



REVAMPING RECRUITMENT AND RETENTION

A Personnel Playbook for Prosecutors in Small Jurisdictions

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A Paper Series of the Institute for Innovation in Prosecution's
Beyond Big Cities Initiative

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TOP TEN RECOMMENDATIONS FOR PROSECUTORS: RECRUITMENT AND RETENTION

- 1. Reaffirm a forward-thinking mission and share it widely.**
To lead a team built around your vision, you first need to define it clearly—and then communicate it through as many mediums and outlets as possible.
- 2. Be a fixture at your local law schools(s) and engage the next generation directly.**
To cut through skepticism, make your case directly. Be present wherever criminal law is up for discussion and vigorously share your office’s vision for ethical, nuanced prosecution.
- 3. Revamp and enrich your internship program with new initiatives.**
Your internship program is an invaluable asset. Keep working to perfect it, including by adding new opportunities for training and enrichment that align with your office’s values.
- 4. Make diversity a top priority.**
To achieve community representation and bring diverse perspectives to your office’s work, review your recruitment strategy with diversity in mind. Start with how your office presents itself, and take active steps from there to build a truly welcoming office.
- 5. Culture is a selling point. Build yours with that in mind.**
As you work to build a thriving office culture, don’t do so for its own sake. Culture is a critical selling point—for funding authorities and future hires alike. It is a priority of the highest order.
- 6. Break the budget deadlock: spearhead local measures for increased funding.**
When budget processes stall, lead the charge yourself and rally support for new local funding measures. The results can be transformative. (For one county, it meant: 2 new prosecutor positions, 6 new hires with 3 decades’ total experience, and a \$12K avg. raise).
- 7. Upgrade your advocacy: push for specialized funding and rural justice programs.**
Bring your needs to statewide funders who can drive investment in specialized kinds of prosecutions. Encourage these same leaders to expand programs that support rural lawyers, broadening the meaning of “Access to Justice” to incorporate the pivotal role of prosecutors.
- 8. Expand remote work to boost retention and broaden your recruiting horizons.**
Remote work can be a critical retention tool. With advance planning and accountability, it can improve your team’s work-life balance without compromising their mission. It can even enable you to recruit attorneys outside your immediate region and even beyond.
- 9. If raises aren’t an option, compensate with time off.**
If efforts to raise salaries come up short, compensate your team with increased time off. Consider creative innovations like providing time off to your entire office every week for volunteering in the community.
- 10. There’s no single solution. To break the cycle, try as many as you can.**
In the absence of a silver-bullet solution, the best guarantee of quality is quantity. Tackle the problem from every angle, using every option available. A multifaceted challenge requires a multifaceted solution.

On page 24, we include a complete Personnel Playbook breaking down all the solutions presented in this paper and scoring them on cost, implementation time, and complexity.

Personnel is Policy – For Prosecutors, Too

From bail to diversion, public interest in prosecutorial policy has never been higher. Despite this, less attention has been paid to the line prosecutors who must carry out these policies on the ground. The old adage—*personnel is policy*—is never more true than in prosecution, because individual decision-making and discretion are central to the prosecutor’s role.¹ In the hands of the right prosecutor, discretion can be a force for justice, and the qualities that make that possible—fairness, compassion, poise—define the very best members of the profession. The individual prosecutor’s role is magnified by the overloaded state of our criminal justice system. Prosecutors’ caseloads are so overwhelming that, without effective data analysis tools, it can be nearly impossible for chief prosecutors² to fully supervise many aspects of their team members’ work, putting a necessary premium on trust.³ Without the right people in place, written prosecution policies—whatever their goals—will nearly always fail.

Hiring thoughtful and committed prosecutors to do the work of keeping communities safe—and retaining them as they grow and gain experience—is an indispensable priority for chief prosecutors, no matter their ideological stripes. Yet these leaders face severe challenges in finding the prosecutors they need and keeping them on board. Many offices are both understaffed and under-experienced, a combination with stark implications for the quality of justice. The end result is nothing less than “a prosecutor shortage throughout the country.”⁴ This should concern us all—from chief prosecutors, to policymakers, to the general public.

Smaller offices face unique challenges in this space, including difficulty in attracting candidates to rural areas and the double burden of not only competing with private law firms, but also with larger and better-resourced urban prosecutors’ offices. Most scholarship and reporting similarly neglects the struggles and experiences of prosecutors in small jurisdictions.⁵ As staffing challenges intensify for prosecutors across the country, smaller jurisdictions find few resources designed to address their specific needs.

There is an urgent need for cost-effective, scalable strategies that prosecutors can deploy to improve their staffing outcomes and reverse these concerning trends. This paper draws on voices from the IIP’s Beyond Big Cities Initiative⁶—a group of prosecutors and other stakeholders from small and often rural jurisdictions across the country—to highlight and uplift innovations that have found success in their communities.

1 Ronald F. Wright & Kay L. Levine, [The Cure for Young Prosecutors’ Syndrome](#), 56 ARIZ. L. REV. 1065, 1123 (2014) (“Prosecution, however, is a profession that is defined by its discretion, which makes it unsuitable for highly constrained decision-making.” (citation omitted)).

2 In the United States, local prosecutors are both elected and appointed, and hold a variety of titles, including district attorney, county attorney, state’s attorney, and more. We use the term “chief prosecutor,” following, e.g., Ronald Wright and Kay Levine and the Bureau of Justice Statistics.

3 For a discussion of caseloads, see Peter A. Joy & Kevin C. McMunigal, [Overloaded Prosecutors](#), 33 CRIM. JUST. 31, 32 (2018) (summarizing research and reporting reflecting high prosecutorial caseloads); see also Adam M. Gershowitz & Laura R. Killinger, [The State \(Never\) Rests: How Excessive Prosecutorial Caseloads Harm Criminal Defendants](#), 105 NW. U. L. REV. 262, 267-74 (2011) (summarizing extensive research, limited to large jurisdictions, on the size of prosecutor caseloads). For a discussion of data, see [Prosecutor Data: Where Is It Now and Where Is It Going?](#), PROSECUTORS’ CTR. FOR EXCELLENCE & KARPEL FOUND., Feb. 2022 (suggesting the generalized absence of highly sophisticated data analysis tools in prosecutors’ offices).

4 Disha Raychaudhuri & Karen Sloan, [Prosecutors Wanted: District Attorneys Struggle To Recruit and Retain Lawyers](#), REUTERS, Apr. 13, 2022.

5 Ronald F. Wright & Kay L. Levine, [Place Matters in Prosecution Research](#), 14 OHIO ST. J. CRIM. L. 675, 678-81 (2017) (reporting results of literature review finding clear overrepresentation of large urban prosecutors’ offices—57% of articles reviewed—as research subjects for “empirical analysis of prosecutor behavior.” *Id.* at 679.).

6 Over the last several years, the conversation surrounding changes in prosecution has focused on a handful of urban, well-

Assessing the Scale of the Problem

This is what a prosecutor shortage looks like: turnover at or above 20% from New York to the Dallas suburbs.⁷ Applications for line prosecutor positions falling precipitously from Lansing to San Diego.⁸ Vacancies spiking from Salt Lake City to Baltimore.⁹ A local district attorney, now operating on her own without any attorneys left on staff, requests assistance from the state attorney general¹⁰; another asks law enforcement to delay arresting people for less serious crimes, seeking to stem the tide of cases with only a “skeleton crew” left to handle them.¹¹ These scattered reports paint a striking picture of a national problem—but they can do little more than that. No comprehensive national data exists on prosecutor turnover.¹² To assess the scale of the problem, we must turn to qualitative sources: the news coverage cited above, frequently the work of local journalists, and the voices of prosecutors themselves.

When prosecutors have spoken their minds about staffing issues in recent years, they have betrayed significant concern, as was evident from the report of a 2018 workshop sponsored by the National Institute of Justice (NIJ).¹³ The group, which included elected prosecutors and line staff from (predominantly large) offices across the country, as well as outside experts, identified recruiting diverse candidates and retaining staff as among their top priorities.¹⁴ And, in our informal 2022 survey of eleven Beyond Big Cities prosecutors, every respondent expressed some level of concern about their ability to recruit and retain staff—sometimes in grave terms. As one prosecutor put it, “My city is very small and there is a small pool of attorneys here. No one wants to move here.” From this vantage point, the problem is a part of a larger population shift away from rural areas¹⁵—which is outside any prosecutor’s control, and thus appears

resourced prosecutors’ offices. But with over 2,300 offices across the United States, the IIP identified a need to engage and work with prosecutors in smaller jurisdictions. With the support of Microsoft’s Justice Reform Initiative, the IIP launched the Beyond Big Cities Initiative to engage prosecutors in medium and small-sized jurisdictions, with a particular focus on rural areas. The Beyond Big Cities cohort includes 18 chief prosecutors, one chief public defender, two policy advocates, and one county sheriff.

7 Jonah E. Bromwich, [Why Hundreds of New York City Prosecutors Are Leaving Their Jobs](#), N. Y. Times, Apr. 3, 2022; Caroline Love, [Collin County DA Struggling to Hire Entry-Level Prosecutors](#), KERA, Jul. 12, 2022. Note that experience is a frequent casualty of turnover, as in New York: “The district attorneys are replacing their previous employees when they can, often exchanging experienced prosecutors for untested ones.” Bromwich, [Why Hundreds of New York City Prosecutors Are Leaving Their Jobs](#).

8 Hope O’Dell, [Prosecutor Jobs Open Due to Competition, Burnout](#), LANSING CITY PULSE/CAP. NEWS SERV., Apr. 23, 2022; Raychaudhuri & Sloan, *supra* note 4.

9 Khaleda Rahman, [Baltimore Prosecutor Marilyn Mosby Battles Staffing Crisis Ahead of Vote](#), NEWSWEEK, Jun. 6, 2022; Raychaudhuri & Sloan, *supra* note 4.

10 Crispin Havener, [AG’s Office to Take Over Some Bedford County Cases Due to DA’s Staffing Shortage](#), WJAC, Sept. 6, 2022.

11 Kaitlyn Hart, [Nine Out of 10 Criminal Prosecutors Are Leaving Bonneville County. What’s Next?](#), EAST IDAHO NEWS, Jul. 7, 2022.

12 Wright & Levine, *Why Place Matters*, *supra* note 5, at 687 ns. 43-44. Wright and Levine summarize the available data and note that it either concerns federal prosecutors or focuses on a single state; see also Ronald F. Wright, *Persistent Localism in the Prosecutor Services of North Carolina*, in PROSECUTORS AND POLITICS: A COMPARATIVE PERSPECTIVE 211, 256, 257 tbl. 8 (Michael Tony ed., 2012).

13 Daniel S. Lawrence et al., [Prosecutor Priorities, Challenges, and Solutions](#), RAND CORP. (2019), at 2 (describing workshop structure), 4-5 (reporting workshop participants’ discussion of problems in prosecutorial recruitment and retention).

14 The study did not attempt to rank prosecutors’ “most-pressing challenges” directly—rather, it ranked a series of “needs” derived from those challenges. The needs were then ranked according to their potential impact and “[t]he likelihood of success that [they] would be met.” *Id.* at 10; see also *id.* at 2 (listing workshop participants).

15 See Kenneth M. Johnson & Daniel T. Lichter, [Rural Depopulation in a Rapidly Urbanizing America](#), U.N.H. CARSEY SCH. PUBLIC. POL’Y., Feb. 6, 2019, at 1 (defining depopulation as “when an area experiences substantial population loss over a protracted period, resulting in significant population decline” and noting that, while not all rural counties experience depopulation, depopulation is extremely concentrated in rural areas); *id.* at 2 fig. 2 & Box 1 (approximately 2/3 of rural counties are experiencing population loss of some kind, with approximately 1/3 in active depopulation). *Nota bene* that this source predates publication of 2020 Census data; see also Alexander Marré, [Rural Population Loss and Strategies for Recovery](#), Q1 FED. RES. BANK RICH. DIST. DIG. 27, 28 (2020) (“Between 2010 and 2016, rural areas lost population in absolute terms for the first time. In the past, natural increase more than compensated for the number of people moving from rural areas to urban areas. But declines in the number of births and increases

unsolvable. And there are signs that the applicant pool for prosecutor positions is shrinking—with potentially serious consequences.¹⁶ One Beyond Big Cities member reported receiving two to three applications for his recent job postings—down from 30 in recent times. Three other members also reported declines in their application rates. The stark concerns shared by Beyond Big Cities prosecutors, coupled with media recognition of a potential crisis situation, heighten the urgency of identifying solutions to the prosecutor shortage.

Without comprehensive data to document the scale of the problem, the solutions we present here are necessarily provisional. They grapple with a set of causative factors (including the COVID-19 pandemic¹⁷) that remain largely speculative or incompletely understood. While future studies may reveal the precise size and shape of staffing challenges in American prosecution, we need not wait for more data to press forward. In the NIJ-sponsored study cited above, prosecutors indicated not only that they felt recruitment and retention issues were important, but that they could be successfully addressed.¹⁸ Prosecutors can do this. The tools below are designed to help them take action.

Bringing Solutions to Scale

Vision, Mission, Process: Back to Basics on Hiring and Recruitment

Every prosecutor’s office holds the building blocks of a successful recruitment and retention strategy. Although proposals to increase funding or build a healthier workplace can be effective (and are discussed in depth below), Beyond Big Cities members emphasized that the core draw of prosecution is its mission. The key is to communicate that mission effectively and recruit and retain prosecutors who believe in it. Beyond Big Cities members shared a variety of strategies to accomplish these goals. We have also drawn on the advice and experience of both Francie Scott, Assistant Dean of the Office of Career & Professional Development at Wake Forest University School of Law, and Professor Ron Wright, also of Wake Forest University School of Law. Dean Scott and Professor Wright gave a joint presentation to a gathering of Beyond Big Cities prosecutors surveying contemporary issues in prosecutor recruitment, with a particular focus on challenges and strategies applicable at the law school level.

Reaffirm your mission—and share it.

At the beginning of any major recruitment and retention initiative, prosecutors should make

in mortality rates for some rural populations have contributed to a bleaker population outlook for rural communities. These trends are likely to continue, meaning that reversing the population decline for rural communities will require working on reducing out-migration and increasing in-migration.”).

16 See, e.g., O’Dell, *supra* note 8; Raychaudhuri & Sloan, *supra* note 4; Rahman, *supra* note 9; Taylor Alanis, [Frustration Continues Over Prosecutor Shortage at Nueces County DA’s Office](#), KRIS 6 NEWS, Jul. 19, 2022. *Contra* Megan Crepeau, [Her Office Hit By the Pandemic and Morale Issues, Cook County State’s Attorney Kim Foxx Struggles To Keep Up With Prosecutor Exits](#), CHI. TRIB., Jul. 25, 2022 (“Applications from people interested in becoming [assistant state’s attorneys] *have not dipped*, even in an extremely competitive legal job market” (emphasis added)).

17 Bromwich, *supra* note 7 (“The trend [of prosecutor staffing challenges] has coincided with the pandemic, which has caused record numbers of voluntary resignations across all industries.”).

18 Lawrence et al., *supra* note 13, at 11-14.

a point of building from the ground up—starting with their office’s mission and vision. Dean Scott described today’s law students and future prosecutors as a social-justice oriented group of people for whom a sense of mission can mean a great deal. This should naturally benefit prosecutors, whose unique charge—to advocate for justice—is, at least in theory, unrivaled in its proximity to both impact and idealism. Yet some Beyond Big Cities members expressed that they frequently find law students to be highly skeptical of the idea that prosecutors promote justice. Dean Scott argued that this makes it all the more important for prosecutors to promote their vision for how their offices fulfill that mission, and to promote it heavily through channels that will reach the next generation. She emphasized that information about an office’s vision should be displayed prominently on its website and disseminated as widely as possible through social media and news outlets. She counseled that the next generation of prosecutors live in the digital world, and that “the first place young people will go is Google.” Prosecutors should shape their digital presence to reflect their office’s values—whether in the form of a mission statement, a letter from the chief prosecutor, or a more interactive media form, such as testimonials from staff and community members. This is especially critical in attracting candidates who may not perceive traditional prosecution as aligning with their ideals and ethical commitments. Prosecutors should solicit input from a wide range of groups—such as community members, office staff, defense colleagues, and other criminal justice system partners—as they consider how to present a refreshed or reformulated vision and mission for their offices.

Be a fixture at your local law school(s).

Numerous Beyond Big Cities members maintain relationships with their local law schools as a key part of their recruitment strategies. According to Dean Francie Scott, prosecutors often find it challenging to compete with other employers in an environment where students are often skeptical of their field and private recruiters are a dominant presence. To overcome this dynamic, prosecutors should pay close attention to the practical advice of those on the ground—such as law school professors. Only by implementing the full range of law school recruiting options available to them can prosecutors get ahead in a fundamentally mismatched market.

Dean Scott argued that prosecutors should, above all, be a ubiquitous presence in their local law schools. An office should be represented whenever and wherever criminal law, public service, or careers are being discussed. Representatives can include the chief prosecutor, members of their leadership team, or line staff, either alone or in combination. Prosecutors should also connect with criminal law professors and offer to visit their classes in a guest speaking role, either in-person or virtually. Prosecutors should also make an effort to build relationships with leaders in law school career offices. Dean Scott emphasized that early engagement is crucial, and that, in her experience, the first year of law school is the crucial window in which to shape law students’ thinking about prosecution and their potential place in it. Prosecutors must prioritize connecting with law students during this critical period.

Support and prioritize interns—while monitoring equity impacts.

Internship programs are the lifeblood of many prosecutors’ offices. They introduce new faces and fresh ideas into office hallways and courtrooms; they bring eagerness and curiosity into the workplace, disrupting routine and energizing their new colleagues. Most importantly, they give law students the chance to taste what it means to be a prosecutor—a potentially life

changing experience. These students *are* the next generation, making internship programming among the most important recruitment tools prosecutors have. It is essential for prosecutors' offices to get these programs right. Yet, precisely because of their importance, they also carry significant downsides. Unpaid internships are only available to those who can afford to take them; moreover, when internships are allowed to drive future employment decisions, bias is the pernicious result. Prosecutors should take care to ensure that their internship programs do not hamstring parallel efforts to promote diversity and improve their hiring processes for full-time positions (each discussed in later sections). Still, this note of caution should not stymie prosecutors in their zeal to build the best internship programs they can. Beyond Big Cities members and advisors shared a range of ideas for innovating in the internship space—while minimizing the downstream impacts of their programs.

Optimizing Your Program

Several Beyond Big Cities members emphasized the importance of internships to their recruitment strategies. One BBC member explained that his office's proximity to a law school allowed him to expand the range of opportunities offered to his interns. His program extends beyond the summer months and gives law students the option to remain engaged with the office over the course of the academic year. This kind of extended engagement increases the breadth and depth of interns' courtroom experience—and even allowed one student to handle every stage of a case, from arraignment through appeal. Although the BBC member acknowledged the rarity of this outcome, it nonetheless illustrates the benefits of longer-term engagement: not only are students exposed to more facets of prosecution, the depth and intensity of the internship experience can serve as a selling point for future interns. Prosecuting Attorney Jon Tunheim of Thurston County, WA often has interns return for multiple summers, with the first stint focused on appellate practice and legal writing and the second spent in the courtroom. Most interns have tried a case to verdict by the end of their time with the office. PA Tunheim's program also includes "brown bag" lunches designed to expose students to the ideas and experiences of people from across the criminal justice system—including defense attorneys, judges, and experienced prosecutors. Chief prosecutors can also consider inviting survivors of violence and formerly incarcerated people to share their experiences in the criminal justice system. By exposing interns to a wide range of perspectives, prosecutors can paint a living portrait of their office's philosophy—one grounded in respect, fairness, and the pursuit of justice. Prosecutors can also consider adding experiential elements to their internship programs, such as visits to jails or restorative justice circles, which can deepen students' learning.¹⁹

Dean Francie Scott advised prosecutors to take a methodical approach to designing their internship programs. The typical law student, she notes, wants information and structure—but offices frequently do not provide clear or accessible information about application timelines, processes, or expectations. Dean Scott emphasized that offices must make this information readily available online to compete in the digital age. Chief prosecutors and their leadership teams should also take steps to 'formalize the informal' when mentoring and supporting interns. Whether it's taking interns to coffee, engaging them in conversation about their interests and

¹⁹ See, e.g., Justin Jouvenal, [They Send People to Prison Every Day. Now, They Are Pledging to Visit](#), WASH. POST, Nov. 25, 2019; [Building Empathy Through Experience: Elected Prosecutors' Pledge to Facilitate Officewide Prison, Jail, and Juvenile Facility Visits](#), FAIR AND JUST PROSECUTION, Jul. 2022.

passions, or providing substantive career advice, chief prosecutors should expect supervisors and line staff members alike to foster this informal element of their programs. Communicating these expectations and evaluating the quality of mentorship are critical to running a successful internship program.

Avoiding Inequities

Prosecutors should be mindful, however, of how their internship programs feed into their recruitment and hiring processes. It is undeniable that internships are a highly effective and cost-efficient recruitment tool for prosecutors' offices, allowing them to scout talent and advocate for their profession almost for free. However, this dynamic typically favors students who have the financial means to accept and complete an unpaid internship.²⁰ Only two of the Beyond Big Cities prosecutors we spoke to offered any paid internships, and neither of them paid all of their interns. Although fully funding an internship program, let alone at a living wage, may not be possible, Dean Scott indicated that providing even a small amount of money in the form of a stipend—perhaps from a nonprofit or foundation funder—can make interns feel more valued and more committed to the work of an office.

Moreover, prosecutors should be wary of overemphasizing internship experience in their full-time hiring processes. Requiring new hires to have had practical experience in the courtroom—for example, through a student prosecutor internship under a limited practice rule—will dramatically narrow an office's applicant pool in ways that can reinforce inequity and run counter to a mission of change. To be sure, practical internships offer important benefits, including reducing the need for on-the-job training and testing courtroom aptitude. At a minimum, however, linking a candidate's prospects to their experience (or lack thereof) as an unpaid intern can lock out students from underrepresented and marginalized backgrounds. Placing a premium on unpaid practical experience does more than magnify the role of applicants' financial means: it also introduces significant selection bias into the downstream hiring process, allowing the less rigorous standards of an internship application to influence the evaluation of full-time candidates. By primarily elevating candidates on the basis of this kind of experience, offices will inevitably allow their criteria for selecting unpaid interns—a sometimes less rigorous standard that can hinge on "connections" and professional favors—to warp the process of hiring full-time, fully responsible team members.

The kinds of biases introduced by internship programs are made all the more pernicious by the difficulty of detecting them. Even if internship experience is "merely" an informal requirement for candidates, the unchecked preferences of hiring managers and the expectations of office culture can allow it to function as if it were carved in stone. By creating a structural preference for this single datapoint, offices will almost inevitably elide or deemphasize other skills and experiences that can just as effectively equip new attorneys to serve as ethical and equitable prosecutors. Hiring managers should instead consider a candidate's broader set of experiences—whether in employment, in community, or in life—and make a more holistic assessment of their

²⁰ See Naomi Harris & Jocelyn Gecker, [Unpaid Internships Face New Scrutiny As Barriers to Careers](#), Bos. *GLOBE*, Sept. 30, 2022 ("Close to half of all internships are unpaid, putting them out of reach for students who need wages to keep up with their bills, even if the work has nothing to do with their intended careers. Unpaid internships are facing new scrutiny from colleges, state lawmakers – and even the White House, which announced its interns this fall will be paid for the first time to help remove 'barriers to equal opportunity' for low-income students.").

commitment to the office’s vision and their ability to put it into practice. A “holistic” perspective does not entail lowering standards or favoring intangibles over demonstrated skills—far from it. Rather, it replaces a simple filter—does a candidate have prosecution experience or not?—with a more complex lens that sees social service skills, problem-solving ability, and lived experience as equally important metrics of potential effectiveness.

Revamp your hiring process with openness and transparency.

In all but the very smallest offices, chief prosecutors depend on line prosecutors to actuate their visions for justice. Because people are so critical to this work, nothing should be more important to an office’s mission than developing the next generation. It follows, then, that an office’s hiring process should be its administrative pride and joy—a finely-tuned machine regularly calibrated for transforming today’s job applicant into tomorrow’s prosecutor.

Simply put, there is compelling evidence that many prosecutorial hiring processes are not doing this successfully. A key study examining the *reasons* why people become prosecutors found that hiring processes regularly failed to elicit honest answers to that very question—that is, if the reasons stray beyond certain culturally acceptable boundaries.²¹ The consequences of this failure are serious and pervasive. “For elected prosecutors and mid-level supervisors,” authors Ron Wright and Kay Levine observe, “the hiring process thus leaves them in the dark about how to identify and use the talents of their incoming attorneys effectively, and how to blend more textured motivations into an effective progressive vision for the office.”²²

The key to remedying this situation lies in a twinned policy of precise and open-minded thinking. As discussed above, offices must first rigorously and thoughtfully define what they are looking for in their new prosecutors. It is critical that leaders align these qualities, experiences, and traits with the larger strategic and philosophical goals of their offices. Making the turn from precision to openness reveals a greater challenge: creating an environment in which job candidates will answer their questions openly and honestly.

Wright and Levine argue that several factors produce an underbelly of imprecision and dishonesty in prosecutorial hiring processes. They find that hiring managers place too much value on commitment to prosecution, in both the ideological and practical senses: “interviewers look for candidates who express enthusiasm to learn the work in the short run and the steadfastness to remain committed even after a few years pass.”²³ Traits that the authors see as exemplifying a “nuanced” approach to prosecution, such as “[b]eing openly concerned about law enforcement errors or the plight of defendants,” are often seen as smacking of defense work, and can be a strike against a candidate.²⁴ Either result of this dynamic alienates nuanced potential prosecutors: either the candidate is honest, and is rejected, or they bend the truth, leaving leaders with an inaccurate picture of their own employees.²⁵ (Of course, mendacity in interviews is not the only problem Wright and Levine diagnose in prosecutorial hiring processes. Many candidates undoubtedly give perfectly honest answers that simply do

21 Ronald F. Wright & Kay L. Levine, [Career Motivations of State Prosecutors](#), 86 GEO. WASH. L. REV. 1667, 1703-08 (2018).

22 *Id.* at 1703.

23 *Id.* at 1704-06.

24 *Id.* at 1704-07.

25 *Id.* at 1703-05.

not reflect the values of thoughtful and compassionate prosecution. The problem here, such as it is, is that hiring managers—up to and including chief prosecutors—may agree with those answers, and make hiring decisions accordingly.²⁶)

As a solution, Wright and Levine offer this: to receive honesty from their interviewees, prosecutors must first be honest themselves. They should begin by setting a clear priority: to “learn...about who the person will be as a decisionmaker.”²⁷ To achieve this, they propose that “the hiring committee...explore with each candidate the more complex motives and tasks of the modern prosecutor”; as a result, “interviewers would be better positioned to gauge each candidate’s judgment and adaptability for the job...[they are] actually seeking.”²⁸ In essence, prosecutors should guide their candidates through the job as they will be expected to perform it, ostensibly without telegraphing a particular ideological affiliation. This minimizes the risk that hiring managers will only be told what they want to hear.

As they reshape the candidate-facing aspects of their hiring processes, chief prosecutors should also think carefully about who on their teams is leading or participating in these processes. If those team members do not share the values and goals that leadership is trying to champion, their involvement in the process may do more harm than good. Prosecutor hiring is inevitably subjective; done right, candidates will be evaluated for their ethics, their compassion, and their thoughtfulness, among other mostly intangible qualities. Carefully selecting the people who do the evaluating is an essential component of improving an office’s hiring process and, eventually, its culture and performance.

Finally, no matter how finely-tuned a hiring process is, an office will not be able to realize its full potential unless potential applicants understand it. Dean Scott emphasized the absolute necessity of providing hiring information—including a timeline, a process description, and a point of contact—on an office’s website. This, at a minimum, can help to close the gap with the superior recruitment resources of private firms, especially for students who would otherwise be interested in public service but find little information about how to approach it.

Emphasize diversity.

Achieving greater diversity in their offices is a critical priority for many chief prosecutors. This can include a focus on achieving greater representation in race, ethnicity, gender identity, sexuality, and other identities. Prosecutors themselves have identified “the importance of diverse perspectives, and having a staff that reflects the community being served,” as key benefits of diversity.²⁹ Even so, prosecutors should be mindful that improving diversity will not, by itself, create an office that is fully responsive to the concerns and needs of marginalized communities, particularly those of color. Diversity is not a substitute for deeper changes in office culture and prosecutorial policy; likewise, forward-thinking policies cannot fulfill their potential unless they are informed by the perspectives of diverse practitioners. Overemphasizing any one factor in the pursuit of equity will cause offices to fall short of their broader goals for change. Bearing these lessons in mind, prosecutors must continue to forge ahead in opening their offices to

²⁶ *Id.* at 1707-08; *see also id.* at 1703-08.

²⁷ *Id.* at 1705.

²⁸ *Id.*

²⁹ Katherine Bies et al., [Diversity in Prosecutors’ Offices: Views from the Front Line](#), STAN. CRIM. JUST. CTR. (2016), at 11.

members of historically marginalized communities—especially those that have been most impacted by the criminal justice system.

While there has been surprisingly little research published on prosecutors and diversity specifically, we encourage readers to consult a duo of pathbreaking reports on the subject from the Stanford Criminal Justice Center at Stanford Law School. These reports—“Stuck in the ‘70s: The Demographics of California Prosecutors” (2015) and “Diversity in Prosecutors’ Offices: Views from the Front Line” (2016)—persuasively demonstrate the importance of racial diversity for prosecution and present first-of-its-kind data documenting the overrepresentation of white Californians in the state’s prosecutors’ offices. The data show that “Whites comprise slightly more than 38 percent of the population of California but nearly 70 percent of California prosecutors.”³⁰ Correcting extreme imbalances like these is an enormous challenge, but prosecutors are not alone. They can look to colleagues, including BBC members, who have explored strategies for increasing diversity and found success. Organizations like the Sarita and Claire Wright Lucas Foundation, which supports Black women aspiring prosecutors, can also be resources for offices as they explore ways to better engage with diverse candidates.³¹

It would be a mistake, however, for chief prosecutors to limit their engagement to audiences that are avowedly prosecution-oriented. Several Beyond Big Cities members and advisors stressed that, when dealing with law students, the exact opposite approach is required. Some have found that many law students, including members of marginalized populations, do not express interest in prosecution. Moreover, as discussed above, several members have also reported encountering ideological opposition to prosecution among the law students they meet. In this climate, prosecutors should be able and willing to engage with the arguments *against* becoming a prosecutor—particularly when those arguments intersect with race and identity. One such argument, influentially advanced by Paul Butler, holds that progressive students who become prosecutors cannot “make an important difference” in “improv[ing] the criminal justice system.”³² Prosecutors must not duck this charge, and the key to successfully recruiting new partners in the fight to dismantle systemic racism lies in *how* prosecutors engage with this reasoning. They must not dismiss or ignore this line of argument outright. Rather, as County Attorney Molly Hicken of Cook County, MN argued, prosecutors need to make clear that they stand *in opposition* to systemic racism. She emphasized that prosecutors should be mindful of “the way we communicate about our mission, and [that] the more aligned that mission is with racial and economic equity, the more safe and attractive we make our office[s] for diverse applicants.” By framing their arguments in terms of equity and justice, prosecutors will be able

30 Katherine Bies et al., [Stuck in the ‘70s: The Demographics of California Prosecutors](#), STAN. CRIM. JUST. CTR. (2015), at 8, 7.

31 [Our Initiatives](#), SARITA AND CLAIRE WRIGHT LUCAS FOUND. (last visited Sept. 2, 2022).

32 Butler, a Black former prosecutor, is an important cartographer of this ethical territory. He has questioned whether Black people, and progressives of other races, should be prosecutors. See [Should African-Americans be Prosecutors? A Conversation with former DC Prosecutor Paul Butler](#), CRIME REP., Jun. 29, 2009; see also Kenneth B. Nunn, [The “Darden Dilemma”: Should African Americans Prosecute Crimes?](#), 68 FORDHAM L. REV. 1473, 1478 (2000) (“I argue that African Americans should not prosecute crimes. I make this argument because I believe that when African Americans prosecute crimes, they do extensive and avoidable harm to the African American community. The contours of my argument are simple: (1) the criminal justice system is racist and oppressive to African American people; (2) prosecutors are a major source of the racism found in the criminal justice system; (3) African American prosecutors cannot eliminate the racism in the criminal justice system by themselves; and (4) African Americans should not contribute to the oppression of other African American people.”); *id.* at 1475. *But see* Roscoe C. Howard, Jr., [Changing the System from Within: An Essay Calling on More African Americans to Consider Being Prosecutors](#), 6 WIDENER L. SYMP. J. 139, 142 (2000) (“I propose that African Americans and other ethnic minorities consider becoming prosecutors and diversifying the ranks of those who make the decisions in the system.”).

to demonstrate to their ostensible ideological opponents that they share the same values.

Several Beyond Big Cities members and advisors counseled prosecutors to utilize variations of this direct and emphatic approach—a strategy that may be especially critical when engaging with diverse candidates. While Paul Butler emphasizes that the ethical quandaries of becoming a prosecutor apply to all potential aspirants, concerns about systemic racism in the criminal justice system may be particularly salient for candidates whose communities are most impacted by that system.³³ Accordingly, prosecutors should strive to incorporate a concern for diversity and racial equity into all aspects of their recruitment and retention processes. Prosecuting Attorney Jon Tunheim’s office, for instance, established an internal diversity and equity committee. One of the committee’s conclusions was that the office’s interview panels were not diverse; this was revealed as a blind spot for his organization. Efforts to increase diversity on those panels bore immediate fruit when a “candidate gave...feedback [that] they noticed diversity in the panel and felt that was a demonstration of what they were about and made them want to join the office.” PA Tunheim’s experience demonstrates that, by telegraphing their values, prosecutors’ offices can attract like-minded, equity-oriented team members—including members of marginalized communities. Chief prosecutors should apply this same lesson to shaping their leadership and supervisory teams. They must make it clear that their offices are not merely welcoming of diverse candidates, but also places where those candidates can thrive and advance.

Much more remains to be written about diversity in prosecutors’ offices. It is beyond the scope of this paper to complete that work; nonetheless, we feel prepared to propose directions for further study, some of which we may pursue in future publications. Researchers should empirically investigate the kinds of interventions—outreach strategies, interview techniques, even ways of framing issues—that may appeal to candidates from diverse backgrounds. They should also conduct site studies to examine how the features of specific prosecutors’ offices produce non-diverse staffing outcomes. Many Beyond Big Cities members have struggled to recruit diverse candidates, despite persistent efforts to do so; more research is critically needed, and sincerely desired, to assist them in doing better.

Recruit and Retain Staff by Enhancing Work-Life Balance

Each criminal jurisdiction has its own rhythms, but the life of a line prosecutor in most communities can be both flexible and exciting. In one recent study, prosecutors frequently cited these features of the role as “motivations for choosing and remaining in prosecution.”³⁴ Interviewees identified job security, reasonable hours, and an engaging and varied set of tasks as among the factors that set prosecution apart from other legal work.³⁵ While the most mission-driven of chief prosecutors might see these motives as “pedestrian” or “unidealistic,” they should recognize that, for many of their current and future employees, work-life balance is

³³ Butler, *Should African-Americans be Prosecutors?*, *supra* note 32.

³⁴ Wright & Levine (2018), *supra* note 21, at 1672, 1693-98. Forty percent of the study participants expressed some version of this sentiment; notably, a preference for flexibility/unpredictability was more common in junior prosecutors than senior prosecutors, suggesting that emphasizing quality of life might have a greater impact on recruitment than retention. *Id.* at 1699 tbl. 2. Readers should note that prosecutors who were motivated by this set of factors were not necessarily *solely* motivated by them; in fact, just the opposite is likely true, as Wright and Levine find a great deal of layering and complexity in prosecutors’ motivations. *Id.* at 1672, 1701.

³⁵ *Id.* at 1693-94.

an important and empirically proven motivator.³⁶ Indeed, several Beyond Big Cities prosecutors have focused their recruitment and retention efforts on policies that expand the meaning of ‘work-life balance’ beyond its traditional boundaries—including expanded remote work and even (in the case of County Attorney Bill Ring in Coconino County, AZ) out-of-state work. An office’s staffing goals need not be in tension with the needs of its workforce: in fact, by embracing their team members’ perspectives, chief prosecutors can create more resilient and impactful offices.

Compensate creatively.

It is axiomatic that prosecutor pay will never keep pace with private sector legal salaries. Yet pay is not the only form of compensation that chief prosecutors can provide their team members. Several Beyond Big Cities members have found creative ways to move beyond the narrow frame of on-paper salaries to assist their employees and make their workplaces more appealing to newcomers and longtime team members alike. A key proposal is providing team members with more paid time off—a step that may not require any new funding. While team members will indeed “work less” in aggregate terms, giving employees additional time off can lead to a range of better outcomes, as happier and better-rested employees may produce better work, apart from the likely substantial increases in job satisfaction and retention.³⁷ Generosity with time off, both as a matter of policy and of culture, can provide significant benefits in a prosecutor’s office without requiring new funding.

One Beyond Big Cities member described a prosecutor’s office in his state that took this logic a step further and offered all staff four hours of paid time off per week to be spent volunteering in the community. This office was able to successfully align its personnel priorities with its community engagement strategy, generating a dual policy success through one program. Several Beyond Big Cities members are now actively exploring adopting this program in their home communities.

Expand remote work.

Prosecutors have increasingly allowed their employees to work from home in response to the COVID-19 pandemic and the use of remote court appearances in some jurisdictions. Beyond Big Cities prosecutors have taken a range of approaches to shaping permanent remote work policies for a post-pandemic world. The merger of prosecution and virtual work has created significant space for innovation, even as it has produced very real challenges.³⁸

³⁶ *Id.* at 1697.

³⁷ There is a broad consensus on the association between vacation and a range of positive outcomes for employees. On the benefits of vacation time, see Ashley Hurrell & John Keiser, [An Exploratory Examination of the Impact of Vacation Policy Structure on Satisfaction, Productivity, and Profitability](#), 10 BRC ACAD. J. Bus. 33, 42-45 (2020) (summarizing applicable literature on positive impact of vacation); see also [Vacation Time, Toward a More Respectful Workplace](#), MICH. ST. U. (last visited Oct. 15, 2022) (small-scale literature review citing numerous authorities in favor of vacation); [What Benefits Can Employers Offer to Improve Employee Retention?](#), SHRM (last visited Oct. 15, 2022) (“Paid time off beyond traditional vacation and sick leave can help employees reduce stress and create better work/life integration. Paid family leave has increased significantly since 2019, according to SHRM research, and unlimited or open leave policies that allow employees to take time off as needed with no specific cap on the number of days are gaining in popularity.”).

³⁸ For another important and thoughtful voice on this subject (especially with regard to management strategy), see [Presentation by Yavapai County Attorney Sheila Polk](#), PROSECUTORS’ CTR. FOR EXCELLENCE, May 12, 2022.

Finding the Right Approach

Remote work takes many forms in prosecutors' offices. Some Beyond Big Cities members, such as District Attorney Deborah Gonzalez of the Western Judicial Circuit, GA have taken a measured approach. DA Gonzalez crafted a policy that allows her employees to work from home for 16 hours per month. She crafted this policy with the intent of balancing her team's needs with in-person court schedules. Similarly, Prosecuting Attorney Jon Tunheim's "3-2 hybrid" program allows team members to spend up to two days per week at home. Hybrid policies like these can create an immediate retention boost among employees who might otherwise be unwilling or unable to come back to the office full-time.

Other prosecutors have taken further-reaching approaches that expand the paradigm of remote work. In Arizona, County Attorney Bill Ring has decided to operate without a formal policy on where his staff members perform their work. If they are able to fulfill their responsibilities remotely, they are free to do so; supervisors intervene in the event that work is unsatisfactory, rather than dictating work patterns or locations upfront. CA Ring has even hired staff who work out of state. As discussed below, however, he has shifted his approach to remote work for some cases and situations, based on an evolving and iterative conception of what "fulfill[ing] responsibilities" means for his team members. County Attorney Reese Frederickson of Pine County, MN has also taken an 'open' approach to remote work. He has set only two conditions: that team members' work product remain excellent (as measured by an absence of complaints) and that they share the duty (on a rotating basis) of maintaining a daily on-site presence. The program has been a significant success with both staff and partners, none of whom have complained about the quality of the office's work. Team cohesion has benefited, as staff have been empowered to negotiate on-site coverage themselves. CA Frederickson also points to financial savings for staff (on gas) and the ability to turn long commutes (five of his six line prosecutors commute for over two hours a day) into more time for their kids' games and events. He calls remote work "probably...[his] primary retention tool." Although their policies are still somewhat "experimental," CAs Ring and Frederickson have allowed employees to shape their own work lives to an unprecedented degree. Only time will tell if this open, employee-driven strategy will be effective, but the early results are promising.

Facing Challenges, Formulating Solutions

Several Beyond Big Cities members described the challenges they have encountered in the course of implementing remote work policies. They find that remote work makes mentorship harder, can erode office culture and the sense of "being on a team," and sometimes leads to conflict. Still, none of the prosecutors who offered a remote work option were considering rolling it back entirely; instead, they shared solutions designed to improve their programs on the margins and drive towards more successful outcomes for both their offices and their individual team members.

The specific contours of each remote work policy are critically important. It is crucial to set clear boundaries and expectations for staff who participate in remote work programming. While policies should be simple and compliance measures should be easy, it is critical to set and enforce basic expectations. For example, to cut down on last-minute changes that made staffing unpredictable and harmed morale, DA Gonzalez decided not to allow staff to work remotely unless they submit a "request...48 [hours] in advance." Moreover, any remote

staff “are required to submit a work log by the end of the day,” a simple and non-onerous accountability mechanism that supervisors can readily review. A key goal of such measures is generating a sense of fairness. Several prosecutors noted that, if a remote employee’s absence creates challenges for onsite staff, it can breed resentment. One prosecutor noted that these discontents cut along generational lines between senior prosecutors who value working onsite and newer hires who enjoy virtual work. Prosecutors should take care not to inadvertently sow these kinds of divisions, and fairness-building measures like logs and deadlines are a key prevention tool.

Remote work can also have consequences for office culture. County Attorney Bill Ring posed a critical question for this issue: “how do we sustain an office culture [remotely]?” This perceived balancing act—between building and maintaining office culture and increasing flexibility—will confront many chief prosecutors as they set priorities for their offices. Is building a tight-knit environment more important than offering the flexibility that could lead to more robust staffing and fewer retention problems? Which priority better serves the ends of public safety and justice? As chief prosecutors strive to answer these questions in their own unique contexts, the stories of their Beyond Big Cities colleagues make clear that, above all else, leaders must commit to ongoing learning and be willing to course-correct as they go. What is certain is that reconciling the benefits of remote work with its office-cultural downsides will ultimately require considerable innovation and experimentation.

One Beyond Big Cities member, District Attorney James E. Stewart, Sr. of Caddo Parish, LA has not instituted a permanent work from home option. The courts in his jurisdiction do not hold remote hearings, and most of his team members are not enthusiastic about working from home. Still, DA Stewart’s concerns about remote work may be instructive and thought-provoking for his peers whose offices are largely in favor of embracing it. Crucially, DA Stewart believes that the challenges inherent in prosecution require its practitioners to be present. As he put it, “[w]e have to deal with the lives of broken people”—which is not something that is best done over Zoom. CA Bill Ring, likewise, feels that prosecutors should always talk to victims and survivors of crime in-person. Although his remote work policy is generally very open, the needs of victims have driven a moderate shift in some situations. “We are starting to call people back to the office,” he said, “particularly because of the contact we have on the felony side with victims.” Remote work, he argued, should not be allowed to cut prosecutors off from “the emotive process of their work - the human condition.” Both DA Stewart’s and CA Ring’s perspectives offer measured counsel and food for thought to their colleagues.

When prosecutors expressed concerns about their remote work policies, they did not do so by suggesting they would repeal them and require a full return to the office. They emphasized, however, that one solution to the challenges they have encountered might simply entail being together more. County Attorney Molly Hicken has found that remote work has intangible repercussions, in that “it affects comradery and connection to each other.” “Especially in a small office,” she added, “we need to pull our own weight and see each other working and bounce ideas off of each other.” Her tentative solution is to at least slightly increase the amount of time that her staff spends together as a team.

Finally, prosecutors should be mindful that the success of any policy, however finely crafted,

will mirror an office's existing management cultures. If office leaders are currently equipped to support their team members and ensure that cases are being handled appropriately without in-person interaction, remote work can help an office to grow and thrive. Conversely, a liberal remote work policy can exacerbate existing management challenges if an office isn't ready for it. Prosecutors should trust their teams and their experiences over the course of the early COVID-19 pandemic and formulate a policy that works for them. DA Gonzalez's policy exemplifies this approach: by marrying her staff's needs with her prerogatives as a manager and the realities of her jurisdiction's court schedules, she has created a balanced policy that works for her office and her context.

Explore childcare options.

Chief prosecutors should take steps to make their workplaces as family-friendly as possible. Program options for childcare tend to be complex and require long-range planning; however, some prosecutors across the country have made this a priority. Providing paid parental leave can attract and retain prosecutors who already are, or are planning to become, parents. Prosecutors should advocate for state and local funding authorities to support this crucial benefit. If they are unable to provide paid leave, prosecutors can also implement voluntary "Infant in the Workplace" programs that help parents transition back into work life while continuing to care for their newborns.³⁹

County Attorney Reese Frederickson's Infant-At-Work program has generated a wide range of benefits for both a new parent on his team and for his office at large. The program is intended to enable parents to care for their infants while continuing to serve in their professional roles.⁴⁰ The policy emphasizes careful planning, consultation, and boundaries, all of which are intended to maximize a team member's work-life balance while minimizing disruption to the office's rhythms.⁴¹ Still, despite the policy's extensive detail, *flexibility* (rather than structure) is ultimately the key benefit for a new parent. For example, while her daughter was still an infrequent guest at the office, a line prosecutor who participated in the program knew that bringing her child along was an option. Most importantly, she knew that her supervisor and colleagues were ready and willing to support her. The program became a bonding experience for CA Frederickson's team, to the point where "everyone in the office volunteered to be an 'alternate care provider'" in the event that the child's parent was temporarily called away.⁴² Moreover, the child's many adorable appearances on Zoom calls were a big hit—so much so, in fact, that the program started to pay recruitment dividends. CA Frederickson explained that he was able to "[recruit] an attorney from the public defender's office with over 20 years' experience because she was drawn by the family friendly image" projected by both the policy and, of course, these Zoom appearances.⁴³ Although the policy was devised with retention goals in mind, it ultimately became a key recruitment selling point in an otherwise bleak hiring market for prosecutors in the exurban Twin Cities. This policy model is not unique to CA Frederickson; for example, one

³⁹ [Pierce County Prosecutor's Office Program Allows Babies at Work](#), KING 5, Feb. 25, 2020.

⁴⁰ *Pine County Attorney's Office Infant-At-Work Program Internal Operational Procedures*, PINE CNT. ATT'Y'S OFF., at 1 ("The... Program encourages new mothers or fathers to return to work sooner by allowing the new parents to bring their infant to work with them until the child is 240 days old or begins to crawl, whichever comes first.").

⁴¹ See *id.*

⁴² E-mail from Reese Frederickson, Pine Cnty. Att'y, to IIP (Sept. 15, 2022); see also *Pine County Attorney's Office Infant-At-Work*, *supra* note 40, at 3.

⁴³ See *Id.*

prosecutor in Washington State also created a similar program that was covered in the local press.⁴⁴ Both programs were accompanied by extensive policy plans and sample application forms, potentially providing models that fellow offices can adopt.⁴⁵

Other prosecutors have taken steps to incorporate childcare options into their newly-constructed office spaces.⁴⁶ Smaller offices that do not have large spaces of their own can take inspiration from jurisdictions that have convenient childcare options co-located at the central hub of the local criminal justice system. For example, the aptly-named Justice Juniors Child Care Center is co-located with the Hughes Justice Center in Trenton, NJ; it is focused on state employees and provides a potential model for local or regional criminal justice system leaders as they consider redesigning or reconstituting their physical spaces to better-accommodate parents.⁴⁷

Secure More Funding (Yes, It's Possible!)

For chief prosecutors who have not yet found success in doing so, the idea of advocating for improved salaries for their line staff may seem naïve on its face. Insufficient salary levels have consistently been recognized as *the* key issue for prosecutors who struggle with both recruitment and retention.⁴⁸ Moreover, there is evidence (albeit limited) that prosecutor salaries have decreased relative to inflation in recent years.⁴⁹ The issue of prosecutor pay demands attention even as it continually defies resolution. Despite the odds, several Beyond Big Cities members have succeeded in obtaining raises for their team members. Some, like Bill Ring of Arizona, have obtained across-the-board raises for their entire teams; others, like Pennsylvania's Matt Fogal and Minnesota's Reese Frederickson, have increased the earning potential of their teams by advocating for salary "steps" for senior employees. Other chief prosecutors across the country have employed creative approaches to advocate for their team members, and small and rural jurisdictions have often led the way.

Think outside the box with funding authorities.

Budget advocacy is a key part of the chief prosecutor's role. Those in this role are used to working with state and local funding authorities to champion their team members' work and

44 *Pierce County*, *supra* note 39.

45 See [Infants in the Workplace](#), PIERCE CNTY. PROSECUTING ATTY'S OFF. (last visited Oct. 7, 2022); *Pine Cnty. Att'y's Office Infant-At-Work*, *supra* note 40.

46 Paighen Harkens, [Salt Lake County's New District Attorney's Office Has a Day Care, Gym and Top-Floor Break Room Overlooking the Mountains – And It Should Save Taxpayers Millions](#), SALT LAKE TRIB., Mar. 9, 2018.

47 [Justice Juniors](#), Registration flyer, Justice Juniors Child Care Center (Trenton, NJ) (last visited Oct. 7, 2022) (noting state employee focus); [Justice Juniors Child Care Center - Trenton, NJ Child Care Center](#), CHILDCARECENTER.US (last visited Oct. 20, 2022) (noting co-location with Justice Center).

48 Steven W. Perry, [Prosecutors in State Courts, 2005](#), BUREAU OF JUST. STAT., Jul. 2006, at 3 ("Salary was the primary obstacle cited by prosecutors' offices with recruitment problems (83%) and offices with retention problems (71%)."). On salaries as a critical (although not necessarily paramount) driver of staffing issues for prosecutors, see also Wright & Levine (2018), *supra* note 21, at 1694-96 (presenting empirical evidence that insufficient compensation is an important driver of attrition); Bromwich, *supra* note 7; Love, *supra* note 7; O'Dell, *supra* note 8.

49 Adam Biener, [Prosecutor Workplace and Compensation Study: Report of Findings](#), ASSOC. OF PROSECUTING ATT'YS (2021), at 10 ("The average starting annual salary for a non-supervising attorney [in the present study] was \$68,056. Starting salaries ranged from below \$50,000 to above \$100,000. These distributions of entry-level attorney starting salaries are *only somewhat larger* than those described in the 2007 BJS report, where the average entry level salary for an assistant prosecutor in a jurisdiction of larger than 1 million was between \$51,354 and \$64,517. Adjusting for inflation, 2007 mean entry-level salaries observed in the BJS report were between \$65,404 and \$82,168 in 2020 dollars." (citations omitted) (emphasis added)).

seek greater resources. Nevertheless, achieving even a marginal funding increase (let alone a generous one) can be challenging. The reasons for this include a host of political and economic factors that have one thing in common: they are outside the chief prosecutor’s control. Still, there are ways for leaders to press forward and get ahead of the curve. At a minimum, prosecutors should articulate a clear message for their office as they navigate the political currents of the budgeting process. Nonetheless, a good argument may not be sufficient on its own to move the needle on an office’s personnel challenges. Chief prosecutors can jumpstart the process by stepping outside of traditional budgeting pathways and pursuing new ideas and initiatives.

Taxation for Prosecution

Drive an hour northeast of Indianapolis, and you’ll find yourself in Madison County, Indiana. Home to about 130,000 people,⁵⁰ it is classified as urban, but its economic and social woes have been compared to the struggles of Indiana’s rural counties.⁵¹ Put differently, what works in Madison County may work for prosecutors in more rural areas, too. In the fall and winter of 2021, the county passed an income tax increase designed to augment local criminal justice budgets.⁵² Among the principle advocates for the tax was a somewhat unusual player: the chief deputy at the local prosecutor’s office. Facing serious budgetary challenges in his office, the chief deputy took it upon himself to pursue a vigorous campaign in favor of the tax and ultimately testified before local legislators.⁵³ The passage of the tax ultimately translated into a recruitment and retention boom for the local prosecutor’s office—offering a potential framework for other jurisdictions to adopt.

Equipped with the resources to offer higher salaries, the Madison County Prosecutor’s Office (MCPO) successfully recruited six new deputy prosecutors.⁵⁴ The office also added two full-time prosecutor positions (along with an additional part-time prosecutor) and a number of support staff. The tax also allowed the MCPO to raise salaries for its deputy prosecutors, increasing the average prosecutor salary by a remarkable \$12,000.⁵⁵ The end result was a strong dual impact on recruitment and retention.

In interviews with a local publication, several of the six new hires made clear that these salary increases were absolutely crucial to their successful recruitment. Although the size of the incoming group is itself evidence of the benefits of the tax, the experience that the new prosecutors brought with them is even more instructive. One new hire was a former public defender; another was a former judge with 15 years of prosecutorial experience. Five out of

50 [QuickFacts: Madison County](#), Indiana, U.S. CENSUS BUREAU (last visited Jul. 13, 2022).

51 Scott L. Milley, [Report: Madison County ‘Vitality’ Compares to Rural Area](#), HERALD-BULLETIN (Anderson, Ind.), Dec. 6, 2015; [Community Vitality Index](#), IND. UNIV. PUB. POL. INST. (2015), at 3 (“Overwhelmingly, counties in the most challenged tier are rural ... Madison County, the non-rural county that falls into the most challenged tier, struggled in the wake of the global economic restructuring that led to decline in manufacturing, especially American automotive manufacturing.”); see also *id.* at 3 Map 2 (classifying Madison as an urban county).

52 Ken de la Bastide, [Madison County Council Approves \\$293,000 For Public Safety Pay Raises](#), HERALD-BULLETIN (Anderson, Ind.), Feb. 9, 2022; Steve Heath, [Tax Increase to Benefit Public Safety](#), TIMES-POST (Pendleton, Ind.), Nov. 12, 2021; Andrew Hanna, Presentation to Indiana Prosecuting Attorneys’ Council, June 24, 2022, slides 31-32; phone conversation with Andrew Hanna, Chief Deputy Prosecutor, Madison County Prosecutor’s Office (Jul. 22, 2022).

53 Heath, *supra* note 52; phone conversation with Hanna, *supra* note 52.

54 Ken de la Bastide, [Pay Was a Factor in New Deputy Prosecutors Coming to Madison County](#), HERALD-BULLETIN (Anderson, Ind.), Mar. 3, 2022.

55 Hanna presentation, *supra* note 52, at 32.

six new hires had prior experience as prosecutors—with over 30 years of experience between them.⁵⁶ Raising salaries can assist chief prosecutors in recruiting candidates with the experience and talent they need in their line staff, and the tax increase in Madison County provides a strong model for how to get there.

The budgetary experience of Madison County is relevant for locally-funded prosecutors' offices of all sizes, but perhaps especially so for those that—like Madison—straddle the space between rural communities and large metropolitan areas. County Attorney Reese Frederickson, whose jurisdiction is sandwiched between the Twin Cities metropolitan area and the smaller city of Duluth, MN described the ways that this particular geography shapes his staff. Although he has access to an urban area's larger pool of potential recruits, his hires face long commutes to his office (over two hours each day for five of his six prosecutors) and he is unable to offer competitive salary raises, leading many to leave for higher-paying jobs in the nearby cities. Increasing salaries from a local revenue source may be an effective and realistic policy intervention for this particularly challenging situation. In a similar vein, County Attorney Bill Ring—whose northern Arizona jurisdiction includes Grand Canyon National Park—speculated that a sales tax surcharge could help his office to deal with the criminal justice challenges posed by tourism. As he put it, “[o]ur local justice system is scaled for 142,000 people. But we experience 20 million visitors. 33% of our victims and 27% of our perpetrators are from somewhere else. So taxing [tourism] in order to pay for [its] impacts has a rationale to it.” Chief prosecutors should consider adapting these concepts and lines of thinking to their own communities, so that they, too, can develop funding proposals that creatively match the strengths of their local economies with their unique needs.

Finally, the work of Madison County's chief deputy prosecutor is proof that prosecutors can channel and shape local political support for the criminal justice system, even as they provide an important mechanism for accountability and proportionality. Lobbying alongside law enforcement counterparts,⁵⁷ as the chief deputy did, to achieve greater resources may threaten to strain prosecutors' necessarily independent position, but this does not make collaboration impossible.

Expanding the Concept of “Access to Justice”

The shortage of attorneys in rural areas across the United States is well-documented.⁵⁸ Yet the “access to justice” framework that is often used to conceptualize it generally excludes prosecution as an area of need.⁵⁹ By sidelining prosecutors in discussions of rural legal systems, these models miss a chance to emphasize the outsized impact that prosecutors can

⁵⁶ de la Bastide, *supra* note 54.

⁵⁷ See Heath, *supra* note 52; see also de la Bastide, *supra* note 52.

⁵⁸ [Profile of the Legal Profession](#), AM. BAR. ASSOC. (2020), at 2 (“Nearly 1,300 counties in the U.S. have less than one lawyer per 1,000 residents ... Many states with large, rural expanses have lots of counties with few lawyers ... Overall, 40% of all counties and county-equivalents in the United States – 1,272 of 3,141 – have less than one lawyer per 1,000 residents.”). For further discussion, see *id.* at 3. For state-by-state surveys of the legal desert phenomenon, see *id.* at 4-22; April Simpson, [Wanted: Lawyers for Rural America](#), PEW, Jun. 26, 2019 (“Legal deserts disproportionately affect rural and especially poor people, who may have to travel hundreds of miles, or experience lengthy and expensive delays for routine legal work.”). For a state-specific example, see, e.g., Robbie Feinberg, [In Maine, Hopes Turn to Law Students Amid Dearth of Rural Attorneys](#), MARKETPLACE, Mar. 28, 2022.

⁵⁹ See Lisa R. Pruitt & Andrew Davies, [Investigating Access to Justice, the Rural Lawyer Shortage, and Implications for Civil and Criminal Legal Systems](#), at 4-7, SMU DEDMAN SCH. L., working paper, Legal Stud. Research Paper Ser. No. 526 (Apr. 2021) (literature review section entitled “Access to Justice and Criminal Process” that does not mention the role of prosecutors); Lisa R. Pruitt

have on their communities.⁶⁰ Putting the right prosecutors in place can revamp how a rural justice system functions by, among other things, emphasizing engagement with communities of color.⁶¹ All of these prosecutorial interventions create downstream impacts favoring just outcomes and lessening the burden on the defense bar.⁶² Several states have implemented innovative programs designed to address the rural attorney shortage, including by supporting prosecutors. Prosecutors should advocate for expanding these program models to emphasize prosecution as an area of potential innovation and significant need. They can do so by highlighting the critical role of prosecutors' offices in efforts to make rural criminal justice fairer and more equitable.

States have taken a multitude of approaches to investing in rural attorneys. Since 2015, rural attorneys in Nebraska have been eligible for loan repayment assistance on their law school debt.⁶³ Assistance is capped at \$6,000 per year, and attorneys must commit to serving in a rural area for a minimum of three years. They may be eligible to receive continued assistance after that point until reaching a lifetime maximum of \$42,000, enough to cover the cost of tuition at Nebraska's public law school.⁶⁴ Prosecutors in rural areas are eligible for support under this program and have received assistance in the past.⁶⁵ South Dakota has taken this model a step further by providing about \$12,500 per year in direct cash support to a limited number of attorneys who commit to practicing in a rural area for five years.⁶⁶ While full-time prosecutors are not eligible, part-time prosecutors have received support.⁶⁷ The program could even more effectively assist prosecutors' offices in meeting their staffing goals if eligibility were to be expanded. The merits of the program also include financial sustainability; while the "county and municipality" where an attorney practices must pay for 35% of the total incentive, the remaining 65% is provided by the state, making for a relatively equitable distribution of costs.⁶⁸ Moreover,

& Bradley Showman, [Law Stretched Thin: Access to Justice in Rural America](#), 59 S.D. L. REV. 466 (2014). A notable exception is provided by Beyond Big Cities Advisory Board member Maybell Romero. See Maybell Romero, [Viewing Access to Justice for Rural Mainers of Color Through a Prosecutorial Lens](#), 71 ME. L. REV. 227 (2019).

60 For a lengthy survey article that does not discuss prosecution more than in passing, see Pruitt & Showman, *supra* note 59.

61 Romero, *supra* note 59, at 230-31 ("There has been comparatively little discussion as to what prosecutors themselves can do to foster better relationships with communities of color, particularly in rural areas.").

62 See, e.g., Pruitt & Davies, *supra* note 59, at 5-6 (summarizing literature on challenges of criminal defense in rural areas).

63 Lisa R. Pruitt et al., [Justice in the Hinterlands: Arkansas as a Case Study of the Rural Lawyer Shortage and Evidence-Based Solutions to Alleviate It](#), 37 U. ARK. LITTLE ROCK L. REV. 573, 621-22 (2015); E-mail correspondence between IIP and Kendra Werth, NEB. COMM'N PUB. ADVOC. (Oct. 11, 2022). Program eligibility also extends to "full-time, salaried attorney[s] working for...tax-exempt charitable nonprofit organization[s] in Nebraska whose primary duties are public legal service." [2021 Application Packet](#), NEB. COMM'N PUB. ADVOC., at 3.

64 *Application Packet*, *supra* note 63, at 3-5. For in-state students, the Nebraska College of Law charges \$406/credit hour; for the required credits to graduate, tuition totals just under \$38,000. See [Financial Information](#), U. NEB. LINCOLN (last visited Oct. 4, 2022). Tuition at Creighton University Law School in Omaha is much more expensive at \$1,468/credit hour, highlighting the limits of loan repayment programs with lower lifetime limits. See [Creighton Law Costs](#), CREIGHTON UNIV. SCH. OF LAW (last visited Oct. 4, 2022). For a list of law schools in Nebraska, see [Nebraska Law Schools](#), LAW SCH. NUMBERS (last visited Aug. 29, 2022).

65 Telephone conversation with Kendra Werth, NEB. COMM'N PUB. ADVOC. (Jul. 28, 2022).

66 Pruitt et al. (2015), *supra* note 63, at 620-21; see also [Rural Attorney Recruitment Program Annual Report](#), S.D. UNIFIED JUD. SYST., Mar. 2022, at 1-2.

67 Telephone conversation with Greg Sattizahn, S.D. State Ct. Adm'r's Off. (Oct. 13, 2022); [Rural Attorney Recruitment Program Contract/Letter of Agreement](#), S.D. UNIFIED JUD. SYST. (last visited Oct. 4, 2022), at 2 (contract requiring participant to acknowledge their status as "an independent attorney").

68 *Annual Report*, *supra* note 66, at 1-2. The total funds allocated to the project during its pilot stage totaled almost \$1,000,000, with \$475,000 drawn from general funds and \$500,000 drawn from court-assessed fees. An additional \$150,000 was approved in 2019. Just over \$463,000 had been spent through FY2021. *Id.* at 2 (describing funding breakdown by source and over time); see also S.D. CODIFIED LAWS §§ 16-2-38, 16-2-39, 16-2-39.1, 16-2-41, 16-2-41.1, 16-2-42 (statutes detailing fees that support program funding).

the incentive exceeds the cost of tuition at South Dakota's only law school, providing a net benefit even to full-pay law students.⁶⁹ North Dakota has implemented a similar program with a lower maximum benefit (\$45,000) and a similar cost structure (35% borne by a local community, 15% by the North Dakota Bar Association, and 50% by the state Supreme Court).⁷⁰ In North Dakota, prosecutors appear to be eligible for the program.⁷¹ Not all programs in this space, however, offer a direct financial benefit to attorneys or students. Colorado boasts an initiative, established by statute, that "match[es] law school graduates for one-year fellowships with rural district attorneys' offices."⁷² Rather than directly incentivizing prospective prosecutors to serve in rural areas, the program simply funds their positions (at standard salaries), an approach geared more towards defraying the cost to prosecutors' offices than attracting talent.⁷³ Other programs seek to make an impact without disbursing any money at all. In Arkansas, the law school-based Rural Practice Incubator Project has helped to attract new attorneys to rural areas through training and professional development.⁷⁴ Some of these students have become part-time prosecutors in addition to their private practices. The program, which receives some funding from the state attorney general's office, has generated its impact despite not offering direct financial incentives.⁷⁵ Some states have taken an emphasis on engaging with students to a new level, as in Nebraska, which offers early law school acceptance to some *high school* students in hopes that they may one day become rural attorneys.⁷⁶

These program models operate at different scales and costs, ranging from directly funding rural attorneys, to providing loan repayment assistance, to creating educational initiatives. Rural prosecutors can advocate for adopting any combination of these models in their states. If line prosecutors are ineligible for existing programs, chief prosecutors should advocate for expanding the eligibility criteria. Prosecutors can also partner with legislators and bar associations to propose new programs based on these models. By expanding the terms of debate in a policy area usually geared towards other kinds of legal practice, prosecutors can open up new opportunities to build and fortify their teams.

Investment in Specialization

If funding authorities prove unwilling to increase a prosecutor's budget across the board, they may be willing to invest in specific kinds of prosecutions—and in the prosecutors who handle

69 The incentive amount and tuition rates were intentionally linked at a ratio of 9:10, but incentives have remained the same even as tuition has increased. See *Annual Report*, *supra* note 66, at 1 ("[The] incentive payment...[is] equal to 90% of one year's resident tuition and fees at the University of South Dakota Knudson School of Law, as determined on July 1, 2013. This amounts to \$12,513.60 per year."); [Tuition and Costs](#), UNIV. OF S.D. (last visited Aug. 29, 2022) (reflecting cost of \$16,793 in tuition and fees, circa 2022). For a list of law schools showing there is only one in South Dakota, see [South Dakota Law Schools](#), LAW SCH. NUMBERS (last visited Oct. 4, 2022).

70 Joel Crane, [How ND Is Combatting an Attorney Shortage in Rural Areas](#), KFVR, Feb. 9, 2022.

71 [Rural Attorney Recruitment Program](#), STATE OF N.D. CTS. (last visited Oct. 11, 2022) ("The program is open to any attorney, regardless of whether they intend to work, or are already working in, the private or public sector.").

72 COLO. REV. STAT. § 23-19.3-102-1(b) (2016); [Greening The Desert: Strategies and Innovations to Recruit, Train, and Retain Criminal Law Practitioners for STAR Communities](#), S.M.U. DEASON C.J. REF. CTR. (2020), at 9.

73 See [Post-Graduate Fellowships and Awards](#), AM. BAR. ASSOC. (listed at "University of Denver: Sturm College of Law"); [Apply Now for Rural DA Fellowship Program!](#), UNIV. OF DENVER STURM COLLEGE OF LAW (2021).

74 [What is the Rural Practice Incubator?](#), WILLIAM H. BOWEN SCH. OF LAW (last visited Oct. 4, 2022); Simpson, *supra* note 58.

75 Simpson, *supra* note 58 (detailing funding sources and programmatic offerings, including by comparison with incentive-based programs such as that in South Dakota).

76 Grant Gerlock, [Lawyer Shortage In Some Rural Areas Reaches Epic Proportions](#), NPR, Dec. 26, 2016; see also [State Bar Board Adopts Plan to Address Rural Lawyer Shortage, Acts on Remote Depositions](#), WISBAR NEWS, Sept. 24, 2021 (describing solutions endorsed by Wisconsin State Bar, including increased engagement with high school students).

them. In 2022, Alaska’s legislature approved a \$4,000,000 project to improve recruitment and retention of sex crimes prosecutors.⁷⁷ The state attorney general’s⁷⁸ proposal did not target prosecutor salaries; instead, it funded capital investments in training improvements, new recruitment resources, and even prosecutor housing. This last element—employer-provided, state-funded housing specifically for prosecutors—could provide a model for other prosecutors in isolated rural areas.

Prosecutors should proactively identify practice areas around which they can independently build support for enhancing their capabilities. The political success of the Alaska initiative demonstrates that funders may be willing to invest directly in particular areas of prosecution—such as sex crimes or other specialized cases.⁷⁹ The benefits of this approach are twofold: even as dedicated funding allows prosecutors to improve their performance on the most critical cases, it may also free up resources that can then be reinvested in other parts of the office. Moreover, pilot-scale programming that provides resources for specific employee benefits, including housing, can develop a proof-of-concept that might later be expanded for an entire office.

Office culture can be a selling point for funding authorities. Build with that in mind.

Beyond Big Cities prosecutors emphasized the importance of clear messaging in negotiations with funding authorities, especially local ones. County Attorney Bill Ring attributed his success in achieving a nearly 20% pay raise for his staff to the reputation that his office had garnered among the county’s board of supervisors. Because these legislators had already heard about the office culture he cultivated and were aware of the office’s successes, the board was receptive to this generous proposal. Culture also pays dividends outside the context of budgetary advocacy. Several Beyond Big Cities members stressed the importance of creating a vibrant office culture, both as a retention strategy and as a recruitment selling point. As chief prosecutors invest in culture—the relationships between colleagues and the dual sense of care and commitment that forges teams—they should know that its effects are far from intangible. Several Beyond Big Cities members saw it as central to their office’s success.

Don’t shy away from hard decisions.

If efforts to increase pay are ultimately unsuccessful, chief prosecutors can consider changing how they distribute the resources available to them. District Attorney Matthew Fogal of Franklin County, PA found this to be an effective, if bittersweet, solution to his retention challenges. His team had been hit hard by the departures of several senior prosecutors—many of whom, facing financial pressure, left for higher-paying work in the private sector. In response, he made the

⁷⁷ [Prosecutor Recruitment and Housing to Address Sexual Assault and Sexual Abuse of a Minor Case Backlog](#), ALASKA DEP’T OF LAW, Jul. 1, 2021; [Governor’s Capital Budget - Appropriations and Allocations \(by department\)](#), ALASKA OFF. OF MGMT. AND BUDGET, Jul. 1, 2021, at 3.

⁷⁸ The structure of the Alaskan criminal justice system is atypical. The attorney general is an appointee of the governor and manages the Department of Law. [See About the Department of Law](#), STATE OF ALASKA (last visited Jul. 19, 2022). Furthermore, “the Department of Law hires and supervises all district attorneys and assistant district attorneys in the state Some cities and boroughs hire their own attorneys to prosecute local laws.” Marcia Vandercook, [A Guide to Alaska’s Criminal Justice System](#), ALASKA JUD. COUNCIL, May 1998, at 15.

⁷⁹ Insurance fraud is another specialized area of prosecution that has attracted discrete funding. The Insurance Fraud Bureau of Massachusetts is a government-chartered but industry-funded agency that disburses funding to prosecutors’ offices across the Commonwealth. See [Welcome to the IFB](#), INSURANCE FRAUD BUREAU OF MASS. (last visited Oct. 4, 2022) (detailing legal status and funding source of Insurance Fraud Bureau); Domenic Poli, [DA’s Office Gets \\$30K from State Insurance Fraud Bureau](#), DAILY HAMPSHIRE GAZETTE, Jan. 25, 2022 (providing example of disbursement of funds directly to a prosecutor’s office).

difficult decision to convert one full-time position in his office into a series of “on-call stipends” for senior prosecutors. This realignment of resources has helped to stanch the bleeding of his most experienced team members. DA Fogal emphasized that the decision required “a lot of contemplation” and was anything but simple to make. Shrinking a team to shore up its ranks may not work for every office, but chief prosecutors should consider it as one of the solutions in their toolbox.

Prosecutors may also face a similar choice in the context of budgetary negotiations, as funding authorities may express willingness to authorize either new positions or increases in pay—but not both. County Attorney Bill Ring faced this situation and chose to increase compensation for his existing team. The increase, he explained, served to boost retention in the short term, even as it augmented future recruitment efforts by ensuring that any subsequent job openings would be compensated at the new, higher level.

Keep your staff informed—win or lose.

Despite their best efforts, chief prosecutors may find that they are unable to secure higher pay for their employees. Whether the news is good or bad, prosecutors should share it with their teams. Knowing that one’s leader advocated vigorously for them builds loyalty and trust, and helps to bind a team closer together. Moreover, even staff members who are relatively satisfied with their compensation will appreciate leadership’s advocacy on their behalf.

A Note on Support Staff

Multiple Beyond Big Cities members emphasized the importance of support staff in the recruitment and retention equation. These non-lawyer staff are critical to the operations of all but the smallest prosecutors’ offices⁸⁰, and thus they must factor into any assessment of how their attorney colleagues are hired and retained. As one Beyond Big Cities prosecutor put it, “attorneys can’t do work without staff.” This is no cliché: low staffing levels among support teams have been recognized as a critical element of the larger problem of insupportable prosecutor caseloads.⁸¹ County Attorney Bill Ring has made a point of supporting his non-attorney staff with just as much vigor as their prosecutor colleagues. He vigorously addressed their compensation in his broader pay raise negotiations with county funders; he also holds an annual celebration of Administrative Professionals’ Day designed to emphasize for his non-attorney staff how critical they are to the work of his office. CA Ring emphasized that maintaining the ranks of support staff has a dual impact: it both draws new attorneys to his team and helps to keep them on board, particularly among his longer-tenured staff. Prosecutors should treat support staff recruitment and retention—a separate but undoubtedly closely related issue from the one discussed in this paper—as a critical dimension of their personnel strategy.

⁸⁰ The data show that prosecutors in small jurisdictions (those with populations under 250,000) and part-time prosecutors’ offices had a median of 4 and 1 “support staff,” respectively (defined as “[i]nclud[ing] secretaries, clerks and computer specialists” and distinct from paralegals). See Perry, *supra* note 48, at 3 tbl. 2. These statistics do not count investigators under the support staff definition, unlike some scholarship. See Gershowitz & Killinger, *supra* note 3, at 275-76.

⁸¹ Gershowitz & Killinger, *supra* note 3, at 275-76 (identifying the tasks of key staff roles and showing their importance for critical prosecution priorities, and providing empirical evidence of how few staff are available to many prosecutors’ offices).

Conclusion: Salvation by Combination

Prosecutors' offices face an uncertain future as they strive to recruit new talent and retain their current staff. The shape of the coming prosecutor labor market remains veiled; data on the scale of current staffing challenges remain limited and fragmentary. Unknowns far exceed knowns, and the scale of the staffing problem seems to outstrip the available solutions. Despite this, people are still a chief prosecutor's most important asset. Come what may, that simple reality is not going to change. How, then, should prosecutors set priorities for the work to come?

The answer is simple: in the absence of a panacea, prosecutors must try everything they can. Implementing multiple solutions at the same time, while taking care that they don't contradict one another, is the best way to find out what will work for each office and community. Without a silver bullet solution, quantity is the best guarantor of quality. This begs the question, however: how many policy changes or initiatives can an office undertake without overextending itself?

Below, we have compiled a concise "Playbook" that distills many of the solutions presented in this paper and categorizes them by implementation time, direct cost, and complexity. The results should encourage anyone who doubts the wisdom of our "kitchen sink,"⁸² all-of-the-above approach. Of the thirteen solution areas discussed in this paper, we assess that each of them is potentially achievable without requiring significant investments from an office's existing budget. Nearly 70% should not require any investment, under any circumstances, aside from team members' time. While many will require many months or even years of work, at least two can be accomplished almost immediately, and five more are readily achievable within months.

We propose these solutions in full knowledge of the resource limits and time constraints that fundamentally shape the work of a prosecutor's office. Implementing these changes will be challenging. Yet we have assembled this set of solutions precisely because they are achievable, even in the face of bureaucratic barriers and the day-to-day challenges of keeping the public safe.

⁸² Pruitt et al. (2015), *supra* note 63, at 656 (advocating an all-encompassing, try-everything approach to increasing access to attorneys in the rural United States) (capitalization modified from original).

Personnel Playbook for Prosecutors

FIRST STEPS

Solution Area	Timeframe	Direct Cost to Office	Complexity
Reaffirm office mission; share with community through multiple mediums and outlets.	Months	Minimal Time Only	Moderate
Engage with local law school(s); begin building relationships with students, professors, and administrators.	Immediate	Minimal Time Only	Low
Reassess and retool hiring process—including goals, interview methods, and personnel involved.	Months	Minimal Time Only	Moderate
Offer creative forms of compensation, e.g. office-wide time off for volunteering.	Months	Minimal to Moderate	Moderate
Commit to transparently sharing results of advocacy (on budget, benefits, etc.) with staff—win or lose.	Immediate	Minimal Time Only	Low

PROGRAMMATIC CHANGES

Solution Area	Timeframe	Direct Cost to Office	Complexity
Improve and expand internship programming (add new elements, renew attention to mentoring, etc.).	Months	Minimal Time Only	Moderate to High
Provide stipends for interns (office-funded or grant-supported).	Months to Years	Minimal to Moderate	Moderate
Consider lowering staffing levels to elevate salaries and bolster retention of remaining team members.	Months to Years	Minimal Time Only	High

LONG TERM PROJECTS

Solution Area	Timeframe	Direct Cost to Office	Complexity
Spearhead push for new revenue at local, county, and/or statewide levels.	Months to Years	Minimal Time Only	High
Partner with funding authorities to secure additional support for specialized areas of prosecution.	Months to Years	Minimal Time Only	High
Advocate for creating or expanding “access to justice” programs, potentially on statewide basis.	Months to Years	Minimal Time Only	High
Expand remote work options for staff.	Months to Years	Minimal to Moderate	High
Work to increase childcare options for staff through policy changes and/or physical upgrades.	Months to Years	Minimal to High	High

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