

PROSECUTORIAL REFORM AND WHY IT'S NEEDED



PHOTO: CORGARASHU

What is Prosecutorial Reform?

Deep and long-lasting reductions to U.S. jail and prison populations cannot be achieved without major transformations to the practices of elected prosecutors.

Prosecutors are the most influential actors in the criminal justice system. For decades, they have exercised their nearly unchecked power to push for more punishment in their local communities. Instead of addressing the root causes of crime, prosecutors have focused on obtaining convictions and harsh prison sentences at any cost. Prosecutors' decisions are a major driver of mass incarceration that compounds racial disparities throughout the justice system.

Prosecutorial reform means fundamentally altering the incentives that drive prosecutors. It means supporting reform-minded prosecutors committed to reducing incarceration and prioritizing alternatives that are more effective at preventing future crime and improving community health. It means supporting prosecutorial practices that proactively address racial disparities in the criminal justice system. It also means holding prosecutors accountable like never before—in the courts, in the legislatures, and in the court of public opinion—when they operate in the dark, seek convictions at any cost, or stand in the way of the growing public consensus demanding an overhaul of the criminal justice system.

FACTS AND FIGURES

WHY CARE ABOUT PROSECUTORIAL REFORM?

- No locally elected official has more power and less accountability than a prosecutor. Their decisions have an enormous impact on incarceration rates and racial disparities in the criminal justice system. Their power has only been enhanced by decades of “tough on crime” laws like mandatory sentencing schemes.
- Prosecutors' charging decisions and plea bargain offers are practically unreviewable. Prosecutors' decisions to bring severe charges often pressures individuals charged with crimes to plead guilty.
- About 95% of defendants plead guilty, where a judge has little or no role. Instead it is the prosecutors' unilateral decisions that are most likely to decide whether a person spends time in jail or prison and for how long.
- Prosecutors constitute a powerful lobby frequently opposing sensible bipartisan reform efforts that would reduce incarceration and create more effective, less costly alternatives to jails and prisons. Prosecutors who support criminal justice reform can be a powerful force for reform.
- A growing number of forward-thinking prosecutors are leading the way in changing this culture and implementing new approaches. Across the U.S., these prosecutors are pioneering innovative practices that have reduced incarceration and address racial disparities. They have worked to become more transparent with and responsive to the communities they serve. These prosecutors' successes should be supported, replicated, and urged on to further reform.