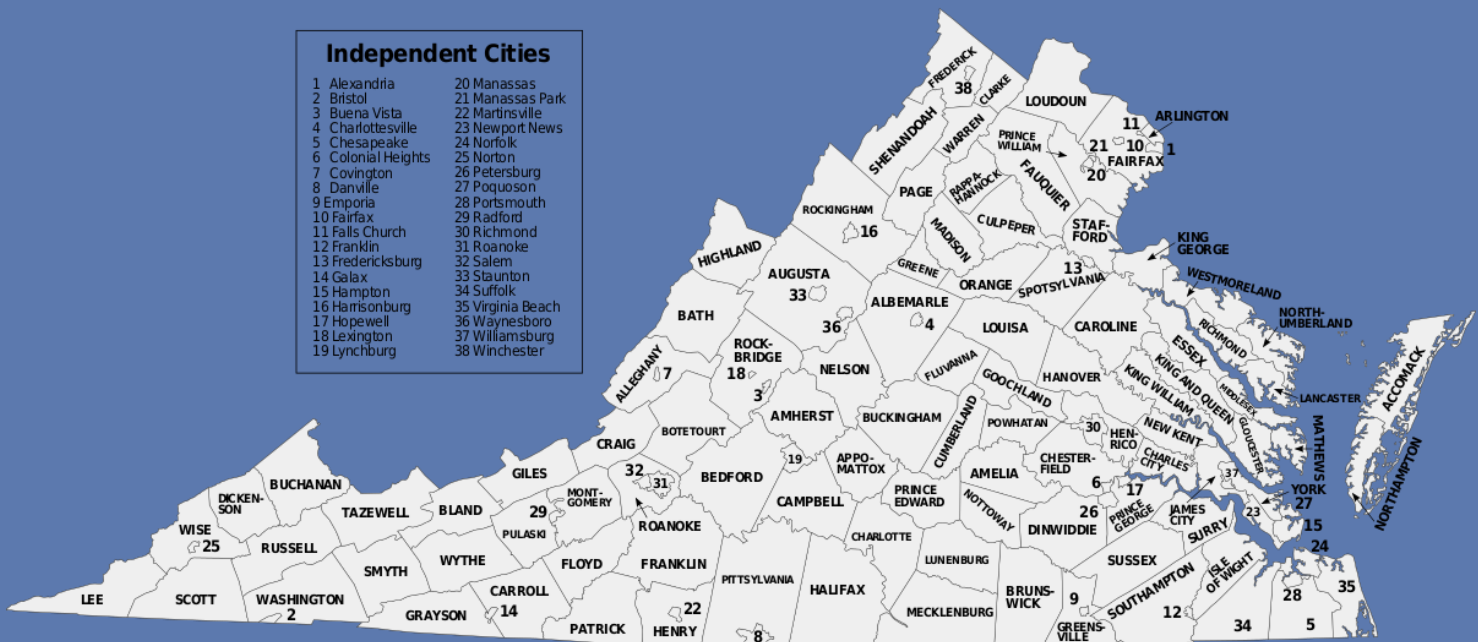


Virginia's Prosecutors - Innovative Programs -



National Prosecutors' Consortium



July 2019

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The Evolving Role of the Prosecutor

Over the last forty years, there has been a dramatic transformation and expansion of prosecutors' mission, to not only vigorously prosecute criminal cases, but also to engage in crime prevention, problem solving and community partnerships. Prosecutors' fundamental goal is to protect the community and ensure justice when enforcing the law. Traditionally, a prosecutor's role was a limited and relatively passive one - to evaluate and prosecute arrests made by the police.¹ That role has expanded and evolved significantly. The shift is driven by the need for more complex solutions that not only seek positive outcomes for victims, but also strive for long-term solutions for preventing crime and assisting those who are entangled in the criminal justice system.

Prosecutors are uniquely situated to be effective in carrying out these new initiatives. They play a pivotal role in the criminal justice system, making decisions and exercising discretion about whether to prosecute, whom to prosecute, and how to prosecute. Also, as leaders in law enforcement, prosecutors can work with the police and other partners to improve community relationships and to build trust in the criminal justice system.



1. Catherine M. Coles, *Evolving Strategies in 20th- Century American Prosecution*, in *THE CHANGING ROLE OF THE AMERICAN PROSECUTOR, 182-187* (John L. Worrall & M. Elaine Nugent-Borakov, eds., 2008).

The National Prosecutors' Consortium

The National Prosecutors' Consortium (NPC) project is designed to collect information on innovative programs employed by prosecutor offices, to assist prosecutors in developing and deploying new programs, and to expand their research capabilities. The main areas of focus are the prevention of violent crime, community engagement, and encouraging victim/witness cooperation.

Many of the nation's prosecutors relish the opportunities presented by their expanded roles in the criminal justice system and have adopted innovative programs. However, the nature of their new initiatives is impacted by the size and resources of the organization. A large office with plentiful resources can implement multiple forward-thinking initiatives that impact a large segment of their population. Conversely, a smaller jurisdiction may only have the capacity to develop a smaller, yet still meaningful initiative.

Innovative programs described in this paper are newly developed initiatives undertaken by an office in keeping with its unique resources and the needs of its community. Ideas for new programs are freely shared amongst prosecutors and can nevertheless be innovative when they are introduced, implemented and customized to suit the needs of a particular office. For instance, a program that would be considered innovative in a smaller office, may be more common-place in a larger office. We seek to highlight those offices that are embracing their new role by working within their capacity to bring effective and proactive programs to their communities.

As part of the NPC project, a prosecutor survey was administered during 2019 at the county level across the United States on a state-by-state basis. The survey captures baseline information about prosecutor offices and collects information about the various evolving and non-traditional aspects of a prosecutor's office, such as alternatives to incarceration, preventing violent crime, community outreach, victim/witness support, and treatment programs.

Overview of Virginia Prosecutor Programs

Virginia prosecutor offices range in size and in the types of communities that they serve. Some serve in cities, like Chesapeake and others work in suburban districts or rural areas. The available resources and staff vary greatly between the offices, as does the needs of their communities.

Over half (53)% of the prosecutors in Virginia participated in the NPC survey. The survey demonstrates that Virginia prosecutors embrace a wide variety of programs and initiatives. These programs include Drug courts, Community Service programs, Victim and Witness Assistance, Restitution programs, and Adult Education programs.

The survey found that 70% of Virginia’s prosecutors engage in problem solving courts or other programs that offer alternatives to incarceration. Most offices offered Victim Assistance (92%) and Witness Assistance programs (90%). Restitution programs were frequently available, offered by 71% of offices. Community programs that prosecutors either run or participate in are also common. Virginia prosecutors are involved with Community Engagement programs (62%), Co-Located Child Abuse programs (60%), Adult Education programs (60%), Youth Education programs (50%) and Co-Located Domestic Violence programs (42%). Some offices reported participating in Community Truancy programs (14%) and Neighborhood Clean-up programs (12%) as well.

2. Solomon, S. E., Uchida, C. D., Connor, C., Swatt, M. L., Revier, L., Quigley, A. M., & Hock, S. (2019). National Prosecutors’ Consortium Survey Highlights: Virginia. Justice & Security Strategies, Inc.

Innovative Programs - Examples

To demonstrate the variety of innovative programs initiated by prosecutors, four offices are highlighted: Richmond City Commonwealth Attorney’s Office, which is the largest of the group, Chesapeake County and Henrico County, slightly smaller offices than Richmond, and Wise County—a small county with a population of about 38,500 people.

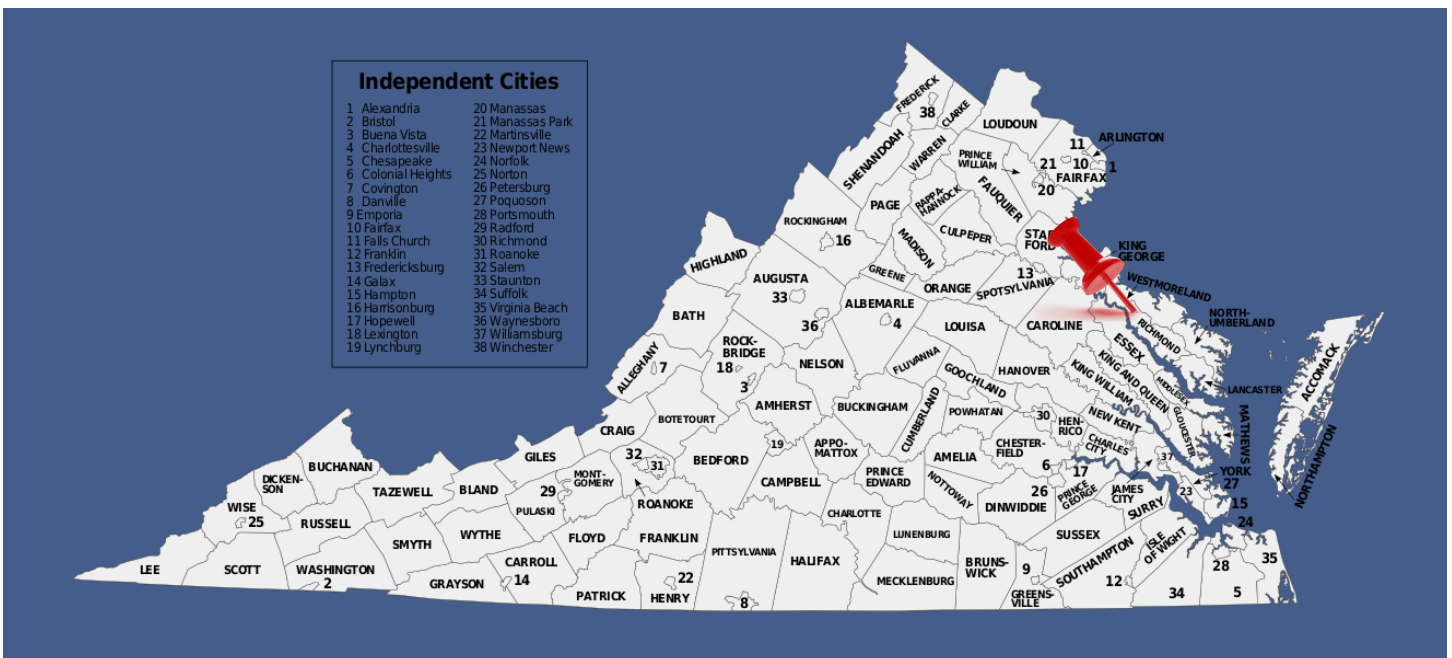
The Richmond program addresses public safety at large through the development of its community discussion guide. The guide, and a community summit slated for a future date, seek to determine how the community and criminal justice stakeholders can more effectively address the root causes of crime. The Henrico County Human Sex Trafficking (HST) Intervention Program plays an important role in identifying victims of sex trafficking and connecting them with services. The Chesapeake program focuses on enhancing the lives of youth in the community by providing them with tools to achieve success and avoid crime. Finally, Wise County runs a very impactful and financially advantageous diversion program for low risk offenders that allows participants to remain with their families while they complete community service projects in lieu of jail time.

Richmond City Commonwealth Attorney's Office

Population: 230,000

Number of Prosecutors: 40 full-time prosecutors

Provoking New Thought in Pursuit of Public Safety

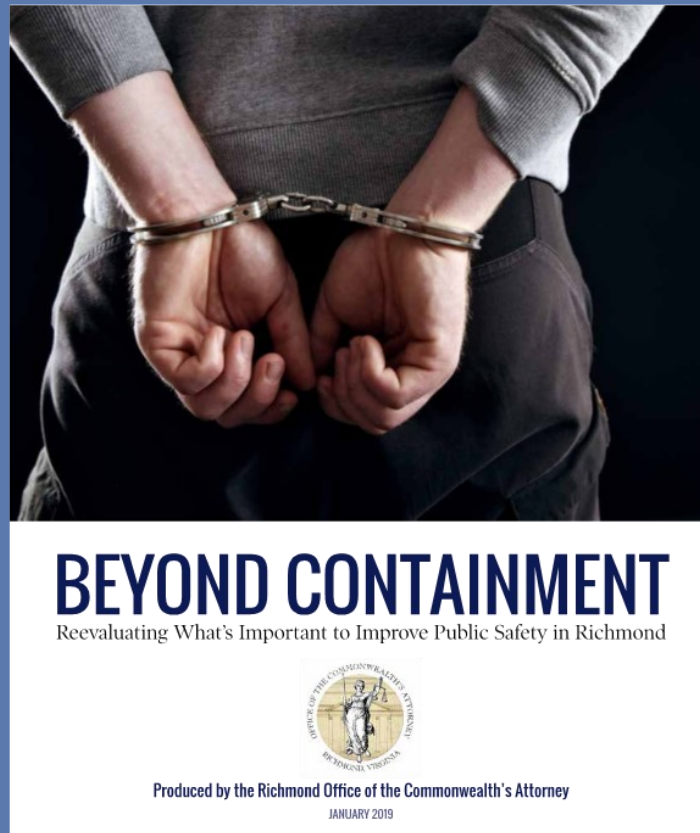


In an effort to reframe the City's lens on public safety, Richmond City's Office of the Commonwealth's Attorney is promoting a community-wide summit to deconstruct the root causes of crime. It has produced a discussion guide entitled *Beyond Containment* in order to help frame the discourse. The guide is meant to intrigue readers by sharing points to consider that may impact criminal decision-making. It also challenges readers to examine how city leaders, service agencies, and citizens might be inadvertently contributing to cycles of crime.

The Commonwealth Attorney's Office took important steps to engage with the community as they developed content for the discussion guide and summit. They conducted focus groups with citizens most impacted by crime; mobilized city leaders and agency heads to participate in a candid dialogue about root causes of crime; conducted a qualitative analysis of community data

(completed by Virginia Commonwealth University's Survey and Evaluation Research Laboratory (SERL)); and convened a Stakeholders' Roundtable of city leadership to discuss the considerations for the city-wide dialogue. After these steps were complete, they developed the discussion guide, which helps frame key points to launch a citywide dialogue regarding how the city's current strategies for public safety may help perpetuate crime. They disseminated the guide and related content to city leaders, agencies, media outlets and the community at-large. Through the guide, they hope to engender an interest in engaging in a deep and candid discussion of the root causes of crime and how to work on neutralizing those causes.

In order to continue building on the guide, the Commonwealth Attorney's Office plans to convene a citywide summit to discuss root causes of crime and strategy groups to develop policies that affect the identified root causes. The expectation is that this will lead to an increased understanding of the root causes of crime and promote the development of strategies that will address those causes. The purpose is to propose, implement and evaluate policies and procedures that can lead to a robust and comprehensive long-term strategy for public safety.



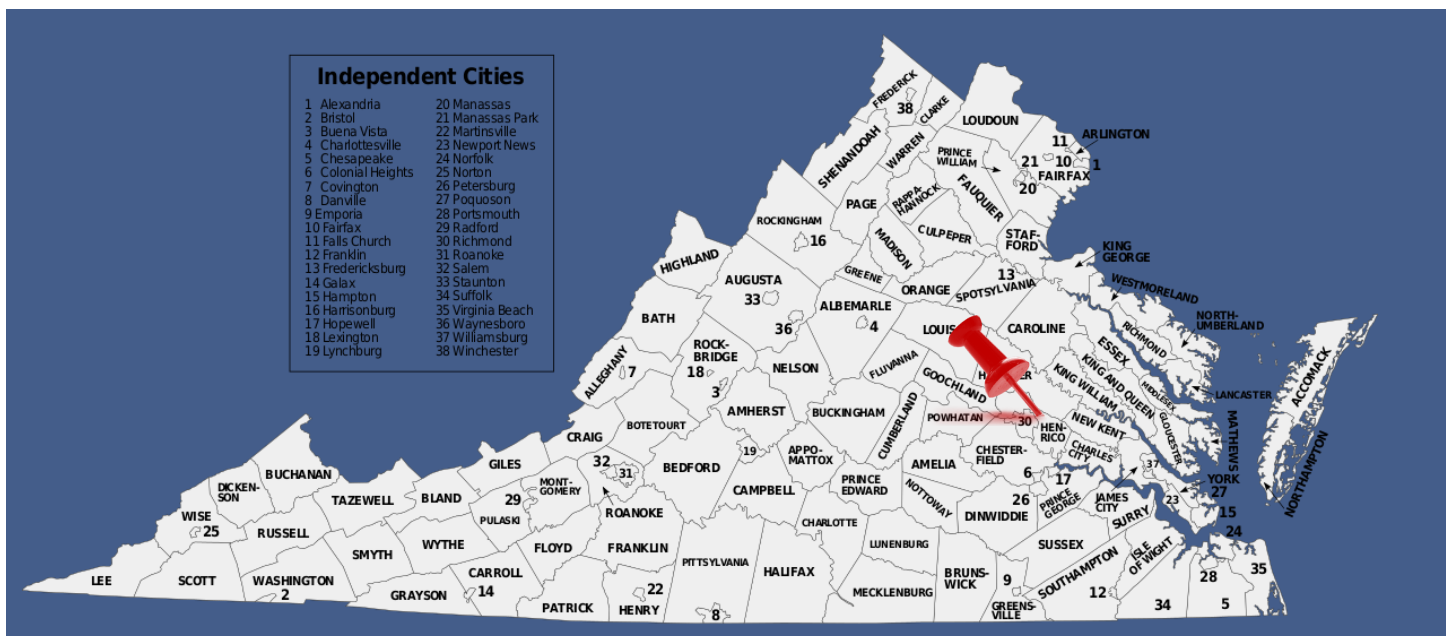
Cover page of the Beyond Containment discussion guide.

Henrico County Commonwealth Attorney's Office

Population: 327,898

Number of Prosecutors: 31 full-time prosecutors, 3 part-time prosecutors

Human Sex Trafficking (HST) Intervention Program



In 2012, Commonwealth's Attorney Shannon Taylor and the Henrico Division of Police made the strategic decision to focus on hotel-related crimes with a specific focus on combatting human sex trafficking (HST). Because over 70% of Henrico hotels are located near two major interstates, the area is in high demand for prostitution.

Before this program, Virginia had no residential programs for human trafficking survivors, no jurisdictions actively working human trafficking cases, and no law criminalizing commercial sex trafficking. Henrico Police began the efforts to address HST by targeting those advertising online and working in prostitution in local hotels. Police saw early success and within several months rescued multiple juveniles and arrested on an average one sex trafficker or pimp per week.

Henrico County's Victim-Witness Director, Shelly Shuman-Johnson and Deputy Common-

wealth's Attorney Michael Y. Feinmel enhanced these efforts by gathering information from other police agencies, prosecutors, and non-profit agencies to learn promising approaches to assisting to the survivors of HST. With the benefit of this research, Henrico developed its own robust initiative.

Now when enforcement operations are planned, a prosecutor and a victim advocate from the Commonwealth's Attorney's office is consulted in advance. The victim advocate will accompany the police during the law enforcement operation. When a woman or man is discovered engaging in prostitution and working for a sex trafficker, the advocate meets with the person and secures background and safety information. The sex worker is transported to a safe interview room and then, when possible, to a Bon Secours medical facility for up to one year of free medical services. Henrico County has no "detox" facilities, so at times a trip to jail is a necessary next step to ensure the safety of the sex worker. The advocate will develop an exit plan, both from the prostitution lifestyle and from jail.

Though prior to this program no residential programs existed, the Henrico Commonwealth's Attorney's Office now has access to two residential care locations for sex trafficking survivors, one of which is a transitional home. The relationships established through the program have led to successes in moving sex workers out of that lifestyle and to effective prosecutions against the sex traffickers. Notably, between April 2018 and March 2019, Henrico Police and the Commonwealth's Attorney's office prosecuted 75 charges of commercial sex trafficking. During the entirety of this program, the Henrico Victim Witness Program provided services to 172 victims of human trafficking.

Motivated by the efforts of Henrico County to combat HST and with the assistance of the Commonwealth's Attorney's office, in 2015, the Virginia General Assembly, enacted a Commercial Sex Trafficking statute.

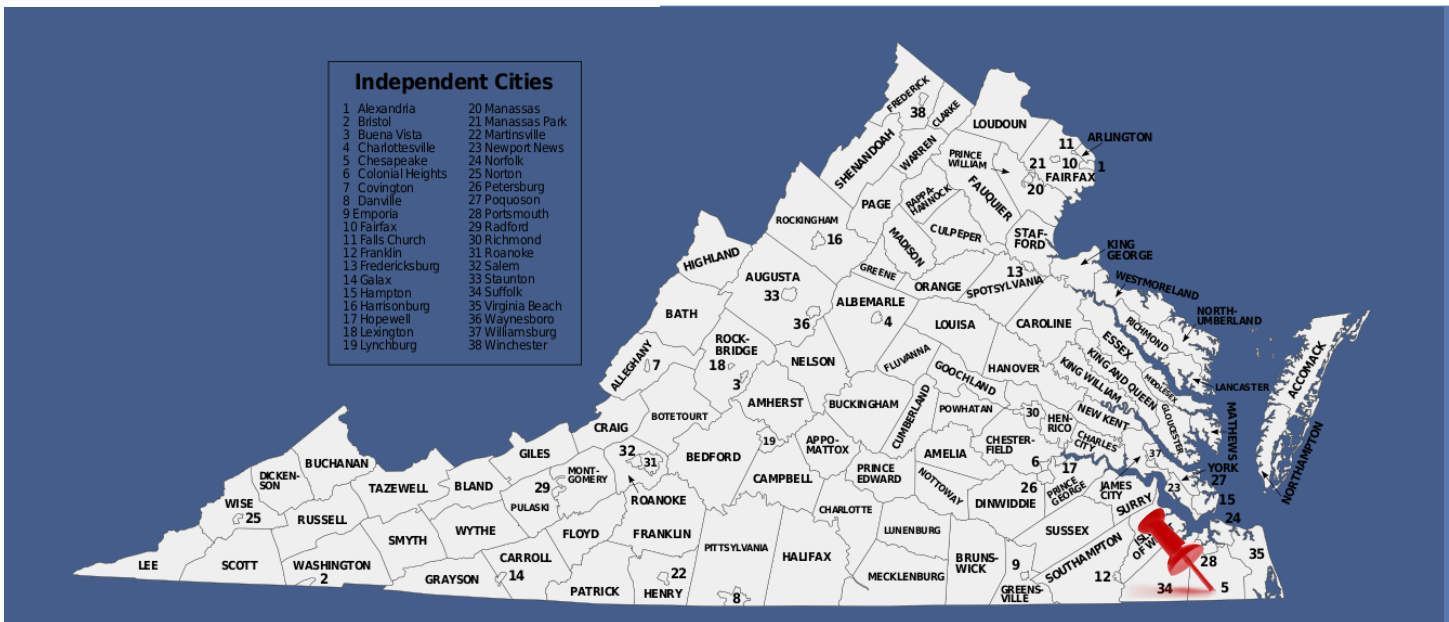


Chesapeake City Commonwealth Attorney's Office

Population: 240,000

Number of Prosecutors: 26 full-time prosecutors

Community Prosecution Program



In March 2006, Nancy Parr, Commonwealth's Attorney for the City of Chesapeake implemented a Community Prosecution Program designed to reduce the overall level of criminal activity and improve the quality of life for all citizens, particularly those residing in the highest crime area within the city's borders. A key component of that program focused on education outreach in an effort to deter individuals from becoming involved in the criminal justice system. Parr developed the program by hiring a Senior Level Assistant Commonwealth's Attorney, assigning a Managing Deputy Commonwealth's Attorney, an Assistant Commonwealth's Attorney and support staff member to serve as the inaugural members of the program's team. In an effort to further support the program, her office partnered with the city's Police Department and obtained federal funding to hire a program analyst to assist in the program's goals.

The team developed several signature outreach programs, including its Girls and Young Women's Empowerment and Boys' Leadership Conferences. The goal of the conferences is to educate and empower attendees in an effort to provide them with tools to cope with the ever-changing obstacles they face in avoiding criminal activity, making wise decisions, and building a strong foundation as a key to success.

Girls and Young Women's Empowerment Conference

The first Girl's Conference was held in November 2009 at a local community college and was executed utilizing a format of one workshop for all participants with a transition into breakout workshop sessions for girls ages 10-13, 14-18 and their parents and guardians. The theme of the conference was "I Am, I Can, I Will" and was attended by 67 people. Workshop topics included having healthy relationships, being financially savvy, and avoiding gang activity. Parents participated in a workshop focused on raising strong daughters. Since the initial conference, attendance has skyrocketed and topics have evolved with the changing issues in criminal justice and adolescence. The location of the event transitioned to a local middle school, which ultimately afforded the office the opportunity to publicize the event to all local public-school students.

The office hosted its tenth Girls and Young Women's Empowerment Conference in February 2019. Over 200 people attended including presenters, volunteers and exhibitors. Conference topics have included recognizing and avoiding domestic violence, understanding the consequences of inappropriate online actions and the impact of the opioid abuse.



Girl's conference attendees participate in a game.

Boys Leadership Conference

The positive feedback and reviews received from the first two Girls Conferences resulted in the creation of a Boys Leadership Conference in 2011. The format and goals were the same as the Girls Conference, but focused on young men and the problems they encounter. "Keep Your Eyes on the Prize" was the theme of the first Boys Conference and was an overwhelming success

with over 199 people in attendance. The office went on to sponsor five more Boys Leadership Conferences through 2015, focusing on effective expression of emotions and frustrations, bullying, and the consequences of choosing the gang lifestyle.



Boy's leadership conference attendees listen to a presentation.

All conferences have been free and open to the public and are funded through the generosity of local businesses and grants from corporations who donate not just funding, but goods and services as well as door prizes and giveaways. Breakfast and lunch are served to all attendees. Each conference features exhibitors that highlight information on community resources. The efforts of these collaborations have been the catalyst for the development of partnerships that benefit additional outreach programs and the goals of the Community Prosecution Program overall.

The conferences have been well received, and the success of the program is in part measured through evaluation forms administered at each event, which have offered overwhelmingly positive feedback. The willingness and enthusiasm of the individuals who serve as workshop presenters, without compensation, is another gauge in measuring the success of the program. Most importantly, the program's success is demonstrated by the many participants who attend the program year after year.

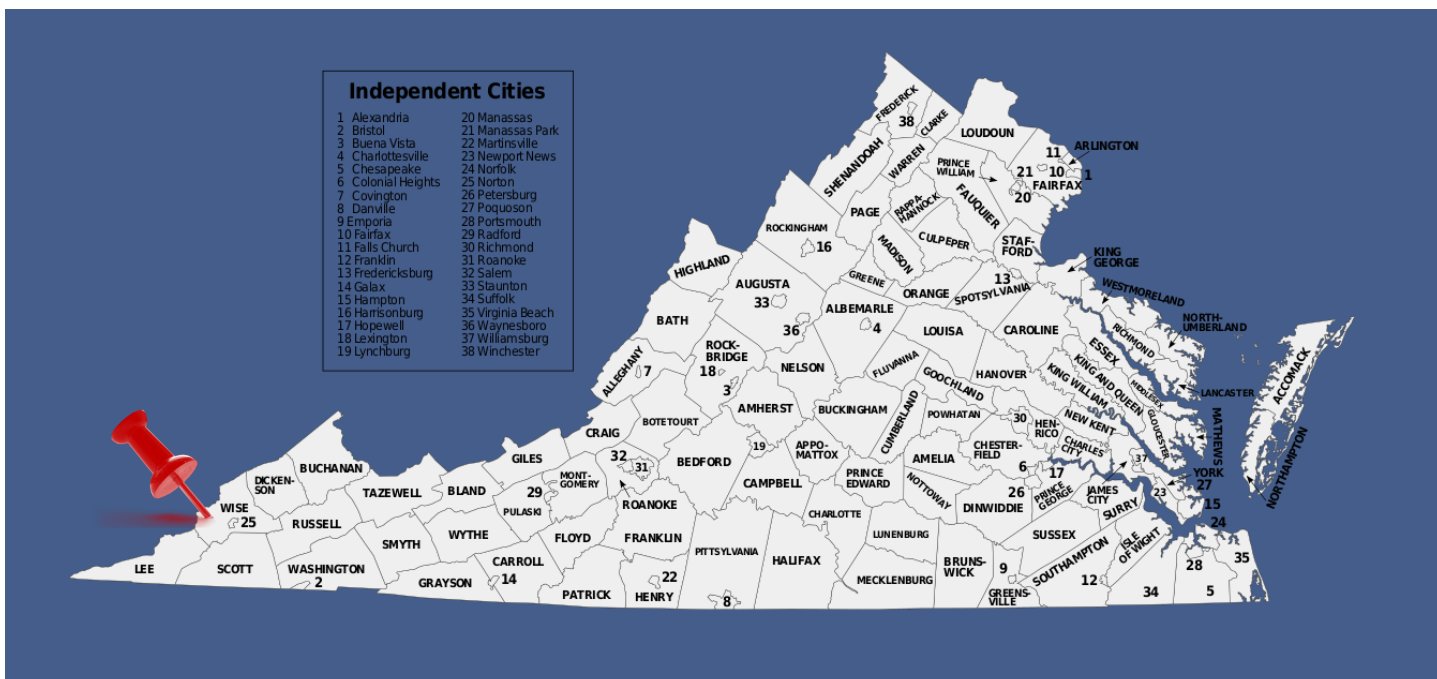
In addition to these programs for children, the office also sponsors various adult education programs and workshops, sports teams, and a Graffiti Be Gone initiative.

Wise County Commonwealth Attorney's Office

Population: 38,500

Number of Prosecutors: 8 full-time prosecutors, 2 part-time prosecutors

Wise Works Alternative Sentencing Program



For Commonwealth Attorney Chuck Slep, the Wise Works alternative sentencing program is more than just a program, it is about changing lives. “Some folks have never had this opportunity”, Slep said, and the effort was "outside the box for us." “You have to hold people accountable for their actions”, he said, but he imagined also “[building] up an entire community and [making] peoples' lives better.”

The program began in 2017 and aims to help low-risk offenders facing jail time. Eligible offenders, who often have children, continue work and be with their families while completing the required community service. Community service includes building houses for Habitat for Humanity, working at the Wise County Animal Shelter, and assisting public agencies like the county housing authority. Participants also work at churches, soup kitchens, food pantries, the Health Wagon, and the Wise County Fair. The program started with approximately 13 work

sites throughout the county and is now up to almost 25. The program's approach not only improves the lives of the offenders, but also creates significant savings for Wise County. The program was initially funded with \$60,000 from the Wise County supervisors and is now on track to save the county up to half a million dollars per year.

The program has a full-time administrator who previously worked for the Duffield regional jail and was on the drug court team. He carefully reviews potential participants on a case-by-case basis, as he believes a key to the program's success is identifying good candidates. Once in the program, he helps the participants to succeed and become productive citizens.

The program has had a total of 67 participants, with 34 currently working toward completion and 20 who have graduated. The Commonwealth Attorney's Office hopes to increase the number of offenders in the program in subsequent years. Results have been excellent, as nobody who completed the program has re-offended.

The program requires work that is a sanction for the initial criminal offense, but - just as importantly - gives the offenders a chance to give back to the community. It replaces the old model of incarceration with the opportunity for offenders to gain a sense of accomplishment and purpose. One of the major goals of the program is to break the generational cycle of crime.



Program Director Brian Caldwell ensures information on Wise Works is readily available outside of his office at the courthouse.

Photo courtesy of: [Jenny Tate, The Coalfield Progress](#)