

COVID-19

RESPONSE FOR PROSECUTORS AND COURTS
HEALTH SAFETY

Introduction

As states re-open following closures due to the COVID-19 pandemic, prosecutors from across the nation are presented with new challenges for maintaining health safety in their work environments, particularly in the courtroom. Recently, prosecutors from across the country volunteered to participate in a working group with CNA and the National District Attorneys Association (NDAA) to discuss challenges related to mental health concerns and considerations for prosecutors. The diverse participants represented large, suburban, and rural jurisdictions.

This report summarizes highlights from these discussions and provides specifics on how agencies are currently managing and responding to these mental health concerns.

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KEY TAKEAWAYS

CURRENT SOCIO-POLITICAL CLIMATE

COURT RE-OPENINGS

PROACTIVE OFFICE MEASURES

RECRUITMENT AND RETENTION

COMMUNITY ENGAGEMENT

CURRENT SOCIO-POLITICAL CLIMATE

The current socio-political climate is intertwined with prosecutors' mental health concerns surrounding COVID-19, and the two should be discussed together.

Participants in the discussion noted that, since the murder of George Floyd and the socio-political discussions surrounding civil rights and police brutality, prosecutors are affected by increased stressors beyond the COVID-19 pandemic. Participants were very clear that these two matters are deeply intertwined, and **the COVID-19 pandemic cannot be discussed without including the socio-political climate**. Multiple participants indicated that the duality of identifying as BIPOC (Black, Indigenous, and people of color) and working as a prosecutor during this time is particularly stressful.

LACK OF LEADERSHIP

OFFICE MORALE

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CURRENT SOCIO-POLITICAL CLIMATE

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Lack of Leadership



Participants indicated that while some departments within their offices are directly addressing George Floyd's murder, other departments are **not engaging in these discussions**—which caused frustration within their respective offices. Another participant indicated that they believed the elected officials should be directly addressing this topic, and they were **frustrated by the lack of leadership from the top**.

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CURRENT SOCIO-POLITICAL CLIMATE

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Office Morale



Participants noted that **office morale appears to be at an all-time low** and that many prosecutors feel as if they are being personally attacked for their career choices. The inherent relationship between prosecutors and police departments led at least one participant to indicate that the current anti-police climate is affecting how their office is operating. Participants also expressed concern that, even if their offices resumed jury trials, **jurors would be unlikely to convict** any defendants in this socio-political climate. Additionally, as a result of protests and, in certain circumstances, rioting, some offices are feeling **additional political pressure**.

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COURT REOPENINGS

Prosecutors have struggled through this pandemic, and reopening courts presents new stressors that need to be addressed.

Participants indicated that numerous stressors resulting from stay-at-home orders are affecting the mental health of prosecutors, and reopening courts is presenting prosecutors with an additional slate of stressors.

BUDGET CUTS

CHILDCARE CONCERNS

HEALTH SAFETY

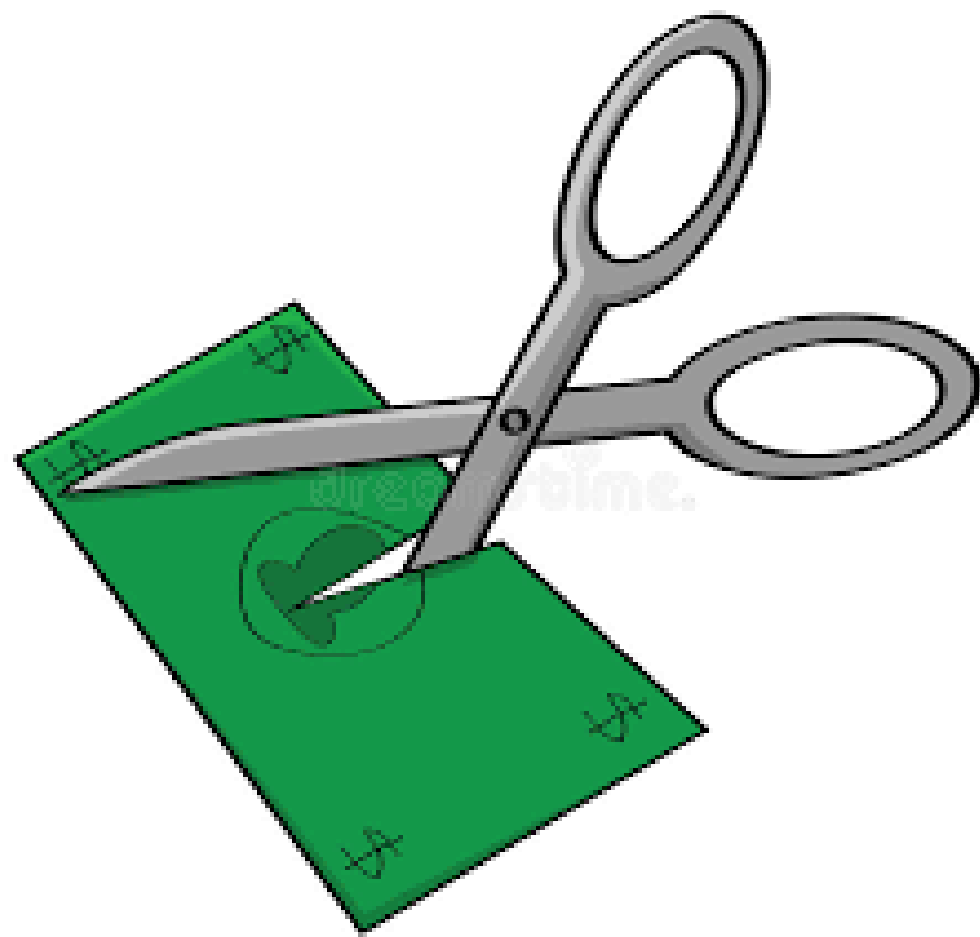
CASE BACKLOGS

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COURT REOPENINGS

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Budget Cuts



Multiple participants noted that **budget cuts cause fear of layoffs or furloughs** within their offices, and not enough information is being provided to address these fears. These budget concerns are also **affecting training opportunities**, and at least one participant indicated that their training funds have been diminished.

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COURT REOPENINGS

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Health Safety



Participants also noted that **prosecutors remain fearful for their overall health safety** during this pandemic—not only because of workplace standards, but also because they are likely to interact with many members of the general public. At least one participant noted that individuals who have COVID-19 will likely be present in their local courthouse, and these individuals are not requested to inform anyone about their illness.

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Childcare Concerns



Participants also noted that many prosecutors in their respective **offices remain worried about childcare**. One participant indicated that even though COVID-related leave is available to employees, finding childcare remains difficult, and parents are concerned that this leave needs to be saved in case stay-at-home orders return in the upcoming months.

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Case Backlogs



Additionally, **judges are pressuring prosecutors to return to in-person court proceedings and to expedite the backlog of cases.** Although this pressure varies by location and by judge, participants agreed that resuming normal proceedings causes increased pressure on line-attorneys, whose morale is already low. Participants pointed to the stress associated with **choosing which cases to prioritize** during this period of re-opening. Determining which cases to prioritize and ensuring that the “correct” cases are being heard increases this pressure on prosecutors.

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PROACTIVE OFFICE MEASURES

Generally, participants felt that prosecutors' offices should be more proactive in addressing mental health concerns.

Prosecutor's offices have been implementing implicit bias trainings, but participants felt that these trainings are doing little to address the mental health concerns in their offices. Some participants indicated that their offices were being more proactive in encouraging employees to address their mental health. For example, in one county, employees are encouraged to use services for remote counseling; however, this office does not have a formalized program to support employees.

PEER SUPPORT

VIRTUAL PLATFORM DYNAMIC

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PROACTIVE OFFICE MEASURES

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Peer Support



A few participants indicated that their offices were **increasing peer support and informal check-in proceedings**. One participant indicated that their insurance provider has extended coverage for counselling sessions, and another participant indicated that their county has made a mental health-related application available to employees.

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PROACTIVE OFFICE MEASURES

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Virtual Platform Dynamics



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RECRUITMENT AND RETENTION

Prosecutors' offices are struggling with recruitment and retention, which many participants believe is related to the current socio-political climate.

Participants indicated that **recruitment and retention within the office was an additional stressor**—but that this has been a changing shift in the past few years. One participant noted that during recruitment, potential candidates were skeptical about the role of the prosecutor in society; their numbers of summer interns has also declined. Another participant indicated that newer attorneys and law clerks are feeling worn down and have been questioning their careers.

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Overall, **participants agreed that law students' and recent law school graduates' perceptions of the criminal justice system have changed.** For example, one participant noted that a job applicant indicated that they could never imagine a circumstance in which they would recommend incarceration, and another participant noted that a young attorney indicated that they did not trust the police department's account of incidents.

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RECRUITMENT AND RETENTION

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As the participants noted, these **shifts in perceptions of the criminal justice system** should be taken seriously, and, just as prosecutors cannot advance cases in which they believe there is no probable cause, prosecutors should not be forced to advance cases in which they have **fundamental belief differences** with their local police department. However, this should also be the start of larger conversation surrounding their employment.

COMMUNITY ENGAGEMENT

Participants also felt that prosecutors' offices should be more proactive in engaging with their local communities' concerns surrounding racial tensions.

Participants were interested in implementing the **Prosecutor's Center for Excellence** list of 10 actions that prosecutors can take to address racial disparities in the criminal justice system and policing. One participant noted that their office has begun to implement these steps, which include, but are not limited to, reaching out to the community, reviewing data, reviewing office policies on prosecuting low-level offenses, investigating officer involved fatalities, and increasing the use of treatment and diversion programs.

PROACTIVE OUTREACH

EDUCATION

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Proactive Outreach



Participants felt that their offices, especially the elected officials, should **proactively reach out to their communities to address local concerns about civil rights and police brutality.**

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COMMUNITY ENGAGEMENT

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Education



A recent influx of documentaries, podcasts, and television shows has **focused on innocent individuals** being convicted of crimes or on poorly conducted criminal investigations. However, there has not been a similar increase in media portraying horrific crimes or focusing on the **affects of crime on local communities and victims**. Participants noted the need for **increased education about the role of the prosecutor** and how local offices make decisions concerning charging. Overall, participants felt that their inability to communicate with their local communities about the role of the prosecutor negatively affects **the public perception of prosecutors as a whole**.

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