

# The Facts on State and Local Elections

## The Important Role of Local Elected Officials for Criminal Justice Reform

BY AKUA AMANING | OCTOBER 29, 2020

Although most of the attention surrounding voting understandably has been focused on the presidential race and other federally elected positions, arguably the most important races affecting the criminal justice system will be run at the state and local levels.

### Why are local elections important for progressive criminal justice reform?

The decisions made by locally elected officials affect people's everyday lives and have a direct impact on shaping the criminal justice systems they most frequently encounter. As tensions continue to rise in response to incidents of police violence across the country, reforms at the local level are especially critical. With no single unified criminal justice system and many legal systems falling under the functions of state and local governments, local officials have the ability to quickly establish long-lasting justice reform measures in a way that cannot be achieved at the federal level.

Locally elected officials can use their position to work toward shrinking the footprint of the criminal justice system, providing services for returning residents and other justice-involved individuals, strengthening accountability measures for law enforcement and other justice system practitioners, and enacting other progressive reform efforts. They have the ability to implement many reform measures in an immediate and effective manner.

As voters head to the polls, they should pay special attention to elected positions in state and local government, especially within the judicial branch. The actions of judges, county sheriffs, district attorneys, and public defenders can have a significant impact on individuals, even long after an elected official leaves office.

### What races should voters pay close attention to?

Many elected state and local officials have a direct impact on the judiciary system. Here are some of the most important elected positions for criminal justice reform.



## The role of the legislative branch in criminal justice reform

Elected officials under the judicial branch of government are not the only arbiters of criminal justice reform. The legislative and executive branches of state and local government can affect the justice system as well, namely, the elected state legislators and city council members who write and pass the very legislation under which the judicial branch must operate. For example, in 2018, Pennsylvania state legislators passed the Clean Slate Act—the first legislation of its kind to establish an automatic record-sealing system for low-level criminal records. The measure is aimed at helping reduce the collateral consequences many justice-involved individuals endure long after they have been cleared of wrongdoing or completed their sentence. Since its enactment, more than 35 million low-level criminal records have been sealed, and other elected legislators in states such as Utah and Michigan have now passed similar laws.

**Judges.** Each state has its own method for selecting judges at the state and local levels, but most states elect their judges. Judges are the arbiters of the courts charged with ensuring a fair and impartial judiciary process. Their responsibilities include presiding over court proceedings, ruling on evidence presented, instructing parties of their rights, issuing sentences, and in the instance of bench trials, deciding cases. Judges' tenure varies depending on where they preside, but the impact of their decisions is widespread.

Every day, state and local judges make decisions that can carry lasting impacts for the justice-involved individuals who enter their courtrooms. For this reason, judges can play an important role in implementing systemic changes at the state and local levels. Judges are charged with making important decisions with fairness and impartiality. Their decisions can help lower bail and other pretrial sentencing guidelines, and they can also advocate for alternative sentences that are aimed toward rehabilitation and future success rather than confinement. Judges' actions also set precedent that will be followed long after their time on the bench has ended.

**“ [T]he elected officials who matter most in reforming police departments and the criminal justice system work at the state and local levels.”**

—BARACK OBAMA, JUNE 2020

**District attorneys.** District attorneys, also known as DAs, prosecute individuals for crimes committed within their jurisdiction. Through a team of attorneys, they decide who will be charged, what charges should be filed for the alleged criminal actions, and the degree of the charge. Their role in the courtroom is extremely important. They are given absolute prosecutorial discretion in their decision-making process, and very little can be done to object to their decisions. Voter participation in DA races is therefore critical because it is one of the few ways in which the public can have a say in how their local DA's office should function. Once a DA is elected, they set the tone for how the entire office should handle cases, and their directives can have a lasting impact on individuals who come into contact with the justice system for years to come. Their leadership can help facilitate a fair and equal justice system for the community they serve.

## Example of a locality making policy impacts through elected officials

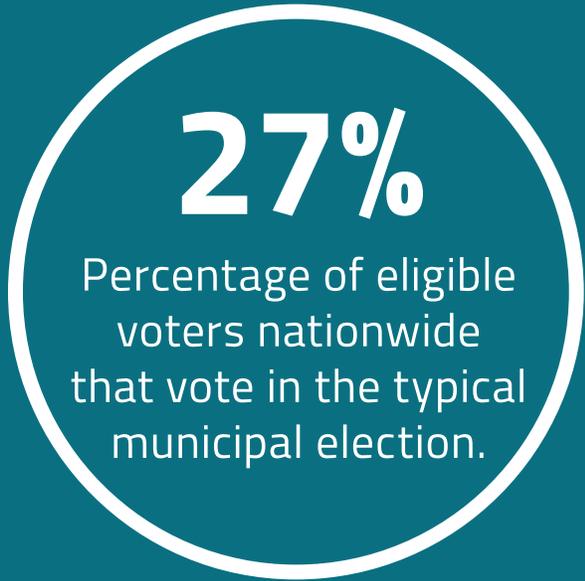


**Harris County, Texas.** Many elected judges in Harris County, Texas, have worked on progressive reform measures such as ending cash bail and ensuring a more equitable justice system for people of color and other marginalized groups. Since November 2018, the county has seen 85 percent of people arrested for a misdemeanor released without having to pay bail, a lower number of juveniles sent to juvenile prison, and more than 3,200 case dismissals due to lack of probable cause.

**Public defenders.** Public defenders are charged with representing indigent defendants in criminal cases. They protect the constitutional right to legal representation, regardless of a defendant’s financial means, and ensure effective assistance of counsel. In most cases, public defenders are appointed, but states such as Florida and Tennessee as well as parts of Nebraska and California elect a chief public defender to oversee the state’s public defense programs. Public defenders have a significant impact on the criminal justice system as a whole. They can advocate for the needs of their client as well the needs of their office. Their unique position can also contribute to a measure of accountability throughout the entire justice system by exposing misconduct and noting areas where reform is desperately needed.

**County sheriffs.** Sheriffs are responsible for all law enforcement operations at the county level, including enforcement of criminal laws, management of county corrections facilities, and assistance with court operations. Their main role is not only to ensure that the laws of their jurisdiction are being followed, but also to determine how their officers should enforce such laws. The policy directives they establish will affect how officers under their guidance conduct their jobs and can significantly influence the justice system in their area, from the number of arrests made in the county to the number of people held in a county corrections facility. Sheriffs can play a key role in developing trust and accountability between the officers of their department and the local community. Because sheriffs are elected in most states, they are typically the only members of local law enforcement elected by the people they will serve; therefore, the policies they implement should ultimately reflect the will of the people.

*Akua Amaning is an associate director for Criminal Justice Reform at the Center for American Progress.*



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