

If you are thinking about running for local office to positively impact lives and to transform communities, elected prosecutor might be right for you.

A new wave of reform-oriented candidates are increasingly winning these offices and implementing bold agendas that reduce mass incarceration, fight racial injustice, and protect civil rights and civil liberties in their local communities, regardless of what happens at the federal level.

## WHY RUN FOR LOCALLY ELECTED PROSECUTOR?

An elected prosecutor is the top law enforcement official in a local county or district. Depending on the state, an elected prosecutor may go by titles like “District Attorney,” “State Attorney,” “Prosecuting Attorney” or “County Attorney.” They are elected to 4-year terms by the voters in the county or local district that they serve.

### What does an elected prosecutor do?

Elected prosecutors are among the most powerful of local officials. They decide whether to charge someone with a crime or offer a second chance; to divert someone to treatment or lock them up in prison. Elected prosecutors can also protect many other civil rights and liberties, for example:

- decline to prosecute for simple drug possession,
- decline to prosecute offenses with large racial disparities in arrest rates,
- consider immigration consequences when deciding whether and how to charge a crime,
- decline to prosecute women who seek an abortion contrary to anti-choice state laws,
- prioritize prosecution of environmental crimes, wage theft, and corruption.

Elected prosecutors' opinions are also enormously influential to lawmakers, and their voice can make or break proposed criminal justice reforms.

**Voters overwhelmingly prefer prosecutor candidates who commit to reform:**

**89%**

**voter support for ending mass incarceration**

**77%**

**voter support for reducing racial bias**

**79%**

**voter support for holding police accountable**

2017 National Phone Survey of Likely Voters, David Binder Research (Nov. 2017) (<https://www.aclu.org/press-releases/americans-overwhelmingly-support-prosecutorial-reform-poll-finds>)

## What kind of people are elected as prosecutors?

Recently-elected prosecutors include increasing numbers of women, people of color, public defenders, civil rights attorneys and candidates with no previous prosecutor experience. A 2019 study also found that when women of all races and men of color run in competitive prosecutor races, they are more likely to win than white men.<sup>1</sup>

- In 2016, **Aramis Ayala** became the first black woman ever elected as a States' Attorney in Florida history. Ayala had worked extensively as a public defender in addition to her prior experience as a prosecutor.
- In 2017, **Larry Krasner**, a civil rights attorney with no prior prosecutorial experience, ran on a platform of reducing incarceration in Philadelphia and was elected as District Attorney.
- In 2018, **Rachael Rollins** became the first black female District Attorney in Massachusetts when she was elected in Suffolk County (Boston), after promising to stop prosecuting certain crimes with high racial disparities. Rollins' previous experience included time as an employees' rights attorney and civil rights lawyer.
- In 2019, **Parisa Deghani-Taft**, who emigrated to the United States as a child and spent her career as a public defender and law professor working to exonerate people who were wrongfully convicted, was elected as the commonwealth attorney in Arlington, Virginia.

1 Reflective Democracy, "Tipping the Scales: Challengers Take on the Old Boys Club of Elected Prosecutors (Oct. 2019) (<https://wholeads.us/tipping-the-scales-read-the-report/>)

2 Wendy Sawyer and Alex Clark, New data: The rise of the "prosecutor politician", Prison Policy Institute Blog (July 13, 2017) (<https://www.prisonpolicy.org/blog/2017/07/13/prosecutors/>)

3 Congressional Research Service, Membership of 115th Congress (Dec. 20, 2018) (<https://fas.org/sgp/crs/misc/R44762.pdf>)

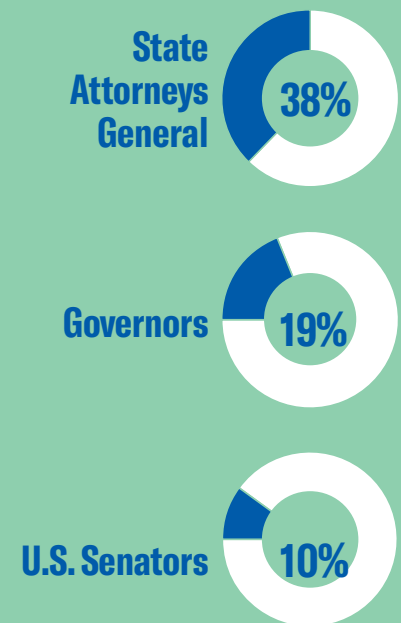
## What pro-civil liberties policies should be championed by elected prosecutors?

Prosecutors should prioritize the following four areas to promote civil rights and civil liberties:

- **Adopt radical transparency.** Prosecutors' offices have historically been "black boxes" hidden from public view. Gathering and sharing data allows prosecutors to measure outcomes, identify racial disparities, and fosters accountability and rebuilds trust with communities.
- **Become a vocal champion of statewide reforms.** Elected prosecutors should actively support state laws to reduce incarceration and distance themselves from state prosecutor associations that have long supported the "tough-on-crime" status quo.
- **Pledge to reduce incarceration by a specific percentage during the first term.** Every elected prosecutor should set a measurable goal for reducing incarceration and share a plan to get there. For example, recently-elected Dallas District Attorney John Cruzot pledged to reduce incarceration 15–20% through a combination of reforms, including limits on cash bail. Chicago State's Attorney Kim Foxx reduced the number of people sent to prisons by 19% with sentencing reforms and expanded diversion programs.
- **Transfer resources to community-based solutions outside the criminal legal system.** Many social issues, like substance dependency and mental health needs, should not be handled by the criminal legal system. As gatekeepers of that system, elected prosecutors should advocate that public resources be prioritized for community-based services better equipped to treat these problems.

## LOCALLY ELECTED PROSECUTORS GO TO HIGHER OFFICE

### Office-Holders With Prosecutorial Backgrounds (2007–2017)<sup>2</sup>



**47**  
members of the  
115th Congress are  
former prosecutors<sup>3</sup>

The ACLU is a non-partisan organization that does not endorse or support any individual candidate for office. To learn more about the ACLU's publicly-available resources on prosecutor reform, contact Taylor Pendergrass, [tpendergrass@aclu.org](mailto:tpendergrass@aclu.org).