



# National Prosecutors' Consortium

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August 2019

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# The Evolving Role of the Prosecutor

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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.<sup>1</sup> 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 20<sup>th</sup>- Century American Prosecution*, in *THE CHANGING ROLE OF THE AMERICAN PROSECUTOR, 182-187* (John L. Worrall & M. Elaine Nugent-Borakov, eds., 2008).

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## The National Prosecutors' Consortium

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The National Prosecutors' Consortium (NPC) project is designed to collect information on innovative programs employed by prosecutor offices, to assist prosecutors in developing and deploy-

ing 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 Iowa Prosecutor Programs

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Iowa prosecutor offices range in size and in the types of communities that they serve. Some serve in large bustling cities 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.

Out of 99 counties, 53 (54%) of the prosecutors in Iowa participated in the NPC survey. The survey demonstrates that the responding Iowa prosecutors participate in a wide variety of programs and initiatives. These programs include Drug courts, Mental Health courts, Drug Treatment, Mental Health Treatment, and Victim Assistance.

The survey found that 43% of Iowa's prosecutors engage in problem solving courts or other programs that offer alternatives to incarceration. Many offices (60%) offered Drug Treatment, Mental Health Treatment (58%), Community Service (50%), and Anger Management classes (45%). Almost three quarters had Victim Assistance (73%) and Restitution programs (68%).

Community programs that prosecutors either run or participate in are also common, with 60% of offices reporting participation. Iowa prosecutors are involved with Truancy programs (60%), Community Engagement programs (43%), and Co-located Child Abuse programs (36%).

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: Iowa, Justice & Security Strategies.*

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## Innovative Programs - Examples

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To demonstrate the variety of innovative programs initiated in Iowa, four offices are highlighted: Polk County, the largest of the group with slightly less than half a million people, Story County, with a population of almost 100,000 people, as well as Cherokee and Calhoun Counties, both with populations under 12,000.

The Polk County program is a Restorative Justice Center that offers a wide range of mediation services and specialty programs to the citizens of Polk County. These include child mediation, neighborhood mediation, youthful offender court, and an offender reconciliation program. The Story County program is an effort to provide duffel bags and basic items to foster care children as they transition to new homes. Cherokee County runs a mentoring program that pairs community volunteers with at-risk children in fifth through eighth grade. The Calhoun County program is a Student Empowerment Resilience Team that works with schools and other key stakeholders on identifying students or families of concern and develops an action plan for addressing those concerns before they reach the criminal justice system.

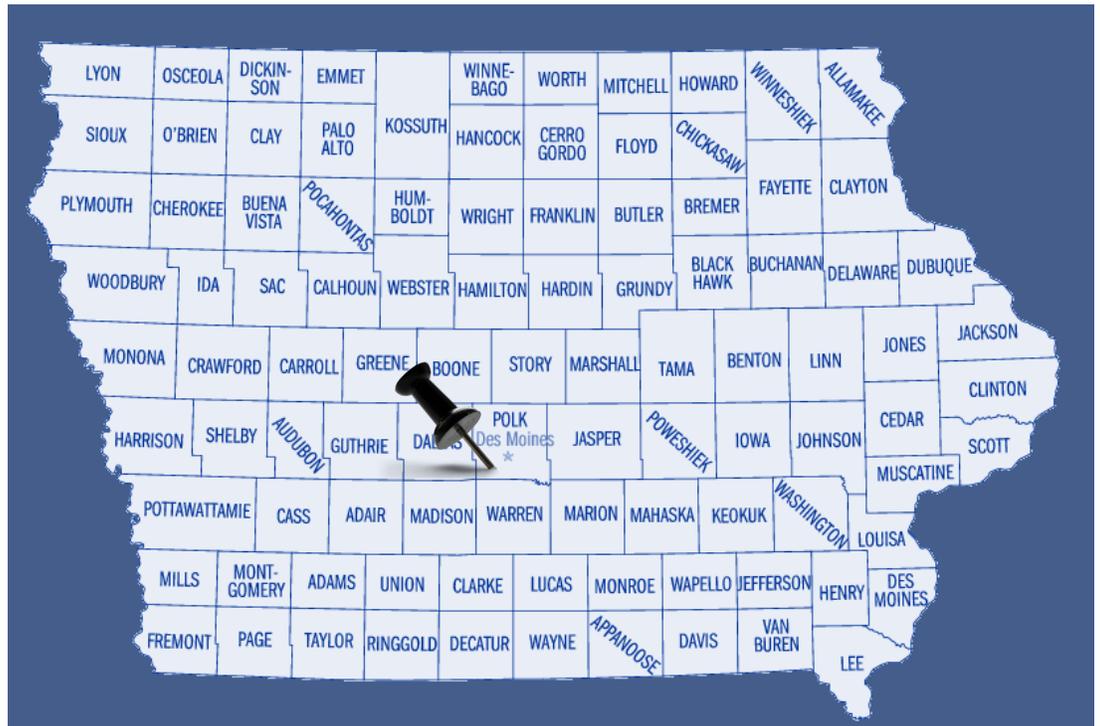
# Polk County Attorney's Office

Population: 487,204

Number of Prosecutors: 55 full-time prosecutors

## Restorative Justice Center

Originally known as the Neighborhood Mediation Center, the Polk County Attorney's Office Restorative Justice Center was opened in the early 1980s to help community members resolve neighborhood disputes through mediation. Today, the Restorative Justice Center offers both mediation services and other specialty programs, which are discussed below.



### *Mediation Services*

Mediation services are free and include neighborhood, school, truancy, and child mediation in addition to victim and offender panels. Victim panels are comprised of the victim(s), a facilitator, and a victim advocate. The victim panel's objectives are to facilitate the victim's emotional healing by allowing them to speak about their experience and to foster the belief that their story may prevent others from experiencing similar victimization; to enable offenders to understand criminal activity from the victim's perspective; and to deter offenders from committing future crime by impacting them with victim stories.

Offender panels are slightly different and usually take place in the school system. They include the offender(s), a facilitator, and a coordinator from the Polk County Attorney's Office. The goals of this panel are to help offenders remember the hurt they caused themselves, their families, and the

victim(s); to let others know what happens in the criminal system to include jail and the loss of personal freedoms; and to keep other youth from following the same path.



### *Specialty Programs*

Specialty programs include multiple initiatives for youth—the Youthful Offender, Truancy Court, and Juvenile Diversion/Early Services programs. The Early Services program is an intervention and prevention program for delinquents under the age of twelve. The children receive family-oriented programming based on thorough assessment and skill building. The process combines traditional methods with age appropriate consequences, a positive role model, and the development of long-term family recreational activities. The parents and child sign an agreement, with the goal of decreasing the likelihood they will continue to break the law.

Other specialty programs include the Bad Check Restitution, Elder/Dependent Adult Abuse, License Reinstatement, Payment Plans/Collections, and Victim Offender Reconciliation programs. The victim offender reconciliation program, also called VORP, is a meeting between the victim and the offender facilitated by a trained mediator in a controlled safe setting. The victim can choose to have a victim advocate at the meeting to provide support. At the meeting, the victim is given the opportunity to express their emotions, ask questions, and offer opinions. A written agreement that determines restitution or other matters can also be drawn up at the meeting. In most cases, these written agreements become incorporated in court orders that offenders are required to abide by.

To obtain more information about these services, contact the Restorative Justice Center via phone at (515) 286-3737.

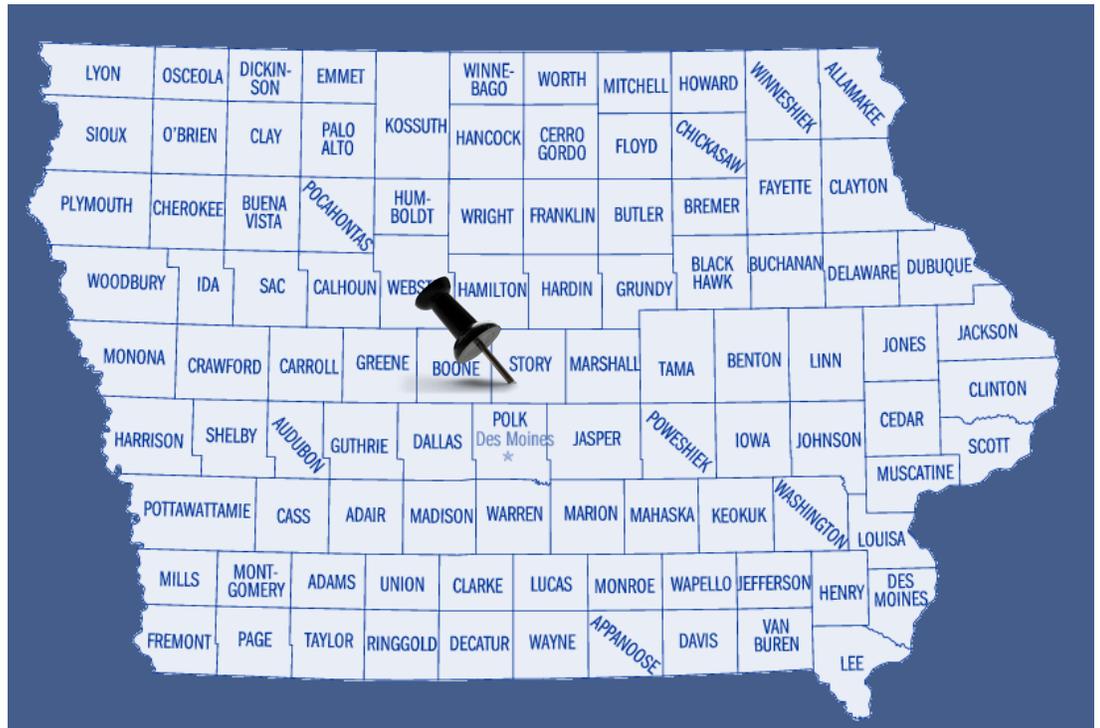
# Story County Attorney's Office

Population: 98,105

Number of Prosecutors: 15 full-time prosecutors

## Item Donation for Foster Care Youth

County Attorney's Offices in the state of Iowa are more closely involved with the foster care system than other jurisdictions in the U.S. because prosecutors are required to present all child-in-need-of-assistance cases. For the Story County Attorney's Office, their role in helping children in foster care extends far beyond the courtroom. Through their ongoing involvement with foster care children, they observed and sought to address an unfortunate reality—the fact that foster kids typically move their belongings from home to home in trash bags.



In order to eliminate this practice, the County Attorney's Office worked with Team Story (an organization comprised of Story County employees) to obtain suitcases for foster care children. Team Story conducted the suitcase fundraiser as part of a national program called [Sweet Cases](#). Sweet Cases seeks to help kids in foster care on a national level move away from the stigma of carrying belongings with them in garbage bags.



NMS students donate supplies to local foster children. Photo Courtesy of: [Nevada Community School District](#)

The Story County Attorney's office then solicited donations from the community in order to fill the suitcases with items for the children. The solicitation garnered an outpouring of community support, and actually led to a surplus of items beyond what could fill the suitcases. Community members of all types participated, including students from Nevada Middle School (NMH), County Attorney's Office employees, Cambridge United Methodist Church, 4-H Clover kids, and other county staff members and individuals. County Attorney Jessica Reynolds was particularly overwhelmed by the amount of items the NMS students donated. The students' contributions included crayons, stuffed animals, personal hygiene products, art supplies, and more for foster kids ages 0 to 18. Team Story then went through all the items collected and filled each duffel bag with products that could be helpful with the transition from home to home, based on age and gender.

The great donation effort by the County Attorney's Office and Team Story ended the practice of foster children in Story County using garbage bags to transport their belongings. Now, whenever the Department of Human Services removes a child from a home, they receive a new bag filled with items they need.

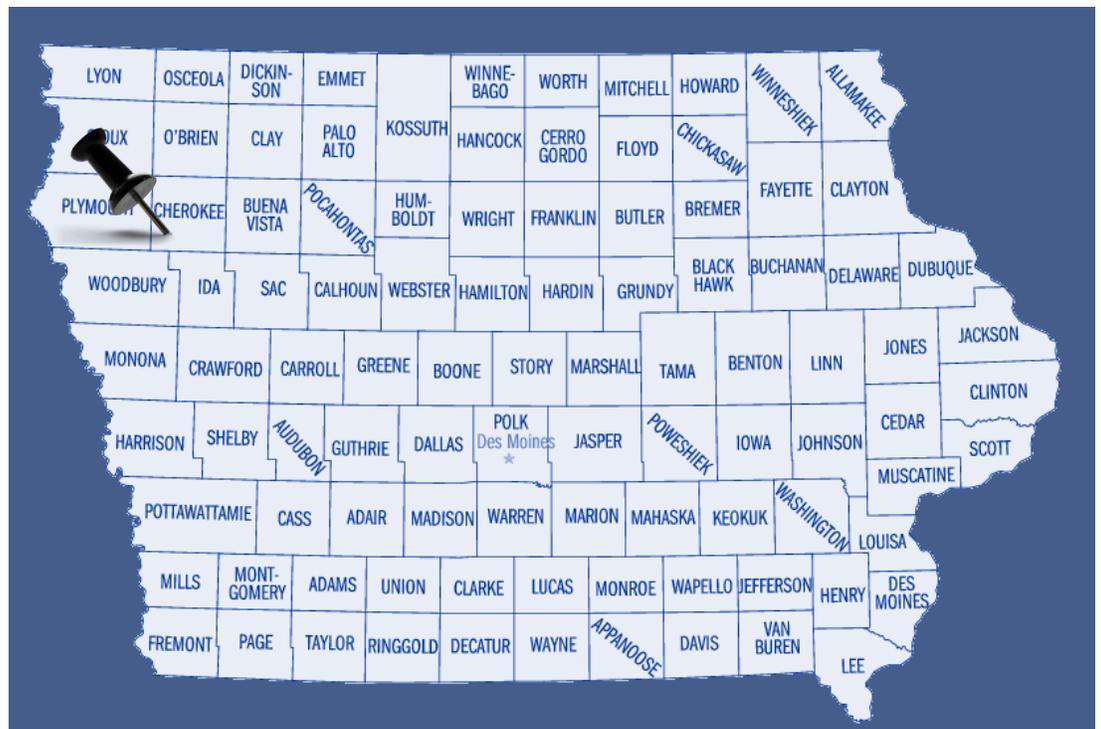
# Cherokee County Attorney's Office

Population: 11,321

Number of Prosecutors: 1 full-time prosecutor

## Braves Mentoring Program

Assistant Cherokee County Attorney Kristal Phillips and other members of an interagency group organized the Braves Mentoring Program in the fall of 2016. The program is pursuant to Iowa Code Section 280.25, which allows a school to adopt a policy so that school personnel may share information with state and local agencies that are part of the juvenile justice system. The interagency group initially included the Assistant Cherokee County Attorney, law enforcement officers, Department of Human Services caseworkers and child protective services workers, Juvenile Court Officers and trackers, school principals, counselors, and a youth services worker.



The group met monthly and discussed at-risk students individually, working towards a solution to help each student. Some of the suggestions involved community resources that were led by individuals not present at the meetings. To address this issue, the interagency group expanded to include clergy, therapists, a disability services coordinator, public health leaders, and employees of a local community action agency that assists poverty-stricken families.

As the interagency group evolved, it became frustrating that the discussions focused on children who were already involved in “the system”, either as a child in need of assistance or as a delinquent child. One of the interagency members became aware of a mentoring program at a nearby school, and the group used the foundation of that program to build what is now the Braves Mentoring Program.

The Braves Mentoring Program pairs community volunteers with children in grades 5-8 that the school has identified as at-risk. As a qualification, the children must not already have court involvement, since the hope is to make an impact in the child’s life in a way that prevents court involvement. The school allows the community volunteers to meet with the children for one hour per week during school hours. The school also provides a room with games and other activities during the mentoring time. The focus of the mentoring meeting is not on completing homework, but instead it is designed to encourage relationships between the adult and child, which can occur through learning a new skill or craft.

Under the continued guidance of Assistant County Attorney Phillips, the program has played a significant role in the juvenile court system’s shift from being reactive to proactive, and has already made a significant impact on the children involved. Using the 2017-2018 school year as a baseline, students in the mentoring program experienced a 29% decrease in absences, 36% decrease in tardiness, and a 6.5% increase in GPA.



Students and mentors pose for a group photo.

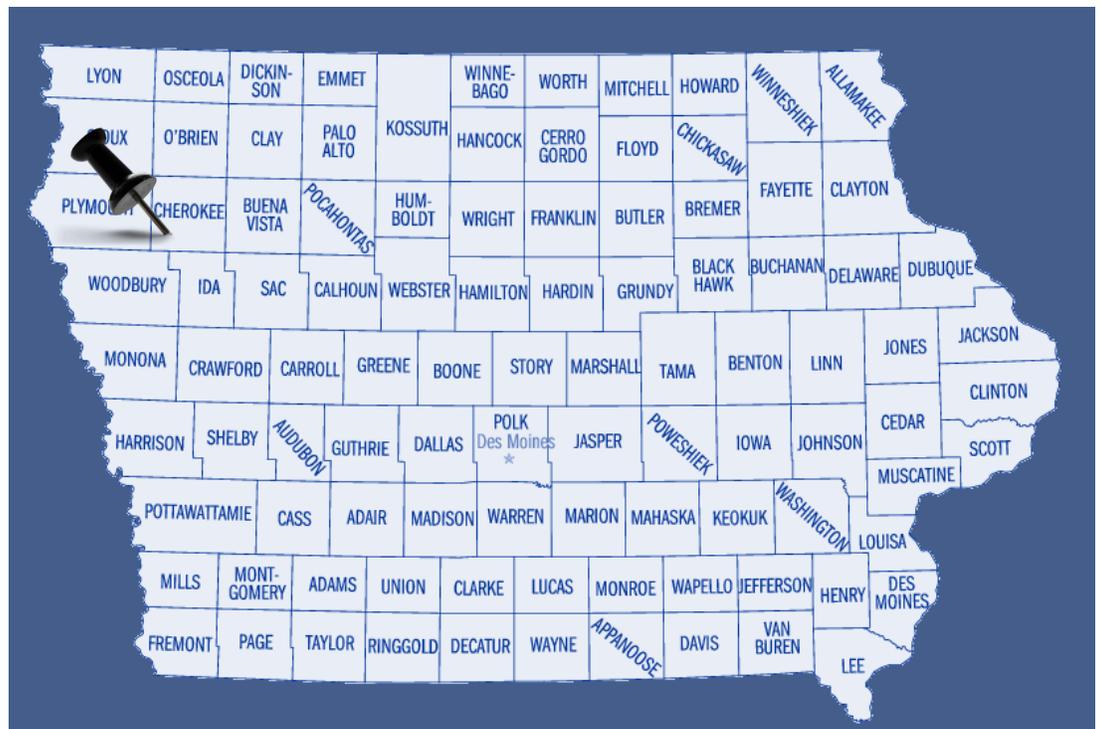
# Calhoun County Attorney's Office

Population: 9,699

Number of Prosecutors: 1 full-time prosecutor

## Student Empowerment Resilience Team (SERT)

The SERT initiative began out of the South Central Calhoun Superintendent's concern for students with high adverse childhood events (ACE) scores. The Superintendent, along with the Chief Nursing Officer at a local hospital, hosted a collaborative meeting with key hospital staff, community mental health providers, public health staff, and school staff. The Superintendent also facilitated a training on ACES for all school staff and service providers in the community.



At the collaborative meeting, it was shared that the nearby Cherokee School District, with assistance from their Assistant County Attorney, had developed a process for bringing different providers to the table to collectively help students. Members of the Calhoun group attended a Cherokee School meeting, and impressed with their process, returned committed to creating a similar opportunity for South Central Calhoun. They extended invitations to all who attended the earlier collaborative meeting as well as to local law enforcement, juvenile court staff, area education agency staff, Department of Human Services staff, and the Calhoun County Attorney.

All South Central Calhoun participants shared a concern for confidentiality rules. To address these concerns, they adopted the process used by the Cherokee group, which operates under Iowa Code 280.25, Information Sharing-Inter Agency Agreements. The Cherokee group reviews this section of the Code at each of their meetings, citing the purpose of the meeting is to: reduce juvenile crime, improve school safety, reduce alcohol and illegal drug use, reduce truancy, support alternatives to suspension, and support students via services that help them successfully complete their education.

The South Central Calhoun group emphasizes that the information shared will be used for determining the appropriate services and coordinating the delivery of services to students and families. It will not be used by the school district for disciplinary action. Participants sign an agreement at each meeting to keep the information shared private and confidential.

The Calhoun group holds meetings monthly, during which school staff present students or families of concern and the group develops a brief action plan. The group reviews the plan at the next meeting, and the facilitator keeps a very short record of the issue. The group is intentional about focusing on existing assets, creating additional opportunities to foster resilience, guarding against negative or judgmental attitudes, and on working toward practical action steps. Sometimes action plans are not developed due to the family's resistance or lack of funding, but because of the information sharing that still takes place, school staff and providers are aware of the concerns and are tuned-in to ways the student or their family may be helped.

The SERT process is in its early stages, but it has already produced two initiatives that address common challenges identified through the meetings: a community mentoring movement and a Handle with Care program. Handle with Care is an initiative where law enforcement and Department of Human Services personnel can notify the school about a student's involvement in a traumatic legal situation. Law enforcement may call the school, identify the student and saying the words "Handle with Care." School staff will know that the student has experienced a stressful event and be more in-tune to that student's needs. The mentoring project is in its infancy and ultimately hopes to match adult community members or responsible high school students with elementary age students to engage in social time or to assist with homework.

