Plata*, 563 U.S. 493, 545 (2011).

Contemplating the case review handled by the Conviction Integrity Unit at the San Francisco District Attorney's Office, I began to wonder if prosecutors would be willing to revisit cases beyond wrongful convictions.

Subsequently, I started asking prosecutors I knew, "Would you want to keep a person in prison if their sentence no longer served the interest of justice for the people?" Every prosecutor I spoke with answered, "No." Many agreed that it was a waste of public resources.

Equipped with the knowledge that prosecutors across the state would use such a law if it existed, I worked with a member of the California State Legislature, Assemblymember Phil Ting, to draft AB 2942, the nation's first Prosecutor-Initiated Resentencing (PIR) law. It passed with broad bipartisan support.¹⁷

WHERE WE ARE TODAY

Prosecutor-Initiated Resentencing (PIR) was developed to ensure justice for people serving outdated sentences or incarcerated people who have rehabilitated themselves. The law is discretionary and does not contain mandates or carve-outs.¹⁸ When deciding a PIR motion, the court considers various post-conviction factors including rehabilitation, disciplinary record and recidivism risk, and whether circumstances have changed since the person's original sentencing so that continued incarceration is no longer in the interest of justice. PIR additionally ensures that victims are notified and invited to engage in the process.¹⁹

While the prosecutor is the stakeholder who decides whether to recommend a case—in some cases, community-based organizations or the Department of Corrections and Rehabilitation recommend cases to the prosecutor—the final decision lies with the court.²⁰

In 2019, after working to pass the first PIR law, I founded For The People, a nonprofit designed to lead the implementation of Prosecutor-Initiated Resentencing.²¹ We pioneered a pilot program, acting as Budget Sponsors and leaders of the California County Resentencing Pilot Program, which allocated \$18 million across nine California counties doing this work from 2021-2025.²²

17. Cal. Gen. Assemb., A.B. 2942, CRIMINAL PROCEDURE: RECALL OF SENT'G, 2017-18 Reg. Session (2018).

18. *Id.*

19. *Id.*

20. *Id.* In this essay, we use the term "resentencing" to include legal pathways where prosecutors initiate or join in motion by defense or through coordination with a state's Department of Corrections.

21. *About Us*, FOR THE PEOPLE, <https://www.fortheppl.org/>.

22. *California County Resentencing Pilot Program Fact Sheet*, FOR THE PEOPLE, 1 (2021), <https://www.fortheppl.org/for-prosecutors>. The nine counties are Los Angeles, San Francisco, San Diego, Yolo, Humboldt, Contra Costa, Merced, Riverside, and Santa Clara.

In 2025, RAND's final report on the California resentencing pilot, showed that over 55% of the cases in pilot counties that were initiated by prosecutors involved incarcerated people older than 50, more than 40% involved "Three-Strikes" sentences, and over 80% of the cases involved a sentence enhancement.²³ Nearly 50% of PIR cases involved Black individuals, compared to the overall state prison population, which was 28.6% at the beginning of the pilot period.²⁴ The most common categories of cases selected for review were robbery, assault, and burglary. As San Diego County Assistant District Attorney Dwain Woodley stated, in a number of cases, "these sentences were excessive—way excessive—for what the person did. People should have a chance to reunite with their families and be back in community."²⁵

RAND's 2023 report found participating district attorneys' offices to be primarily focused on identifying cases with sentences that are punitive by today's standards or do not account for a person's rehabilitation.²⁶ Other criteria include factors such as the age of the incarcerated person, the crime they committed, and sentence length.²⁷ During the second year of the California Pilot's implementation, many district attorneys' and public defenders' offices reported that they had started to expand their criteria and had begun to review more serious and complex cases that take more time.²⁸

In 2023, as PIR continued to be introduced and passed in additional states, the American Bar Association (ABA) adopted Resolution 504 urging all governments to adopt PIR laws and provide resources for implementation.²⁹ In the accompanying ABA report, the authors wrote:

"Through PIR, prosecutors can initiate a thorough and methodical review of the prison population in their jurisdiction to identify people who can be safely released from prison and ask the court for recall and resentencing. PIR gives prosecutors a tool to provide redress for people where confinement is no longer in the interest of justice while keeping victims and community safety at the forefront of their decisions. When done with care, the PIR process can have lasting benefits for prosecutor offices, incarcerated people, families, and communities, and will positively contribute to public safety."³⁰

23. Lois Davis, et al., *Evaluation of the California County Resentencing Pilot Program*, RAND, vi (July 30, 2025), https://www.rand.org/pubs/research_reports/RRA2116-3-v2.html.

24. *Id.* at 15.

25. Carrega, *supra* note 1.

26. Davis, et al., *supra* note 24, at 4.

27. *Id.* at 4-5.

28. *Id.* at 28-30.

29. Amanda Robert, *Let courts consider a prosecutor's recommendation to reduce a sentence*, ABA House says, ABA JOURNAL (Aug. 7, 2023, 4:43 PM), <https://www.abajournal.com/web/article/resolution-504>.

30. 504 Annual Report 2023, American Bar Association (Aug. 8, 2023) at 9, <https://www.americanbar.org/content/dam/aba/directories/policy/annual-2023/504-annual-2023.pdf>.

At the time of this writing, district attorneys in twenty California counties have engaged in PIR.³¹ Beyond California, prosecutors in an additional forty counties have participated in PIR or similar resentencing work using alternative legal mechanisms.³² Based on preliminary estimates, we believe that more than 1,000 people have been resentenced through PIR thus far.³³ These initial findings reflect a willingness among prosecutors to propose second chances for incarcerated people.

WHAT WE DO

Today, For The People offers technical support to prosecutors' offices. Our diverse legal team, made up of attorneys with defense and prosecution backgrounds, powers this work. We first create a data snapshot of a jurisdiction's current prison population and identify cases for review based on the prosecutor's office's initial criteria. Since the law is discretionary, offices' review criteria can differ and change over time.

For The People has also worked with the U.C. Davis School of Law to develop the first PIR law school clinic to streamline the case review process for DAs' offices in two counties, Amador and Yolo.³⁴ Through this work, we aim to train the next generation of lawyers in an emerging area of law, underscoring the belief that prosecutors are ministers of justice.³⁵ We believe that by participating in reforms such as PIR, prosecutors' offices may be able to attract new talent and address the growing shortage of prosecutors entering the field.³⁶

PIR involves collaboration between defense attorneys and prosecutors, and we hope that this collaboration offers the opportunity to work toward justice beyond the confines of the adversarial system. As Ronald F. Wright and Kay L. Levine concluded in their recent paper on Prosecutor-Initiated Resentencing, "PIR statutes are fully consistent with the way we do criminal law in the United States and stand as a sharp reminder of the harmony that can result when the state and local interests work together, instead of at cross-purposes, in the field of crime control and corrections."³⁷

31. At this time, there is no formal repository of nationwide PIR cases. The figures provided here are informed by For The People's surveys of District Attorneys' Offices and are likely underrepresented (on file with author).

32. There is no national database on which counties participate in PIR, and this number is informed by For The People's own outreach and research (on file with author).

33. *Five Year Impact Report*, FOR THE PEOPLE, <https://5years.fortheppl.org/>.

34. *Innovative Resentencing Clinic Partnership*, PROSECUTORS' CENTER FOR EXCELLENCE (Feb. 23, 2023), <https://www.youtube.com/watch?v=1B4HZTZxUjA>.

35. MODEL RULES OF PRO. CONDUCT r. 3.8 (Am. Bar Ass'n 1983).

36. Hillary Blout, *One Simple Criminal Justice Reform Could Solve the Prosecutor Shortage Crisis*, SLATE (Mar. 20, 2024, 10:00 AM), https://slate.com/news-and-politics/2024/03/criminal-justice-reform-prosecutor-shortage-resentencing.html?pay=1732569350172&support_journalism=please.

37. Ronald F. Wright and Kay L. Levine, *Legislatures and Localized Resentencing*, WAKE FOREST UNIV. SCHOOL OF LAW LEGAL STUD. RSCH. PAPER SERIES, no. 4930072 (2024).

We also believe that PIR is a reform that can appeal to prosecutors across the political spectrum. As one district attorney put it: “This is the right thing to do no matter what side of the aisle you fall on. If people go to prison for a very long time and it doesn’t seem just, or they’ve done a great job at rehabilitating themselves, why wouldn’t we as prosecutors consider that? It’s just the right thing to do.”³⁸

CHALLENGES

As with any new reform, the expansion of PIR is not without its challenges. Any nonprofit organization or government entity knows all too well that there will always be a question of resource allocation. While there are fiscal implications involved with a district attorney’s office—reviewing cases, filing motions, and appearing in court—the policy can ultimately save resources, especially those associated with unnecessary incarceration.

While some jurisdictions have dedicated funding to support PIR, others have been able to leverage existing internal resources without significant additional cost (e.g., incorporating PIR into CRUs or appellate divisions). For prosecutors’ offices unable to absorb or allocate resources to support PIR, there are creative ways they can participate, like forming partnerships with law schools, pro-bono attorneys, and community organizations trained in participatory defense. And, of course, For The People works to fill these gaps in prosecutors’ offices around the country.

Beyond the fiscal costs, the PIR process also takes time, and its results are not immediate. PIR is a meticulous process, requiring the review of hundreds of pages of prison documents and the prioritization of public safety and rehabilitation. There are also political considerations, as this work relies on elected prosecutors, their priorities, and public opinion toward crime, punishment, and redemption. Despite these potential hurdles, PIR is a growing area of law that fits into the broader Second Look movement.³⁹ Since 2018, PIR laws or rules have also been enacted in Oregon, Washington, Illinois, Minnesota, and Utah, and they have been proposed or introduced in 10 other states.⁴⁰

In addition to the successful passage of PIR laws and the number of people who have been resentenced and released, we often look at recidivism rates as a success metric. While recidivism is an imperfect metric that fails to consider the

38. Hillary M. Blout & Jeff Reisig, *Understanding Prosecutor-Initiated Resentencing: How and Why Prosecutors Are Using a New Tool to Expand Justice*, 4 A.B.A. CRIM. JUST. MAG. 28 (Winter 2023).

39. Becky Feldman, *The Second Look Movement: A Review of the Nation’s Sentence Review Laws*, THE SENT’G PROJECT (Mar. 24, 2025), <https://www.sentencingproject.org/reports/the-second-look-movement-a-review-of-the-nations-sentence-review-laws/>.

40. *Five Year Impact Report*, FOR THE PEOPLE, <https://5years.fortheppl.org/>; Katie Stahl, *Utah Becomes First Republican-Led State to Allow Prosecutor-Initiated Resentencing*, RIGHT ON CRIME (July 2, 2015), <https://rightoncrime.com/utah-becomes-first-republican-led-state-to-allow-prosecutor-initiated-resentencing/>.

positive benefits people are bringing into their communities after incarceration, it remains an important measure nonetheless. Data analysis efforts are still underway in evaluating PIR, but so far, we have seen remarkable results in terms of recidivism.

To look at the results in one region with a long-standing track record of resentencing, take Los Angeles County. According to the former Los Angeles District Attorney, “We have resentenced now 300 people and out of 300, only 4 have reoffended.”⁴¹ That is a recidivism rate of around 1.3%. Similarly, a recent study of PIR conducted through an alternative legal mechanism in North Carolina found that only 1 of the 64 people released returned to prison after their release⁴²— a recidivism rate of 1.5%.⁴³ Both of these early studies show an incredible success rate compared to national re-arrest rates following a person’s release from prison, which range from 40-70%.⁴⁴ These encouraging findings provide reason to believe in the promise of PIR, and they support the idea that releasing rehabilitated people from prison can make communities stronger all while maintaining public safety.

SAN DIEGO COUNTY: A CASE STUDY IN PIR

In 2019, the district attorney’s office in San Diego County—the second largest county in California and the fifth largest in the country⁴⁵—was the first in the U.S. to resentence someone using a PIR law.⁴⁶ As of the end of 2023, the San Diego District Attorney’s Office had resentenced nearly 100 people.⁴⁷ The following case study illustrates the story of Mr. Troy Dunmore, one of the people resentenced in San Diego.

Troy was born in Guantanamo Bay, where his father was stationed while he served in the military. Troy’s family moved around regularly throughout his

41. Marisa Lagos & Scott Shafer, *Criminal Justice Reform is on the Ballot in the LA District Attorney Race*, KQED (Oct. 10, 2024), <https://www.kqed.org/news/12008948/criminal-justice-reform-is-on-the-ballot-in-the-la-district-attorney-race>.

42. *Safe Return: North Carolina’s Experience with Bringing People Home Early from Prison*, S. Coal. for Soc. Just., (Aug. 2024), <https://southerncoalition.org/wp-content/uploads/2024/09/safereturnreport.pdf>.

43. We recognize that recidivism is measured in various ways. In this essay, we rely on how the offices and reports measure recidivism.

44. Matthew R. Durose & Leonardo Antenangeli, U.S. DEP’T OF JUST., NCJ NO. 255947, *Recidivism of Prisoners Released in 34 States in 2012: A 5-Year Follow-Up Period (2012-2017)* (July 2021), <https://bjs.ojp.gov/library/publications/recidivism-prisoners-released-34-states-2012-5-year-follow-period-2012-2017>.

45. SAN DIEGO CNTY. DIST. ATT’Y, *Frequently Asked Questions*, <https://www.sdcda.org/office/faq> (last visited Apr. 9, 2025).

46. Nazgol Ghandnoosh, *A Second Look at Injustice*, THE SENT’G PROJECT at 4, 19 (2021), <https://www.sentencingproject.org/app/uploads/2022/10/A-Second-Look-at-Injustice.pdf>.

47. Christina Carrega, *This Law Gives Prosecutors Power to Undo Decades of Harsh or Racist Sentencing*, TRUTHOUT (Oct. 7, 2023), <https://truthout.org/articles/this-law-gives-prosecutors-power-to-undo-decades-of-harsh-or-racist-sentencing/#:~:text=The%20PIR%20law%20allows%20his,years%2Dto%2Dlife%20sentence.>

childhood, which made it difficult for him to sustain friendships. He faced racial discrimination, violence, and an early exposure to substances while growing up. By age 14, Troy was addicted to drugs and sent to juvenile hall for the first time.

In January of 1995, Troy and a co-defendant robbed a Round Table Pizza. During the course of the robbery, Troy and his co-defendants ordered several customers and employees into a bathroom and threatened violence if they tried to escape. Troy had a broken pellet gun on him, which he pretended was a real gun during the robbery. After his arrest, Troy was convicted of one count of second-degree robbery and two counts of false imprisonment. He was sentenced to a total term of 65 years-to-life in state prison.

In prison, rather than give up all hope, Troy grew determined to rehabilitate himself. He immediately got sober and has remained so since 1995. Throughout his incarceration, Troy attended regular narcotics anonymous meetings, as well as San Quentin's Addiction and Recovery Counseling drug and alcohol treatment program. Not only was he an active participant in substance abuse recovery programs, Troy also took full advantage of a wide range of other rehabilitative programs including reentry preparation, anger management, faith-based recovery, and alternatives to violence, among many others. He continued investing in his own education over the years, eventually enrolling in college-level courses.

As For The People's legal team reviewed cases with the San Diego County District Attorney's Office, Troy's case immediately stood out. He had prepared extensive supporting documents which reflected his remarkable track record of rehabilitative in-prison programming. After a careful review of mitigating factors from Troy's childhood, incarceration history, rehabilitation and in-prison behavior, as well as robust reentry planning, the district attorney's office decided to move forward with resentencing. They filed a motion with the court, recommending Troy's release to the judge.

In October 2021, at the recommendation of District Attorney Summer Stephan and Assistant District Attorney Dwain Woodley, the San Diego County Superior Court resentenced Troy by stipulation order and ordered his release. At the time of his release, Troy was 58 years old and had served 26 years in prison. He had 39 years-to-life remaining on his sentence.

Today, Troy is dedicated to giving back to his community. He brings his lived experience to his job as a recovery counselor, where he helps people who are struggling with substance use disorder and works to fight cycles of addiction and incarceration at the root. In his free time, Troy loves to kayak, run, and spend time with family.

Troy's story serves as a critical reminder of the positive ripple effects on communities and public safety that can occur when rehabilitated people are given a second chance at freedom.

TOWARD JUSTICE: THE FUTURE OF PIR

Over the past five years, PIR has been used in unique and inspiring ways by prosecutors exercising their discretion across the country. One such application of the law took place in Santa Clara County and was directed toward addressing a COVID-19 outbreak in 2021.⁴⁸ It resulted in the release of 105 incarcerated people.⁴⁹ Other examples involve the release of terminally ill people and those serving sentences that are now illegal, including a 24 years-to-life sentence for someone who was 14 years old at the time of the offense.

We are encouraged by the innovative uses of PIR across the U.S. Ultimately, our new vision for justice is a future in which prosecutors in all 2,300 offices nationwide see reviewing past cases as a critical function of their role.

As For The People and district attorneys' offices continue to deepen our commitment to PIR, stakeholders must remember the ideals we all value: safe and healthy societies, reunited families, and positive role models thriving in their communities. PIR provides a pathway for achieving this.

PIR does not only benefit the people who come home from prison once they are released; it can have a positive impact far earlier. According to Assistant District Attorney Woodley, who was instrumental in Troy's release, "The thing about this work that I think should be lauded more is the impact it's having on our prison population. They now have hope that there's a chance to come home even with a long sentence, because if they program, they go to class, they improve their education, it gives them a chance and incentive to do that work. And we all want that to make them better when they reenter our community—to be successful."⁵⁰

Assistant District Attorney Woodley's perspective underscores the collaboration that is core to PIR and at the heart of effectively bending the arc toward a new vision of justice, together.

ACKNOWLEDGEMENTS

I'd like to thank the *Berkeley Criminal Law and Justice Center*, John Jay College's Institute for Innovation in Prosecution, and the Berkeley Journal of Criminal Law, for organizing this symposium and providing the space for a robust and lively debate of prosecutorial and judicial discretion.

48. Davis et al., *supra* note 24, at 11.

49. *Id.*

50. The statement is from an upcoming, unreleased short documentary featuring Assistant District Attorney Dwain Woodley produced by For The People (on file with author).