

Op-ed: County attorneys are powerful people — choose wisely this election year

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Somewhere on your election ballot this year will be a race for the county or district attorney — the top prosecutor in the county where you live.

How important is the county attorney? Does it matter who gets elected? What should a voter look for in a candidate? These are questions that you might not ask unless you are a lawyer or otherwise have been affected by a prosecutor's decision.

But no matter who you are, the local county attorney is the most powerful actor in your local criminal justice system. He or she directs important investigations, decides if search warrants should be sought, determines if a suspect can be charged with a crime and makes sentencing recommendations. Most cases are fairly routine from a legal perspective; some are not. But even if you aren't engaged with the criminal justice system, the myriad decisions of county attorneys can impact people and society located far beyond the courtroom.

As someone who spent eight years as a federal prosecutor, and many years dealing with prosecutors from the other side of the table, I believe that county attorneys — more than judges or defense lawyers — have more power to do good or ill than any other player in the criminal justice system. For example, if a 15-year-old commits a serious crime, a prosecutor must decide if the teen should be charged as an adult. Make the wrong decision, and the consequences may lead to more societal problems than if the teen was assigned to the juvenile system where more treatment is available. These can be hard decisions, requiring a good sense of what is best for the individual and society as a whole. Based on my years of experience, it is easy for prosecutors to act "tough" and always seek the maximum charges and most stringent punishments. It is much more difficult —

but extremely important from a community standpoint — to be fair and seek what is just and appropriate for each case.

One of the many challenges county attorneys face is oversight of local law enforcement. The police, of course, are the prosecutor's investigators and they often work closely together. But when members of the police department are alleged to have violated the law, the decisions made by the local county attorney become essential. Like any other level of democratic government, there must be checks and balances — and the prosecutor, in overseeing alleged inappropriate or illegal police conduct — must have the courage and judgment to investigate these allegations effectively to all concerned, including any victims.

Fortunately, this year you will have the ability to elect the top prosecutor in your county. Politicians on both sides of the aisle, including Utah Sen. Mike Lee, support replacing “tough-on-crime” policies with “smart-on-crime” alternatives. I believe that policies, not political affiliation, should guide decisions about electing the very best prosecutor candidate. That position of responsibility is too important to allow politics to dictate a result. To make the best decision, gather as much information as you can about the candidates in your jurisdiction and consider these key questions:

- Is the candidate well-respected in the local legal community?
- Is the candidate more interested in being “tough-on-crime” than being “smart-on-crime” with sentencing alternatives and charging policies intended to reduce mass incarceration and recidivism?
- Does their criminal justice experience include time in the courtroom?
- Is the candidate genuinely interested in the work of the prosecutor's office or more interested in using the job as a stepping stone to higher office?
- Has the candidate demonstrated independence to take appropriate action against police when the circumstances justify it?

The choice is yours. Even if you consider yourself far removed from the decisions of a county attorney, your proximity to their influence on incarceration rates, recidivism rates and police misconduct is much closer than you think.

Jim Moore is a retired lawyer and a 12-year veteran of the Department of Justice where he worked as a federal prosecutor in Seattle. He also served as general counsel and senior executive vice president at the Huntsman Corporation.