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Time for Action: 10 Things Prosecutors Can Do Now

The killing of George Floyd by police was a tragic and disturbing event that is a call to action for those in the criminal justice system. As protests and outrage have surfaced in almost every corner of our nation and worldwide, the injustice and inequality in our society is receiving increased scrutiny and study. It is clear that we must all do better.

Prosecutors' Center for Excellence (PCE) works with all prosecutors, large and small, to inspire and implement improvement 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 singlehandedly solve the systemic inequities suffered by people of color in health care, education, housing or employment, there is much they can do to create a more equitable society.

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

Listen and Learn

- 1. Engage in Self-Reflection:** Ask legal and non-legal staff how they are feeling and seek input. Sponsor training on implicit bias and the history of racism. Encourage empathy for all served by the office. (*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 the members of your community. Go to each neighborhood; listen and ask "what does public safety mean to you"? (*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. Create a 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. (*Jackson County Prosecuting Attorney's Office (Kansas City), Missouri has a Community Advisory Board that provides a critical perspective on crime and policy ideas.*)
- 4. Use Data:** Gather available data to learn if there are unfair disparities in arrests, pre-trial detention, and sentencing. Review who is held on bail and why; determine if 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.*)

Police

- 5. Develop Policies for 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. Identify and Track Problematic Cops:** Develop guidelines for how to collect, analyze 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](#)*)

Reduce the Criminal Justice Footprint

- 7. Reduce the Prosecution of Low-Level Offenses:** Review the need to prosecute low-level cases that can create a downward spiral of fines, fees and incarceration that disproportionately impacts 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. Prevent 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. Assist with 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. Support 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](#)*)

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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 problematic police officers. Internally these programs have enhanced prosecutor morale, deepened prosecutors' understanding of the people they serve and created efficiencies to allow prosecutor to focus their resources on the matters most 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. The key is to start. One step will lead to another and additional initiatives will emerge and develop. PCE is committed to supporting prosecutors through this journey of improvement.



Peace and Good Health to All

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