

# What is a Commonwealth's attorney?

A Commonwealth's attorney (CA) is the top prosecutor in a city or county. A prosecutor is a law enforcement official and an attorney who represents the interests of the Commonwealth in a criminal case. When the police arrest someone and they are charged with a crime - it is the CA who decides whether to prosecute the person. A prosecutor has a duty to seek justice in every case, whether that means putting someone behind bars or dismissing charges all together. CAs are elected every four years.

CAs are responsible for prosecution of all felonies in the city or county and typically handle most misdemeanor prosecutions as well, though they are not required to do so. Felony offenses range from murder, rape, and robbery to assault on an officer, drug possession and thefts of more than \$1,000. With these responsibilities, however, comes enormous power. From the beginning of a criminal case to the end result, CAs have unparalleled authority to decide outcomes.

## In Virginia, CAs have the power to:

- **Decide whether a criminal case will go to trial.** In the case of protesters who have been arrested and charged with a crime, they can drop or dismiss all charges.
- **Determine what kind of charges to prosecute.** They can charge down a felony to a misdemeanor and vice versa.
- **Negotiate plea deals** with defendants
- **Recommend the release of a defendant** before their trial.
- **Decide whether to prosecute police officers** for excessive or unnecessary use of force.
- **Reopen cases of police brutality** deemed to be a "justifiable homicide" like Marcus-Davis Peters.
- **Call for an independent investigation** into any case and ask that a special, outside prosecutor be assigned to the case.
- **Influence members of the General Assembly and the Governor** for on changes to the law.