

Subject: Time for Action: 10 Things Prosecutors Can Do Now
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Prosecutors' Center for Excellence

Working to Improve the Criminal Justice System



Did You Know Series

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Time for Action

10 Things Prosecutors Can Do Now

The killing of George Floyd by police is a tragic and disturbing event that is a call to action for those in the criminal justice system. The protests and outrage are in almost every corner of our nation and worldwide. The injustice and inequality in our society is well known and cannot be ignored. It is clear that we must do better.

Prosecutors' Center for Excellence (PCE) works with all prosecutors, large and small, to inspire and implement improvements and best practices. Now is the time for every prosecutor to pledge to build trust with their communities and to embrace reforms that make the criminal justice system more fair and just. Though prosecutors cannot single-handedly solve the systemic inequities suffered by people of color in health care, education, housing or employment, there is much they can do.

Here are some initiatives championed by PCE, along with examples, that prosecutors can implement **now**.

Racial and Ethnic Disparities in the Criminal Justice System - Listen and Learn:

1. **Self-Reflection:** Teach staff about racism and implicit bias. Ask what you have learned from this time. Ask your staff how they are feeling. (**King County Attorney's Office, Washington (Seattle)** has an Equity and Social Justice Team that spearheads discussions about implicit bias and racism. [Read](#))
2. **Reach Out to Your Community:** Reach out regularly to all of your constituents, whether they agree with you or not. Meet them in their space. (**Nassau County District Attorney's Office, New York** has a Community Partnership Program that works consistently with various advocacy/affinity groups and re-entry organizations. [Read](#))
3. **Community Advisory Board:** Seek the advice of community leaders and create an advisory board to learn directly about community concerns and receive input on prosecutor policies. Ask the leaders what public safety means to them. (**Dallas County District Attorney's Office, Texas** has a Community Advisory Board to help develop and improve internal policies. [Read](#))
4. **Data:** Review data to learn if there are unfair disparities in arrests, pre-trial detention, and sentencing. Review who is held on bail and why. Can the use of bail be reduced? (*During the pandemic many prosecutors and defense attorneys worked together to identify pre-trial detainees who could be released from jail.*)

Policing and Reducing the Criminal Justice Footprint:

5. **Officer Involved Fatalities:** Independently and quickly investigate officer involved fatalities and fully report on the findings (**Ramsey County Attorney's Office (St. Paul), Minnesota** participated in the development of the Officer Involved Fatality Tool Kit which outlines how to investigate these cases with the input of the community. [Read](#))
6. **Bad Cops:** Develop guidelines for how to collect and disclose credibility issues and acts of misconduct involving law enforcement officers. (**Pennsylvania District Attorney's Association Best Practices Committee** created statewide guidelines on this process. [Read](#))
7. **Reduce the Prosecution of Low-Level Offenses:** Review the need to prosecute low-level cases that can create a downward spiral of incarceration, fines and fees that disproportionately impact the poor. (**Shelby County District Attorney General's Office (Memphis), Tennessee** dismissed thousands of unlicensed driving cases and no longer prosecutes standard unlicensed driving cases. [Read](#); **Yolo County District Attorney's Office, California** diverts low-level cases to a Neighborhood Court with community members as judges. [Read](#))
8. **Preventing Crime:** Develop programs that can prevent crime in the first instance, such as education and mentoring programs for at-risk youth. (**East Baton Rouge District Attorney's Office, Louisiana** partnered with local business leaders to create the non-profit Truce Program that supports youth and their families. [Read](#))
9. **Expungement and Sealing:** Remove old low-level warrants and expunge eligible convictions from court records. (**Kansas prosecutors** collaborated on Clean Slate Day events with Kansas courts, the Bar Association and the defense to facilitate the expungement of eligible cases. [Read](#))
10. **Treatment and Diversion from Incarceration:** Promote treatment and diversion programs for those with substance abuse and/or mental illness, and advocate for needed social services in the community. (**Bronx District Attorney's Office, New York** Alternative to Incarceration Bureau includes substance abuse and mental health services. [Read](#))

Many of these programs can be implemented with little or no cost. These initiatives have improved prosecutors' relationships with the community, initiated discussions about implicit bias

and racism, and put a spotlight on identifying bad cops. Internally these programs have enhanced prosecutor morale, deepened prosecutors' understanding of the people they serve and freed up resources critically needed to keep communities safe.

Prosecutors must spearhead the reform of the criminal justice system. They have the experience and clout needed to implement effective proposals. One step will lead to another and reconciliation will follow. PCE is committed to supporting prosecutors through this journey of improvement.

Peace and Good Health to All

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