



ASSOCIATION OF  
PROSECUTING  
ATTORNEYS

## **The Independent Role of the Prosecutor**

We, as Chief Prosecutors from across the country, support and defend prosecutorial independence and the use of discretion to seek justice. These foundational values have served as the core of our justice system throughout the history of our Nation. We are troubled by recent efforts to limit the discretion and independence of prosecutors by some in the executive, legislative, and judicial branches. The integrity, legitimacy, and credibility of our justice system are eroded when prosecutors are denied the ability to exercise independent judgment.

As prosecutors, we are charged with the responsibility to exercise discretion in the pursuit of justice. We seek justice based upon a careful evaluation of the facts and the law. We work with our community partners to promote public safety. We must decide how best to use the limited resources provided to us to attain these important goals.

Prosecutors are not legislators and do not have the power to enact laws. Still, we may advise legislators about the impact of laws they pass on the criminal justice system, and advocate for the communities we serve.

Prosecutors are neither judges nor juries. We are advocates for justice. We make decisions about whether to bring or decline charges based on facts and evidence. Our victims and our communities are central to our exercise of discretion. Prosecutors must always strive to uphold the legal rights of all parties involved.

Legal authority has long existed to discipline or remove prosecutors. Prosecutors are bound by rules of professional and ethical conduct and may not act without lawful authority. If the electorate loses trust in our performance, policies, or manner in which we exercise discretion, the voters may replace us at the next election.

Chief Prosecutors hold office for a moment in time. It is essential that our historic independence and discretion endure to serve the foundational principles of justice. We serve our communities by using our discretion to make difficult decisions that faithfully honor the law, promote safety, and pursue justice. Protecting prosecutors' discretion protects our democracy.