

How County Prosecutors can - and should - wield their extensive powers

What is a county prosecutor?

A prosecutor refers to a lawyer who typically represents the state or government in legal proceedings. In Ohio, each of the state's 88 counties has an Office of the Prosecutor, which houses an elected county prosecutor, as well as a staff of assistant prosecutors. More information how and why county prosecutors are elected can be found in the ACLU of Ohio [FAQ: Power Of](#) series.

Traditionally, county prosecutors' responsibilities include litigating on behalf of citizens within their county, litigating on behalf of Ohio when the state itself is a party in the complaint or suit, and also providing legal counsel for various officials.



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County prosecutors can – and should – utilize their extensive powers to assist citizens and pave the way for a fairer criminal legal system.

Alternatives to Incarceration

County prosecutors have the opportunity to create alternatives to incarceration through expanding [diversion programs](#) within the state. Diversion programs serve as an alternative path for those who have been charged with certain offenses to fulfill specific requirements rather than being incarcerated. Programs may include community service, completing substance abuse or other treatment options, and paying restitution, among others. By diverting individuals from incarceration, county prosecutors not only are able to assist in decreasing mass incarceration rates, but also in saving funds to better utilize in other areas.

Bail Reform

Every year, Ohio jails [thousands of people](#) before their day in court, all because they can't pay cash bail and buy their freedom. Our state's reliance on cash bail has created a two-tiered system of justice where wealthier people accused of a crime go free while poorer people accused of the same crime stay behind bars. County prosecutors can impact [bail practices](#), since the charge recommendations they pursue can affect the amount of bail set. There is a better way forward than our broken bail system, and county prosecutors have the opportunity to be at the forefront of that path.



Promote the Fair Administration of Justice

Our current criminal legal system is flawed, but county prosecutors have the ability to push positive reform not only in their role as litigators, but also while serving as legal counsel for various state public figures. From instituting policies that increase efficiency to fighting to reduce racial and socioeconomic disparities, prosecutors can lead the way towards a legal system that reduces our state prison population and utilizes concrete data to administer justice fairly.

Investigate Law Enforcement Misconduct

Good police practices, thorough training, carefully crafted policies, appropriate allocation of resources, and strong political and professional leadership can ensure public safety and prevent abuses in encounters between police officers and the public. Unfortunately, we know that that is [not always the case](#) within our criminal legal system. Racial profiling and patterns of injustice during police encounters have resulted in a disproportionate effect on Black and other marginalized communities. These incidents of misconduct should not be taken lightly, as they can signal a greater issue in our law enforcement practices as a whole. Prosecutors can play a key role in assisting in investigating law enforcement departments and holding them accountable for their actions. This can not only help alter the root issues within our systemic disparities, but also foster better relationships between community members and those in power.

Review Convictions

Just as county prosecutors are committed to ensuring that those who commit crimes are held accountable, it is vital for prosecutors to recognize the undeniable flaws within our criminal legal system. This includes pursuing evidence and reviewing cases to exonerate those who have been wrongfully convicted. According to the [National Registry of Exonerations](#), 83 people in Ohio have been wrongfully convicted since 1989. This represents a cumulative loss of more than 800 years due to time spent in prison. By investigating wrongful conviction claims with the severity and intensity required, county prosecutors can recognize the imperfections within our Ohio's criminal legal system and fulfill their duty to seek justice for both the guilty and the innocent.

Death Penalty

In Ohio, it is legal for county prosecutors to consider the death penalty for capital offenses, but only after exploring multiple factors and consulting with crime victims and their families. Despite this criteria, the death penalty is still an expensive, ineffective, racist, and arbitrary system that puts innocent lives at risk. In Ohio, for every [five individuals](#) that have been executed, one has been exonerated from death row. In 1976, the Supreme Court found that in order to be constitutional, capital punishment must be administered both fairly and consistently. However, [research](#) across states has shown that the imposition of the death penalty has more to do with geographic location, than the actual facts of the crime. Understanding these systemic issues, county prosecutors have the ability to purposely stray from pursuing the death penalty for any case and help put an end to this unjust practice.