

The Crime Report | (<https://thecrimereport.org/2017/07/24/americas-new-breed-of-prosecutors/>)

America's New Breed of Prosecutors

By **Meg Reiss** | July 24, 2017

An estimated 10,000 people will avoid fines, jail time, and severe collateral consequences including loss of employment and housing that accompany arrest and misdemeanor convictions due to a [policy shift announced](http://mailchi.mp/0c5758a8c210/ending-the-criminal-prosecution-of-low-level-offenses?e=47c8c18109)

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The move, to no longer prosecute turnstile jumping, is among a number of similar actions taken by prosecutors across the country to ease the fear of arrest and prosecution faced disproportionately by low-income individuals and people of color.

Cook County, Illinois State's Attorney Kim Foxx's office [will not prosecute driving offenses](#)



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(<http://www.chicagotribune.com/news/local/breaking/ct-states-attorney-traffic-offense-prosecution-20170615-story.html>) that arise from financial hardship, such as driving with a license that was suspended as a result of being unable to afford a traffic fine.

Similarly, prosecutors around the nation have chosen not to prosecute marijuana possession, and not just in places where the air carries the scent of patchouli.

District Attorney Mark Gonzales of Nueces County, Texas [has announced](http://www.caller.com/story/news/local/2017/01/06/first-week-wrap-nueces-county-da/96244984/) (<http://www.caller.com/story/news/local/2017/01/06/first-week-wrap-nueces-county-da/96244984/>) that marijuana possession of two ounces or less will be penalized by fine or community service rather than criminal prosecution. And in Brooklyn, N.Y., Acting District Attorney Eric Gonzalez has implemented a [new policy](http://gothamist.com/2017/04/24/brooklyn_da_training_prosecutors_to.php) (http://gothamist.com/2017/04/24/brooklyn_da_training_prosecutors_to.php) aimed at minimizing the collateral immigration consequences of misdemeanor and low-level offenses by making strategic charging decisions.

These measures are an important step in remedying the disproportionate impact that the criminal justice system has on marginalized communities.

Members of these communities continue to be over-represented in our prisons and under-protected on our streets. Research shows that low-income people and communities of color are more likely to be stopped, arrested, and prosecuted for substance use and traffic violations.

The decision not to prosecute these low-level offenses helps relieve this asymmetrical criminal justice burden.

The de-prioritization of low-level cases improves the administration of justice. Every hour a prosecutor spends on a misdemeanor drug possession case is an hour not spent working on a more serious case, or tending to the needs of victims of violent crime.

Beyond allowing prosecutors to devote their finite resources to their most critical responsibilities, selective prosecution also enhances the legitimacy of the prosecutor's office.

By taking concrete steps towards a more equitable and effective criminal justice system, prosecutors gain the trust of the communities they serve and demonstrate their commitment to safety and justice for *all*.

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When people believe in the mission of the prosecutor's office and are not weighed down by fines, fees, and over-enforcement, they are more willing to engage with law enforcement in the creation of safety.

As democratically elected officials with significant discretion and direct ties to the communities they serve, prosecutors have the means and the mandate to implement policies and practices that best serve the needs of their constituents.

With jurisdictions around the nation, such as New York City and Cincinnati, able to simultaneously reduce both crime and arrests, it is clear that criminal justice reform does not come at a cost to public safety.

Communities across the country are demanding a criminal justice system that advances safety and justice – and prosecutors are stepping up to heed the call.

Meg Reiss is Executive Director of the Institute for Innovation in Prosecution at John Jay College of Criminal Justice, a partnership between the college and the Manhattan District Attorney's Office, aimed at reimagining the role of the prosecutor in the community. She welcomes reader's comments.