

District Attorneys 101

A district attorney (DA) is an elected official who oversees the prosecution of criminal cases for the county. They are elected every four years, and do not have any term limits. This means they are accountable only to the voters of the county. DAs lead staffs of prosecutors, most commonly known as assistant district attorneys. Together, the district attorney's office is responsible for working with police and witnesses to investigate crimes and prove that a person suspected of a crime is guilty beyond a reasonable doubt.

Charging Decisions

In Massachusetts, police apply for criminal charges at the district court upon arresting an individual. Once the court issues the charges, the local district attorney's office can then decide if they will prosecute. Certain crimes require the DA to present evidence to a grand jury that will issue indictment for superior court cases. In those cases, the DA's office also decides who to seek indictments against and what charges to seek indictments for.

Bail

Bail is intended to make sure people charged with a crime return to court on their next court date. District attorneys' offices make bail requests to the court in order to have people held before trial. People held on bail can lose their jobs, housing, and even custody of their children. Sometimes, people are held on bail simply because they are too poor to pay the bail. Too often, people held on bail plead guilty to more immediately resolve the case, rather than remain held until it is resolved by trial.

Fairness

The district attorney's office is responsible for providing the accused with all of the information that supports the accusations

against them. They are also responsible for turning over evidence that may prove the innocence of the person accused. The prosecutor, however, is also the person responsible for deciding if evidence shows the accused's innocence. In addition to turning over evidence, DAs have a role to play in eliminating racial disparities. In Massachusetts, Black people are incarcerated at eight times the rate of white people and Latinx people are incarcerated at four times the rate of white people. These rates are much higher than the national average. Racial disparities in the system are not fair or justified, and need to be changed.

Public Safety

We often hear district attorneys talk about the need for public safety and representing victims. Unfortunately, most DAs rely on outdated tough-on-crime rhetoric and policies that drive incarceration and fail to address the underlying cause and sources of violence. In many instances, they disregard the desires of survivors of crime to have a criminal legal system that is more rehabilitative than retributive.¹

Criminal Law Reform

District attorneys help set policies. Although they do not make laws, DAs have used their influence with the legislature to introduce stiffer and harsher penalties. Despite efforts to reform the criminal legal system, DAs often stand in opposition to meaningful reforms by encouraging lawmakers to oppose these reforms.

GET INVOLVED

Even though district attorneys have an enormous amount of power over the lives of their constituents, four-in-ten Massachusetts voters don't know that DAs are elected and answer only to voters. Help close the gap by making sure your neighbors know what's at stake this fall.

¹ <https://allianceforsafetyandjustice.org/crimesurvivorsspeak>