

CIVILITY CLOSE TO HOME: WHY MICHIGAN’S PROSECUTORIAL MODEL WORKS

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ABSTRACT

This Article examines how states structure prosecutorial authority and how those institutional choices influence the culture of professionalism and civility in criminal practice. Although most states elect local prosecutors at the county or judicial circuit level, others rely on statewide appointments, centralized attorney general models, or independent commissions to select and supervise prosecutors. These structural differences shape how discretion may be exercised, how prosecutors interact with courts and communities, and how they are held accountable.

The Article argues that Michigan’s model—featuring independently elected prosecutors in each of the state’s 83 counties, alongside a separately elected attorney general—strikes the most effective balance between local accountability and statewide professional leadership. Unlike centralized or commission-based systems, Michigan’s structure keeps prosecutorial discretion close to the communities most affected by it, while still enabling broad-based oversight and ethical consistency. Drawing from constitutional and statutory sources, cross-state comparisons, and a first-person account from a Michigan prosecutor, the Article contends that local elections—when paired with strong professionalism norms—foster a healthier, more civil prosecutorial culture.

As discussions of prosecutorial reform continue nationwide, Michigan’s decentralized approach merits attention for its ability to align community trust, professional identity, and institutional accountability.

INTRODUCTION

“[C]riminal justice today is for the most part a system of pleas, not a system of trials.”¹ That truth puts enormous weight on the shoulders of prosecutors. Their charging decisions, plea offers, and case dismissals often decide outcomes long before a judge or jury gets involved. And yet, despite their central role, how prosecutors actually make those decisions remains mostly hidden—what scholars

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1. *Lafler v. Cooper*, 566 U.S. 156, 170 (2012).

have called a “black box,” marked by wide variation and minimal oversight.² The design of prosecutorial institutions—how prosecutors are selected, who they answer to, and what norms shape their work—can influence more than outcomes. It can shape the entire culture of a courtroom, including how prosecutors engage with defense attorneys, victims, and even the broader public.³

This Article makes two claims—one descriptive, one normative. Descriptively, it explores the range of prosecutorial appointment and supervision structures across the states. Some states elect prosecutors locally. Others use statewide appointment systems. A few centralize all criminal prosecution in the attorney general’s office.⁴ Normatively, we argue that Michigan’s system—locally elected county prosecutors paired with an independently elected state attorney general—is the best model for ensuring both accountability and professionalism. It balances independence with transparency and fosters a modicum of civility that more centralized or insulated structures struggle to maintain.

Exploring the different selection models states use is critical in analyzing the balance between the independence of prosecuting attorneys and civility. The vast majority of prosecutors in the United States are locally elected.⁵ According to national data, roughly 97% of chief prosecutors hold their position through local elections.⁶ That system directly entwines prosecutors to the communities they serve. Other states take a radically different approach. In Connecticut, for example, a constitutionally created Criminal Justice Commission appoints State’s Attorneys for each judicial district.⁷ In New Jersey, county prosecutors are appointed by the governor and confirmed by the state senate.⁸ And in Rhode Island, Alaska, and Delaware, all criminal prosecution is handled through a centralized attorney general’s office.⁹ In Alaska, for instance, the attorney general personally selects and announces the appointment of each regional district attorney.¹⁰

Michigan’s approach threads the needle between independence and transparency. Each of the state’s eighty-three counties elects a prosecuting attorney every four years.¹¹ At the same time, the attorney general is also independently

2. Shima Baradaran Baughman et al., *Inside the Black Box of Prosecutor Discretion*, 55 U.C. DAVIS L. REV. 2133, 2135, 2137 (2022).

3. Rachel E. Barkow, *Institutional Design and the Policing of Prosecutors: Lessons from Administrative Law*, 61 STAN. L. REV. 869, 873 (2009).

4. U.S. DEP’T OF JUST., PROSECUTORS IN STATE COURTS, 1990 2 (1992) [hereinafter Bureau of Justice Statistics]; CONN. GEN. STAT. § 51-278(b)(1)(B), (b)(5) (2024); N.J. STAT. ANN. § 2A:158-1 (West 2024); *Criminal Division*, STATE OF R.I.: ATT’Y GEN., <https://riag.ri.gov/about-our-office/divisions-and-units/criminal-division> (last visited Mar. 10, 2026).

5. Bureau of Justice Statistics, *supra* note 4, at 2.

6. *Id.*

7. CONN. GEN. STAT. § 51-278(b)(1)(B), (b)(5).

8. N.J. STAT. ANN. § 2A:158-1.

9. *Criminal Division*, *supra* note 4; ALASKA STAT. ANN. § 44.23.020 (West 2024); *Criminal Division*, DELAWARE.GOV: DEL. DEP’T OF JUST., <https://attorneygeneral.delaware.gov/criminal/> (last visited Mar. 10, 2026).

10. *See Mark Clark Named the New District Attorney for Bethel*, STATE OF ALASKA: DEP’T OF L. (Jan. 5, 2023), <https://law.alaska.gov/press/releases/2023/010523-Clark.html>.

11. MICH. CONST. art. VII, § 4; MICH. COMP. LAWS § 168.200(1) (2024).

elected statewide.¹² Prosecutors in Michigan operate as county officers, not state employees. This structure keeps decision-making close to the ground, while still allowing for statewide leadership and coordination. Prosecutors are answerable to the voters in their own counties—but they are also part of a broader professional culture that reaches across the state.

And that is where civility and professionalism come in. Prosecutors are not just lawyers with power—they are public servants entrusted with individual discretion. They decide what justice looks like in practice and how that justice is delivered day to day. That includes how they treat opposing counsel, victims, law enforcement, and the public. Michigan courts have taken this seriously: the state supreme court has adopted formal “Principles of Professionalism,” which set shared expectations for respectful, ethical conduct among everyone in the legal system.¹³ And scholarship in behavioral legal ethics confirms that norms and office culture matter. When professionalism is institutionalized—made part of everyday practice and reinforced by structure—people are more likely to follow it.¹⁴

We argue that Michigan’s locally elected model helps those norms thrive. Elections give voters a chance to reward or reject prosecutorial priorities, but they also reinforce public-facing behavior. Prosecutors do not operate in a vacuum—they work in their own local courtrooms, where their reputation matters. Being answerable to a local electorate puts pressure on prosecutors to not only be effective but also be fair and professional. The attorney general’s office can step in when necessary, but day-to-day decisions are made at the local level.

Other models show the trade-offs. Appointive systems, like Connecticut’s, favor internal accountability but can lose touch with local concerns. Gubernatorial appointments, like in New Jersey, may reflect statewide political motivations more than community political concerns.¹⁵ Centralized systems, like those in Rhode Island or Alaska, provide uniformity—but often at the expense of local voice.¹⁶

That is not to say elections are perfect. Prosecutor races are often uncontested, and incumbents usually win.¹⁷ But when combined with clear professional norms and statewide leadership, Michigan’s model creates multiple layers of accountability—some formal, some cultural. In a system where most cases never go to trial, and where discretion matters more than statutes, that kind of structure helps build a culture of trust, fairness, and civility.

12. MICH. CONST. art. V, § 21.

13. ADMINISTRATIVE ORDER REGARDING PROFESSIONALISM PRINCIPLES FOR LAWYERS AND JUDGES, No. 2020-23 (Mich. Sup. Ct. 2020) [hereinafter Mich. Admin. Order].

14. Jennifer K. Robbennolt & Jean R. Sternlight, *Behavioral Legal Ethics*, 45 ARIZ. ST. L.J. 1107, 1108, 1127-34 (2013).

15. N.J. STAT. ANN. § 2A:158-1 (West 2024).

16. *Criminal Division*, *supra* note 4; ALASKA STAT. ANN. § 44.23.020 (West 2024).

17. Ronald F. Wright, *How Prosecutor Elections Fail Us*, 6 OHIO ST. J. CRIM. L. 581, 591-97 (2009).

I. THE NATIONAL LANDSCAPE: PROSECUTORIAL STRUCTURES ACROSS
THE STATES

American states use a handful of stable models to constitute, select, and oversee the lawyers who exercise local criminal charging power—and each model shapes day-to-day incentives for professionalism, transparency, and accountability. At the highest altitude, most states rely on locally-elected prosecutors (often titled “district attorney,” “state’s attorney,” or “commonwealth’s attorney”), while a smaller cluster centralizes criminal prosecution in the state attorney general’s department or uses a state-level appointment commission to fill chief local posts.¹⁸

A. *Locally Elected Models (County or Circuit Based)*

The dominant model vests charging authority in officials elected by local voters, usually by county (or multi-county judicial circuit). Michigan’s Constitution exemplifies the approach: “There shall be elected for four-year terms in each organized county...a...prosecuting attorney,” with duties supplied by statute.¹⁹

Many states do the same, with variations in title and geography. Florida elects a “state attorney” in each judicial circuit for four years.²⁰ Texas provides for elected county and district prosecutors by constitutional text.²¹ New York requires an elected district attorney (DA) in every county (with special article provisions for New York City’s borough DAs) and makes it the DA’s duty to “conduct all prosecutions for crimes and offenses” in that county.²² Virginia likewise provides that “[t]he voters in every county and city shall elect an attorney for the Commonwealth...for a term of four years,” with assistants appointed by the elected chief.²³ Oregon elects a district attorney in each county for a four-year term.²⁴

Several states also codify the DA’s core prosecution duty at the county level, which keeps professional responsibility and public expectations close to voters.²⁵ California enumerates the district attorney as a county officer chosen by popular election, reinforcing the office’s local character.²⁶

Oversight levels within elected models vary. In Florida, the Governor may suspend a state attorney for specified causes, subject to Senate removal—an accountability valve that can be controversial, but is textually grounded.²⁷ Georgia

18. Bureau of Justice Statistics, *supra* note 4, at 2.

19. MICH. CONST. art. VII, § 4.

20. FLA. CONST. art. V, § 17.

21. TEX. CONST. art. V, § 21.

22. N.Y. COUNTY LAW § 700(1) (Consol. 2019); *id.* § 926(1).

23. VA. CODE ANN. § 15.2-1626 (2024).

24. OR. REV. STAT. § 8.610 (2023).

25. *See, e.g.*, N.Y. COUNTY LAW § 700(1).

26. CAL. GOV’T CODE § 24009(a) (West 2006).

27. FLA. CONST. art. IV, § 7(a).

recently layered on professional-standards oversight through the Prosecuting Attorneys Qualifications Commission (PAQC), which has disciplinary authority defined by statute and rules.²⁸

B. *Gubernatorial and Commission Appointment Models*

A smaller group uses state-level appointment to fill local chief prosecutor roles. New Jersey’s county prosecutors are appointed by the Governor with Senate consent for fixed terms—an arrangement that pairs local geography with state appointment and removal tools.²⁹ Connecticut goes further, employing a merit-commission model: the Criminal Justice Commission (created by the state constitution) appoints each judicial district’s State’s Attorney and may remove for “just cause” with procedures codified by statute.³⁰

These appointment structures emphasize statewide hiring standards and centralized performance expectations; if properly used, they can buffer day-to-day charging choices from hyperlocal electoral pressures, while still demanding professional conduct.³¹

C. *Centralized, Attorney-General-Led Prosecution*

A distinct minority centralizes criminal prosecution inside the Attorney General’s department. The Bureau of Justice Statistics identifies Alaska, Delaware, Connecticut, and Rhode Island as states that maintain a single statewide prosecutors’ office—a signal of centralized administration and personnel systems.³²

In Delaware, state statute authorizes the Attorney General to appoint a State Prosecutor “responsible for the prosecution of all criminal matters” and to appoint additional assistants within the Department of Justice.³³ The DOJ’s Criminal Division maintains county offices headed by county prosecutors who are appointed by, and report through, state leadership—further confirming centralized supervision.³⁴

In Rhode Island, by statute, the Attorney General “shall...prosecute” criminal cases and “shall appoint” assistants; Rhode Island indictments and informations are signed at a central level by the Attorney General or designated assistants, demonstrating the state’s unitary prosecutorial framework.³⁵

Alaska places criminal prosecution in the Department of Law under the Attorney General; regional “district attorney” offices are units within the Department, led by state-appointed prosecutors and supervised through a Criminal

28. GA. CODE ANN. § 15-18-32 (West 2024).

29. N.J. STAT. ANN. § 2A:158-1 (West 2025).

30. CONN. CONST. art. IV, § 27; CONN. GEN. STAT. § 51-278(b)(1)(B), (b)(5) (2024).

31. CONN. GEN. STAT. § 51-278(b)(5) (displaying removal for cause provision).

32. Bureau of Justice Statistics, *supra* note 4, at 2.

33. DEL. CODE ANN. tit. 29, § 2505(c) (2023); *see id.* § 2505(f), (k).

34. *Criminal Division*, *supra* note 9.

35. R.I. GEN. LAWS §§ 42-9-1(a), 42-9-4 (2025); R.I. SUPER. CT. R. CRIM. P. 7(a).

Division director and the Deputy Attorney General—hallmarks of a centralized, state-employee model.³⁶ Alaska statutes also vest broad prosecution duties in the Attorney General, reinforcing that criminal cases are handled as a state executive function.³⁷

In these centralized models, line prosecutors are typically state employees hired and supervised up the Attorney General chain—so appointment, training, discipline, and performance reviews are standardized statewide.³⁸

D. *The Federal Baseline (for Comparison)*

Federally, the Attorney General is a presidential appointee, and each United States Attorney is appointed by the President with Senate confirmation; assistant U.S. Attorneys are appointed and removable by the Attorney General.³⁹ The federal model thus marries local geographic districts with national appointment and removal—a useful contrast when evaluating state choices about centralization, tenure, and lines of accountability.⁴⁰

E. *What Structure Signals About Accountability and Professionalism*

Structure is not destiny, but it channels incentives. Elected, county-based systems keep charging power close to the community that bears its costs and benefits, inviting direct electoral accountability and thick local relationships with courts and police—key ingredients for professional, civil practice rooted in local norms.⁴¹ Centralized attorney general systems emphasize uniform training, supervision, and discipline across counties, which can promote consistent statewide policies and resource leveling.⁴² Commission-appointment models aim to professionalize selection and removal processes for local chiefs while preserving local court-house geography.⁴³

Across models, the institutional baseline remains: line prosecutors handle state-law felonies in courts of general jurisdiction, and the vast majority of those offices track county borders—an administrative fact that shapes everything from case screening to courtroom culture.⁴⁴

36. *Stephen J. Cox, 28th Attorney General of the State of Alaska*, STATE OF ALASKA: DEP'T OF L., <https://law.alaska.gov/department/about.html> (last visited Mar. 10, 2026); *Criminal Division*, STATE OF ALASKA: DEP'T OF L., https://law.alaska.gov/department/criminal/criminal_div.html (last visited Mar. 10, 2026).

37. ALASKA STAT. § 44.23.020 (2025).

38. *See Stephen J. Cox, 28th Attorney General of the State of Alaska*, *supra* note 36; *Criminal Division*, *supra* note 36.

39. 28 U.S.C. § 541(a)-(b) (2018); *id.* § 542(a)-(b).

40. U.S. Dep't of Justice, U.S. Att'ys' Manual § 3-2.120 (2016).

41. MICH. CONST. art. VII, § 4; FLA. CONST. art. V, § 17; TEX. CONST. art. V, § 21.

42. R.I. GEN. LAWS § 42-9-1(a) (2024); DEL. CODE ANN. tit. 29, § 2505(c) (2023).

43. CONN. CONST. art. IV, § 27; CONN. GEN. STAT. § 51-278(b)(1)(B), (b)(5) (2024).

44. Bureau of Justice Statistics, *supra* note 4, at 2.

II. MICHIGAN’S MODEL: LOCAL ELECTIONS AND PROFESSIONAL IDENTITY

Michigan vests day-to-day criminal charging discretion in elected county prosecutors while preserving statewide coherence through an independently elected attorney general and a well-developed professional-standards infrastructure. In practice, that blend of local democratic accountability and statewide guardrails is what keeps the system responsive, civil, and professionally focused.⁴⁵

A. *Local Election and Clear Lines of Responsibility*

The Michigan Constitution guarantees that “there shall be elected for four-year terms in each organized county” for a prosecuting attorney, alongside other county officers.⁴⁶ The Election Law implements that command and treats the prosecuting attorney as a partisan county office filled on the regular cycle.⁴⁷ The job itself is defined in statute in a way that keeps responsibility unambiguous: the elected county prosecutor “shall...appear for the state or county, and prosecute or defend in all the courts of the county, all prosecutions, suits, applications and motions whether civil or criminal, in which the state or county may be a party or interested.”⁴⁸

Two features of the structure underscore accountability. First, assistants are appointed—not elected—and they serve at “the pleasure of the prosecuting attorney,” ensuring a single, answerable line of authority for charging decisions and courtroom conduct.⁴⁹ Second, when a local prosecutor is disqualified or otherwise unable to act, state law provides a clean mechanism to avoid drift: the attorney general may “appoint a prosecuting attorney or assistant prosecuting attorney who consents to the appointment to act as a special prosecuting attorney,” or may simply proceed.⁵⁰

B. *Discretion with Constitutional Separation from the Bench*

Michigan’s courts have long recognized that charging decisions belong to the executive, not the judiciary. In a leading decision, the Michigan Supreme Court put it plainly: “The conduct of a prosecution on behalf of the people by the prosecutor is an executive act.”⁵¹ That line—short, direct, and still cited—captures why the elected county prosecutor’s office, rather than the court, must own both the choice to bring a case and the way the People’s case is carried out. Keeping that authority with an official who answers directly to county voters is what ties

45. MICH. CONST. art. VII, § 4; *id.* art. V, § 21.

46. MICH. CONST. art. VII, § 4.

47. MICH. COMP. LAWS § 168.200 (2025).

48. *Id.* § 49.153.

49. *Id.* §§ 49.41-42.

50. *Id.* § 49.160(2).

51. *People ex rel. Leonard v. Papp*, 194 N.W.2d 693, 698 (Mich. 1972).

the community's expectations about civility, fairness, and public safety to actual courtroom behavior.

C. Statewide Guardrails: Independent Attorney General Authority Without Smothering Local Control

Michigan also elects its attorney general statewide, creating an independent constitutional officer whose portfolio includes representing the State's interests and—when necessary—stepping into litigation anywhere in the system.⁵² Statute makes the supervisory/advisory role explicit: “The attorney general shall supervise the work of, consult and advise the prosecuting attorneys, in all matters pertaining to the duties of their offices.”⁵³ That supervision is a backstop, not a leash.

The attorney general's authority to act directly is equally clear. By statute, the Attorney General “shall prosecute and defend all actions in the supreme court, in which the state shall be interested,” and “may, when in his [or her] own judgment the interests of the state require it, intervene in and appear for the people of this state in any other court or tribunal, in any cause or matter, civil or criminal.”⁵⁴ Taken together, Michigan Compiled Laws §§ 14.28 and 14.30 form the architecture that allows the State to speak with one voice when needed while preserving the democratic virtues of local prosecution.⁵⁵

D. Professionalism Is Not a Slogan Here—It Is Embedded in Rules, Orders, and Training

Michigan's ethics code states what prosecutors are supposed to be about: “A prosecutor has the responsibility of a minister of justice and not simply that of an advocate.”⁵⁶ The Michigan Supreme Court has also adopted a detailed Administrative Order on Professionalism Principles, reminding lawyers and judges that we “must remain ever-mindful of our obligations of civility” and laying out concrete expectations—courtesy, punctuality, fair dealing, accurate representations, and good-faith advocacy.⁵⁷ Those principles are more than aspirational; they provide the shared vocabulary local prosecutors use to evaluate their own practices and interactions—as supervisors, as colleagues, and as courtroom advocates.⁵⁸

E. Why This Structure Advances Civility and Accountability

Local elections keep prosecutors close to the communities they serve. People can evaluate not only outcomes, but also how cases are handled—whether

52. MICH. CONST. art. V, § 21; MICH. COMP. LAWS § 14.28.

53. MICH. COMP. LAWS § 14.30.

54. *See id.* § 14.28.

55. *See id.* §§ 14.28, 14.30.

56. MICH. RULES OF PRO. CONDUCT r. 3.8 cmt. (2025).

57. Mich. Admin. Order, *supra* note 13.

58. *Id.*

discovery is timely, communications are respectful, and courtroom conduct models integrity—and can reward or replace the official accordingly.⁵⁹ Because assistant prosecuting attorneys serve at the pleasure of the elected prosecutor, expectations about professionalism and tone cascade through the office, which is how norms become habits.⁶⁰ At the same time, the attorney general’s statutory authority to supervise, advise, and, when circumstances require, appear or intervene, ensures statewide consistency on core legal questions and provides a credible backstop when conflicts or incapacities arise.⁶¹

Michigan’s courts have been clear that prosecutorial discretion is an executive function, which both honors separation of powers and promotes clarity about who is responsible for decisions that most affect public trust.⁶² Layered atop that is a shared, statewide understanding—articulated in Model Rule of Professional Conduct (MRPC) 3.8’s “minister of justice” admonition and the Supreme Court’s professionalism principles—that civility is not weakness but the professional default.⁶³ In short, Michigan’s model ties professional behavior to democratic accountability at the county level while giving the State credible tools to maintain consistency and legality across counties. That is a recipe for both responsiveness and restraint—the kind of culture where civility can thrive because accountability is close to home.⁶⁴

III. A MICHIGAN PROSECUTOR REFLECTS

By way of introduction, my name is Allison Arnold. I have been employed as a prosecuting attorney in Michigan since 1993, including as an assistant prosecutor in Monroe County until 2021, and in management in Lenawee County since 2022. Based upon that experience, I believe Michigan’s system of county-wide elected prosecutors is best suited to foster local civility and accountability, as well as statewide professionalism.

To quote J. Dee Brooks, Prosecuting Attorneys Association of Michigan (PAAM) Immediate Past President and Midland County Prosecuting Attorney, “[w]hen a prosecutor stands in court and says she or he is appearing ‘For the People,’ we are talking in a real sense about our neighbors and friends.”⁶⁵ Elected prosecutors in Michigan are required to live in the county where they serve, and many of their assistants are local residents. This connection to the community, and particularly the local legal community, incentivizes civility. Prosecutors often practice in front of only a handful of judges, working with a limited group of defense attorneys. One’s professional reputation in a finite community can be a

59. See MICH. CONST. art. VII, § 4; MICH. COMP. LAWS § 168.200.

60. See MICH. COMP. LAWS § 49.42.

61. *Id.* §§ 14.28, 14.30.

62. *People ex rel. Leonard v. Papp*, 194 N.W.2d 693, 698-99 (Mich. 1972).

63. MICH. RULES OF PRO. CONDUCT r. 3.8 cmt. (2025); Mich. Admin. Order, *supra* note 13.

64. MICH. CONST. art. VII, § 4; MICH. COMP. LAWS §§ 49.153, 14.28, 14.30.

65. J. Dee Brooks, *President’s Message*, PROSECUTING ATT’YS ASS’N OF MICH., <https://www.michiganprosecutor.org/about-us/presidents-message/> [https://web.archive.org/web/20250502110750/https://michiganprosecutor.org/about-us/presidents-message/] (last visited Mar. 10, 2026).

strong asset or a hindrance, and actions can have long-standing consequences in a limited pool. Accordingly, civility and candor with your colleagues is prioritized in a manner that may not be when you are practicing across the state.

Practicing in a geographically limited area with a small voting pool ensures accountability. Local prosecutors will often face immediate scrutiny from their constituents for their decisions. Prosecutorial decisions that are viewed favorably will help county prosecutors win re-election, while those that are viewed unfavorably will not. While decisions made at a state level may also have political ramifications, those elected to state office are more insulated from actions viewed as bad exercises of local prosecutorial discretion due to the larger electoral body. In short, behavior in a particular county is much more likely to swing that county's election than a state election. Direct democracy is at work when the prosecutor's job is a county office.

Local prosecutors will also be best attuned to remedy local problems. In Lenawee County, to illustrate, in 2025 there was a proliferation of vaping incidents involving juveniles. The local prosecutor's office, where I work, was concerned about the public health ramifications of juveniles using vapor products, which typically contain nicotine or marijuana. Even though such use of vaping products by those underage or selling or furnishing such products to those underage are minor misdemeanor crimes, my office worked with the police to develop a plan to check local tobacco shops and convenience stores for violations of the law and to pursue search warrants and other necessary enforcement action.⁶⁶ This level of response by state-level prosecutors working within a local county would be rare.

Additionally, as residents of the counties they serve, Michigan's elected prosecutors are personally invested in the decisions they make, beyond political consequences. Although they must recuse themselves when they have a relationship with someone involved in a case, broad policy making related to law enforcement affects them, their families, their co-workers, their neighbors, and their friends. Further, both elected and assistant prosecutors are often community leaders, vested in their community's welfare. They are typically involved in community service and community organizations. For example, I have been a board member of the Monroe Area Narcotics Team Investigative Services, the Region of Irish Hills Narcotics Office, and Family Counseling and Shelter Services. I have been a member of the Monroe County Substance Abuse Coalition, the Monroe County Human Services Collaborative Network, the Monroe and Lenawee County Child Fatality Review Teams, the Monroe County Domestic Violence Roundtable, the Monroe County Child Sexual Abuse Taskforce, the Monroe County Child Advocacy Network, Soroptimist of Monroe County, and the Lenawee County Criminal Justice Committee. Additionally, I have presented to countless schools and community organizations in both an educational capacity and to further public safety. Experiences such as mine attune local prosecutors to community problems and their solutions.

66. This illustration is based on a proliferation of cases involving vaping devices in the juvenile division of the 29th Circuit Court in Lenawee County, Michigan, along with Adrian Police Department Policy.

Although the elected prosecutors in Michigan's 83 counties all exercise independent jurisdiction, the state has structure in place to promote professionalism and uniformity in the statewide administration of justice. The Prosecuting Attorneys Coordinating Council (PACC) is a state agency that heads the Office of Prosecuting Attorney Coordination—an autonomous entity within the Department of Attorney General that provides services for Michigan's county prosecutors offices, the Office of Michigan Attorney General, and the United States Attorney personnel in Michigan.⁶⁷ Most importantly, PACC develops and conducts numerous yearly trainings for prosecutors, ranging from New Prosecutor Basic Training to a Mid-Winter Conference, primarily for elected and experienced prosecutors.⁶⁸ PACC also publishes the Michigan Prosecutor, a monthly newsletter with legal updates; the Prosecutor's Courtroom Manual, with legal topics and best practices; and the Electronic Warrant Manual, to provide uniform charging language throughout the state.⁶⁹ The Prosecuting Attorney's Association of Michigan is a voluntary professional association of the state's prosecutors. By statute, it is the group's duty to

keep the prosecuting attorneys of the state informed of all changes in legislation, law and matters pertaining to their office through the department of the attorney general of the state of Michigan, to the end that a uniform system of conduct, duty and procedure be established in each county of the state.⁷⁰

These organizations work in conjunction to foster direction and consensus on statewide best practices in prosecution. Good ideas or policies are shared through prosecutor forums; opinions are often sought through these groups on contentious issues, and crime trends and solutions are shared at trainings.

Individual states in our country can be laboratories of democracy, as described in dissent by United States Supreme Court Justice Louis Brandeis in *New State Ice Co. v. Liebmann*: "It is one of the happy incidents of the federal system that a single courageous State may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country."⁷¹ Likewise, county prosecutor's offices can experiment with novel legal theories, that when favorably viewed, can translate into statewide practice. One compelling illustration of this principal is the decision of the Oakland County Prosecuting Attorney Karen McDonald to pursue involuntary manslaughter charges against the parents of fifteen-year-old Ethan Crumbley for failing to secure a gun and ammunition that he used to murder four children at Oxford High School on November 30, 2021.⁷² Felony complaints against the defendants alleged they were grossly negligent in causing the victims' deaths by:

67. *Prosecuting Attorneys Coordinating Council*, PROSECUTING ATT'YS ASS'N OF MICH., <https://www.michiganprosecutor.org/about-us/pacc/> (last visited Mar. 10, 2026).

68. *Id.*

69. *Id.*

70. MICH. COMP. LAWS § 49.62 (2024).

71. *New State Ice Co. v. Liebmann*, 285 U.S. 262, 311 (1932) (Brandeis, J., dissenting).

72. *People v. Crumbley*, 11 N.W.3d 576, 579 (Mich. Ct. App. 2023).

storing his or her firearm and its ammunition so as to allow access to the firearm and ammunition by his or her minor child or the grossly negligent failure to perform the following legal duty, to wit: failure to exercise reasonable care to control his or her minor child so as to prevent him from intentionally harming others or from so conducting himself so as to create an unreasonable risk of bodily harm to others knowing that he or she has the ability to control his or her child and knowing of the necessity and opportunity to do so.⁷³

In *People v. Crumbley*, the Court of Appeals found this legal theory was sufficient to show the requisite probable cause to require the parents to stand trial for manslaughter for the deaths of the minors, reasoning that there was sufficient evidence to establish proximate causation for the deaths.⁷⁴ The Court held:

Defendants' actions and inactions were inexorably intertwined with EC's actions, i.e., with the intervening cause. This connection exists not simply because of the parent-child relationship but also because of the facts showing that defendants were actively involved in EC's mental state remaining untreated, that they provided him with the weapon used to kill the victims, and that they refused to remove him from the situation that led directly to the shootings. In this circumstance, a reasonable juror could conclude that defendants' "conduct increase[d] the foreseeable risk of a particular harm occurring through...a second actor," ...and that what EC did at Oxford High School that day was foreseeable.⁷⁵

Both parents were later convicted of manslaughter and each sentenced to ten to fifteen years in prison.⁷⁶

This high-profile case, prosecuted by one courageous county prosecutor in Michigan, inspired state legislators to pass a statute criminalizing the act of storing or leaving a firearm unattended on premises within an individual's control where minors are or are likely to be on the premises.⁷⁷ The statute has various penalties, including, as in the *Crumbley* case, a prison term of up to fifteen years when this action results in a minor obtaining the firearm and discharging it killing the minor or another.⁷⁸

Based on my background, I am of the opinion that Michigan's prosecutorial structure is unparalleled. It is uniquely structured to foster local civility and direct accountability to the voters, with strong state-level support to facilitate the sharing of good practices, statewide professionalism, and uniform justice.

73. *Id.* at 588.

74. *Id.* at 593.

75. *Id.* at 594 (quoting *State v. Pesqueira*, 333 P.3d 797, 804 (Ariz. Ct. App. 2014)) (internal quotations omitted).

76. *Michigan School Shooter's Parents Sentenced to at Least 10 Years in Prison*, MICH. PUB. NEWS (Apr. 9, 2024, at 05:00 ET), <https://www.michiganpublic.org/live-updates/live-updates-james-and-jennifer-crumbley-sentencing-hearing> (reporting that both defendants received sentences of ten to fifteen years).

77. *See* MICH. COMP. LAWS § 28.429 (2024).

78. *Id.* § 28.429.

CONCLUSION: KEEP PROSECUTORS CLOSE

Prosecutorial discretion is one of the most consequential—and least visible—forms of public power. The way states structure, supervise, and select prosecutors matters not just for outcomes, but for the tone and culture of criminal justice itself. As this Article has shown, some states centralize authority under the attorney general, others appoint prosecutors through commissions or governors, and many, like Michigan, entrust the role to locally elected officials.

Michigan's model deserves special attention. It keeps accountability close to the people most affected by charging decisions while preserving statewide oversight through an independently elected attorney general. That structure enables a professional culture rooted in local trust, courtroom civility, and clear responsibility. Prosecutors serve communities, not bureaucracies, and are expected to exercise their discretion with both independence and humility.

In a time of growing national interest in prosecutorial reform, Michigan's approach offers a grounded, durable example of how structure can reinforce professionalism—not by fiat, but by design. It is a system that fosters not just justice, but the civility and credibility that justice requires.