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Guest columnist

Justice is nonpartisan

By **Jenny A. Durkan**
Special to The Times

It is time for Washington to take politics out of the elections for sheriff and prosecutor and make these jobs nonpartisan.

These law-enforcement positions have broad police powers. They are critical to the system of justice and set the law-enforcement agenda. They wield enormous power over the lives of all Washingtonians. We entrust them with millions of precious tax dollars. We also entrust them with something more precious — power over our liberty. This power is a public trust. We give it only on the condition that it is exercised fairly, and without regard to a person's social or political status.

Partisan politics should play no role in law enforcement, and the political party of a sheriff or prosecutor should be irrelevant.

Alberto Gonzales showed us what happens when the public trust is broken. He sought to create a Justice Department where political-party loyalty was more important than experience. Seasoned lawyers were replaced with rising party stars.

Loyalists with little prosecutorial experience and even less management experience were put in charge of critical offices, including United States attorneys' offices. Had they applied on the basis of merit, some would have been fortunate to have gotten a staff lawyer position.

Congress and the nation rose up against this crass attempt to undermine the independence of our justice system. We rejected this direct assault on a critical cornerstone of our nation. We understood that our system relies not only upon actual fairness, but the appearance of fairness.

History has taught us what happens when the public loses trust in those who wield power. In various regions of the world, we have seen fundamental liberties and domestic stability shredded when police powers are corrupted by power-shifting agendas.

The job of elected prosecutor and sheriff must be above reproach. King County should change its charter to impose the same nonpartisan criteria on the office of county prosecutor as already are required for sheriff. The Legislature should change state law to guarantee this political independence statewide.

In the meantime, voters should demand that candidates for sheriff or prosecutor pledge not to be involved in partisan politics. Voters should look at qualifications, not political party. It is critical to assess a candidate's true experience.

In the case of prosecutors, important factors include how long a candidate has practiced law, the areas of practice and the strength of a candidate's courtroom and law-enforcement experience. Do candidates have hands-on experience in bringing and trying the toughest criminal cases? If not, what equivalent experience would allow them to be in charge of all such prosecutions?

Do they have a track record on shaping important public-policy issues — either through legal cases, local initiatives or legislation? Have they shown a commitment to and understanding of civil liberties? Have they worked with police in setting priorities, or have they managed large budgets and staff?

The bottom line is this: As voters, we should hire the best and most qualified lawyer.

Jenny A. Durkan is a Seattle lawyer who has served on the state Sentencing Guidelines Commission, and is currently on Mayor Greg Nickels' Police Accountability Review Board. A Democrat, she long has been involved in bipartisan and nonpartisan approaches to judicial matters.

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