

Soft on Crime Prosecutors

by

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In recent times there has been a lot of discussion about prosecutors who are soft on crime. Before we discuss this topic we have to define what we mean by “prosecutors” and what the phrase “soft on crime” means.

A general definition of a prosecutor is “a person, **who works for a state or government organization** and is responsible for starting legal proceedings and then proving, in court, that the suspect committed the crime he's accused of. Prosecutors work for the judicial office of government organizations which is essentially a government law firm whose only client is the Federal, State or Local government

Regardless of the level of government, the primary role of the prosecutor is **to "investigate and prosecute impartially" criminal suspects on behalf of the People.**

Prosecutors are also known by other titles such as:

- Attorney general
- US attorneys
- District attorneys
- Independent councils
- State prosecutors
- County prosecutor
- City attorney

Prosecutors are often considered the most powerful officials in our criminal justice system. The decisions they make, particularly the charging and plea-bargaining decisions, control the operation of the system and often predetermine the outcome of criminal cases.

According to a report published in the May 2002 U.S. Department of Justice, Bureau of Justice Statistics Bulletin, 47 states elect their chief prosecutors and three (Alaska, Connecticut, and New Jersey) appoint them. US attorneys however are appointed by the president, whereas Assistant US attorneys, while employed the DOJ are appointed to their positions by the US Attorney General.

Regardless of what level a prosecutor serves, they all take an oath of office to uphold the US Constitution and its laws. At the state and local levels the oath taken also includes upholding state and local laws.

In the American justice system, when a person is accused of a crime, a lawyer would represent the defendant, a prosecutor would represent the accuser, and if the person is found guilty, a judge would issue the decree of punishment. The punishment that is meted out by judges falls into three categories:

- a. lenient,
- b. appropriate, or
- c. harsh or excessive.

Whether a judge is elected or appointed their decisions are often influenced by the political party that voted them into office, or by the political influence on the person who appointed them. For decades the lack of solid sentencing guidelines made it easy for judges to allow political influence and personal biases as part of their decisions. Consequently, those who gave out harsh sentences became known as “hanging judges” while those who were lenient were called “soft on crime judges.”

These titles were politically created by the media. The American Bar Assoc. (ABA) has an excellent article on these labels and can be read here, https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/human_rights_vol29_2002/spring2002/hr_spring02_sarokin/

In more recent years, we should note that the labels are now, more so than in the past, one outcome of the civil rights and social justice movement. Unfortunately the movement has not defined the real problem and does not understand the human behavior that has led up to today’s criminal issues.

The tough /soft on crime labels reflect the lack of understanding the consequences of decisions/actions. If we had to look for what has brought about using these labels today, we would have to go back almost 90 years ago (1933) when the Great Depression ended. Without going into detail, this was probably the time when our American society started becoming more and more liberal.

There is no single event, action, or decision that we can point to that has brought about the liberalization that we face today. Rather it is the culmination of decisions, actions and events that negatively envelops our society, country and communities.

Of recent years, the “soft on crime” role has extended itself to the prosecutors in our justice system. As previously mentioned, this did not happen overnight. We need to understand that “soft on crime” is a symptom of past decisions, actions and events. Just as in the failure of the Lake Pontchartrain dykes during Katrina in 2005, the rise of crime

and the prosecution of its perpetrators is not a failure of the system but rather that of society. It may start with the failure of mothers and fathers to properly discipline their children, but the decision of liberals exacerbate the social environment for everyone.

Like the failure of the dykes, liberals have failed the justice system. The current infrastructure bills before Congress along with current presidential executive orders further exacerbate the situation.

The liberal government of New Orleans did not want to spend money on maintaining and upgrading the dykes but rather on social issues and events. Likewise the liberal federal and state governments have not spent money on crime prevention but would rather spend taxpayer money on so-called social infrastructure. The consequences, of which, lead to understaffed law enforcement and prosecution agencies.

Given the lack of funding and personnel, prosecutors have to spend their funding where the most good will occur. This may mean that lesser crimes may be dropped or not as vigorously prosecuted. Having to take the route does not mean that the prosecutor is soft on crime.

To determine if a prosecutor is soft on crime you need to look at how cases are handled, and on what the prosecutor does to help alleviate crime. Following are some important questions to ask.

- Does the prosecutor decide which cases to prosecute according to political values instead of the facts?
- Are capital cases dropped more than other cases?
- Does the prosecutor aggressively prosecute the cases?
- To what extent does the prosecutor try cases in court vs. the public?
- How does the prosecutor respond to threat of "impeachment," removal, criminal threats against self, coworkers, family?
- Are the results of plea bargaining more favorable to public safety or the defendant?
- Are the sentence recommendations by the prosecutor in line with the crime?

- Does the prosecutor formulate or change policies regarding which types of crime to pursue, the amount of evidence required to file criminal charges? Which prosecution policy model is used by the prosecutor?
 - Legal sufficiency model
 - System efficiency model
 - Trial sufficiency model

These are just a few of many questions that need to be asked in order to determine if a prosecutor is soft on crime or not.

Regardless though, it is the duty of prosecutors to satisfy the public and to insure public safety. If a prosecutor is found to be soft on crime, there must be the means to remove him from office as soon as possible.

Soft on crime prosecutors rarely understand that their actions allow the guilty to escape proper and/or adequate punishment, and they are allowing the innocent or victims to suffer. Such action is counter to the moral obligations that all prosecutors are charged to uphold.

In closing, being soft on crime is just plain stupidity. Prosecutors who are soft on crime, especially crimes against persons, are setting themselves up for “vigilante justice.” The actions of these prosecutors often leave the victims of violent crimes wanting “victim retribution,” but are often told that the court has spoken. As the public becomes ever more upset with the lack of true justice being served, sooner or later, some victim, or victim associate, will take justice into their own hands. When this happens it will be like the flood gates opening and the soft-on-crime prosecutors will have to flee retribution.