



NBP

May 2023



THE NEW ROLES OF THE MODERN PROSECUTOR

Sponsored by:

KARPEL
FOUNDATION





The New Roles of the Modern Prosecutor

THE NATIONAL BEST PRACTICES COMMITTEE	1
INTRODUCTION	2
EVOLUTION OF TRADITIONAL ROLES	2
PROBLEM SOLVER	3
INNOVATOR	3
LEADER IN DATA COLLECTION AND TRANSPARENCY	3
COMMUNITY PARTNER	4
CRIME PREVENTION STRATEGIST	4
SERVICE AND TREATMENT FACILITATOR	5
CONVICTION AND SENTENCE REVIEWER	5
POLICY ADVOCATE	6



THE NATIONAL BEST PRACTICES COMMITTEE

Prosecutors' Center for Excellence's National Best Practices Committee (NBP) brings prosecutors together to share ideas, discuss challenges, and develop guidance on today's prosecution best practices.

The NBP members are experienced prosecutors from large and small offices in 27 states. The committee meets on a regular basis to collaborate on creating a vision for the prosecutor office of the future.

The mission of the NBP is to improve the criminal justice system by providing support, guidance, and considerations for prosecutors. The NBP addresses the challenging issues impacting victims, witnesses, the accused, and the community. The guiding principles for NBP's work are a commitment to justice, integrity, ethics, fairness, and equity for all.

See our work at: [National Best Practices Committee Webpage.](#)



The New Roles of the Modern Prosecutor

INTRODUCTION

Prosecutors are entrusted with the duty to do justice. Prosecutors also serve an essential gatekeeping function for various police agencies and can implement pre- and post-filing initiatives. In a world of greater transparency, community feedback, and increased awareness of systemic injustice, the unique mission and authority of the prosecutor has come under scrutiny. This is an opportunity for modernization. Many communities, especially those who are most marginalized, are seeking robust improvements to the criminal justice system and an acknowledgment that not all problems can be fixed by law enforcement. Doing justice, in some cases, may require partnerships and innovation in addition to the traditional work of prosecuting criminal offenses. The prosecutor is uniquely positioned to influence the evolution, perception, efficiency, and equity of the criminal justice system – and by doing so, prosecutors lay the foundation for ensuring justice.

The goal of article to provide prosecutors with suggestions for articulating their evolving role. Even in offices where heavy workloads are balanced against limited resources, prosecutors can consider expanding their sphere of influence within the context of their community's needs and available resources.

EVOLUTION OF TRADITIONAL ROLES

Historically the core roles of the prosecutor have been to be a minister of justice who enforces the law by evaluating cases brought by the police, represents the community in criminal cases, and advises law enforcement. These roles continue to be an important part of every prosecutor's job. However, modern prosecutors view their function more expansively. Many prosecutors are already taking a holistic approach, addressing crime prevention, advocating for programs to benefit those charged with crimes, and reviewing past convictions, rather than merely reacting to cases brought to them. Of course, the more prosecutors expand their focus beyond their historical core function, the more they must rely on willing partners and communities and adapt to the needs of their jurisdictions. This collaboration is a goal of modernization. However, without resources and funding, prosecutors may be confined to their basic functions.



Many prosecutors across the country have adopted one or more of the roles outlined here and continue to refine and expand these roles. Their work has helped to provide a vision for the future of a modern prosecutor’s office. Inevitably, the role of the prosecutor will continue to evolve.

PROBLEM SOLVER

Prosecutors solve problems for their communities. They are turning to non-legal solutions and advocating for resources and services to address and prevent pressing community concerns. They have developed Family Justice Centers, created programs for at-risk youth, funded school and sports programs, and initiated community-run courts. They also have focused the community on current crime problems and presented solutions.

[See video of Jackson County, Missouri Prosecuting Attorney Jean Peters Baker on how the office provides trauma-related services to non-fatal shooting victims.](#)

INNOVATOR

Prosecutors innovate as they develop new approaches to the public safety issues of their community. The innovations are far-ranging. A sampling of innovations led by prosecutors include: [anti-bullying hotline](#), [cultural awareness app for police](#), [automated expungement and sealing program](#), [resource hub for victims and witnesses](#), [resentencing clinic for old sentences](#), [live chat to help identity theft victims](#), [resources to assist jurors with post-trial trauma](#), [job fairs for previously convicted persons](#) and much more, see PCE’s [Innovation Blogs](#).

LEADER IN DATA COLLECTION AND TRANSPARENCY

Prosecutors collect data, making it available to the public and using it internally for management. These prosecutors create a culture that values data and requires its accurate collection. This is a step not often taken by others in the legal profession. Public data dashboards – strong indicators of a data culture – were once primarily



limited to offices in major metropolitan areas, but are now cropping up in smaller offices as well. See [Prosecutor Data: Where is it Now and Where is it Going?, PCE](#)

[See video of Yolo County District Attorney Jeff Reisig on data and working with a Community Advisory Board.](#)

COMMUNITY PARTNER

Prosecutors are the central law enforcement figure in many counties, especially in jurisdictions with multiple police departments. Prosecutors can partner with and organize community stakeholders to work on problems of mutual interest. These meetings also provide continuing community input to the prosecutor and law enforcement. The collaborations take various forms. Some prosecutors have formed Community Advisory Boards that include an array of representatives, such as clergy, business leaders, community organizers, government agencies, and those who have been directly impacted by the system. Other convenings focus on affinity groups addressing issues of importance to a specific group, such as African Americans, LGBTQ, youth, businesses, clergy, and others. Convenings hosted by the prosecutor can address specific topics, such as juvenile justice, car jackings, or opioid overdoses – or they can be regular check-ins to allow community members to voice their concerns and receive updates on local issues. See [PCE Pop-Up on Community Advisory Boards](#).

CRIME PREVENTION STRATEGIST

Studying crime patterns and identifying drivers of crime is traditionally the province of the police, with the prosecutors waiting for cases to be brought to them. However, with the advent of Crime Strategy Units in prosecutors' offices, and the hiring of crime analysts, prosecutors can become proactive. Modern prosecutors can conduct their own research on crime, meet with the community about crime issues, create their own priorities for focus, and encourage the police to follow. See [The Problem-Solving Prosecutor: Modern Variations on the Crime Strategies Unit, PCE and Aequitas](#) and [The Prosecutor's Crime Analyst: An Essential Employee, PCE](#).



SERVICE AND TREATMENT FACILITATOR

Prosecutors are facilitators of treatment and services for offenders, victims, and witnesses in a variety of ways. They have spearheaded the idea and collaborated with the courts and others to create specialty courts that provide treatment such as Drug Court, Mental Illness Court, Veteran’s Court, and Homelessness Court. Prosecutors additionally are leading programs that offer treatment before charging, during the pendency of a case, and even re-entry programs after the completion of a sentence. The prosecutor’s goal is to provide offenders with the treatment and services that will help them lead a law-abiding and rewarding life, and to help victims and witnesses recover from the trauma they experienced. See [Seeking Justice and Solutions: A Prosecutor's Guide to Opioid Investigations, Part 4 - Staten Island District Attorney's Office, PCE and Aquitas](#) and see [San Diego City Attorney's Study on Recidivism After Diversion Programs](#). Prosecutors have also created and advocated for Family Justice Centers, Child Advocacy Centers, and other robust services for victims and witnesses.

[See video of former King County, Washington Prosecutor Dan Satterberg talking about prosecutor led treatment programs.](#)

CONVICTION AND SENTENCE REVIEWER

Uncovering innocence and remedying injustice in closed cases are an essential part of a prosecutor’s work. Prosecutors are creating conviction review units or processes that review individual convictions, analyze systemic and problematic issues that impact old cases and identify excessive sentences. This work can lead to exonerations and resentencings. See [Conviction Review Today - A Guide for Prosecutors, PCE](#). The prosecutor can also spearhead efforts to identify root causes of the harms in the past, so they can be corrected for the future.

[See video of DA Jeff Reisig discussing his Resentencing Clinic with a local law school](#)



POLICY ADVOCATE

Modern prosecutors, most of whom are elected, operate in a political environment. Prosecutors use their clout to advocate for an improved criminal justice system and sound the alarm on threats to public safety. However, new laws and actions by other government officials can impact the work of a prosecutor's office and prosecutorial discretion. As political discourse has become more divided, prosecutors can be at odds with public officials and advocates. Nevertheless, guided by the rules of professional responsibility and the laws of their jurisdiction, prosecutors must advocate in many spheres, including the political arena, for the policies that best serve their community.