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A PROSECUTOR'S ROLE DOES NOT STOP AT CONVICTION

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INTRODUCTION

Traditional norms hold that a prosecutor's role effectively ends with the conviction and sentencing of a defendant. After all, that is the point at which the prosecution is complete. Future decisions related to the defendant are generally the province of various correctional officials unless and until the individual becomes a defendant once again.¹ Accordingly, when taken at all, post-conviction prosecutorial action is frequently reactive and limited in nature, with the conditions of the correctional facilities, community supervision² and reentry systems relegated to a secondary or tertiary concern. Yet, such a system threatens to undercut the prosecutor's own aims and misses a valuable opportunity to improve the justice system.

The source of this prosecutorial reserve is decidedly not because these post-conviction elements of the justice system are working well and do not need additional support. In many cases, they are not. Jails and prisons are frequently

1. One other notable exception is a possible appeal by the defendant, which would also trigger a prosecutor's involvement.

2. Throughout this paper the term "community supervision" is used to refer to probation and parole systems.

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the subject of lawsuits and news stories decrying their conditions³ and, unsurprisingly, recidivism rates for those ultimately released remain relatively high.⁴ Likewise, many probation and parole systems are in such a state of disarray that some defendants actually prefer incarceration as the lesser of two evils.⁵ A host of literature has similarly documented the travails of those with a criminal record who attempt to enter the workforce, find housing or engage in any number of other basic life activities.⁶ At the same time, a steady trickle of exonerees, including a few who actually pleaded guilty, suggests that even the conviction itself is not the ironclad reflection of truth and justice that it is hoped to be.⁷

This culture of noninvolvement and aversion to action on post-conviction issues does not stem from an inability to act on the part of prosecutors. In fact, in most jurisdictions, the law requires them to participate in various post-conviction proceedings such as expungement requests, or permits them to in the case of parole hearings. Further, the prosecution power itself grants prosecutors the ability to reach into jails and prisons to potentially curb abuses and even play an active role in community supervision proceedings in many states. Too often, however, prosecutorial engagement in each

3. The American Civil Liberties Union maintains a collection of court cases and stories about poor conditions at jails and prisons. See: "Cruel, Inhuman, and Degrading Conditions," Search ACLU, last accessed Feb 11, 2020. https://www.aclu.org/search/%20?f%5B0%5D=field_issues%3A94.

4. See, e.g., Mariel Alper et al., "2018 Update on Prison Recidivism: A 9-Year Follow-up Period (2005-2014)," U.S. Dept. of Justice, May 2018. <https://www.bjs.gov/content/pub/pdf/18upr9yfup0514.pdf>.

5. Courtney Collins, "Probation Costs Too Much, So He Chose To Go Back To Jail," *KERA News*, Dec. 4, 2018. <https://www.keranews.org/post/probation-costs-too-much-so-he-chose-go-back-jail>.

6. See, e.g., "Returning Home Study: Understanding the Challenges of Prisoner Reentry," The Urban Institute, last accessed Feb. 11, 2020. <https://www.urban.org/policy-centers/justice-policy-center/projects/returning-home-study-understanding-challenges-prisoner-reentry>; Diane Whitmore Schanzenbach et al., "Twelve facts about incarceration and prisoner reentry," Brookings Institution, Oct. 21, 2016. <https://www.brookings.edu/research/twelve-facts-about-incarceration-and-prisoner-reentry>.

7. "Browse Cases," The National Registry of Exonerations, last accessed Feb. 11, 2020. <https://www.law.umich.edu/special/exoneration/Pages/browse.aspx>.

of these areas is limited narrowly to the necessities of the case at hand with little attention paid to broader issues.

In light of this, the present study will delve into how prosecutors can aid themselves and the wider justice system through post-conviction actions. This will include an examination of why they should adopt a more nuanced and often assertive post-conviction role, as well as the actions they can take after the conviction has entered to help achieve these farther-reaching goals. Specifically, it will analyze opportunities to act with respect to the conviction itself, conditions of incarceration, community supervision systems, parole hearings, expungement processes and outreach to directly impacted individuals. It will conclude with a reflection on what more concerted prosecutorial post-conviction actions might mean for prosecutors and the justice system as a whole.

THE CASE FOR A GREATER POST-CONVICTION PROSECUTORIAL ROLE

Prosecutors have a clear interest in the health of every stage of an individual's journey from conviction to successful reintegration back into the community. This includes the potential realization of intangible goals such as the achievement of a just result and an individual's rehabilitation, as well as more tangible aims like improved public safety and a reduction in a prosecutor's caseload. Taken together, these should provide a powerful inducement for prosecutors to assume a greater role in criminal justice matters even after a conviction has entered.

Of course, the identification of a prosecutorial interest in these various parts of the post-conviction landscape is not to say that a prosecutor could unilaterally "fix" any given issue. Indeed, most are sufficiently complex and multifaceted that only the coordinated efforts of actors across the justice system—and for some, society as a whole—could solve them. But prosecutors can nevertheless make a significant dent in each of these areas, improving outcomes and aiding prosecutorial endeavors in the process.

The Conviction

Perhaps the most straightforward interest that prosecutors have in this set of issues is in the integrity of the conviction itself. Indeed, arguably that interest motivates nearly every action they will have taken up until that point. After all, it is the apex of the prosecution and an erroneous conviction represents a miscarriage of justice, as well as a potential threat to public safety given that, in some cases, it would imply the true culprit is still at large. If anything, these interests are even further magnified after the conviction has entered since, at that point, a sentence is attached that is no longer merely speculative.

The current dichotomy present in so many prosecutorial offices in which the legitimacy of the conviction instantly transforms from an all-consuming goal to a neglected afterthought is therefore a rather curious one. As the work of attorneys and advocates at the Innocence Project and elsewhere prove, our justice system is as prone to human error as any other human endeavor.⁸ Prosecutors who ignore this basic reality do not protect the legitimacy of the system by making any underlying mistakes evaporate; they simply undermine their own authority by outsourcing the pursuit of justice to others. Claiming a role in the review of convictions thus serves two purposes for prosecutors: improving the validity of convictions and once again operating as a public face of justice.

Given the primacy of convictions for prosecutors, the creation of a conviction integrity unit is a natural place to begin taking a more active post-conviction role. These units, which have been established in at least 54 jurisdictions⁹ and helped to exonerate 58 individuals in 2018,¹⁰ use prosecutorial resources to review prior convictions and other potential sources of errors. They can be especially valuable because of prosecutors' unique expertise to evaluate cases and access to evidence, as well as the special weight they can potentially bring to bear in court on the side of exoneration.

But, establishing a conviction integrity unit alone is not enough. Indeed, one of the more pointed criticisms of the practice is that district attorneys have sought to benefit from the public commitment to reviewing prior convictions without actually following through on that promise in a meaningful way.¹¹ For example, while many units are still quite young, a remarkable number have yet to exonerate a single person.¹² Although there is no single framework for an effective conviction integrity unit, a report from the University of Pennsylvania has laid out three principles in painstaking detail that provide an excellent starting point: independence, flexibility and transparency.¹³ In concert, these allow prosecutors within a conviction integrity unit to follow the truth without interference, wherever it might lead, and under full public view.

8. See "All Cases," The Innocence Project, last accessed Feb. 11, 2020. <https://www.innocenceproject.org/all-cases>.

9. These units are also growing in popularity, with the 2018 numbers representing a threefold increase over the previous five years. See: "Exonerations in 2018," The National Registry of Exonerations, April 8, 2019. <https://www.law.umich.edu/special/exoneration/Documents/Exonerations%20in%202018.pdf>.

10. *Ibid.*

11. Josie Duffy Rice, "Do Conviction Integrity Units Work?," *The Appeal*, March 22, 2018. <https://theappeal.org/do-conviction-integrity-units-work-a718bbc75bc7>.

12. "Conviction Integrity Units," The National Registry of Exonerations, last accessed Feb. 11, 2020. <https://www.law.umich.edu/special/exoneration/Pages/Conviction-Integrity-Units.aspx>.

13. John Hollway, "Conviction Review Units: A National Perspective," Penn Law: Legal Scholarship Repository, April 2016. http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=2615&context=faculty_scholarship.

In addition to a conviction integrity unit, or at a minimum in lieu of one, prosecutors should embrace continuing discovery obligations even after conviction. Through their interactions with law enforcement, ongoing investigations or other means, prosecutors will sometimes gain access to new information or evidence of an exculpatory nature to a convicted defendant. Legal and ethical rules often create only a relatively weak disclosure obligation,¹⁴ which also tends to rely upon the prosecutors' own judgments about whether the evidence would prove sufficiently helpful to the defense.¹⁵ As such, a strict adherence to the rules or a conservative interpretation of them is often not enough, and prosecutors should instead err to the greatest extent possible on the side of disclosure. The legal and logistical burdens in such a scenario still overwhelmingly rest with the defendant, meaning that the cost is relatively low for prosecutors to advance their interests in ensuring the ongoing integrity of convictions in this manner.

Conditions of Incarceration

The conditions of incarceration usually only appear on a prosecutor's radar as a collateral matter after there has been an incident worthy of prosecution. Root causes of the problematic behavior relating to the stresses of incarceration or inadequacies of the correctional environment may factor in a little to a prosecutor's sentencing recommendations, but they are highly unlikely to serve as the focus of prosecutorial attention themselves. This relatively reactionary and narrow view of conditions can be self-defeating since allowing many of these issues to fester will simply ensure additional cases and the need for further prosecutorial resources in the future. In addition, a violent correctional environment is unlikely to foster rehabilitation, which increases the odds of criminal acts that will require prosecution following an individual's release. Taking a more proactive interest in these conditions and wielding prosecutorial power to nudge them in a more productive direction can thus serve prosecutors and incarcerated individuals alike.

As with the conviction itself, a defendant's sentence remains susceptible to prosecutorial action even after adjudication. For sentences that involve incarceration, this means the conditions of the correctional facility, which may be out of a prosecutor's direct control—but not beyond her influence. As an initial matter, a more restrained sentencing policy can reduce overcrowding and alter the composition of the prison population itself. In terms of post-conviction actions, one of

the most important shifts is a philosophical one: ensuring that prosecutors never chalk-up poor conditions as simply part of the punishment.

Practically speaking, this means thoroughly pursuing allegations of abuse within a correctional institution, especially when it involves correctional officials. Prosecutors must recognize incarcerated victims *as victims* and work as hard to eliminate violence in that setting as elsewhere in the community. While sometimes the appropriate prosecutorial response will involve a prosecution, in other instances, the special circumstances of the correctional environment, which can be quite hostile to prosecution, may counsel against such action. In these cases, prosecutors should nevertheless endeavor, wherever possible, to make victim and witness services available to those involved and otherwise provide any relevant resources to affected individuals.

One potential strategy to achieve greater justice and security parity for incarcerated individuals is the creation of a specialized unit to handle all incidents and cases stemming from correctional institutions within the prosecutor's jurisdiction. An independent unit can ensure that the same prosecutors who are responsible for sending individuals to the facility are not the ones who must then build trust with those same incarcerated individuals. It would also allow these prosecutors to receive greater training on unique jail and prison issues, and increase their familiarity with the state of affairs of the institutions under their jurisdiction. This could increase the chances that prosecutors are able to spot systemic abuse or other more widespread issues. Prosecutors willing and able to take an additional step further might consider Lucy Lang's proposal for Civil Rights Enforcement Units, which would more explicitly focus on ameliorating prison conditions, and serve as liaisons with other government agencies to this end.¹⁶

Community Supervision Systems

As with conditions of incarceration, prosecutors often have inadequate insight into the health of the local community supervision system, despite its far-reaching implications for prosecutorial practices. Prosecutors may help establish the conditions of supervision, such as requesting drug screens or GPS monitoring, but may thereafter have no further connection with the case, even if the defendant violates the terms of release.¹⁷ Further, jurisdictions rarely collect comprehensive

14. Jeff Welty, "Does Brady Apply After a Conviction?", *North Carolina Criminal Law Blog*, April 17, 2012. <https://nccriminallaw.sog.unc.edu/does-brady-apply-after-a-conviction>.

15. Marc Allen, "Non-Brady Legal and Ethical Obligations on Prosecutors to Disclose Exculpatory Evidence," National Registry of Exonerations, July 2018. https://www.law.umich.edu/special/exoneration/Documents/NRE_Exculpatory_Evidence_Obligations_for_Prosecutors.pdf.

16. Lucy Lang, "Prosecutors Need to Take the Lead in Reforming Prisons," *The Atlantic*, Aug. 27, 2019. <https://www.theatlantic.com/ideas/archive/2019/08/urgency-prison-reform-and-what-prosecutors-can-do-about-it/596884>.

17. In some jurisdictions, however, prosecutors may actually conduct or otherwise participate in community supervision violation hearings. See, e.g., State of Massachusetts, "Rule 6: Conduct of violation hearings," *Massachusetts District/Municipal Court Rules for Probation Violation Proceedings*, Sept. 8, 2015. <https://www.mass.gov/districtmunicipal-courts-rules-for-probation-violation-proceedings/rule-6-conduct-of-violation#-f-participation-of-the-district-attorney>.

data on outcomes, leaving prosecutors with little sense of which conditions or terms of probation are proving effective and which are falling short.

This lack of visibility into these community supervision systems is detrimental to the systems as well as prosecutors. Without knowledge of outcomes, prosecutors may well continue to recommend terms or periods of probation with high failure rates. At the same time, ineffective community supervision is liable to encourage conditions conducive to future crime, thus generating additional cases that will result in prosecution. In short, better community supervision can reduce the frequency of a particularly frustrating prosecutorial experience: having to prosecute the same individuals time and again.

Yet, prosecutors do retain some ability to alter the course of community supervision systems. Prosecutors must handle any new offenses committed while an individual is under supervision and, in some jurisdictions, they may have a direct hand in supervision violation hearings themselves. While this may not allow them to alter the conditions or terms of supervision, it does mean that prosecutors can potentially end supervision entirely by requesting incarceration for a new offense or revocation based on the violation.

Although a common, and perhaps understandable, response to any new offenses committed while an individual is under supervision is to act swiftly and harshly to punish it, prosecutors may benefit from some restraint. Exceedingly long terms of supervision in which an individual is saddled with a plethora of unnecessary conditions can set individuals up for failure. Furthermore, in the case of more minor violations, it is worth considering whether a period of incarceration will push the individual back on the right track or just end up bringing them back to the very beginning of the rehabilitative process. Consequently, prosecutors should abandon any hardline policy that requires revocation or incarceration for any new offense, and line prosecutors should be allowed to use their judgment to consider whether there are solutions that are more productive in a particular case.

Equally important, prosecutors should not focus exclusively on those cases requiring additional prosecution or a violation hearing. Tracking post-conviction outcomes for all cases is the key to more nuanced and effective pre-conviction policies. Prosecutors may have a greater ability to discover and track these outcomes than they realize; through their role as charging gatekeepers they have access to data that can shed light on those who struggled following their involvement in the justice system. Aggregating this information and analyzing it for any trends can provide valuable information about which prosecutorial actions may be especially beneficial or detrimental to the rehabilitation of defendants. The full breadth of outcome data, of course, will likely remain outside

a prosecutor's purview, requiring lead prosecutors to work with their counterparts across the justice system to increase the amount of jurisdiction-wide data collected.

Parole Hearings

In many jurisdictions, a sentence can be substantially altered before its conclusion due to the availability of parole.¹⁸ This means that the same sets of interests and concerns about efficacy and justness that are present at the time of sentencing can rear their head again before the sentence runs its course. Unnecessarily maintaining the original terms of the sentence or erroneously changing them can have significant implications for the success of the individual in question and, by extension, the wider community. A high-functioning parole system that allows sentence conditions to evolve along with each defendant can be a key part of improving incarceration and community supervision outcomes.

Typically, prosecutors exert influence over parole proceedings directly through allocutions or the submission of written statements.¹⁹ Often, this means opposition, a rehashing of the details of the offense or simply channeling victim sentiments on the case.²⁰ While each of these can certainly have a place, policies without greater nuance risk squandering prosecutorial influence and increasing the odds of poor results. Acknowledging that an individual may have been particularly successful in reaching their potential for positive change or that the terms originally expected to facilitate that transformation are no longer appropriate does not undermine the sentence or its goals.

It can be difficult for prosecutors to gain the expertise necessary to evaluate the state of a defendant's rehabilitation, or to achieve the distance from the case or parties to do so objectively. This makes parole hearings one post-conviction area in which additional prosecutorial action may not be advisable. With prosecutors already overburdened, the best course of action for many offices may be to accept these limitations and to devote their resources to endeavors more squarely within the prosecutorial wheelhouse.

If, however, prosecutors wish to exercise a more active role in these proceedings, they must consider facts and concerns beyond those that were present at the time of the offense or the original sentencing. With this in mind, they should reject policies that create presumptions against parole or other-

18. In some jurisdictions, more limited resentencing proceedings might achieve a similar end.

19. See, e.g., R. Michael Cassidy, "Undue Influence: A Prosecutor's Role in Parole Proceedings," *Ohio State Journal of Criminal Law* 16:2 (2019). <https://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=2233&context=lsfp>.

20. See, e.g., Tom Robbins, "Took a Plea? Brooklyn's District Attorney Will Support Your Parole," *The Marshall Project*, April 17, 2019. <https://www.themarshallproject.org/2019/04/17/took-a-plea-brooklyn-s-district-attorney-will-support-your-parole>.

wise fail to render more individualized, forward-looking judgments. Prosecutorial support at a parole hearing can be a powerful thing, and prosecutors should not be afraid to use it to facilitate the rehabilitative and public safety goals of the office.

Expungement Processes

Even after a sentence has run its entire course, the record of the underlying conviction can create obstacles to reentry. While the exact collateral consequences of a conviction vary based on the state, as of January 2020, the National Inventory of Collateral Consequences totaled over 40,000 consequences across the United States spanning everything from employment to housing.²¹ In addition to these legal restrictions, individuals with a conviction face other, harder-to-pin-down employment barriers relating to stigma and bias that can make it exceedingly difficult to secure employment.

As the research shows and most prosecutors intuitively grasp, unemployment is strongly associated with crime and, therefore, additional prosecutorial burdens.²² Furthermore, many of these collateral consequences are never contemplated by prosecutors as practical parts of an individual's sentence and may even frustrate the aims of the prosecution by adding unnecessary punishments and counterproductive conditions. It is thus in the interests of prosecutors for the justice system to successfully rehabilitate not just the individual, but also his or her record, whenever possible and appropriate.

Expungement represents another prime opportunity for prosecutors to use internal mechanisms to advance post-conviction justice. While the exact process varies by jurisdiction, prosecutors usually have a significant part to play in expungement requests; their approval or acquiescence is often a factor for the acceptance of an expungement petition.²³ As such, office policies relating to how often or under which circumstances these petitions should gain a prosecutorial endorsement can have a significant impact on the degree to which individuals are able to clear their record.

Accordingly, prosecutors must move away from the kind of ad hoc manner in which some still approach expunge-

ment.²⁴ At a minimum, this entails devoting sufficient time and resources to the issue to ensure that relevant line prosecutors are well versed on the law and able to review meaningfully each petition as needed. More than that, however, it means developing expungement policies that adequately weigh and consider the significant collateral consequences of a conviction. For older and more minor convictions, this could involve general policies that create a rebuttable presumption in favor of expungement. Emerging pilot programs suggest that prosecutors could even automate such policies to a significant degree, freeing up even greater prosecutorial resources.²⁵

Outreach

There is a tendency to make the adversarial divide of the courtroom into a de facto permanent one for prosecutors and defendants. While there is understandably and rightly little direct interaction between these two groups during the criminal justice process,²⁶ the practical effect is that prosecutors lose valuable insight into a defendant's background, motivations and needs. Likewise, a failure to interact with these individuals after their convictions can deprive prosecutors of additional information relating to which sentencing terms were effective or detrimental and which, perhaps unintended, consequences resulted from their justice system involvement. Finding additional ways to interact with this group after the judicial process has run its course could allow prosecutors to better tailor their recommendations to help individuals succeed in the future.

As such, prosecutors should look for ways to engage with former defendants throughout the post-conviction time frame and expose their own line prosecutors to the realities of incarceration, community supervision and life with a criminal record. For example, the district attorney for Chittenden County, Vermont started a program to send her line prosecutors to a local prison so they could see firsthand the realities of incarceration and have greater context for the otherwise abstract sentencing figures they wrestle with on a daily basis.²⁷ The district attorney for Manhattan created a program that goes one step farther, partnering line prosecutors with currently incarcerated individuals to jointly examine the criminal justice system and explore the poten-

21. "Collateral Consequences Inventory," National Inventory of Collateral Consequences of Conviction, last accessed Feb. 11, 2020. https://niccc.csjusticecenter.org/database/results/?jurisdiction=&consequence_category=&narrow_category=&triggering_offense_category=&consequence_type=&duration_category=&page_number=1.

22. See, e.g., Steven Raphael and Rudolf Winter-Ebmer, "Identifying the Effect of Unemployment on Crime," *The Journal of Law & Economics* 44:1 (April 2001), pp. 259-83. https://www.jstor.org/stable/10.1086/320275?seq=1#metadata_info_tab_contents; Sandra Ajimotokin et al., "The Effects of Unemployment on Crime Rates in the U.S.," April 14, 2015. <https://smartechnology.gatech.edu/bitstream/handle/1853/53294/theeffectsofunemploymentoncrimerates.pdf>.

23. See, e.g., Brian M. Murray, "Unstitching Scarlet Letters?: Prosecutorial Discretion and Expungement," *Fordham Law Review* 86:6 (2018). <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=5526&context=flr>.

24. *Ibid.*

25. Matthew S. Schwartz, "San Francisco To Expunge Thousands Of Marijuana Convictions," NPR, Feb. 26, 2019. <https://www.npr.org/2019/02/26/698045482/san-francisco-to-expunge-thousands-of-marijuana-convictions>.

26. There are numerous constitutional protections and defense strategy reasons to maintain such a divide during the course of criminal proceedings.

27. Daniel Nihanian, "Prosecutor Sends Staff to Prison, in a Bid to Counter Their Reflex to Incarcerate," *The Appeal*, Aug. 14, 2019. <https://theappeal.org/political-report-vermont-prosecutor-sends-staff-to-prison-in-a-bid-to-counter-their-reflex-to-incarcerate>.

tial impact of different criminal justice policies.²⁸ Ultimately, initiatives like these can result in more informed and effective prosecutors who are able to approach the job with greater nuance and understanding.

CONCLUSION

From a case's inception to its resolution, the hand of the prosecutor can be felt in nearly every outcome. Consequently, the actions of prosecutors rightly get a lot of attention. Even small alterations in policy can ripple out and have an outsized impact on the criminal justice system. With over 16 million cases filed each year,²⁹ 2.3 million Americans incarcerated at any given moment³⁰ and roughly 77 million with some form of criminal record,³¹ the pressure is understandably on the side of policies that rein-in a prosecutor's proclivity to act. Yet, as this paper shows, there is one area in which the system would benefit from additional prosecutorial action: after a conviction has entered.

Prosecutors can make great strides toward remedying this shortcoming by leveraging internal policies and existing authorities to wield greater influence in the post-conviction space. By keeping these actions in house, prosecutors obviate the need for much, if any, outside support, thereby lowering the barriers to action and maintaining greater control over the process and outcomes. Especially in concert with pre-conviction policies geared toward an individual's successful reentry,³² the post-conviction actions described herein can help prosecutors to assert a more proactive role shaping a more effective back half of the justice system. In addition, these post-conviction interests and internal policies provide a powerful foundation from which lead prosecutors can engage in advocacy aimed at addressing truly systemic issues.

A conviction ends a prosecution but it should not foreclose future action by prosecutors. Prosecutors maintain too many vital interests in the success of defendants to abdicate a post-conviction role and while their power is more limited after the conviction enters, they still possess enough to influence the system for the better. As such, for their own good and that of the rest of the criminal justice system, prosecutors should embrace their post-conviction role.

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28. See, e.g., Cyrus R. Vance Jr. et al., "Prosecutors, Reentry, and Public Safety," Institute for Innovation in Prosecution at John Jay College, September 2019. https://static1.squarespace.com/static/5c4fbee5697a9849dae88a23/t/5d8b7ac4ee425a54655d538f/1569422021107/Exec+Session_Prosecutors%2C+ReEntry%2C+and+Public+Safety.pdf. A handful of U.S. Attorney's offices have even created reentry programs that involve partnering with local employers and other resources to help ease an individual's return to the community and facilitate employment. See, e.g., "Disrupting the Cycle: Reimagining the Prosecutor's Role in Reentry," New York University Center on the Administration of Criminal Law, 2017. https://www.law.nyu.edu/sites/default/files/upload_documents/CACL%20Report.pdf.

29. Alexandra Natapoff, "'Punishment Without Crime' Highlights The Injustice Of America's Misdemeanor System," NPR, Jan. 2, 2019. <https://www.npr.org/2019/01/02/681606995/punishment-without-crime-argues-that-americas-misdemeanor-system-targets-the-poo>.

30. Wendy Sawyer and Peter Wagner, "Mass Incarceration: The Whole Pie 2019," Prison Policy Initiative, March 19, 2019. <https://www.prisonpolicy.org/reports/pie2019.html>.

31. Chidi Umez and Rebecca Pirius, "Barriers to Work: People with Criminal Records," National Conference of State Legislatures, July 17, 2018. <http://www.ncsl.org/research/labor-and-employment/barriers-to-work-individuals-with-criminal-records.aspx>.

32. See the New York University Center on the Administration of Criminal Law report on prosecutorial reentry role at: https://www.law.nyu.edu/sites/default/files/upload_documents/CACL%20Report.pdf.