



# NATIONAL DISTRICT ATTORNEYS ASSOCIATION

**FOR IMMEDIATE RELEASE**

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## **National District Attorneys Association Statement on Prosecutorial Best Practices in High Profile Cases**

ARLINGTON, Virginia – As the voice of America’s prosecutors, the National District Attorneys Association (NDAA) serves as a national resource on training and technical assistance to aid the roughly 2,700 prosecutor offices around the country in protecting the communities they serve, seeking justice for victims of crime, and protecting the innocent. As an organization that developed and maintains a set of national prosecution standards and strives to promote best practices for prosecutors around the country, we encourage scrutiny of prosecutors to enhance fairness and equality in the criminal justice system, while building confidence in our citizenry and supporting the tireless work performed by prosecutors and law enforcement on the front lines of evil every day.

The handling of cases by prosecutors nationwide has garnered national media attention and a greater focus on the role of the prosecutor in the criminal justice system. In each instance, the local prosecutors involved in the case must weigh all the facts and determine the best path forward to ensure justice is served. Prosecutors don’t always get it right, nor does the public necessarily get to see all the information available to prosecutors, particularly during an ongoing investigation. In these types of circumstances, it is easy for emotions to run high and finger pointing to ensue, but it is important not to allow investigations and charging decisions to be swayed by public sentiment and to follow best practices and guidelines in whatever situation may arise.

The recent incident in Chicago involving actor Jussie Smollett is no different and has garnered national attention as the case has made its way through various phases of the investigation and prosecution process. While details of the case remain sealed, several observations must be made in order to increase, not diminish, the public’s confidence in the criminal justice system.

First, when a chief prosecutor recuses him or herself, the recusal must apply to the entire office, not just the elected or appointed prosecutor. This is consistent with best practices for prosecutors’ offices around the country.

Second, prosecutors should not take advice from politically connected friends of the accused. Each case should be approached with the goal of justice for victims while protecting the rights of the defendant.

Third, when a prosecutor seeks to resolve a case through diversion or some other alternative to prosecution, it should be done so with an acknowledgement of culpability on the part of the defendant. A case with the consequential effects of Mr. Smollett’s should not be resolved without a finding of guilt or innocence.

Fourth, expunging Mr. Smollett's record at this immediate stage is counter to transparency. Law enforcement will now not be able to acknowledge that Mr. Smollett was indicted and charged with these horrible crimes and the full record of what occurred will be forever hidden from public view.

Finally, we believe strongly that hate crimes should be prosecuted vigorously but the burden of proof should not be artificially increased due to the misguided decisions of others.

NDAA believes strongly in seeking alternatives to incarceration, and in fact, prosecutors around the country offer these alternatives to thousands of defendants every single day. However, as stated above, these alternatives, such as drug treatment, mental health treatment, counseling and/or community service come with an acknowledgement of responsibility from the defendant. These alternatives also offer the ability for the defendant to preserve their criminal record, again, in exchange for admission of responsibility. However, the case in Chicago illustrates a point that must be discussed in an effort to ensure fairness in our criminal justice system: the rich are treated differently, the politically connected receive favorable treatment, and Lady Justice sometimes peeks under her blindfold to see who stands before her. NDAA rejects these inequities as they are antithetical to our founding principles of justice: that no one is above the law.

*The National District Attorneys Association (NDAA), [www.ndaa.org](http://www.ndaa.org), is the largest prosecutor organization in the country, representing 2,500 elected and appointed District Attorneys across the United States, as well as 40,000 Assistant District Attorneys.*

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