

# 2024 Public Safety Agenda for Prosecutors



## INTRODUCTION

Prosecutors play a pivotal role in ensuring public safety and upholding justice in our communities. **Recently**, the discretion of prosecutors has been threatened and even, in some cases, stripped away. However, prosecutors are at the forefront of the justice system, often with innovative ideas and the greatest accessibility to enact smart changes to make it fairer and safer. This 2024 Public Safety Agenda for Prosecutors aims to provide valuable insights into key criminal justice initiatives, which tend to garner bipartisan support by focusing on pragmatic changes that are fiscally responsible, uphold fundamental rights, and maintain public safety.

## AGENDA

### PRETRIAL JUSTICE:

Initiating internal policies for the release of low-level, low-risk defendants; establishing individualized bail conditions for those released; and collaborating with state legislators for sufficient tools to address flight and safety risks.

- ❓ **Why:** **Prosecutors** often witness the unintended consequences of the current bail system where a low-income defendant facing low-level charges finds themselves spending a night in jail, whereas some violent or high-risk offenders manage to secure release through personal means or connections. This discrepancy highlights the impact of socioeconomic factors, rather than risk to the community, when accessing the right to freedom. It also emphasizes a prosecutor's ability to create internal processes around making sure their resources are allocated to the defendants who need them most.
- ✔ **Benefit:** By implementing internal policies aimed at releasing low-level, low-risk defendants and advocating for individualized bail conditions, the office can better prioritize resources and contribute to a more equitable pretrial process. **Bail reform**, when done right, not only addresses socioeconomic disparities in pretrial detention but also enhances public safety by focusing on pragmatic changes that prioritize risk assessment, fiscal responsibility, and the fundamental rights of individuals, fostering a more just and balanced criminal justice system. These types of policies can also help free up prosecutorial resources and ease case backlogs so that more serious offenses can be prioritized.

**PRETRIAL JUSTICE:**  
(continued)

- **Keep in mind:** Collaboration with state legislators may be necessary to expand preventive detention and pretrial services/support to ensure effective measures for addressing public safety when minimizing the use of cash bail.
- **Examples:** The Commonwealth Attorney’s office in [Fairfax County](#), Virginia implemented significant bail process changes two years ago and created a dashboard to share outcomes with the public. [Jefferson County](#), Colorado, has also implemented significant bail changes with positive results.

**RESPONDING TO  
BEHAVIORAL HEALTH  
AND HOMELESSNESS:**

Developing or strengthening specialized courts or programs to address the intersection of criminal justice and behavioral health issues.

- **Why:** Jails have begun to function as inadvertent mental health facilities, homeless shelters, and detox centers. Over [half](#) of the jail population suffers from behavioral health issues. Simultaneously, individuals experiencing homelessness have a notably [higher](#) number of contacts with police and jails, highlighting the complex interconnection of socioeconomic factors with the criminal justice system. This dual challenge underscores the urgent need for changes to respond to these behavioral and social issues, which would, in turn, alleviate the burden on the criminal justice system.
- **Benefit:** [Problem-solving courts](#) provide tailored solutions for individuals grappling with mental health issues, substance use, or homelessness, offering alternatives to traditional prosecution that prioritize rehabilitation over punitive measures. These courts are not novel or new, but have had a resurgence after many communities saw large increases in [overdoses](#), [mental health crises](#), and [homelessness](#) in the last several years. Similarly, [specialized diversion](#) programs can provide individualized support to address root causes of criminal behavior. This allows social issues to be handled by systems set up for social services, rather than by burdening an already overwhelmed justice system. Further, by taking a proactive role in setting up and supporting these courts or developing an internal program, the district attorney’s office contributes to reducing reoffense rates and addressing the root causes of certain crimes.
- **Keep in mind:** It is necessary to collaborate with community stakeholders and social services within the framework of these specialized courts to create a holistic approach, fostering long-term solutions for individuals, resulting in less recidivism.
- **Examples:** Programs showing continued success include [Austin](#), Texas, [Community Court](#); [Broward County](#), Florida, Mental Health Court; and [Boulder County](#), Colorado, Mental Health Diversion.

**IDENTIFYING  
VICTIM-CENTERED  
ALTERNATIVES:**

Centering the needs and concerns of the victim while promoting healing and justice.

- **Why:** Because the justice system often focuses on accountability and efficiency, victims often feel ignored or even negatively impacted in the context of long drawn out cases. [Alternatives](#) to traditional prosecution—such as restorative justice or victim-offender mediation—can empower victims, restore their sense of control, and provide avenues for resolution outside the traditional criminal justice system. This is especially important when research shows that victims of crime are much more likely to commit violent offenses.

IDENTIFYING  
VICTIM-CENTERED  
ALTERNATIVES:  
(continued)

- ✔ **Benefit:** [Restorative justice](#) emphasizes repairing harm to the victim and the public and restoring relationships, not only between the offender and victim but also within the broader community. This can lead to a sense of healing and closure that may not be achieved through punitive measures alone. Similarly, victim-driven diversion can allow victims to have a say in the resolution process, including recommending alternative sanctions or restorative measures for the offender. These types of alternatives to prosecution can be more cost-effective than traditional court processes. Alternative approaches allow for more flexible and tailored resolutions based on the unique circumstances of each case. This flexibility can lead to outcomes that are perceived as fair and just by all parties involved, as well as more effective than general terms and conditions often found via jail or probation, thus, lending to lower reoffense rates.
- 🗨 **Keep in mind:** It is best to have both victim and defendant consent to the process when employing these types of alternatives to prosecution to ensure that the process is cathartic for the victim and deterrent of future criminal behavior for the defendant.
- 🗨 **Examples:** The Victim Offender Reconciliation Program out of [Polk County, Iowa](#), has shown continued success, while programs like Heart of Safety in [Arlington, Virginia](#), have had promising results.

FOR  
ADDITIONAL  
SUPPORT

● If you need help with further research around these issues, information on implementing these types of initiatives, or anything else, please do not hesitate to reach out.

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