

DISTRICT ATTORNEYS 101

DAs have great power over your community — and they answer to you!

Their decisions also influence issues relating to racial and economic justice, immigrant rights, and criminal law reform. Every four years, Massachusetts voters elect a DA for their county or district. Our district attorneys answer to us!

As a voter, you should know What a Difference a DA Makes!

THEY DECIDE WHAT CHARGES TO BRING

- Prosecutors can use their authority to “stack” charges against people to encourage them to accept a plea deal and forgo their right to a trial.
- Prosecutors also have the power to drop or reduce criminal cases and help people access pretrial diversion programs, such as substance use disorder treatment.

THEY INFLUENCE WHETHER DEFENDANTS CAN RETURN HOME WHILE AWAITING TRIAL

- DAs can request that someone charged with a crime put up money, known as cash bail, as a condition of release. A judge makes the final decision.
 - If bail is set too high for people to afford, they may remain in jail for months or years while they await trial. They often lose their jobs, housing, and even custody of their children. For these reasons, people held on bail often plead guilty to resolve their case more quickly.
- Prosecutors also can request other conditions of release, including supervision like GPS monitoring, curfews, mandatory drug or alcohol testing, or home confinement in extreme cases. Such conditions can create trip wires that result in people being sent to jail before they are ever proven guilty.

THEY ARE RESPONSIBLE FOR ENSURING PEOPLE ARE TREATED

- The DA’s office must provide people charged with a crime with all the information to which they are entitled under the law, including evidence that may support their innocence, known as “Brady” disclosures.
 - Some DAs maintain lists of local police officers who have behaved unethically, lied in court, or committed crimes themselves. These “Brady lists” can be important in helping accused people defend themselves.
- More than 95% of cases don’t go to trial. If they do, it’s the DA’s job to try to prove that the defendant is guilty beyond a reasonable doubt while ensuring the individual is treated fairly.

Other important factors to consider when evaluating DA candidates:

PUBLIC SAFETY

Some DAs rely on outdated “tough-on-crime” rhetoric and policies that drive incarceration and fail to address the underlying causes of crime. Other DAs pursue evidence-based approaches that focus more on rehabilitation than punishment or retribution.

RACIAL AND ECONOMIC JUSTICE

DAs have a role in examining and working to eliminate racial disparities and ensuring people are not jailed simply because they lack money for bail. In Massachusetts, Black people are incarcerated at more than five times the rate of white people and Latinx people are incarcerated at more than three times the rate of white people.

CRIMINAL LAW REFORM

Although they do not make laws, DAs frequently use their influence to impact policy debates. DAs can propose harsher penalties, recommend adding new crimes to the law, and call for more ways to detain people before trial. Or they can express support for legislation that seeks to reduce incarceration, pretrial detention, and racial disparities. DAs also participate in law reform by deciding, when they lose in lower courts, whether to appeal those decisions.

IMMIGRATION

While DAs do not directly enforce federal immigration law, their decisions can have significant immigration consequences. As one example, federal law imposes dire consequences for immigrants convicted of crimes punishable by 365 days or more in jail or prison, so charging decisions matter a great deal.

The ACLU of Massachusetts is a nonpartisan nonprofit organization; we do not endorse candidates.

