

News & Highlights

NEWS

FINDINGS FROM THE MISDEMEANOR JUSTICE PROJECT: *The Effectiveness of Traditional Enforcement Strategies and Importance of Defense Counsel*

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The [Misdemeanor Justice Project](#) at John Jay College of Criminal Justice, funded by the Laura and John Arnold Foundation, released a [special issue](#) of *Criminal Justice Policy Review* on the criminal justice system's response to lower-level offenses. Four of the nine articles provide valuable insights for prosecutors.

THE EFFECTIVENESS OF ENFORCEMENT STRATEGIES

Prosecutors often have the opportunity to support police departments in building goodwill between the police and the community. Results from [Piza \(2018\)](#) suggest that traditional policing techniques may not be the most effective at crime prevention. Indeed, his results indicate that guardian policing actions (e.g., citizen contacts, business checks, taxi inspections) have greater crime prevention effects than traditional enforcement actions (e.g., arrests, summonses, field interrogations). Prosecutors may wish to assist police by encouraging the use of community building methods like guardian actions for public safety. Another study suggests that implicit bias may play a role in determining who enters the courtroom and prosecutors may wish to think through the fairness and effectiveness of enforcement actions such as stops, particularly when wishing to enhance police-community relationships. [Chanin et. al. \(2018\)](#) found although Black drivers were more likely to be searched after a traffic stop, the likelihood of a search resulting in the seizure of contraband was lower than for White drivers. These results question traditional enforcement strategies from public safety and legitimacy perspectives.

THE IMPORTANCE OF DEFENSE COUNSEL

Effective and fair court proceedings are of paramount concern to prosecutors. The role of defense counsel in achieving these goals is critical. Both public defenders and prosecutors share similar goals of reducing the unnecessary involvement of individuals in the criminal justice system and creating a more equitable and just system. Knowing this, prosecutors wishing to efficiently handle lower-level cases and increase the public's confidence in prosecutors' objectivity and fairness may wish to advocate for the presence of counsel, even for lower-level crimes.

The presence of defense counsel may decrease constitutional violations, wrongful convictions, and disproportionate punishments. [Harvey et. al. \(2018\)](#) found that the right to counsel, in misdemeanor prosecutions, was frequently violated and led to misguided plea bargains, invalid waivers, and unconstitutional sentences in no-lawyer courts in St. Louis. The [Worden et. al. \(2018\)](#), study found that when counsel was present at first appearance, defendants were more likely to be released on recognizance or have a lower bail amount set. These results highlight the value and need for an adversarial environment to ensure a fairer system.