

PART 4: WHY DO PROSECUTORS MATTER?

WHAT IS THE ROLE OF PROSECUTORS?

A Prosecutor's (sometimes called District Attorney or State's Attorneys) primary role in the legal system is to ascertain the truth and seek justice. They are the most powerful officials in the legal system because they control the direction and outcome of all criminal cases, including:



Charges

Prosecutors have wide discretion to decide whether to file charges as well as what to charge. The charge dictates the sentence a person can receive and may lead to other collateral consequences like losing the right to vote, employment, eviction, or deportation.



Bail

Prosecutors can request or recommend bail. If a person can not afford to post it, they can be (and often are) held in jail for several months or years even though they are awaiting trial and presumed to be innocent.



Evidence

Prosecutors have control over the evidence, and in most states, have enormous discretion to decide when to turn over witness statements, police reports and other information useful to the person being prosecuted.



Sentencing

Sentencing ranges are determined by the charge a prosecutor decides to pursue. In addition to deciding what to charge, prosecutors also have the ability to recommend to a judge what they believe is an appropriate sentence in any case. Judges typically consider a prosecutor's recommendation before imposing a sentence.



Plea Bargaining

Prosecutors also have control over the plea bargaining process. They decide what charge the person will plead to and whether to demand prison or an alternative to incarceration, such as probation, treatment or community service.



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*As a voter,
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WHY YOU SHOULD VOTE FOR YOUR PROSECUTOR

Traditionally, prosecutors have used their power in ways that contribute to overcriminalization and collateral consequences — such as evictions, felony disenfranchisement and deportation — and the ever-increasing use of incarceration over other less harmful alternatives. As a voter, you have the power to hold them accountable. By using the power of your vote, you can demand they use their office to change the way the legal system operates and end mass incarceration.

WHAT TO LOOK FOR IN A REFORM-MINDED PROSECUTOR?

Prosecutors play a dominant role in the legal process through the exercise of their broad, unchecked discretion. Given these powers, prosecutors are in the best position to make policy changes that can roll back over-incarceration and improve the overall fairness and efficacy of the legal system. Some of the things to look for in a reform-minded prosecutorial candidate include someone who:

- » **Engages** with the community
- » **Critically questions** accusations
- » **Uses restraint** when making charging decisions
- » **Is fair** when plea bargaining
- » **Holds police accountable**
- » **Seeks truth** over convictions
- » **Considers fairness** over punishment
- » **Thinks creatively and realistically** about public safety without resorting to fear and rhetoric
- » **Addresses racial disparities** in the legal system
- » **Changes office culture** and practice
- » **Creates effective sentencing** and conviction review
- » **Does not criminalize** mental illness, drug addiction or poverty
- » **Prioritizes** diversion, alternatives to incarceration, and violence interruption programs
- » **Promotes Restorative Justice**
- » **Treats children like children,** not miniature adults
- » **Accounts for the collateral consequences** to criminal convictions
- » **Supports** expungement and sealing of criminal records
- » **Challenges** the status quo

PROSECUTOR IMPACT OUTSIDE OF THE COURTHOUSE

The power and influence prosecutors wield extends beyond the courthouse. They do not just enforce laws, they also influence the people who make them. Prosecutors frequently lobby local, state, and federal legislators in support of or in opposition to proposed legislation.

As public officials, prosecutors also have a huge influence over the public’s perceptions of rising crime rates and definitions of public safety. This is in large part due to the media’s over-reliance on prosecutors and police as their sole source for crime reporting — we’ve seen it in everything from daily crime stories to the media framing of the case of the Central Park Five. As members of the law enforcement community, prosecutors have unique insights and perspectives that are highly influential in shaping the media and the public views on what people think about crime, how they think about it, and what solutions seem desirable.

See who is on your ballot at:
www.vote411.org/ballot

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JUSTICE