

2023 Public Safety Agenda for Newly Elected Prosecutors



Newly Elected Prosecutors

INTRODUCTION



Prosecutors are a key factor in public safety and justice within our communities. In this last election, we saw voters overwhelmingly support candidates that support safe and smart criminal justice reform efforts—the key word being “smart.” To help assist newly elected prosecutors—or seasoned prosecutors—in creating and advancing their public safety agenda this year, we are providing this information on key criminal justice initiatives. These efforts generally foster bipartisan support because they focus on pragmatic criminal justice system changes that are fiscally responsible, uphold fundamental rights and maintain public safety.

AGENDA ITEMS



TRAINING:
Teaching front-line prosecutors about more than trial techniques.



- ❓ **Why:** Prosecutors are often taught the technical aspects of their job, but are not typically exposed to how their actions affect individuals and public safety. Prosecutors’ offices should offer additional education on the effectiveness of different sentencing options, the impact of pretrial detention, and lengthy jail and probation sentences and individualized rehabilitative options. These options can promote success or reduce recidivism for a defendant.
- ✔ **Benefit:** Prosecutorial discretion can impact people’s lives and public safety. Prosecution offices need to provide front-line prosecutors with the [research](#) showing the negative impacts of mass incarceration, the collateral consequences of even one day of jail and the harmful effects of lengthy sentences. Indeed, some [studies](#) show that policies that are more proactive and community-focused are more effective in reducing recidivism and improving public safety.
- 📌 **Take note:** When prosecution offices are looking to implement criminal justice reform initiatives, it is important to garner buy-in from their staff to make sure that such changes are effective. Training prosecutors on the science behind such initiatives is a great step to help support the change management process for these initiatives.
- ★ **Examples:** Types of training that prosecutors should be exposed to are traditional instruction—such as the Association of Prosecuting Attorneys’ material on [collateral consequences](#) and [evidence-based alternatives to jail](#)—as well as other educational platforms like [panels](#) and [podcasts](#).

DIVERSION:

Using alternative prosecutorial tools to promote accountability and address underlying root causes.

- ? **Why:** Diversion is neither novel or new, however, a 2019 [study](#) revealed that only 55 percent of 220 prosecutor offices surveyed use diversion. Some prosecutorial offices are facing high rates of [dismissal](#) of low-level charges—often due to a lack of resources or honorably trying to avoid criminalizing behavioral health issues. However, [diversion](#) programs—rather than declinations—can be much more effective in providing individuals support and access to resources to deter recidivism. Further, diversion helps address community concerns that case dismissal diminishes personal accountability and crime deterrence.
- ✓ **Benefit:** [Diversion](#) is often coupled with community service, treatment and addressing harms to the community. This approach can help reduce the probability of future arrests and hold the accused accountable for their actions. Further, diversion helps alleviate the pressure on resource-strapped courts and prosecution offices. Prosecution offices can promote public safety and fiscal responsibility by starting or expanding their diversion programs.
- 📌 **Take note:** Some communities may struggle with access to adequate [resources](#) to assist defendants, making prosecutors hesitant to support such an option. However, a conviction generally does not provide [access](#) to any additional resources and a diversion officer or coordinator can assist someone in finding resources, even outside of the community.
- ★ **Examples:** Diversion [programs](#) can be found across the nation. They can be specific to juveniles, as in [Kootenai County, Idaho](#), or adults, as in [Dallas County, Texas](#). Diversion programs can also be pre-charge—as in [Jefferson County, Colo.](#)—or only for specific offenses, such as [mental health](#), [DUIs](#) or [domestic violence](#).

SECOND LOOK:

Prioritizing fairness, justice and good behavior post-conviction.

- ? **Why:** [Prosecutors](#) are not only required, but are also in the best position, to ensure justice. They do this in many ways, but more frequently prosecutors are taking a “second look” to identify wrongful convictions or unnecessarily lengthy sentences that do not serve justice. Freeing the innocent and evaluating whether a sentence has accomplished the [fundamentals of punishment](#)—such as rehabilitation, retribution and restitution—is just as much a part of justice as convicting and sentencing the guilty. Prosecutors can best evaluate cases and individuals to see whether incarceration is in the best interests of justice.
- ✓ **Benefit:** Courts have [exonerated](#) over 3,000 individuals in the United States over the last 30 years. So it is not surprising that prosecution offices have taken it upon themselves to review cases for potential wrongful convictions. Similarly, [second-look laws](#) have grown in popularity, resulting in reduced sentences due to new mitigating information or an individual’s character improvement or age supporting a more lenient sentence. A growing body of [research](#) shows lengthy sentences to be ineffective and counterproductive to public safety. Freeing the innocent and the rehabilitated can better prioritize prison resources for high-risk offenders, reestablish community trust and, ultimately, save taxpayers millions of dollars.
- 📌 **Take note:** Some states do not allow prosecutors to initiate proceedings to right wrongful convictions or reduce sentences. For example, prosecutors in [Florida](#) have no legal means to vacate wrongful convictions.
- ★ **Examples:** Several prosecution offices have launched specific “review” or “integrity” units to evaluate cases for exoneration or resentencing. Examples of these units can be found in [Brooklyn, N.Y.](#), [Denver, Colo.](#) and the [13th Judicial District in Florida](#).

FOR
ADDITIONAL
SUPPORT

— If you need help with further research around these issues, information on implementing these types of initiatives or anything else, please do not hesitate to reach out.

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