Prosecutorial discretion has long been a point of controversy in the United States. Prosecutors, as the central figure in the administration of American criminal justice, make perhaps the most crucial decisions in the daily administration of justice. Prosecutors face the task of choosing, from a mass of overlapping criminal statutes, which of them best fits the facts presented by the police. The responsibility of prosecutors, however, is not limited to demonstrating their legal expertise in fitting charges to different fact situations. In making charging decisions, they are expected to take into consideration a broad range of factors, including evidentiary sufficiency, the extent of the harm caused by the offense, the disproportion of the authorized punishment in relation to the particular offense or the offender, cooperation of the accused in the apprehension or conviction of others, and the cost of prosecution to the criminal justice system (American Bar Association, 1986).

Given the complex nature of prosecutorial decision making, it is well recognized that prosecutors must be afforded a certain degree of discretion. Even commentators who are most critical of American prosecutorial discretion agree that discretionary power when properly exercised facilitates rather than hinders the cause of justice (Davis, 1969; Vorenberg, 1981). What concerns the critics is prosecutors’ overly broad and essentially unchecked discretion. More than 60 years