

MARYLAND ALLIANCE FOR JUSTICE REFORM

Working to end unnecessary incarceration and build strong, safe communities



Election of State's Attorneys

What's the problem?

According to Fordham University law professor John Pfaff, prosecutors are the single most important factor in the increase of prison populations. They tend to file charges even when the evidence suggests that someone should go free, and generally pursue the harshest sentence they can get. Nearly 95 percent of the cases that prosecutors decide to prosecute end up with the defendant pleading guilty.

Like all lawyers in Maryland, our State's Attorneys are constrained by rules of professional conduct and have a special responsibility for the quality of justice in Maryland. Maryland Court Rules stipulate that as a public citizen a State's Attorney should seek improvement of the law, and the administration of justice. An attorney should cultivate knowledge of the law beyond its use for clients, and employ that knowledge in reform of the law. In electing our State's Attorney we have a right to know what reforms they propose and how they measure the quality of justice.

State's Attorneys in Maryland are accountable to you, the public, and are elected to their position every four years. How much information is available for you to make the decision? Are the candidates for the office of State's Attorney in your county "tough on crime" or are they "smart on crime"?

What's the Proposal

The Maryland Alliance for Justice Reform has been seeking legislative changes indispensable to bring Maryland into the 21st century with corrections policies that are evidence-based, humane and effective. We are working together to address the problem of mass incarceration in Maryland in several ways.

A primary concern of MAJR is informing voters about the intent and qualifications of candidates for the office of State's Attorney. To further this effort we have a few suggested questions that those candidates could address. Responses to a survey like this will give voters a much clearer idea about the positions of candidates and, hopefully, understand the possibilities of a more open and just judicial process.

1. In your opinion is there a difference between being "tough on crime" and being "smart on crime"? Please explain.
2. Should minor offenses be decriminalized, resulting in fines instead of jail time?
3. Where do you stand on bail reform? Do you favor using pretrial risk assessment? Will you recommend pretrial supervision?
4. Do you endorse timely pretrial screening for minor offenses?
5. Would you work to expand criminal diversions in this County in which willing victims and offenders are offered mediation?
6. Are you committed to filing only those charges that the evidence supports?
7. Would you support reducing time required for expungement from 10 to 5 years for nonviolent offenses?
8. How should the position of State's Attorney be evaluated?

More information on these questions can be found [on MAJR's website](#).

Will this work?

Information is essential if democracy is to work. But the effectiveness of a set of survey questions depends entirely on whether the candidates respond. MAJR needs to enlist the support of organizations such as the League of Women Voters, as well as the office of the State's Attorney General, the press, our allied organizations, and other civic groups to encourage candidates to be open about their vision.

Status of the Proposal

The League of Women Voters, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. Each election cycle the League prepares questions and publishes responses of candidates for public office.

This set of draft questions has been sent to the League of Women Voters of Maryland to inform their selection of queries for the candidates for the office of State's Attorney.

Learn More!

John F. Pfaff, [*Locked In; the true causes of mass incarceration and how to achieve real reform*](#), Basic Books, New York, 2017

[Prosecutors Keep Their Jobs by Putting People in Jail. Can They Be Leaders in the Fight for Criminal-Justice Reform?](#) The Nation, 11/14/2017

Collier Meyerson asks "A new wave of "progressive" prosecutors has made big promises. But is it possible for them to bring change when they are so reliant on law enforcement to do their jobs?"

[How We Misunderstand Mass Incarceration](#), The New Yorker, 4/10/2017

Adam Gopnik reviews the book "Locked In" by John F. Pfaff, a professor of law at Fordham.

[Debating Risk-Assessment Tools](#), The Marshall Project, 10/25/2017

Elizabeth Glazer notes "We know that certain communities, especially communities of color, are disproportionately over-policed, more likely to be over-charged by prosecutors, and forced into pleas that result in convictions. Risk-assessment tools must empirically account for those disparities in the criminal justice system and its data."

[Prosecutors Are Banding Together to Prevent Criminal-Justice Reform](#), The Nation, 10/18/2017

Jessica Pishko reports that "According to Fordham University law professor John Pfaff, prosecutors are the single most important factor in the increase of prison populations"

The Maryland Alliance for Justice Reform (MAJR) is a nonpartisan association of over forty community organizations and churches with members in every part of the state, formed to support justice reinvestment. Individual supporters include judges, attorneys, corrections professionals, as well as returning citizens, victims, and service providers.

Links in this document can be activated by going to <http://www.ma4jr.org/prosecutors/>