



# THE ROLE OF THE MODERN PROSECUTOR: SPEARHEADING INNOVATION

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October 2020



Prosecutors' Center for Excellence

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# Table of Contents

Acknowledgments .....	i
Introduction .....	ii
Scope and Structure of the Article .....	iii
Executive Summary .....	iv
Map of Programs .....	ix
Chart of Programs by Population of Prosecutor’s Jurisdiction .....	x
<b>PART I COLLABORATIVE PROGRAMS .....</b>	<b>1</b>
<b>Innovations in Collaboration with the Community .....</b>	<b>2</b>
<i>Community Prosecution .....</i>	<i>2</i>
<i>Community Councils/Meetings/Boards .....</i>	<i>4</i>
<i>Partnership with Clergy .....</i>	<i>6</i>
<i>Education Programs for Adults/Citizen’s Academy .....</i>	<i>8</i>
<i>Community Clean Up .....</i>	<i>9</i>
<i>Free Car Service During Holidays .....</i>	<i>10</i>
<b>Resources for Children and Families .....</b>	<b>11</b>
<i>Family Justice and Peace Centers .....</i>	<i>11</i>
<i>Child Advocacy Centers .....</i>	<i>12</i>
<i>Job Shadow Programs .....</i>	<i>13</i>
<i>Sports Programs .....</i>	<i>14</i>
<i>Mentoring and Lecture Programs for Youth .....</i>	<i>15</i>
<i>Truancy Reduction and Education Improvement .....</i>	<i>18</i>
<i>Collaboration for Child Wellbeing .....</i>	<i>20</i>
<b>Innovations Before Charging .....</b>	<b>24</b>
<i>Programs for Youth .....</i>	<i>24</i>
<i>Teen Courts .....</i>	<i>25</i>
<i>Programs for Adults .....</i>	<i>26</i>
<i>Neighborhood Courts .....</i>	<i>27</i>
<b>Innovations in Procedure .....</b>	<b>29</b>
<i>Initial Appearance and Early Case Assessment .....</i>	<i>29</i>
<i>Bail Initiatives .....</i>	<i>30</i>
<i>Sealing and Expungement .....</i>	<i>31</i>
<i>Dismissing or Not Prosecuting Low-Level Offenses .....</i>	<i>32</i>

Innovations in Alternatives to Sentencing and Diversion .....	35
<i>Alternatives to Sentencing</i> .....	35
<i>Misdemeanor and Felony Diversion for Adults and Juveniles</i> .....	36
<i>Restorative Justice</i> .....	39
Innovations in Collaboration with the Courts.....	42
<i>Community Courts</i> .....	42
<i>Drug/Alcohol /Addiction Court</i> .....	43
<i>Mental Health Court</i> .....	46
<i>Veterans' Court</i> .....	48
<i>Specialty Court Division</i> .....	49
Violence Prevention Programs .....	50
<i>Youth Violence Reduction</i> .....	50
<i>Collaboration with Tribal Authorities to Reduce Violence</i> .....	53
Innovations in Re-Entry .....	54
<i>Programs for Ex-Offenders</i> .....	54
<i>Education Programs for Incarcerated Individuals and Prosecutors</i> .	57

## PART II INNOVATIONS WITHIN AND AMONG PROSECUTOR OFFICES .....

.....	58
Best Practices Committees .....	60
Conviction Review Units .....	62
Crime Strategies Units .....	65
Data .....	67
Ethics.....	69
Implicit Bias/Racial and Ethnic Inequity .....	71
Office-Wide Reform Strategies .....	73
Sentence Review Units .....	75
Specific Crime Types - New Approaches .....	76
<i>Animal Abuse</i> .....	76
<i>Cyber Crime</i> .....	77
<i>Gun Crime</i> .....	77
<i>Domestic Violence</i> .....	78
<i>Driving Under the Influence</i> .....	79
<i>Human Sex Trafficking</i> .....	79

<i>Immigrant Affairs</i> .....	79
<i>Officer Involved Fatalities</i> .....	80
Victim Services and Assistance Programs.....	81
<i>Victim Outreach</i> .....	81
<i>Therapy Dogs</i> .....	82
Prosecutor Wellness .....	84
Conclusion .....	86
PART III INDEX .....	87



# Acknowledgments

This report was prepared by Kristine Hamann and Sarah Solano Geisler of Prosecutors' Center for Excellence (PCE), with excellent assistance from Marissa D'Amore and Alissa Slater, also of PCE. This article is an update of a 2016 paper written by PCE entitled, "The Evolving Role of the Prosecutor: Seeking Justice Through Community Partnerships and Innovation".<sup>1</sup> Thanks also to Laura Greenberg-Chao, Rebecca Rader Brown, and Jessica Trauner for their writing and assistance with the earlier article. A special thanks to all the prosecutors who have done the hard work of creating and implementing their innovations and contributing to this report.

This paper was funded in part by the National Prosecutors' Consortium (NPC).<sup>2</sup> NPC is a collaboration between Prosecutors' Center for Excellence and Justice & Security Strategies funded by the Office of Justice Programs of the U.S. Department of Justice. The grant supported the collection of many of the innovative programs included in this article. The main focus of the NPC grant was programs that prevented violent crime, enhanced community engagement, and encouraged victim/witness cooperation. Prosecutors in 23 states participated in the National Prosecutors' Consortium project.

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<sup>1</sup> See <https://pceinc.org/wp-content/uploads/2019/11/20170108-The-Prosecutors-Evolving-Role-Seeking-Justice-Through-Community-Partnerships-and-Innovation-Prosecutors-Center-for-Excellence.pdf>

<sup>2</sup> The National Prosecutor Consortium project was supported by Award No. 2015-DP-BX-K004 awarded to Justice & Security Strategies, Inc. by the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. Parts of the paper were supported by an earlier Grant No. 2013-DB-BX-K005 awarded by the Bureau of Justice Assistance/ Department of Justice to the New York Prosecutors Training Institute (NYPTI). Points of view or opinions in these materials are those of the author(s) and do not necessarily represent the official position or policies of the U.S. Department of Justice.

# Introduction

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>3</sup> That role has expanded and evolved significantly.

**Modern prosecutors are problem solvers. Prosecutors are uniquely situated to spearhead the reform of the criminal justice system.** There is an urgent 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 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. As leaders in law enforcement, modern prosecutors can advocate for innovation, foster collaboration, and convene disparate groups to work collectively to prevent crime, improve community relationships, and combat inequality. **This paper provides ideas and guidance to support prosecutors in realizing these objectives.**

Many of the initiatives described in this overview can be implemented in offices of any size and at little cost. However, some of the programs are impacted by the size and resources of the organization. A large prosecutor 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.

With over 2,300 prosecutors' offices across the country, it is impossible to provide an exhaustive list of every new project that prosecutors have launched.<sup>4</sup> The programs outlined in the paper come from two sources. One source is information that was gathered directly from prosecutors as part of the National Prosecutor Consortium.<sup>5</sup> In this instance prosecutors were interviewed in person, by phone, or by email. The second source of innovative programs is from publicly available articles and papers. The programs were selected to represent a broad range of innovations and office sizes.

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<sup>3</sup> 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).

<sup>4</sup> See *Prosecutors' Offices*, Bureau of Justice Statistics, <http://www.bjs.gov/index.cfm?ty=tp&tid=27> (last visited Dec. 16, 2019).

<sup>5</sup> See footnote 2 above.

# Scope and Structure of the Article

Some of the topics addressed in this article, such as bail, reducing incarceration, preventing violence, and victim services are complex and are worthy of lengthy discussion. Also, more research is needed to assess the effectiveness of the programs listed and the resources required to support the programs. However, it is beyond the scope of this paper to have a full policy discussion of the issues, a research assessment of the programs, or an analysis of needed resources. Rather, this article is an overview that provides a selection of initiatives with the intent to share ideas to provide inspiration for further innovation that will benefit the communities that prosecutors serve.<sup>6</sup>

The article is in two parts, each of which includes a short summary of an initiative and examples of programs in a specific prosecutor's office. In addition, to provide context for the program, the population of the prosecutor's jurisdiction and approximate number of full-time prosecutors in the office is included.

The first part of the article begins by examining outward facing prosecutor programs where the prosecutor is working with outside agencies or partners, such as the courts, community members, or social service agencies. These include programs and initiatives focused on community prosecution, resources for families and children, community engagement, alternatives to incarceration, juvenile diversion programs, new approaches to low level crime and bail, re-entry programs, and specialty courts. This first part covers a wide array of programs and demonstrates the far-reaching efforts by prosecutors of all sized offices.

The second part covers programs run within and among prosecutors' offices, including crime strategies units, conviction integrity units, Best Practices Committees, racial inequity assessments, data collection, and ethics training.

It is encouraging to note that the programs included in this article are far from comprehensive. They are a small sampling of programs used to illustrate the breadth of work being done by prosecutor offices with different jurisdictional challenges and with vastly different office sizes. The hope is to make this a living document to which new innovations will be added over time.

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<sup>6</sup> Although there are a variety of titles for the chief prosecutor of a county or district depending on the jurisdiction, for the purposes of this article, we have used the term "District Attorney" interchangeably with "prosecutor."

# Executive Summary

The role of the prosecutor has evolved dramatically over the last 40 years. It has progressed from solely focusing on prosecuting criminal cases to the current model that looks broadly at the criminal justice system by engaging in crime prevention, treatment programs and community partnerships. Modern prosecutors are not only trial lawyers, but they are problem solvers who are uniquely situated to spearhead the reform of the criminal justice system. This paper provides an overview of the breadth of innovations found in prosecutor offices through examples of 221 programs from 150 prosecutor offices, representing every state in the country. The hope is to spark ideas and initiatives for continuing innovation and improvement.

The paper organizes the many innovations into two basic categories: prosecutor programs that collaborate with groups outside the office and new initiatives developed within and among prosecutor offices. Below is a summary of the types of programs highlighted in the paper.

## **Collaborative Programs**

### *Innovations in Collaboration with the Community*

Collaboration with the community comes in many forms and continues to evolve and expand. Early programs assigned prosecutors to specific neighborhoods so they could have a deeper understanding of community issues. Some offices have created community advisory boards comprised of community leaders who provide advice on policy matters and are kept up to date on recent events. Related outreach includes various education programs for adults, youth, clergy and neighborhood groups. Prosecutors have also partnered with local agencies and businesses to do neighborhood clean-ups. One recent innovation is prosecutors paying for free cab rides during holidays to avoid drunken driving. In whatever form, engaging with the community is a vital part of prosecution.

### *Resources for Children and Families*

To better serve and support youth and families in the community, as well as to reduce future criminal activity, prosecutors provide a litany of services for them. Some of these services, such as Child Advocacy Centers (CAC), Family Justice Centers, and interagency collaborations for child wellbeing, assist people who have been victims of abuse or are otherwise in a challenging family environment. These services provide needed medical treatment, counseling, and other intervention to victims of domestic violence, abused children, and their families. Other programs focus specifically on education in the form of truancy reduction and mentoring, to ensure every child gets the most out of their education. Additionally, many prosecutors take a proactive approach to fostering positive relationships with youth in the community by hosting sports programs, job shadow opportunities, and lecture programs on pertinent issues.

### *Innovations Before Charging*

Over several decades, prosecutors have developed programs that intervene before they file formal charges against an offender, and in some instances, before an arrest is made. These programs re-route offenders from the criminal justice system and identify and address the root causes of criminal behavior. The programs initially focused on juveniles, but some offices have opened eligibility to adult offenders as well.

### *Innovations in Procedure*

There is a growing realization that contact with the criminal justice system can have a deleterious effect on those involved. Collateral consequences of incarceration are multi-faceted and numerous. The consequences can include loss of a job, disengagement from family, and inability to obtain housing. These consequences, as well as concerns about bias and unequal treatment, have triggered much discussion and debate about the high number of people incarcerated in jails and prisons. Though there are many points of view, all can agree that rates of incarceration are impacted by pre-trial detention, various parole and probation violations, and sanctions for low-level offenses. Prosecutors have recognized they can ameliorate some of these issues by using their discretion to change their approach to bail, low-level offenses, sentencing and sealing of criminal cases. Prosecutors have also taken the lead in improving such issues as enhancing the process of initial appearance and the right to counsel.

### *Innovations in Alternatives to Sentencing and Diversion*

Prosecutors have developed programs of long standing that intervene after an offender has been charged, but prior to disposition. These programs re-route offenders to alternative sentences that seek to identify and address the root causes of criminal behavior. Programs include restorative justice, treatment programs and social service assistance. Many of these programs are available not only to offenders charged with misdemeanors, but also to those charged with felonies.

### *Innovations in Collaboration with the Courts*

Prosecutors have collaborated with the courts to create specialty courts addressing specific needs of offenders. Over time, these courts have grown from drug courts to other specialties, such as domestic violence, mental health, human trafficking, community courts and veteran's court. The courts are designed to divert offenders from incarceration in favor of treatment and services. Prosecutors involved in these specialized courts serve a very different function from their traditional role, working as part of a collaborative team focusing on the treatment of the defendant, as long as the risk to public safety is minimal.

### *Violence Prevention Programs*

The traditional prosecutor's approach to violence has been to arrest, charge, and prosecute the offender. Though this part of a prosecutor's job remains, prosecutors are now looking at violence from a different angle. Prosecutors are now asking: What can we do to prevent violence? Prosecutors have developed a variety of programs to reduce youth violence, gang violence and domestic violence. The goal of these programs is to intervene before a crime has occurred.

### *Innovations for Re-Entry*

Concern for reducing recidivism has led prosecutors to establish and lead re-entry programs, where recently released prisoners are provided with certain supports in order to help them become self-sufficient and law abiding. Though traditionally far beyond a prosecutor's role, this provides assistance to defendants previously prosecuted by the office.

## **Innovations Within and Among Prosecutor Offices**

### ***Best Practices Committees***

Statewide prosecutor-led Best Practices Committees have formed in over twenty states in the past few years. The committees are made up of head prosecutors, senior prosecutors, and prosecution coordinators, from all regions of the state, and provide a process for collaborative policy work. At meetings held several times a year, the statewide Best Practices Committee members discuss challenging issues that face prosecutors, such as bail, officer involved shootings, police worn cameras, ethics, advances in forensic evidence, and ways to prevent erroneous convictions. When new practices or reforms are suggested, the committee representatives bring the ideas back to their offices and statewide associations to be evaluated in greater detail, and where possible, committee members work together to form a cohesive statewide policy.

### ***Conviction Review Units***

Prosecutors have taken affirmative steps to safeguard and improve the integrity of their cases by creating Conviction Review Units or a conviction review process. The specific procedures differ from office to office, but they generally have a dual function: to review claims of actual innocence by convicted defendants, and to reduce the risk of wrongful convictions by establishing reforms and creating guidelines within the prosecutor office. After all, the most reliable way to reduce wrongful convictions is to conduct a proper investigation and prosecution in the first instance.

### ***Crime Strategies Units***

Prosecutors are adopting a new mindset: intelligence-driven prosecution. Through data and intelligence, the prosecutor can evaluate crime trends and develop initiatives to improve public safety rather than just proving individual cases. A Crime Strategies Unit (CSU) is the vehicle for implementing intelligence-driven prosecution. A CSU collects data and intelligence on crime patterns and individuals driving crime, analyzes the information, develops partnerships with related agencies and gathers input from the community on public safety issues. This work informs prosecutorial decisions ranging from crime initiatives to alternative sentencing, improves the flow of information into the prosecutor office, and provides support for individual prosecutions and investigations. Prosecutors that do not have the resources for a separate CSU, can develop processes within their office that provide the benefits of a CSU.

### ***Data***

There is a growing awareness amongst prosecutors that they need to make their data public and accessible. An increasing number of offices are doing just that by posting data on their websites, some of which are interactive for the public. This important step promotes transparency and accountability. An on-going challenge is that many prosecutors do not have the resources to systematically and comprehensively collect their data.

### ***Ethics***

Closely tied to the forward-looking reforms that Conviction Integrity Units promote, many prosecutors have, for some time now, put significant emphasis on ensuring that their prosecutors are aware of their ethical obligations. A number of innovations have emerged, such as the creation of a professional responsibility advisor, the development of case review questions to assess weak-

nesses in a case, interactive ethics trainings, and the publication of statewide prosecutor handbooks on ethics.

### *Implicit Bias/Racial and Ethnic Inequity*

Prosecutor offices have partnered with researchers to identify and study instances of prosecutorial decision making that reflect implicit biases. Based on the findings, prosecutors have responded meaningfully and developed a variety of programs to reduce the impact of bias. Some of offices have created initiatives to address procedural inequities, while others have formed internal diversity and equity committees to discuss implicit bias and make recommendations to improve the fairness of the system.

### *Office-Wide Reform Strategies*

Recognizing the need to improve office processes and community outreach on a variety of fronts, some offices have announced office-wide strategies on a multitude of issues to better serve their communities and reduce crime. These prosecutors are taking a holistic approach to reviewing and evaluating their practices.

### *Sentence Review Units*

Some prosecutors are reviewing old sentences to determine if justice was served by the length of the sentence. If the office feels that the length of the sentence was unjust, remedial steps are taken.

### *New Approaches to Crimes*

Prosecutors are initiating new approaches to prosecuting crime that improve the reliability and sophistication of their work. Topics include animal abuse, cyber-crime, gun crime, domestic violence, driving under the influence, human sex trafficking, immigrant affairs and officer involved fatalities.

### *Victim Services and Assistance Programs*

Prosecutors all across the country are working hard to serve and care for victims and most have staff dedicated to this purpose. Victim services can range from scheduling matters around court dates to service referrals to counseling. Prosecutor victim services is a robust and developing area that can include providing assistance at crime scenes, therapy dogs and visiting crime victims, even when no arrest has been made.

### *Prosecutor Wellness*

Though prosecutors constantly deal with traumatic, disturbing, and emotionally wrought cases, it is rare that they have been properly equipped to manage the personal toll it can take on them. Some offices are addressing the “secondary trauma” experienced by prosecutors. These offices are seeing the benefits of better understanding and dealing with this type of trauma and providing services to prosecutors and staff to enhance their personal wellness.

## **Conclusion**

The prosecutor's responsibilities are expanding and evolving faster than ever. The list of initiatives profiled in this article is by no means exhaustive. Despite all of this progress, however, it is clear that many communities do not think prosecutors are doing enough. Prosecutors must be aware of these perceptions and strive to develop even better ways to work effectively with their communities in order to promote trust in the criminal justice system.

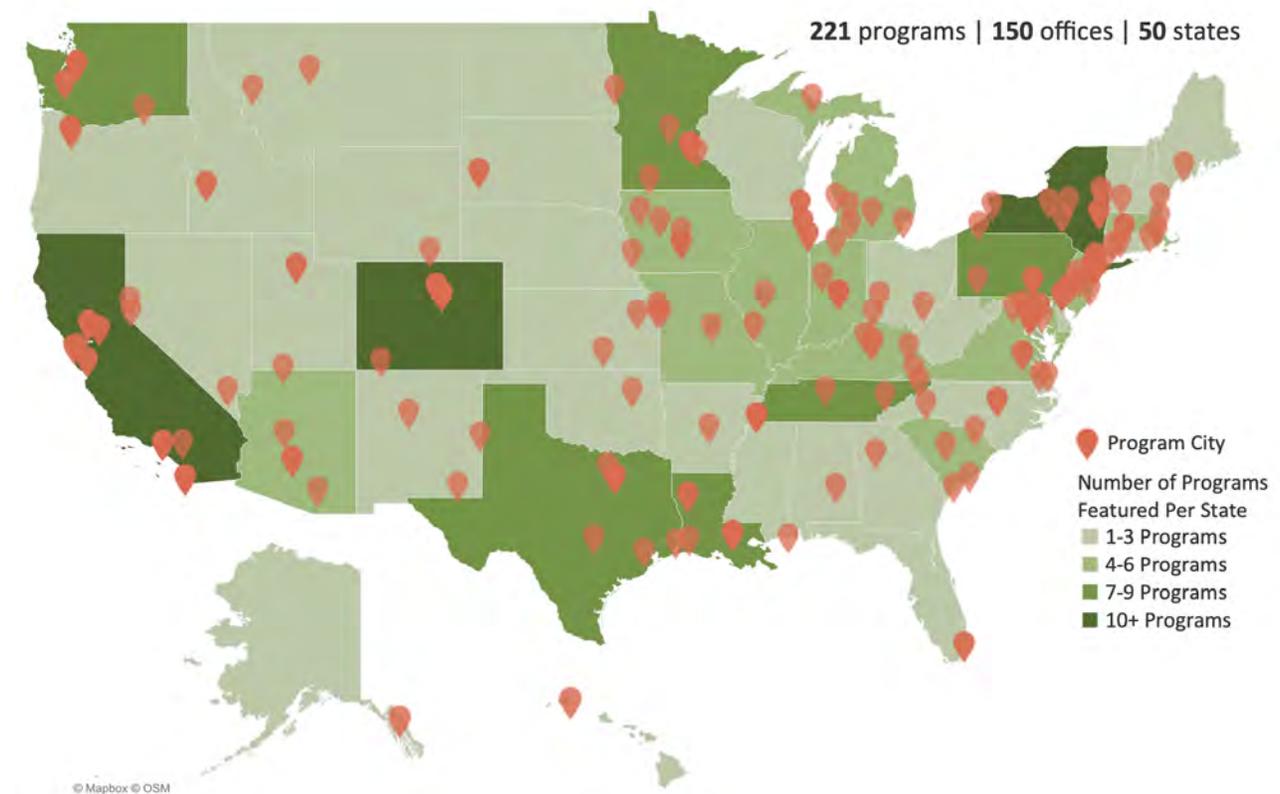
Nevertheless, there is reason to be optimistic. Although the prosecutor's core mission will always be case-focused, the responsibilities of modern prosecutors have expanded deeply into the realms of crime prevention, rehabilitation of offenders, and community engagement. New ideas and new programs abound on the prosecutorial horizon. Prosecutors from around the country who are embracing this broader vision are enhancing public safety and significantly benefiting the men, women, and children in the communities that they serve.

# Map of Programs

The map below shows the location of each prosecutor's office featured in the report, as well as the number of programs highlighted within each state. In some cases, multiple programs were included from the same office. Some statewide programs were also included and are represented by a single location mark in the capital of the state.

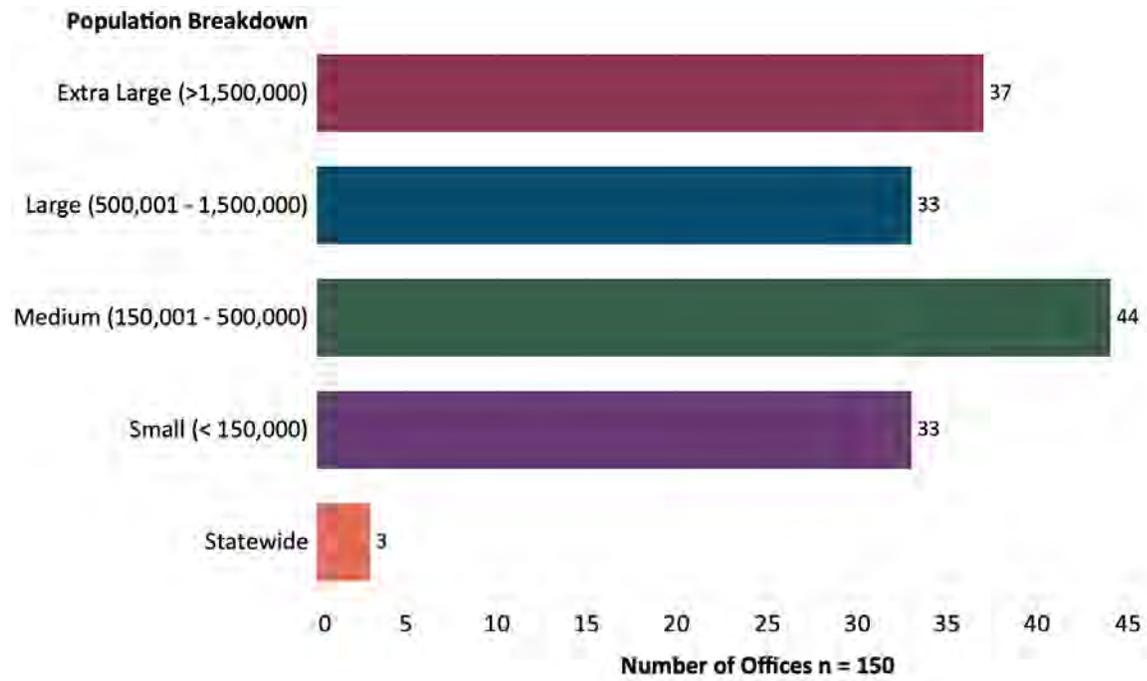
To view an interactive version of this map, please visit:

<https://pceinc.org/sampling-of-prosecutor-innovations-interactive-map/>



# Chart of Programs by Population of Prosecutor's Jurisdiction

The report references 221 innovative programs from 150 prosecutor offices in 50 states. The color-coded chart below demonstrates the population size of the jurisdiction of those 150 offices. The heading for each program featured in the paper is similarly color coded to reflect the population size served by the prosecutor office. The chart demonstrates that prosecutor innovations exist in every sized jurisdiction: urban, suburban and rural.



A list of programs by state and office is included at the end of the document in the Index.

# PART I

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## COLLABORATIVE PROGRAMS



# Innovations in Collaboration with the Community

Recognizing that their responsibilities begin long before a crime occurs and continue long after a criminal case concludes, prosecutors began establishing community outreach programs and certain models of community prosecution as early as the 1980s. The number of these community-centered programs and their reach have increased tremendously over time and have taken on new significance in light of recent calls for reform of the criminal justice system.<sup>7</sup> This section focuses on a sampling of these outward-facing community-based programs – community engagement, community prosecution, programs for youth, partnerships with clergy, adult education programs, community clean ups, and community councils and boards – and how these programs have built upon each other over time.

The importance of prosecutors' community outreach cannot be overstated. Recently, the public's faith in law enforcement has deteriorated in the wake of several high-profile police shootings<sup>8</sup> and concerns about unequal treatment. Additionally, many witnesses to crimes are more reluctant than ever to testify because of intimidation or lack of trust in the criminal justice system.<sup>9</sup> A robust police-prosecutor partnership with their communities is essential to combat this mistrust in law enforcement and will benefit all by reducing crime and making communities safer.

## Community Prosecution

Community prosecution, defined broadly for the purposes of this article as the use of different strategies to identify and address crime and disorder issues in local communities, has taken many forms over the past several decades.<sup>10</sup> One model places prosecutors in neighborhood offices or police stations to interact directly with members of the community and create targeted responses to their complaints.<sup>11</sup> As early as 1990, for example, the District Attorney in Portland, Oregon

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<sup>7</sup> See also Ben David, "Community-Based Prosecution in North Carolina: An Inside-Out Approach to Public Service at the Courthouse, on the Street, and in the Classroom," 47 WAKE FOREST L. REV 373, 390-393 (Spring, 2012) (discussing various community outreach initiatives conducted by the elected DA and the twenty ADAs in the Fifth District of North Carolina).

<sup>8</sup> See, e.g., Michael Schwirtz and Richard A. Oppel, Jr., *Experts Weigh Officer's Decisions Leading to Fatal Shooting of Michael Brown*, N.Y. Times, (Nov. 27, 2014), at A1; Al Baker, J. David Goodman and Benjamin Mueller, *Beyond the Chokehold: the Path to Eric Garner's Death*, N.Y. Times, (Jun. 14, 2015), at A1.

<sup>9</sup> For further information on witness intimidation and how witnesses can be protected, see *The Prosecutors' Resource: Witness Intimidation*, AEQUITAS, 4 (2013), <https://aequitasresource.org/wp-content/uploads/2018/09/The-Prosecutors-Resource-Intimidation.pdf>.

<sup>10</sup> John S. Goldkamp et. al., *Community Prosecution Strategies Monograph xii*, BUREAU OF JUSTICE ASSISTANCE, (2003), available at <https://www.ncjrs.gov/pdffiles1/bja/195062.pdf>. Of course, the three models profiled here do not represent all the variations of community prosecution, and prosecutors in smaller offices and rural offices have found other creative ways to problem-solve with their communities. In Santa Fe, for instance, "the large geographic area and the dispersed population" require the Prosecutor's Office to conduct door-to-door canvassing to determine and address the needs of the residents. John S. Goldkamp et. al., *Community Prosecution Strategies Monograph xii*, BUREAU OF JUSTICE ASSISTANCE, (2003), available at <https://www.ncjrs.gov/pdffiles1/bja/195062.pdf> at 25-26. See also 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-Borakove, eds., 2008). M. Elaine Nugent-Borakove & Patricia L. Fanflik, *Community Prosecution: Rhetoric or Reality?*, in *The Changing Role of the American Prosecutor*, (John L. Worrall & M. Elaine Nugent-Borakove, eds., 2008).

<sup>11</sup> In Clackamas County, Oregon, a prosecutor is placed in high crime neighborhoods to work with community policing units, neighborhood groups, and business groups to reduce quality of life crimes. <https://www.clackamas.us/da/crimi->

introduced his Neighborhood D.A. (NDA) Program, where a single prosecutor was assigned to a commercial neighborhood, targeting low-level offenders who were negatively impacting the community and the city.<sup>12</sup>

The community prosecutor also worked to clean up downtown areas in Portland populated by homeless people and transient campers whose presence and behavior, such as littering, panhandling, and urinating in public, drove away businesses.<sup>13</sup> By getting “residents and affected business owners to patrol the [downtown area, also called the] gulch, post signs against trespassers, pick up trash, and remove and store property left behind at a location far from the gulch,” the area became a clean stretch of parkland a year later. Additional examples where prosecutors are physically stationed in community offices or police stations include Dallas and Austin, Texas; Kalamazoo, Michigan; and Washington, DC.<sup>14</sup>

Other offices have implemented community prosecution through a second model called “zone” prosecution, where prosecutors handle only the cases from a particular geographical area. In 1991, the Brooklyn District Attorney’s Office was restructured and certain prosecutors were assigned to a caseload from one or more neighborhoods in Brooklyn, allowing them to understand and prioritize crimes based on the community’s needs.<sup>15</sup> More recently in 2010, the Philadelphia District Attorney’s Office followed suit, assigning one-quarter of their prosecutors to neighborhood teams handling cases from one of six zones within the city.<sup>16</sup>

A third model of community prosecution, where non-lawyers serve as liaisons between prosecutors and the community, was established even earlier. Since 1985 in Manhattan and 1996 in Denver, community justice advocates and community affairs specialists meet with diverse community-based organizations, attend community and other neighborhood meetings and events, work with local police precincts, and provide educational outreach to address specific community problems.<sup>17</sup> The current concern about improving the community’s trust in the criminal justice

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[nal.html](#)

12 John S. Goldkamp et. al., *Community Prosecution Strategies Monograph xii*, BUREAU OF JUSTICE ASSISTANCE, (2003), available at <https://www.ncjrs.gov/pdffiles1/bja/195062.pdf> at 29-30, 32; see also Michael D. Schrunk, District Attorney, Portland, Oregon, Center for Court Innovation, <http://www.courtinnovation.org/research/michael-d-schrunk-district-attorney-portland-oregon> (last visited Dec. 18, 2019).

13 John S. Goldkamp et. al., *Community Prosecution Strategies Monograph xii*, BUREAU OF JUSTICE ASSISTANCE, (2003), available at <https://www.ncjrs.gov/pdffiles1/bja/195062.pdf> at 43.

14 See Robert V. Wolf & John L. Worrall, *Lessons from the Field: Ten Community Prosecution Leadership Profiles*, AMERICAN PROSECUTORS RESEARCH INSTITUTE (2004), available at [http://www.courtinnovation.org/sites/default/files/cp\\_lessons\\_from\\_the\\_field.pdf](http://www.courtinnovation.org/sites/default/files/cp_lessons_from_the_field.pdf) (last visited Dec. 18, 2019).

15 *Id.*

16 Craig McCoy & Nancy Phillips, *Zone system a dramatic shake-up for Philadelphia courts*, [PHILLY.COM](http://PHILLY.COM), (Dec. 1, 2010), <https://thecrimereport.org/2010/11/02/philadelphia-inagurates-zone-court-system-at-main-courthouse/>. Other examples of zone prosecution include Hennepin County, Minnesota and Marion County, Indiana (where the community prosecutors are considered “ambassadors”). See Robert V. Wolf & John L. Worrall, *Lessons from the Field: Ten Community Prosecution Leadership Profiles*, AMERICAN PROSECUTORS RESEARCH INSTITUTE (2004), available at [http://www.courtinnovation.org/sites/default/files/cp\\_lessons\\_from\\_the\\_field.pdf](http://www.courtinnovation.org/sites/default/files/cp_lessons_from_the_field.pdf)

17 *Community Partnership Unit*, NEW YORK COUNTY DISTRICT ATTORNEY’S OFFICE, <http://manhattanda.org/community-partnerships-unit> (last visited Dec. 18, 2019); John S. Goldkamp et. al., *Community Prosecution Strategies Monograph xii*, BUREAU OF JUSTICE ASSISTANCE, (2003), available at <https://www.ncjrs.gov/pdffiles1/bja/195062.pdf>

system is spurring prosecutors to enhance and expand these programs.<sup>18</sup>

## Program Examples

### **Baltimore City State's Attorney's Office, MD**

*Population: 619,493 | Number of Full-Time Prosecutors: 200*

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#### **Community Engagement Unit:**

Nine community outreach professionals (non-lawyers) serve as community liaisons.<sup>19</sup> They are each assigned to a police district where they are responsible for planning several events designed to connect the community with the State's Attorney's Office. Events include quarterly Community Days in Court and a National Night Out. The unit's primary responsibility is to work in the community on a daily basis, educating communities on the criminal justice system, engaging youth and young adults, and empowering victims and witnesses of crime to work with law enforcement. Additionally, liaisons keep communities informed about key cases and trial dates, facilitate victim and community impact statements, and connect victims to resources.

### **Shelby County District Attorney General's Office (Memphis), TN**

*Population: 935,764 | Number of Full-Time Prosecutors: 112*

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#### **Community Prosecutor:**

A senior prosecutor is located in the high-crime precincts of Memphis. This prosecutor reviews incoming cases, provides legal advice to detectives on serious crimes, and meets with community members on a regular basis. This allows for early screening of cases that can be diverted, disposed, or dismissed and improves the quality of investigations through real-time interactions with police officers and detectives. The prosecutor also becomes familiar with the community, which improves trust and witness cooperation.<sup>20</sup>

## **Community Councils/Meetings/Boards**

Other ways prosecutors are involved with their communities is through participation in community boards and community councils. In some jurisdictions, prosecutors take the lead in forming and convening regular community meetings.<sup>21</sup> This allows them to both hear community perspectives on issues important to them and provide explanations to the community about the criminal jus-

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<sup>18</sup> 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-Borakove, eds., 2008) at 188-193.

<sup>19</sup> See also *Community Engagement*, OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY, <http://www.stattorney.org/community-affairs/community-engagement> (last visited Dec. 18, 2019).

<sup>20</sup> See <https://www.memphisflyer.com/NewsBlog/archives/2016/12/21/weirch-announces-new-plans-for-community-based-prosecutors> (last viewed December 16, 2019).

<sup>21</sup> The Hampden County, Massachusetts District Attorney's Office runs a Youth Advisory Board made up of the District Attorney and his staff. Student representatives from local high schools collaborate and attend monthly meetings as members of the Board. They focus on issues facing high school students such as alcohol and substance use, abusive relationships, and social media. They then discuss solutions to handle the difficult choices they face. <http://hampden-da.com/community-safety-and-outreach-unit/>

tice system. Through these meetings, the community is given a voice that can engender a better sense of understanding on both sides.

## Program Examples

### **Jackson County Attorney's Office (Kansas City), Missouri**

*Population: 750,000 | Number of Full-Time Prosecutors: 75*

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#### **Community Advisory Board<sup>22</sup>:**

The Jackson County Prosecuting Attorney's Office founded a Community Advisory Board in the Summer of 2020. As the criminal justice system in Jackson County grapples with racial inequality as well as historic levels of violence, the Board provides the Prosecutor with a critical perspective on crime and policy ideas. The formation of the Board was an extension of the consistent community outreach the Office has prioritized for the entirety of Baker's tenure. Board meetings provide a formal opportunity for the Office to share data analysis and ideas, in turn giving the community a deeper understanding of crime in the city as well as full knowledge of the policies and programs already in place.

The Board is composed of persons who live and/or work in the urban core, where the vast majority of crime in Jackson County occurs. The Board meets five times per year, including an orientation session, but members have frequent contact with the elected prosecutor as well as her staff in between meetings.

### **New Britain State's Attorney's Office, CT**

*Population: 314,272 | Number of Full-Time Prosecutors: 16*

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#### **Community Engagement Board<sup>23</sup>:**

The State's Attorney's Office runs multidisciplinary board meetings as a formal mechanism to regularly engage with the community and keep community members abreast of developments in the jurisdiction. The board is composed of individuals from the medical field, faith-based organizations, youth services, neighborhood revitalization groups, children's law center, registrar of voters, NAACP, and Central Connecticut State University (CCSU).

### **Albany County District Attorney's Office, WY**

*Population: 36,299 | Number of Full-Time Prosecutors: 5*

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#### **Community Juvenile Services Board<sup>24</sup>:**

The Albany County, Wyoming District Attorney's Office participates in the local Community Juvenile Services Board. The Board, which consists of law enforcement representatives,

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<sup>22</sup> Email from Prosecuting Attorney Jean Peters Baker dated 11/10/2020 on file with PCE.

<sup>23</sup> For the full program summary, see PCE's Connecticut Prosecutor Innovations report: <https://pceinc.org/wp-content/uploads/2019/11/20190717-Connecticut-Prosecutor-Innovations-PCE.pdf>

<sup>24</sup> See, <http://www.co.albany.wy.us/community-juvenile-services-board.aspx>.

coordinates with the juvenile justice system to promote a broad range of effective, evidence-informed services within the community representing a continuum of care designed to promote the healthy development of youth and families.

## ***Partnership with Clergy***

Clergy leaders play a unique and crucial role in the lives of the people they serve. As trusted community figures, they can help bridge the gap between the community, prosecutors, and law enforcement. Prosecutor offices have developed relationships and partnerships with clergy in efforts to reduce crime and to connect with their communities.

### Program Examples

#### **United States Attorney's Office, Washington, DC**

*Population: 633,427 | Number of Full-Time Prosecutors: 280*

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##### **Clergy Ambassador Program:**

The U.S. Attorney's Office runs bi-monthly trainings for clergy about a variety of topics including community policing and the priest-penitent evidentiary privilege.<sup>25</sup>

#### **East Baton Rouge Parish District Attorney's Office – 19<sup>th</sup> Judicial District, LA**

*Population: 450,000 | Number of Full-Time Prosecutors: 54*

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##### **Clergy Training<sup>26</sup>:**

Members of the District Attorney's Office, along with the local police, meet with clergy members of various denominations to educate and train them on police procedure so they can better understand the criminal justice system and police decision-making. District Attorneys and police officers engage with clergy in six training sessions in which the clergy leaders learn about reasonable suspicion and probable cause, search and seizure, use of force, human factors, the court system, crime stoppers program, and incident reporting. The training gives clergy members a firsthand look into the situations police officers face and fosters increased understanding and trust. Clergy members can then provide these insights and information to their congregations to further create trust and better understanding of police.

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<sup>25</sup> *Community Outreach Programs: Clergy Ambassador Program*, The United States Attorney's Office District of Columbia, <http://www.justice.gov/usao-dc/programs/community-prosecution/community-engagements> (last visited Dec. 18, 2019). The U.S. Attorney's Office in D.C. handles both federal and state crimes.

<sup>26</sup> Leach, J.D. and Anny, H. *Clergy and Cops Program*. March 2016.

## Hunterdon County Prosecutor's Office, NJ

*Population: 125,000 | Number of Full-Time Prosecutors: 8*

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### **One Voice<sup>27</sup>:**

The County Prosecutor formed a steering committee made up of faith-based leaders and community groups with the goal of working together to reduce substance abuse and crime. The goal of the committee is to preach on the same issue at the same time in all different houses of worship.



*Hunterdon County: Faith leaders and former county prosecutor Anthony Kearns.*

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<sup>27</sup> For the full program summary, see *PCE's New Jersey Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2019/11/20190801-New-Jersey-Prosecutor-Innovations-PCE.pdf>

## **Education Programs for Adults/Citizen’s Academy**

Virtually all prosecutors’ offices, large and small, participate in community adult education programs, recognizing them to be beneficial for crime prevention as well as for building relationships with community members. In some states, such as Maryland and New Mexico, prosecutors educate students and adults alike on a wide range of issues, including fraud prevention, Internet-safety, cyber bullying, alcohol and drug abuse prevention, and domestic violence.<sup>28</sup> Some offices have Citizen’s Academies that have multiple classes over weeks or months, as highlighted in the programs below.

### **Program Examples**

#### **San Diego County District Attorney’s Office, CA**

*Population: 3,343,364 | Number of Full-Time Prosecutors: 324*

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##### **Community Outreach to Students and Community Members<sup>29</sup>:**

Prosecutors explain the criminal justice system during courthouse tours and local events, within schools, and at career fairs to students and other members of the community who are seeking to learn more about the justice system.<sup>30</sup> Through these efforts, members of the District Attorney’s Office strive to serve as role models in the community and foster diversity in the legal system.

#### **Dallas County District Attorney’s Office, TX**

*Population: 2,618,000 | Number of Full-Time Prosecutors: 275*

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##### **Citizen Prosecutor Academy:**

In this free program, community members are educated on the work that occurs in the District Attorney’s Office.<sup>31</sup>

#### **Marion County Prosecutor’s Office (Indianapolis), IN**

*Population: 954,670 | Number of Full-Time Prosecutors: 160*

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##### **Community Justice Academy<sup>32</sup>:**

Attendance is open to anybody and the office identifies new topics each year on which guest

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<sup>28</sup> *Community Outreach: Innovative and Proactive Programs*, OFFICE OF THE STATE’S ATTORNEY FOR MONTGOMERY COUNTY, MARYLAND, <http://www.montgomerycountymd.gov/sao/units/community.html> (last visited Dec. 18, 2019); Aubrey Ashbaugh, *Committee and District Attorney Martinez fight Internet crime*, CIBOLA BEACON (Apr. 20, 2012), <https://www.facebook.com/watch/?v=1434075379967921>.

<sup>29</sup> For the full program summary, see PCE’s California Prosecutor Innovations report: <https://pceinc.org/wp-content/uploads/2020/01/20200113-California-Innovation-Report.pdf>

<sup>30</sup> *Diversity in the District Attorney’s Office: Community Involvement*, SAN DIEGO COUNTY DISTRICT ATTORNEY, <http://www.sdcda.org/office/diversity/community-involvement.html> (last visited Dec. 18, 2019).

<sup>31</sup> *Citizen Prosecutor Academy*, DALLAS COUNTY DISTRICT ATTORNEY, <https://www.dallascounty.org/government/district-attorney/community-engagement/citizen-prosecutor.php> (last visited Dec. 19, 2019).

<sup>32</sup> For the full program summary, see PCE’s Indiana Prosecutor Innovations report: <https://pceinc.org/wp-content/uploads/2019/11/20190819-Indiana-Prosecutor-Innovations-PCE.pdf>

speakers and experts from within the Prosecutor’s Office present. Presentations have included such topics as bail, particularly how bail is set and how bail and pre-trial release is determined.



## Stamford/Norwalk State’s Attorney’s Office, CT

*Population: 380,286 | Number of Full-Time Prosecutors: 14*

### **Lecture on Perils of the Digital World<sup>33</sup>:**

Over the past decade, the office has conducted an ongoing series of lectures for community members on the perils and pitfalls of living passively in the digital world. Lectures have been provided at high schools, middle schools, parent groups, police departments, and other governmental agencies. The broad range of topics has included avoiding hacking, improving parental awareness of risqué on-line behavior, sharing information on apps that are popular with young people, and explaining how youth can access on-line spaces that are unsafe.

## **Community Clean Up**

Prosecutors have engaged in neighborhood cleanup efforts as part of their commitment to the community and interest in its wellbeing. Prosecutor offices across the country engage on a personal level with residents of their jurisdictions through cleaning up particular community areas alongside residents.

## Program Example

### **East Baton Rouge Parish District Attorney’s Office – 19<sup>th</sup> Judicial District, LA**

*Population: 450,000 | Number of Full-Time Prosecutors: 54*

### **Neighborhood Clean-ups:**

TRUCE is a diverse group composed of District Attorney’s Office members, board members, community organizations, church leaders, and business owners who walk a different neighborhood every month.<sup>34</sup> The neighborhood is chosen based on crime data and level of violence. Whichever neighborhood has the highest level of violence that month is picked,

<sup>33</sup> For the full program summary, see PCE’s Connecticut Prosecutor Innovations report: <https://pceinc.org/wp-content/uploads/2019/11/20190717-Connecticut-Prosecutor-Innovations-PCE.pdf>

<sup>34</sup> See <https://www.callatrucebr.org>

and if the group notices significant trash or blight, they return two weeks later to conduct a comprehensive cleaning effort. The goal is to empower residents to take pride in their communities and as such, work to keep them safe as well.

## ***Free Car Service During Holidays***

### Program Example

#### **Montgomery County Prosecutor's Office (Dayton), OH**

*Population: 1,059,000 | Number of Full-Time Prosecutors: 70*

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##### **Arrive Safe<sup>35</sup>:**

During the holidays, people can call a special answering service with access to many cab companies that can set them up with a free ride. The prosecutor funds the program through asset forfeiture, and program partners include a beer distributor and AAA.



*NothingIsEverything/Shutterstock.com*

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<sup>35</sup> See <https://www.mcoho.org/departments/prosecutor/2019%20Thanksgiving%20Press%20Release.pdf>, See also, Staten Island District Attorney's Office Safe Rides Program: <https://www.statenislandusa.com/news/saferidesi19>, <https://www.lcsun-news.com/story/news/2016/03/01/do-ana-county-da-partners-uber/81152326/>

# Resources for Children and Families

To better serve and support youth and families in the community, as well as to possibly reduce future criminal activity, prosecutors provide a litany of services for them. Some of these services, such as Child Advocacy Centers (CAC), Family Justice Centers, and interagency collaborations for child wellbeing, assist people who have been victims of abuse or are otherwise in a challenging family environment. These services provide needed medical treatment, counseling, and other intervention to victims of domestic violence, abused children, and their families. Other programs focus specifically on education in the form of truancy reduction and mentoring, to ensure every child gets the most out of their education. Additionally, many prosecutors take a proactive approach to fostering positive relationships with youth in the community by hosting sports programs, job shadow opportunities, and lecture programs on pertinent issues.

## ***Family Justice and Peace Centers***

Prosecutors have created centers, commonly called Family Justice Centers, that offer services to domestic violence victims. These centers allow for the co-location of a variety of community programs that support and assist victims. They provide a safe space where victims can come for services and be interviewed by prosecutors and police. Some programs combine domestic violence and child advocacy services, while others offer them separately.

## Program Examples

### **Santa Clara County District Attorney's Office, CA**

*Population: 1,938,000 | Number of Full-Time Prosecutors: 200*

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#### **Santa Clara Family Justice Centers (FJCs):**

There are three FJCs total, and the most recent one opened in conjunction with Asian Americans for Community Involvement (AACI). FJCs are available for all residents, providing a multi-disciplinary, multilingual team of professionals who coordinate services to focus exclusively on victims of domestic violence by making services and resources available in each location. An on-site prosecutor helps with court appearances and victim compensation.<sup>36</sup>

### **Milwaukee District Attorney's Office, WI**

*Population: 600,000 | Number of Full-Time Prosecutors: 120*

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#### **Sojourner Family Peace Center:**

The Center has a shelter with more than fifty beds, an education program, services, and has assigned forty-four officers from the Sensitive Crime Unit (which investigates child abuse, domestic violence, and sexual assaults) to assist with the cases.<sup>37</sup> The prosecutor played a significant role in getting the Center built.

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<sup>36</sup> See *Center to Help Domestic Violence Victims Opens in San Jose*, OFFICE OF THE DISTRICT ATTORNEY, COUNTY OF SANTA CLARA (October 19, 2015), <https://www.sccgov.org/sites/da/newsroom/newsreleases/Pages/NRA2015/center-domestic-violence-victims.aspx>.

<sup>37</sup> Ashley Luthern, *Innovative new Sojourner Family Peace Center pulls together range of help*, MILWAUKEE-WISCONSIN JOURNAL SENTINEL (Sept. 26, 2015), <https://www.familypeacecenter.org/>

## Child Advocacy Centers

Starting as early as 1985, collaboration among law enforcement, victim advocacy groups, social services, and medical professionals has led to the existence of almost one thousand child advocacy centers throughout the United States and in other countries.<sup>38</sup> A child advocacy center provides a singular, child-friendly location where law enforcement officers and prosecutors can investigate child abuse at the same time that medical, mental health, and social service providers can help the child and the child's non-offending family members heal from physical, sexual, and emotional abuse.<sup>39</sup> Over the years, these centers have been established in not only big cities and populated areas, but also in smaller counties and rural areas.<sup>40</sup>

There are also a small handful of child advocacy centers on and near Native American reservations, although there is a great need for many more such centers. One troubling study found that children from the Rosebud Reservation in South Dakota "must travel (at least) two and a half hours across the state... to receive the treatment they need".<sup>41</sup> One of the existing centers serving Native Americans is the Heart-to-Heart Child Advocacy Center, which is administered by the Eastern Band of Cherokee and provides a location for tribal and federal law enforcement, tribal child protective services, prosecutors, mental health professionals, medical providers, educational representatives, and counselors to investigate, interview, treat, and provide services for abused children.<sup>42</sup>

### Program Examples

#### Athens County District Attorney's Office, OH

Population: 65,818 | Number of Full-Time Prosecutors: 8

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##### **Athens County Child Advocacy Center (CAC):**

The center provides services for child survivors of sexual abuse and their families in a child-friendly environment. Specially trained forensic interviewers interview children at the CAC and a multi-disciplinary team manages each case. This team consists of Athens County Children Services, Athens County prosecutors, law enforcement officers, mental health counselors, victim advocates, and medical professionals.<sup>43</sup>

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38 *Multidisciplinary Team*, NATIONAL CHILDREN'S ADVOCACY CENTER, <https://www.nationalcac.org/find-a-cac/> (last visited Feb. 16, 2020).

39 See e.g. Our Story, National Children's Alliance, <http://www.nationalchildrensalliance.org/our-story> (last visited Dec. 27, 2019); Children's Advocacy Center, Lake County State's Attorney, <http://www.lakecountyl.gov/2066/Childrens-Advocacy-Center> (last visited Dec. 16, 2019).

40 The Cass County State's Attorney's Office in Fargo, North Dakota serves on the board for the Red River Children's Advocacy Center. This CAC serves victims of child abuse from Eastern North Dakota, Western Minnesota, Northeastern South Dakota, and four Native American Reservations. <https://www.rrcac.org/>

41 Randall Cooper, *Children's Advocacy Centers and Indian Country*, NATIONAL CENTER FOR PROSECUTION OF CHILD ABUSE, National District Attorneys Association Update, Vol. 24, No. 2, at 3, available at [https://cdn.ymaws.com/www.safeta.org/resource/resmgr/kids/files/update\\_vol24\\_no2.pdf](https://cdn.ymaws.com/www.safeta.org/resource/resmgr/kids/files/update_vol24_no2.pdf) (last visited Dec. 19, 2019).

42 *Id.*

43 See <https://www.athenscac.org>

## Chenango County District Attorney's Office, NY

*Population: 47,863 | Number of Full-Time Prosecutors: 3*

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### **Child Advocacy Center:**

In rural central New York, the Chenango County District Attorney's Office, which has only two assistant district attorneys, is a member of the multi-disciplinary team at the Chenango County Child Advocacy Center.<sup>44</sup>

## **Job Shadow Programs**

Prosecutors are taking widespread measures to engage with and educate youth in their communities. One of which is the implementation of job shadow programs. Some programs target older teens who have expressed interest in prosecution or criminal justice as a career path, and other programs are for younger kids to simply educate them about the justice system.

## Program Examples

### **Baltimore City State's Attorney's Office, MD**

*Population: 619,493 | Number of Full-Time Prosecutors: 200*

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#### **Junior State's Attorneys Program:**

The State's Attorney sponsors a summer program for rising eighth graders, teaching them about careers in law enforcement and elsewhere within the justice system.<sup>45</sup> Students in the program tour Baltimore Police headquarters and the 911 call center, speak to SWAT team members, and get to sit inside FOXTROT—the police surveillance helicopter. The program is held every Tuesday and Thursday throughout the summer, and each time the group meets, they will tour a different component of the justice system.

### **6<sup>th</sup> Judicial District Attorney General's Office, TN**

*Population: 465,289 | Number of Full-Time Prosecutors: 41*

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#### **High School Shadow<sup>46</sup>:**

The office runs a high school job shadow program that allows rising juniors to participate in a week long summer program where they learn about the criminal justice system, observe court proceedings, and conduct Q and A with prosecutors.

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<sup>44</sup> *Child Advocacy Center*, Catholic Charities Diocese of Syracuse, <https://www.chenangochildadvocacy.us/> (last visited Dec. 19, 2019).

<sup>45</sup> *First Day of Junior State's Attorneys Program is a Major Hit*, OFFICE OF THE STATE'S ATTORNEY FOR BALTIMORE CITY (Jul. 7, 2015), <http://www.stattorney.org/media-center/press-releases/775-first-day-of-junior-state-s-attorneys-program-is-a-major-hit>. (last visited Dec. 16, 2019)

<sup>46</sup> For the full program summary, see *PCE's Tennessee Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191201-Tennessee-Report-Final.pdf>

## Suffolk Commonwealth Attorney's Office, VA

Population: 91,185 | Number of Full-Time Prosecutors: 14

### Forensics Camp:

The Prosecutor's Office and forensic experts host a week long, half day forensics camp for kids ages 12-15 free of charge. Attendees learn about observation, photography, evidence in court, preservation, and testimony as they work through simulated crime scenes and cases.<sup>47</sup>

### Sports Programs

Sports are an excellent way to foster relationships. Prosecutor offices engage in a wide variety of sports programs, some of which are highlighted below. While some of these programs involve prosecutors actually playing or coaching sports with youth, others include prosecutors giving presentations specifically for athletes or putting together a job fair and networking experience for the members of the sports program.<sup>48</sup>



*New York Police Athletic League: P.O. Lamont Anderson with child. Photo Courtesy of: Ben Asen*

<sup>47</sup> See <http://www.suffolkva.us/DocumentCenter/View/3710/8th-Forensics-Camp-Flyer-PDF>

<sup>48</sup> In addition to programs where sports are played, prosecutors also deliver specifically tailored programs to student athletes. One such program from Orange County, Texas is called 'The Uncommon Athlete', in which anti-bullying practices and character development are discussed. <https://www.recordonline.com/news/20190405/the-uncommon-athlete-coming-to-orange-county-schools>. In Hampden County, Massachusetts, the District Attorney Office runs a program called "Hoop Up Springfield", which is a basketball tournament/job fair, where inner city youth have an opportunity to show off their skills on the court in a friendly but competitive tournament. <http://hampdenda.com/community-safety-and-outreach-unit/>

## Program Examples

### **New York County District Attorney's Office (Manhattan), NY**

*Population: 1,630,000 | Number of Full-Time Prosecutors: 525*

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#### **Police Athletic League:**

Robert Morgenthau, the former District Attorney of Manhattan, New York, was president of the Police Athletic League (PAL) for over 50 years, leading the development of PAL centers throughout New York City and annually serving 20,000 children aged 3 to 21.<sup>49</sup> These centers provide, among other things, sports programs, homework help, college preparation, arts programs, and play streets in the summer.

#### **Saturday Night Lights:**

The office uses forfeited money from prosecuted cases to fund the sports program. Kids aged eleven to eighteen can drop-in at one of many sites throughout the city for sports training and academic support.<sup>50</sup>

### **Essex County Prosecutor's Office, NJ**

*Population: 808,285 | Number of Full-Time Prosecutors: 129*

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#### **Highlander Star Students Program:**

The Prosecutor's Office partners with the New Jersey Institute of Technology Athletics Program (NJIT) to implement the Highlander Star Students program. The program has been adopted by more than 60+ schools in the Essex County Area. Participating schools choose one student of the month to represent their respective school at an NJIT Athletics home sporting event. The Highlander Star Student recipients are invited to attend this event with their families, friends, and teachers to recognize their achievement both in and outside of the classroom.<sup>51</sup>

## ***Mentoring and Lecture Programs for Youth***

In order to directly engage with youth in the community, prosecutors and assistant prosecutors give lectures in schools, provide mentorship and host conferences to engage and educate kids on a wide variety of topics, criminal justice and otherwise. As discussed in the section below on Education Programs for Adults, prosecutors also lecture parents on topics that can keep their kids safe, such as teen dating, drug use, and many other current issues.

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49 See the PAL 2018 annual report <https://static1.squarespace.com/static/549af14be4b038053fe035c4/t/5d51bc08508aad00016ebb61/1565637641232/PAL+2018+Annual+Report+WEB.pdf>

50 *Saturday Night Lights*, NEW YORK COUNTY DISTRICT ATTORNEY'S OFFICE, <http://manhattanda.org/saturday-night-lights> (last visited Dec. 16, 2019).

51 See <https://www.njithighlanders.com/news/2019/11/22/general-njit-athletics-partners-with-the-essex-county-prosecutors-office-highlander-star-students.aspx>

## Program Examples

### United States Attorney's Office, Washington, DC

Population: 633,427 | Number of Full-Time Prosecutors: 280

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#### Breaking the Silence of Youth Violence:

The U.S. Attorney's Office holds an annual summit, which in 2018 included over 500 youth.<sup>52</sup> In 2019, the summit focused on education for students about gun violence and drug prevention.<sup>53</sup>

### Calcasieu Parish District Attorney's Office – 14<sup>th</sup> Judicial District, LA

Population: 220,000 | Number of Full-Time Prosecutors: 29

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#### Positive Change Initiative/Impact Agency<sup>54</sup>:

The Prosecutor's Office invests in the lives of youth through mentorship, positive leadership, and provision of opportunities. Participants are not just chosen because they are considered at-risk, but rather for their leadership ability, whether positive or negative. They are hand-picked by their school principal, teacher, counselor, or church Pastor, and can be leaders of a gang or a choir. The participants go on trips, one of which recently was to the Legislature, where they met Governor John Bel Edwards and learned about the processes of government.



*Louisiana Governor Jon Bel Edwards with Positive Change Initiative members.*

<sup>52</sup> See <https://www.justice.gov/usao-dc/pr/us-attorney-host-annual-youth-summit-june-28-catholic-university>

<sup>53</sup> *Youth Summit: Know Your Rights*, THE DISTRICT OF COLUMBIA YOUTH ADVISORY COUNCIL, <http://dcyac.dc.gov/event/youth-summit-know-your-rights> (last visited Dec. 18, 2019).

<sup>54</sup> For the full program summary, see *PCE's Louisiana Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2019/11/20190528-Louisiana-Prosecutor-Innovations-PCE.pdf>

## City of Chesapeake Commonwealth Attorney's Office, VA

Population: 240,000 | Number of Full-Time Prosecutors: 26

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### Youth Empowerment Conferences<sup>55</sup>:

The community prosecution unit runs an annual one-day conference for young girls and a separate conference for young boys. The conferences address issues unique to boys and girls as they strive to build a strong foundation and avoid criminal activity. Over 200 people attended the recent young girls' conference 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 opioid abuse. Conferences are free and are structured using breakout sessions where presenters discuss a different topic area pertinent to young men or women.



City of Chesapeake: Girl's Conference attendees participate in a game.

## Red River Parish District Attorney's Office – 39<sup>th</sup> Judicial District, LA

Population: 8,500 | Number of Full-Time Prosecutors: 1

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### Legal Enrichment and Decision-Making (LEAD)<sup>56</sup>:

The District Attorney encourages attorneys, law enforcement, and other professional staff to volunteer one hour per week to teach fifth and sixth graders about the criminal justice system.

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55 For the full program summary, see PCE's Virginia Prosecutor Innovations report: <https://pceinc.org/wp-content/uploads/2019/11/20190717-Virginia-Prosecutor-Innovations-PCE.pdf>

56 For the full program summary, see PCE's Louisiana Prosecutor Innovations report: <https://pceinc.org/wp-content/uploads/2019/11/20190528-Louisiana-Prosecutor-Innovations-PCE.pdf>

## ***Truancy Reduction and Education Improvement***

Prosecutors devote significant outreach efforts to supporting juveniles and reducing their involvement in crime. Recognizing that truancy is a risk factor for criminal activity and substance abuse and that truant children are more likely to be victims of criminal activity, prosecutors have, for decades, been working with school-related agencies to counsel, offer services, and intervene where appropriate.<sup>57</sup> Prosecutors in the smallest to the largest of offices have truancy-reduction initiatives.

### Program Examples

#### **Shelby County District Attorney General's Office (Memphis), TN**

*Population: 935,764 | Number of Full-Time Prosecutors: 112*

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##### **Every DAY in School<sup>58</sup>:**

In Memphis, the largest city in Shelby County, the Every DAY in school program offers a mentor, who is trained by the District Attorney's Office, to work with at-risk students and their parents through a contract with the District Attorney's Office. Students can receive a free bike if they maintain perfect attendance in school. The program is currently offered in 14 middle schools and 16 elementary schools.

##### **Truancy Forgiveness for Parents:**

Truancy forgiveness program allows parents of truant children to resolve truancy court-related issues without fear of arrest.

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<sup>57</sup> In 1998, the former Brooklyn District Attorney, Charles Hynes, started TRACK (Truancy Reduction Alliance to Contact Kids), one of the first prosecutor-led truancy programs, where police bring truant students to one of seven centers. The parent/guardian is informed of the truancy, and when the parent/guardian comes to pick up the child, he or she is offered a meeting with a social worker and provided with other resources. The social worker then conducts a follow-up with school personnel. According to Hynes, the recidivism rate for truants in the TRACK program is in the single digits. The social worker at each TRACK Center makes appropriate referrals and stays in contact with the student, parents, and school. See *Charles J. Hynes, District Attorney, Brooklyn, New York*, CENTER FOR COURT INNOVATION, <http://www.courtinnovation.org/research/charles-j-hynes-district-attorney-brooklyn-new-york> (last visited Dec. 16, 2019). For a sampling of additional truancy programs run by prosecutors' offices, see *A Guide to Implementing the Abolish Chronic Truancy (ACT) Program*, DISTRICT ATTORNEY, COUNTY OF LOS ANGELES, available at <http://da.lacounty.gov/sites/default/files/pdf/ACT.pdf> (In Los Angeles County, where the District Attorney's Office is the largest in the country, truant students and their parents meet with school officials and DA staff to identify the reasons for absence. If truancy persists, the family is referred to a School Attendance Review Team, a School Attendance Review Board, and ultimately to the District Attorney's Office for mediation and prosecution.). See also George Simms, *Interagency Truancy Review Board*, OFFICE OF THE STATE'S ATTORNEY FOR MONTGOMERY COUNTY, MARYLAND, <http://www.montgomerycountymd.gov/sao/other/truancy.html> (last visited Dec. 16, 2019). (In Montgomery County, MD, an office of approximately 70 attorneys, the State's Attorney works with various county agencies to monitor truancy programs and to intervene and possibly prosecute if other services fail.)

<sup>58</sup> For the full program summary, see *PCE's Tennessee Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191201-Tennessee-Report-Final.pdf>

## Mercer County Prosecutor's Office (Trenton), NJ

Population: 373,733 | Number of Full-Time Prosecutors: 47

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### Book Drive<sup>59</sup>:

Knowing that reading is one path to academic success, the Prosecutor's Office partners with the Mercer County Bar Association for a book drive and has collected 8,500 books for local students.



Pictured left to right: Robert E. Lytle, former president of the Mercer County Bar Association; former Trenton Mayor Eric E. Jackson; Mercer County Prosecutor Angelo J. Onofri; former Trenton Police Director Ernest Parrey Jr.; and Mercer County Prosecutor's Office former Chief of Detectives Veldon Harris.

## 9<sup>th</sup> Judicial District Attorney's Office, NM

Population: 68,180 | Number of Full-Time Prosecutors: 14

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### Excellence in Attendance<sup>60</sup>:

Students are incentivized to maintain excellent attendance records with various prizes donated by local businesses. The Prosecutor's Office coordinates the prizes and also has a mascot who speaks at schools about the importance of attendance.

## Cottonwood County Attorney's Office, MN

Population: 11,295 | Number of Full-Time Prosecutors: 2

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### Mediations for Truancy<sup>61</sup>:

The Prosecutor's Office partners with school officials to send notifications, conduct mediations, and participate in supportive meetings for truant students and their parents or caregivers.<sup>62</sup>

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59 For the full program summary, see PCE's New Jersey Prosecutor Innovations report:

<https://pceinc.org/wp-content/uploads/2019/11/20190801-New-Jersey-Prosecutor-Innovations-PCE.pdf>

60 For the full program summary, see PCE's New Mexico Prosecutor Innovations report:

<https://pceinc.org/wp-content/uploads/2019/11/20190924-New-Mexico-Prosecutor-Innovations-PCE.pdf>

61 For the full program summary, see PCE's Minnesota Prosecutor Innovations report:

<https://pceinc.org/wp-content/uploads/2020/01/20191203-Minnesota-Report.pdf>

62 County Attorney Truancy Mediation Program, COTTONWOOD COUNTY ATTORNEY, <https://www.co.cottonwood.mn.us/>

## **Collaboration for Child Wellbeing**

Prosecutors are going far above their role of administering justice to assist youth in crisis or those who are potentially at risk in their communities. Some offices work with schools and others also work with law enforcement, local medical providers, and counselors to collaborate on ways to help children and families in need.

### Program Examples

#### **Sacramento County District Attorney's Office, CA**

*Population: 1,500,000 | Number of Full-Time Prosecutors: 170*

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##### **Youth and Community Connect App<sup>63</sup>:**

In partnership with many community organizations, the Prosecutor's Office created and maintains an app that connects youth and their parents through their phones to relevant community resources based on topic. App users can search for services by organization name, type of resource, criminal justice specific program, and zip code. A detailed page listing for each organization, including a description of the organization and contact information, is then displayed. The breadth of resources and services available reflects the high level of community participation in the effort. Community and faith-based organizations, schools, as well as city, county, and other government agencies all provide services and resources.

#### **Plymouth County District Attorney's Office, MA**

*Population: 515,142 | Number of Full-Time Prosecutors: 59*

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##### **Identifying Traumatized Students:**

The Plymouth County District Attorney introduced the Brockton Public School system to Harvard Law School's Trauma and Learning Policy Initiative and encouraged them to adopt it. The program, which has been running since 2007, educates school staff on how to recognize when a child is traumatized by witnessing domestic violence at home (or other crimes) and how to assist the child.<sup>64</sup> Since the program's inception, the District Attorney's Office supported the training of more than 8,000 teachers, law enforcement officers, and community members.<sup>65</sup>

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[departments/administrative/county\\_attorney/county\\_attorney\\_truancy\\_mediation\\_program.php](#) (last visited Dec. 16, 2019).

63 For the full program summary, see *PCE's California Prosecutor Innovations report*:

<https://pceinc.org/wp-content/uploads/2020/01/20200113-California-Innovation-Report.pdf>

64 Krista M. Torralva, *Behind Broken Doors: Schools Work to Aid Children of Domestic Violence*, Behind Broken Doors, Caller-Times, (Apr. 23, 2016), <http://archive.caller.com/news/behind-broken-doors/schools-work-to-aid-children-of-domestic-violence-2e044bc4-0fb5-5329-e053-0100007ff344-376757391.html>.

65 *Id.*

## Rockland County District Attorney's Office, NY

Population: 328,868 | Number of Full-Time Prosecutors: 30

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### Partnership for Safe Youth (PSY):

The Center, spearheaded by the prosecutor, provides wrap-around services from various agencies for at-risk youth and their families. PSY first worked with juveniles referred by their schools but has expanded to accept referrals from the criminal justice system of juveniles who have been arrested and charged. By placing representatives from schools, juvenile justice, social services, mental health, and other key agencies all under one roof, PSY enhances the effectiveness of services. The goal is to provide support to juveniles, so that they receive the support they need and do not commit further crimes.<sup>66</sup>

## Story County Attorney's Office, IA

Population: 98,105 | Number of Full-Time Prosecutors: 15

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### Fundraising for Foster Care Children<sup>67</sup>:

The office conducts fundraisers with local community organizations and schools to obtain duffel bags and supplies for foster care youth in transition to new homes.



Nevada Middle School students donate supplies to local foster children. Photo Courtesy of: Nevada Community School District

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<sup>66</sup> Rockland County District Attorney Zugibe, *County Executive Day and Boces Superintendent Officially Open Center for Safe and Healthy Youth*, Rockland County, (Jun. 5, 2015), <http://rocklandgov.com/departments/county-executive/press-releases/2015-press-releases/county-officials-launch-the-rockland-county-partnership-for-safe/>. See also *Second Chance, 2007 – 2015*, <https://www.secondchancearlington.org>. (The county of Arlington has created a program that involves the collaboration of family, school administrators, police, juvenile court system, and prosecutors to help middle-school and high-school students who are caught for the first-time using drugs or alcohol. In this program, youth are referred to a three-day abuse prevention and early intervention program providing education about drugs and alcohol and to help them learn to handle peer pressure and to create action plans to make healthy choices. Upon successful completion of this program, the charges are dismissed. Youth not formally arrested may participate as well with parental consent; and parents may join the workshops to learn how to communicate with their children over these issues.)

<sup>67</sup> For the full program summary, see *PCE's Iowa Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2019/11/20190819-Iowa-Prosecutor-Innovations-PCE.pdf>

## Chautauqua County District Attorney's Office, NY

*Population: 127,939 | Number of Full-Time Prosecutors: 11*

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### **School Threat Assessment and Response (S.T.A.R.) Team<sup>68</sup>:**

Developed in 2018, this effort seeks to proactively identify and address school safety threats. The team is composed of members from the District Attorney's Office, FBI, local law enforcement, Departments of Health, Probation, and Mental Health, local school superintendents, SUNY Fredonia trained psychologists, and the county attorney.

## Platte County Prosecutor's Office, MO

*Population: 102,985 | Number of Full-Time Prosecutors: 10*

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### **Handle with Care<sup>69</sup>:**

In cooperation with a local mental health provider, the office created a web-based service that allows police officers to notify school district officials when officers respond to a call where children are present. The alert then initiates a "Handle with Care" notification to a designated person at the relevant school district who is trained on the impact of trauma and follows a simple protocol of notifying the appropriate staff to provide observation and extra support to the student.

## Calhoun County Attorney's Office, IA

*Population: 9,699 | Number of Full-Time Prosecutors: 1*

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### **Student Empowerment Resilience Team (SERT)<sup>70</sup>:**

A group of stakeholders in the area of child welfare provide assistance to families and children struggling with truancy or other behavioral issues impeding success in school. These stakeholders include the school Superintendent, Chief Nursing Officer at the local hospital, key hospital staff, community mental health providers, public health staff, and school staff. They meet regularly to discuss individual children and families of concern to develop a unified strategy for helping them before the issue reaches the criminal justice system.

## Cherokee County Attorney's Office, IA

*Population: 11,321 | Number of Full-Time Prosecutors: 1*

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### **Braves Mentoring Program<sup>71</sup>:**

A multidisciplinary group led by the County Attorney's Office takes a preventative and proactive approach and pairs community volunteers with children in grades 5-8 that the school

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68 For the full program summary, see *PCE's New York Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191201-New-York-Report-Final.pdf>

69 For the full program summary, see *PCE's Missouri Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191201-Missouri-Report-Final.pdf>

70 For the full program summary, see *PCE's Iowa Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2019/11/20190819-Iowa-Prosecutor-Innovations-PCE.pdf>

71 *Id.*

has identified as at risk for truancy or other behavioral issues but have not yet had any court involvement.



*Cherokee County: Students and mentors pose for a group photo.*

# Innovations Before Charging

Over several decades, prosecutors have developed programs that intervene at a pre-disposition stage, and sometimes even before they file formal charges against an offender. These programs re-route offenders from the criminal justice system and identify and address the root causes of criminal behavior.<sup>72</sup> The programs initially focused on juveniles, but some offices have opened eligibility to adult offenders as well.

## **Programs for Youth**

### Program Examples

#### **New York County District Attorney's Office (Manhattan), NY**

*Population: 1,630,000 | Number of Full-Time Prosecutors: 525*

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##### **Project Reset:**

After arrest, but before a case is charged by the prosecutor, certain adults 18 and older (previously only 16 and 17 year-olds) are deemed eligible for this program.<sup>73</sup> The District Attorney's Office monitors and tracks these individuals through GPS technology on smartphones and electronic bracelets.<sup>74</sup> If they abide by the conditions of release, which might include attending school, work, therapy, maintaining a curfew, and/or participating in gallery art walks and self-reflective discussions, they will be considered for youthful offender adjudication. Alternatively, successful completion can also result in the District Attorney's Office declining to prosecute their case and sealing their arrest record.<sup>75</sup> While in the program, they do not have to go to court.

#### **Dakota County Attorney's Office, MN**

*Population: 425,423 | Number of Full-Time Prosecutors: 44*

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##### **Targeted Accountability Program (TAP)<sup>76</sup>:**

This is a diversion program in lieu of prosecuting the juveniles for inappropriate sexual

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<sup>72</sup> See Melissa Labriola, *Research on Prosecutor-Led Pretrial Diversion Programs*, presented April 1, 2014 at *The Center for Evidence-Based Crime Policy at GMU and the Pretrial Justice Institute Present: Pretrial Justice: Research Evidence and Future Prospects*, [https://www.youtube.com/watch?v=3T3accWbD\\_U](https://www.youtube.com/watch?v=3T3accWbD_U); see also *No Entry: A National Survey of Criminal Justice Diversion Programs and Initiatives, Executive Summary*, CENTER FOR HEALTH AND JUSTICE AT TASC, (Dec. 2013), [http://www2.centerforhealthandjustice.org/sites/www2.centerforhealthandjustice.org/files/publications/CHJ%20Diversion%20Report\\_ExecSumm.pdf](http://www2.centerforhealthandjustice.org/sites/www2.centerforhealthandjustice.org/files/publications/CHJ%20Diversion%20Report_ExecSumm.pdf) (last visited Dec. 16, 2019); *Pretrial Diversion in the 21<sup>st</sup> Century: A National Survey of Pretrial Diversion Programs and Practices*, NATIONAL ASSOCIATION OF PRETRIAL SERVICES AGENCIES, 2009, available at <http://www.pacenterofexcellence.pitt.edu/documents/Pretrial%20Diversion%20in%20the%2021st%20Century.pdf>, (last visited Dec. 16, 2019). See also John L. Worrall, *Prosecutors in Problem-Solving Courts*, in *THE CHANGING ROLE OF THE AMERICAN PROSECUTOR*, (John L. Worrall & M. Elaine Nugent-Borakove, eds., 2008).

<sup>73</sup> See <https://www.courtinnovation.org/programs/project-reset>

<sup>74</sup> James C. McKinley Jr., *New Monitoring Program Aims to Keep Youths Out of Rikers Island*, N.Y. Times, (Aug. 14, 2015), at A20.

<sup>75</sup> *Id.*

<sup>76</sup> For the full program summary, see *PCE's Minnesota Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191203-Minnesota-Report.pdf>

behavior of a non-violent or non-coercive nature. TAP is a collaborative effort between the Dakota County Attorney's Office and Dakota County Community Corrections. TAP offers juveniles and their families an opportunity to avoid court action and the collateral consequences that often result from having a court record. TAP also protects public safety by requiring juveniles to adhere to certain conditions such as sex offender treatment and regular meetings with probation officers. The TAP Committee, which meets each month to review participant progress, oversees the program and its participants.

## Teen Courts

Prosecutors are collaborating in the development of teen courts to reduce the incarceration of juveniles. Several counties in Maryland have established teen courts, where teenagers who commit low-level crimes and who have minimal or no criminal history are diverted to courts where their peers play an important role in meting out justice.<sup>77</sup> In Montgomery County, for instance, first-time juvenile offenders have an option to plead guilty and allow a jury of teenage volunteers and an adult judge to determine the appropriate disposition.<sup>78</sup> Frederick County has a Juvenile Entry Diversion Initiative (JEDI) that aims to "prevent youth from becoming negatively involved in the juvenile justice system."<sup>79</sup> The JEDI program moves low-level juvenile offenders and children in need of services into community-based programs, rather than the Department of Juvenile Services. Teen courts, which have the support of the prosecutor, are prevalent in a variety of states in addition to Maryland, some of which in Arkansas<sup>80</sup>, South Dakota<sup>81</sup>, and West Virginia<sup>82</sup>.

## Program Example

### McDowell County District Attorney's Office, NC

*Population: 7,871 | Number of Full-Time Prosecutors: 4*

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#### **McDowell Teen Court:**<sup>83</sup>

This diversion program holds first-time, youthful, misdemeanor offenders between ages 10 and 17 accountable for their actions outside of the criminal justice system. Defendants must admit guilt, voluntarily enter the program with parental consent, and successfully complete the program to avoid traditional prosecution. A jury of teens hears their case and determines a fair sentence. The District Attorney for McDowell County serves as the judge in the proceedings. The program has various partners, which include McDowell County Schools,

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77 See e.g. MTDCA Members, Maryland Teen Court Association: Promoting Justice for Maryland Youth, <http://www.mdtca.org/> (last visited Dec. 16, 2019); Teen Court, Office of the State's Attorney for Montgomery County, Maryland, <http://www.montgomerycountymd.gov/sao/other/teencourt.html> (last visited Dec. 16, 2019).

78Id.

79 Juvenile Entry Diversion Initiative, Frederick County, Maryland Government, <https://www.iirp.edu/pdf/pa14-slides-gauthier.pdf> (last visited Dec. 19, 2019).

80 Little Rock, Arkansas, NLR Teen Court <http://nlrteencourt.com/about-us/>

81 Pennington County, South Dakota Teen Court [https://www.pennco.org/index.asp?SEC=9418A7C0-8198-4FC2-B297-87F61F1A840B&Type=B\\_BASIC](https://www.pennco.org/index.asp?SEC=9418A7C0-8198-4FC2-B297-87F61F1A840B&Type=B_BASIC)

82 Jefferson County, West Virginia Teen Court <http://www.jeffersoncountywv.org/county-government/elected-officials/prosecuting-attorney/teen-programs>

83 See [https://www.mcdowellnews.com/news/a-jury-of-their-peers-mcdowell-teen-court-begins-monthly/article\\_ab64ed26-4ffb-11e9-8c79-43fed0f01a10.html](https://www.mcdowellnews.com/news/a-jury-of-their-peers-mcdowell-teen-court-begins-monthly/article_ab64ed26-4ffb-11e9-8c79-43fed0f01a10.html)

McDowell Technical Community College, the District Attorney’s Office, Juvenile Court Counselors, McDowell Department of Social Services, Law Enforcement, School Resource Officers, Middle and High School administrators, Clerk of Court, local attorneys and judges, and community service sites.



*Syda Productions/Shutterstock.com*

## ***Programs for Adults***

Programs for adults that deflect them from the criminal justice system in lieu of an arrest are increasing as there is a growing awareness that solutions other than arrest and prosecution can improve outcomes for the offender.

### **Program Examples**

#### **King County Prosecuting Attorney’s Office (Seattle), WA**

*Population: 2,200,000 | Number of Full-Time Prosecutors: 250*

##### **The LEAD Program<sup>84</sup>:**

The LEAD program launched in 2011 to better serve Seattle adults with behavioral health needs, those experiencing poverty, and/or low-level offenders.<sup>85</sup> It is a collaborative community safety effort which allows officers to divert (and not arrest) individuals who are engaged in low-level drug crime, prostitution, and crimes of poverty away from the criminal legal system, bypassing prosecution and jail time. Additionally, it connects individuals with intensive case managers who can provide crisis response, immediate psychosocial assessment, and long-term wrap-around services including substance use disorder treatment and housing. The prosecutor is an active participant in this program that has been replicated around the country.

<sup>84</sup> For the full program summary, see *PCE’s Washington Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191130-Washington-Report-FINAL.pdf>

<sup>85</sup> See <http://leadkingcounty.org>

## Travis County Attorney's Office, TX

*Population: 1,248,743 | Number of Full-Time Prosecutors: 84*

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### **Cite and Release<sup>86</sup>:**

The County Attorney's Office, which only handles misdemeanors, has directed police to now give a summons rather than arrest and bring the person through the court system for thirteen categories of misdemeanors. Thus far, 500 people have gone through the program. Nothing is added to the person's criminal record, nor is expungement necessary.

## Boulder County District Attorney's Office, CO

*Population: 324,073 | Number of Full-Time Prosecutors: 32*

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### **Boulder County Mental Health Diversion<sup>87</sup>:**

Using state funding and federal grant funds, the Boulder County District Attorney's Office helped launch the first pre-file Mental Health Diversion Program in Colorado. Diversion occurs after arrest and before charges are filed, so the defendant does not appear in court.

## Benton County Attorney's Office, WA

*Population: 201,877 | Number of Full-Time Prosecutors: 27*

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### **Benton County Mental Health Diversion<sup>88</sup>:**

This jail diversion program allows for law enforcement officers to take an individual with mental health issues directly to a counseling center instead of jail, thereby avoiding an arrest record and allowing for immediate mental health intervention and treatment.

## **Neighborhood Courts**

With Neighborhood Courts prosecutors are stretching the boundaries of traditional prosecution even further. In California, prosecutors have taken the Neighborhood Court model to the next level: in Yolo County and in San Francisco, where prosecutors established Neighborhood Courts, the traditional adversarial role is minimal. Offenders are not charged with a crime and instead are brought to the Neighborhood Court that is run by members of the community. The victim is sometimes involved in this restorative process but the traditional advocates from the adversarial system are not: the defendant is not represented by counsel and the prosecutor generally plays no role in the creation of the individualized plan.<sup>89</sup> Thus, although District Attorneys' Offices provide funding, support, and training for these Neighborhood Courts, they are designed to allow resources to more serious criminal matters.<sup>90</sup>

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<sup>86</sup> See <https://www.statesman.com/news/20181028/austin-gives-police-more-cite-and-release-discretion>

<sup>87</sup> For the full program summary, see *PCE's Colorado Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191203-Colorado-Innovation-Report.pdf>

<sup>88</sup> For the full program summary, see *PCE's Washington Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191130-Washington-Report-FINAL.pdf>

<sup>89</sup> *Yolo County Receives \$1.9 Million Grant for Neighborhood Court Program*, YOLO COUNTY DISTRICT ATTORNEY, <http://yoloda.org/yolo-county-receives-1-9-million-grant-for-neighborhood-court-program> (last visited Dec. 17, 2019).

<sup>90</sup> Although the Yolo County Neighborhood Court has not been fully evaluated, early and on-going research emphasizes

## Program Example

### Yolo County District Attorney's Office, CA

Population: 220,408 | Number of Full-Time Prosecutors: 42

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#### Yolo County Neighborhood Court<sup>91</sup>:

When arrested for certain low-level crimes, an offender can be sent to the Neighborhood Court instead of being charged in the traditional Criminal Court. The court, which was founded in 2013, is based on restorative justice principles and though it originally began as a first-time offender program, it has expanded to allow participation by any offender with no misdemeanor convictions in the past five years and no felony convictions on record to participate. Prosecutors coordinate, train, and provide support for community volunteers or “panelists” who meet with low-level offenders to address and resolve the harms that their crime has caused to the victim and the community.<sup>92</sup>



Monkey Business Images/Shutterstock.com

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es the benefits, suggesting that “conferences between victim and offender [lead to] the highest rates of victim satisfaction [and] offender accountability, and the lowest levels of recidivism.” *Neighborhood Court 2014 Year-End Report*, YOLO COUNTY DISTRICT ATTORNEY’S OFFICE 6, <http://yoloda.org/wp-content/uploads/2014/01/2014-YEAR-END-REPORT.pdf> (last visited Dec. 17, 2019). From a financial perspective, as well, such courts appear to provide tangible advantages. In San Francisco County, for example, the District Attorney noted that in 2013, the Neighborhood Court was “80 percent cheaper than the traditional court system” and the fines that offenders paid went into a community restitution fund which was used for local safety projects. Max Aldax, *San Francisco’s Neighborhood Court saves money and makes offenders contemplate their crimes*, THE SAN FRANCISCO EXAMINER, (Jan. 27, 2013), <http://archives.sfexaminer.com/sanfrancisco/san-franciscos-neighborhood-court-system-saves-money-and-makes-offenders-contemplate-their-crimes/Content?oid=2319937>.

91 For the full program summary, see *PCE’s California Prosecutor Innovations report*:

<https://pceinc.org/wp-content/uploads/2020/01/20200113-California-Innovation-Report.pdf>

92 *Yolo County Neighborhood Court*, YOLO DISTRICT ATTORNEY, <http://yoloda.org/community-outreach-programs/neighborhood-court> (last visited Dec. 17, 2019).

# Innovations in Procedure

There is a growing realization that contact with the criminal justice system can have a deleterious effect on those involved. Collateral consequences of incarceration are multi-faceted and numerous. The consequences can include loss of a job, disengagement from family, and inability to obtain housing. These consequences, as well as concerns about bias and unequal treatment, have triggered much discussion and debate about the high number of people incarcerated in jails and prisons. Though there are many points of view, all can agree that rates of incarceration are impacted by pre-trial detention, various parole and probation violations, and sanctions for low-level offenses. Prosecutors have recognized they can ameliorate some of these issues by using their discretion to change their approach to bail, low-level offenses, and sentencing. Prosecutors have also taken the lead in improving such issues as enhancing the process of initial appearance and the right to counsel. This is a complex topic that is not the focus of this paper, however, some examples of these new programs are highlighted in this section and in the section on alternatives to incarceration. These programs provide insight into the variety of ways that prosecutors have tackled these difficult issues.

## ***Initial Appearance and Early Case Assessment***

In some jurisdictions, it may take many days for a defendant to appear in court after an arrest. This can cause a defendant to linger in jail without the benefit of counsel or review of the charges. Some prosecutors have taken the lead in rectifying this situation.

### Program Examples

#### **Clark County District Attorney's Office (Las Vegas), NV**

*Population: 2,100,000 | Number of Full-Time Prosecutors: 177*

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##### **Initial Appearance Court<sup>93</sup>:**

Located in Las Vegas, the new Initial Appearance Court runs seven days per week and meets two sessions per day. During the sessions, defendants are brought before a judge, usually between 12-24 hours after arrest, and a determination of probable cause is made. This new procedure made a significant change to its longstanding initial appearance procedure. The time from arrest to appearance in court was significantly reduced and the defendant was afforded counsel at a much earlier stage. This also allows the prosecutor to make an earlier determination about the viability of the case.



*wavebreakmedia/Shutterstock.com*

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<sup>93</sup> For the full program summary, see *PCE's Nevada Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2019/11/20190823-Nevada-Prosecutor-Innovations-PCE.pdf>

## Thurston County Attorney's Office, WA

Population: 286,419 | Number of Full-Time Prosecutors: 4

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### Early Case Assessment<sup>94</sup>:

The prosecutor facilitates a front-end assessment to select cases that can be resolved quickly. Once a case is identified, the prosecutor contacts the public defender's office and they work together towards a disposition of the case.

## Bail Initiatives

Bail procedures are being reviewed around the country. In some states, bail is being eliminated by legislation, and in others, prosecutors are rethinking their approach. This article provides one example of non-statutory bail reform.

## Program Examples

### Philadelphia District Attorney's Office, PA

Population: 1,581,000 | Number of Full-Time Prosecutors: 300

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#### Bail Reform:

The District Attorney has eliminated cash bail for 25 felony and misdemeanor offenses, ranging from low-level offenses to more serious offenses such as burglaries with no person present, as well as several drug charges.<sup>95</sup> To determine these 25 offenses, the office first reviewed all of the requests for bail associated with charges filed in the district's municipal courts. The offenses chosen for elimination represented approximately half of all charges applied over the past five years. In a preliminary analysis<sup>96</sup>, this policy led to an immediate 23% increase in the number of eligible defendants released with no monetary or other conditions, and a 22% decrease in the number of defendants who spent at least one night in jail, but no detectable difference for longer jail stays. In spite of this large decrease in the number of defendants having monetary incentives to show up to court, the researchers found no change in failure-to-appear in court or in recidivism, suggesting that reductions in the use of monetary bail can be made without significant adverse consequences.<sup>97</sup>

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94 For the full program summary, see *PCE's Washington Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191130-Washington-Report-FINAL.pdf>

95 For the full list of offenses, see <https://phillyda.wordpress.com/2018/02/21/larry-krasner-announces-end-to-cash-bail-in-philadelphia-for-low-level-offenses/>

96 Ouss, Aurelie and Stevenson, Megan, *Evaluating the Impacts of Eliminating Prosecutorial Requests for Cash Bail* (February 17, 2019). George Mason Legal Studies Research Paper No. LS 19-08. Available at SSRN: <https://ssrn.com/abstract=3335138> or <http://dx.doi.org/10.2139/ssrn.3335138>

97 *Id.*

## Kennebec and Somerset County District Attorney's Office, ME

Population: 122,083 | Number of Full-Time Prosecutors: 14

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### **Maine Bail Reform<sup>98</sup>:**

To reduce disparities based on an offender's ability to pay cash bail, the new bail system instead examines offenders using a risk assessment system. The criteria considered is risk of re-offense, likelihood to show up to court, nature of the crime, and wishes of the victim. Only the offenders who are deemed high risk are required to pay cash bail. This evidence-based risk assessment process has been used in Maine Pretrial Services for ten years with success.

## **Sealing and Expungement**

Recently prosecutors' offices have instituted programs, often collaborating with judges and defense attorneys, to expunge criminal records on low-level offenses or to resolve outstanding warrants and summonses. Because of the stigma associated with a criminal conviction, even for low-level offenses, criminal record expungement programs have been developed as a way to improve offenders' chances of getting a job and moving on with their lives.

## Program Examples

### **New York County District Attorney's Office (Manhattan), NY**

Population: 1,630,000 | Number of Full-Time Prosecutors: 525

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#### **Clean Slate<sup>99</sup>:**

In collaboration with the Legal Aid Society, the police, the court system, and a not-for-profit, the District Attorney's Office instituted "Clean Slate" programs with the goal of reducing open warrants and helping offenders avoid re-arrest.<sup>100</sup> The court expunged warrants for crimes such as disorderly conduct and public consumption of alcohol and gave offenders an adjournment in contemplation of dismissal disposition, which results in a dismissal after six months if there are no further arrests.<sup>101</sup>

### **Sedgwick County District Attorney's Office, KS**

Population: 513,687 | Number of Full-Time Prosecutors: 50

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#### **Clean Slate Day:**

Prosecutors, judges, and the local bar association partner together for a one-day program which provides legal advice and assistance, examines criminal histories and cases, and

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98 See <https://www.mainecommunitylaw.org/post/bail-reform-in-kennebec-county>

99 For the full program summary, see PCE's New York Prosecutor Innovations report: <https://pceinc.org/wp-content/uploads/2020/01/20191201-New-York-Report-Final.pdf>

100 Gaby Del Valle, *Clear Your Outstanding Warrants at the District Attorney's "Clean Slate" Event*, Nyulocal, (April 26, 2016), <http://nyulocal.com/city/2016/04/27/clear-your-outstanding-warrants-at-the-das-clean-slate-event>.

101 *Id.*

generates expungement petitions for offenders.<sup>102</sup> In the first Clean Slate Day, the partnership-identified 150 cases for expungement.<sup>103</sup>

## Yolo County District Attorney's Office, CA

*Population: 220,408 | Number of Full-Time Prosecutors: 42*

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### **Clear My Record<sup>104</sup>:**

After the legalization of marijuana in California, the Yolo County prosecutor's goal was to expunge earlier marijuana convictions. However, it was difficult to find the cases and process them for expungement. In response, the Yolo District Attorney's Office turned to software to ease this task. They use a system called "Clear My Record" which is an open-source software application that comes with a toolkit and a step-by-step guide that can quickly review cannabis convictions that are eligible for expungement under the law. Yolo is the first office in California to use this system and eventually the software will be made available to every California District Attorney's Office<sup>105</sup>.

## Boulder County District Attorney's Office, CO

*Population: 324,073 | Number of Full-Time Prosecutors: 32*

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### **Fresh Start<sup>106</sup>:**

The District Attorney's Office allows individuals with active warrants for non-violent and low-level misdemeanor or traffic cases an opportunity to resolve their cases outside of court and thus not incurring a criminal record.

## ***Dismissing or Not Prosecuting Low-Level Offenses***

Recognizing the importance of reducing incarceration, many prosecutor offices are dismissing old offenses that they no longer charge, or those that impose an unnecessary and unreasonable burden on citizens. In some cases, this burden comes in the form of onerous fines and fees. In other cases, the re-examination is driven by current or future legalization of the crime or concerns about disproportionate and unfair application of the law. Marijuana possession is a good example of such a law. Prosecutors in states where marijuana is legal, and even in some states where marijuana is still illegal, are taking measures to dismiss old marijuana convictions and are developing policies not to prosecute these low-level cases. Covering every state participating in this emerging trend is beyond the scope of this article. However, a few examples of prosecutor initiatives to reduce the impact of fines and fees and the impact of low-level offenses are highlighted below.

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102 *Clean Slate Day*, Wichita Bar Association, <https://www.wichitabar.org/page/CleanSlate> (last visited Feb. 16, 2020).

103 *Id.* See also, <https://www.kansas.com/news/local/crime/article235312132.html>

104 For the full program summary, see *PCE's California Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20200113-California-Innovation-Report.pdf>

105 See <https://timesofcbd.com/non-profit-code-for-america-expands-tech-to-help-expunge-marijuana-convictions/>

106 For the full program summary, see *PCE's Colorado Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191203-Colorado-Innovation-Report.pdf>

## Program Examples

### **New York County District Attorney's Office (Manhattan), NY**

*Population: 1,630,000 | Number of Full-Time Prosecutors: 525*

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#### **Subway Fare Evasion:**

The District Attorney will no longer prosecute people who jump subway turnstiles unless there is a specific public safety reason to move forward with the prosecution.<sup>107</sup> These cases are now handled through a civil summons.

### **Shelby County District Attorney General's Office (Memphis), TN**

*Population: 935,764 | Number of Full-Time Prosecutors: 112*

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#### **Unlicensed Driving Dismissals<sup>108</sup>:**

Historically, unlicensed driving cases were disposed of through the payment of a fine, and if that fine was unpaid, it could lead to incarceration and additional fines. The majority of the cases were from Memphis, which is a city with little public transportation and a high rate of poverty. Driving is often the only way Memphians can get to work or do other normal tasks of daily living. An arrest for unlicensed driving is particularly devastating for the poor who cannot pay the fine and can become trapped in a downward spiral as the fines mount, incarceration is imposed, and jobs are lost. To ameliorate this hardship, in 2019, District Attorney Weirich dismissed 21,901 unlicensed driver cases pursuant to her policy that she will only prosecute unlicensed driving cases that are associated with serious aggravating circumstances, such as cases involving injuries and death.<sup>109</sup>

### **Onondaga County District Attorney's Office, NY**

*Population: 461,809 | Number of Full-Time Prosecutors: 50*

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#### **Marijuana Conviction Expungement:**

Although marijuana has not been legalized yet in New York, the District Attorney's Office is expunging 8,120 marijuana violations. An additional 692 misdemeanor marijuana convictions will also be expunged. The office proactively examined violations from up to twenty years ago and has requested that individuals with marijuana convictions from beyond twenty years contact them for expungement.<sup>110</sup>

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107 See <https://www.nydailynews.com/new-york/nyc-crime/da-stops-prosecuting-fare-beaters-leading-arraignment-drop-article-1.3870710>

108 For the full program summary, see *PCE's Tennessee Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191201-Tennessee-Report-Final.pdf>

109 See <https://finesandfeesjusticecenter.org/articles/shelby-county-district-attorney-declines-to-prosecute-driving-on-a-suspended-license-where-underlying-suspension-is-for-unpaid-fines-and-fees/>

110 See <https://www.syracuse.com/news/2019/01/100s-of-pot-convictions-tossed-under-das-plan-a-simple-matter-of-justice.html>



*Jiri Hera/Shutterstock.com*

## **Kauai County Office of the Prosecuting Attorney, HI**

*Population: 72,133 | Number of Full-Time Prosecutors: 16*

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### **Driving without a License or Insurance:<sup>111</sup>**

The office implemented a new policy to reduce penalties for driving without a license or insurance, because the offenses are often linked to poverty and trigger license suspensions. If a traffic infraction is treated as a repeat violation, Hawaii law imposes harsher penalties and detention. Because this disproportionately impacts the economically disadvantaged, the prosecutor treats these infractions as first-time violations, regardless of prior history, and will consider dismissing cases where warranted.

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<sup>111</sup> See <https://theappeal.org/politicalreport/prosecutors-hawaii-maryland-kentucky-virginia-reform-marijuana-bail-driving/>

# Innovations in Alternatives to Sentencing and Diversion

Over several decades, prosecutors have developed programs that intervene at a pre-disposition stage to re-route offenders and to identify and address the root causes of criminal behavior.<sup>112</sup>

## ***Alternatives to Sentencing***

### Program Examples

#### **Waterbury State's Attorney's Office, CT**

*Population: 226,338 | Number of Full-Time Prosecutors: 17*

##### **Early Screening and Intervention Program<sup>113</sup>:**

Prosecutors and resource counselors collaboratively review low-level offenses to ensure that cases are disposed with minimal court involvement, and cases presenting underlying social service needs receive assistance that will reduce future contact with the criminal justice system.



*Nicola Forenza/Shutterstock.com*

<sup>112</sup> See Melissa Labriola, *Research on Prosecutor-Led Pretrial Diversion Programs*, presented April 1, 2014 at The Center for Evidence-Based Crime Policy at GMU and the Pretrial Justice Institute Present: Pretrial Justice: Research Evidence and Future Prospects, [https://www.youtube.com/watch?v=3T3accWbD\\_U](https://www.youtube.com/watch?v=3T3accWbD_U); see also *No Entry: A National Survey of Criminal Justice Diversion Programs and Initiatives, Executive Summary*, CENTER FOR HEALTH AND JUSTICE AT TASC, (Dec. 2013), [http://www2.centerforhealthandjustice.org/sites/www2.centerforhealthandjustice.org/files/publications/CHJ%20Diversion%20Report\\_ExecSumm.pdf](http://www2.centerforhealthandjustice.org/sites/www2.centerforhealthandjustice.org/files/publications/CHJ%20Diversion%20Report_ExecSumm.pdf) (last visited Dec. 17, 2019); *Pretrial Diversion in the 21<sup>st</sup> Century: A National Survey of Pretrial Diversion Programs and Practices*, NATIONAL ASSOCIATION OF PRETRIAL SERVICES AGENCIES, 2009, available at <http://www.pacenterofexcellence.pitt.edu/documents/Pretrial%20Diversion%20in%20the%2021st%20Century.pdf>, (last visited Dec. 17, 2019). See also John L. Worrall, *Prosecutors in Problem-Solving Courts*, in *THE CHANGING ROLE OF THE AMERICAN PROSECUTOR*, (John L. Worrall & M. Elaine Nugent-Borakove, eds., 2008).

<sup>113</sup> For the full program summary, see *PCE's Connecticut Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2019/11/20190717-Connecticut-Prosecutor-Innovations-PCE.pdf>

## Wise County Commonwealth Attorney's Office, VA

Population: 38,500 | Number of Full-Time Prosecutors: 8

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### Wise Works<sup>114</sup>:

Aims to help low-risk offenders facing jail time continue to 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. 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.

## Washington County District Attorney's Office, NY

Population: 61,197 | Number of Full-Time Prosecutors: 6

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### Addiction and Domestic Violence Diversion<sup>115</sup>:

The prosecutor works with local judges, Probation Officers, Sheriff's Officers, and their Alternatives to Incarceration Department, to implement diversion programs on an individual basis in each local court for people struggling with addiction or domestic violence issues.

## Misdemeanor and Felony Diversion for Adults and Juveniles

In previous years, diversion was generally limited to individuals that committed low-level offenses.<sup>116</sup> However, as part of the movement to reduce incarceration and instead address the root cause of an individual's criminal behavior, diversion for certain felonies is also being implemented.

## Program Examples

### Maricopa County Attorney's Office (Phoenix), AZ

Population: 4,500,000 | Number of Full-Time Prosecutors: 260

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### Felony Pretrial Intervention Program<sup>117</sup>:

The program strives to reduce recidivism by requiring defendants to complete a variety of treatment programs that address the root cause of their criminal behavior. Because treatment programs are tailored to each defendant's individual needs, the program produces more effective outcomes for the individual and the community. In 2020, this program will be

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114 For the full program summary, see PCE's Virginia Prosecutor Innovations report:

<https://pceinc.org/wp-content/uploads/2019/11/20190717-Virginia-Prosecutor-Innovations-PCE.pdf>

115 For the full program summary, see PCE's New York Prosecutor Innovations report:

<https://pceinc.org/wp-content/uploads/2020/01/20191201-New-York-Report-Final.pdf>

116 *The 19th Judicial District in Mississippi implements a pretrial diversion program for first time, non-violent offenders.* <http://www.msda19.com/home/programs/pre-trial-diversion-program/>

117 For the full program summary, see PCE's Arizona Prosecutor Innovations report:

<https://pceinc.org/wp-content/uploads/2020/01/20191201-Arizona-Innovation-Report-.pdf>

combined with Maricopa’s Drug Diversion program.<sup>118</sup> As part of the new combined program, a behavioral health organization will offer six diversion tracks for offenders who will be categorized as low to very high risk.

## **Alameda County District Attorney’s Office (Oakland), CA**

*Population: 1,600,000 | Number of Full-Time Prosecutors: 155*

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### **Justice Restoration Project<sup>119</sup>:**

This program focuses on successful outcomes for young adults who are on felony probation or who have been charged with certain felony crimes. It strives to reduce and eliminate recidivism and to provide the resources and processes for individuals to build bright futures. It moves away from the process of repeatedly jailing low-level offenders without providing necessary services to fix the root issues. Participants are paired for 18 months with La Familia coaches who have similar life experiences, and who can provide dedicated engagement and mentorship. Coaches coordinate with trained professionals to streamline access to an array of services that is otherwise challenging for participants to navigate without support.

## **Douglas County Attorney’s Office (Omaha), NE**

*Population: 468,262 | Number of Full-Time Prosecutors: 66*

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### **Operation Youth Success<sup>120</sup>:**

Certain juveniles who have been charged with a misdemeanor, felony, traffic, and/or status offense are referred to the Douglas Juvenile Center for possible diversion from further court involvement. Youth are assessed using standardized, objective assessment instruments (Youth Level of Service and Diagnostic Predictive Scale) to identify risk of re-offense, needs, education-related problems, strengths and protective factors. The County Attorney’s Office reviews all recommendations and provides final approval for diversion case plans. Community agencies and service providers enhance the program’s capabilities, which helps to successfully meet each youth’s specific and unique needs.

## **St. Joseph County Prosecutor’s Office, IN**

*Population: 270,771 | Number of Full-Time Prosecutors: 30*

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### **Felony and Misdemeanor Pretrial Diversion<sup>121</sup>:**

Pretrial diversion programs that were previously reserved only for misdemeanor offenses, now include individuals who have been charged with low-level, non-violent felonies.

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118 See <https://kjzz.org/content/1384206/maricopa-county-attorneys-office-changes-structure-diversion-programs>

119 For the full program summary, see *PCE’s California Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20200113-California-Innovation-Report.pdf>

120 See <https://operationyouthsuccess.org/>

121 For the full program summary, see *PCE’s Indiana Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2019/11/20190819-Indiana-Prosecutor-Innovations-PCE.pdf>



*Rawpixel.com/Shutterstock.com*

## **Kenton County Commonwealth's Attorney's Office, KY**

*Population: 165,000 | Number of Full-Time Prosecutors: 11*

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### **Foundations for a Better Life<sup>122</sup>:**

Prosecutors identify defendants with potential to avoid recidivism and invite them to enroll in the Foundations for a Better Life program, which is 12-weeks long and focuses on addressing five domains of life: physical, financial, spiritual, emotional, and relational. The program is primarily used for felony cases, however prosecutors can also reduce felonies to misdemeanors on the condition that the Foundations program be completed. On occasion, prosecutors also dismiss cases outright when Foundations is completed.

## **4<sup>th</sup> Circuit Solicitor's Office, SC**

*Population: 170,704 | Number of Full-Time Prosecutors: 10*

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### **Community Service<sup>123</sup>:**

A unique aspect of most adult diversion programs offered by the solicitor's office is that certain offenders have an alternative way to complete a portion of their community service hours. Offenders can choose to purchase items that benefit local community service groups in need, which counts towards up to half of their community service. This assists important, yet struggling organizations in the community, while helping low-level offenders who are employed more easily maintain their current jobs and attend their required diversionary education or treatment classes.

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122 For the full program summary, see *PCE's Kentucky Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191127-Kentucky-Report-FINAL.pdf>

123 For the full program summary, see *PCE's South Carolina Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191024-South-Carolina-Report-Final.pdf>

## Red River Parish District Attorney's Office – 39th Judicial District, LA

*Population: 8,500 | Number of Full-Time Prosecutors: 1*

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### **Individualized Treatment<sup>124</sup>:**

For those offenders who are deserving of a second chance, the prosecutor's office attempts to match them with the appropriate treatment programming, rather than incarceration, in an effort to reach a long-term sustainable solution. This often saves careers, families, and the community from the inevitable effects of criminal behavior.

## **Restorative Justice**

Restorative justice is a unique program that focuses not on punishment, but on having offenders make amends directly to the people they affected by often coming face-to-face with the victims they have committed crimes against.<sup>125</sup> Prosecutor offices in small and large counties alike are recognizing the value of restorative justice and are able to implement it for a wide variety of crimes. The size of the jurisdiction often informs the crimes that might be best suited for restorative justice, but the same core principals of the process apply with success all over the country.

## Program Examples

### **Polk County Attorney's Office, IA**

*Population: 487,204 | Number of Full-Time Prosecutors: 55*

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### **Restorative Justice Center<sup>126</sup>:**

The Center offers mediation and restorative justice services that are free of charge and include neighborhood, school, truancy, and child mediation in addition to victim and offender panels. 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.

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124 For the full program summary, see *PCE's Louisiana Prosecutor Innovations report*:

<https://pceinc.org/wp-content/uploads/2019/11/20190528-Louisiana-Prosecutor-Innovations-PCE.pdf>

125 Michell Byars, *Face to face with victims: Boulder County to expand restorative justice*, Dailycamera, (July 19, 2014), [http://www.dailycamera.com/boulder-county-news/ci\\_26176550/face-face-victims-boulder-county-expand-restorative-justice](http://www.dailycamera.com/boulder-county-news/ci_26176550/face-face-victims-boulder-county-expand-restorative-justice).

126 For the full program summary, see *PCE's Iowa Prosecutor Innovations report*:

<https://pceinc.org/wp-content/uploads/2019/11/20190819-Iowa-Prosecutor-Innovations-PCE.pdf>



*Photographee.eu/Shutterstock.com*

## **Kent County Prosecutor's Office, MI**

*Population: 650,000 | Number of Full-Time Prosecutors: 36*

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### **Restorative Justice and Juveniles<sup>127</sup>:**

The restorative justice program, which takes place after charging, is open to juvenile offenders with at least one prior offense and a current charge of Assault and Battery, Malicious Destruction of Property, or Larceny. Participation by offenders and victims is completely voluntary. If the parties agree to participate, they attend a meeting led by a trained facilitator where the criminal behavior and its impact are openly discussed. The parties then create their own agreement regarding the appropriate way to deal with the incident. This may include apologies, restitution, community service, or service to the victim directly to repair the damage.

## **Boulder County District Attorney's Office, CO**

*Population: 324,073 | Number of Full-Time Prosecutors: 32*

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### **Restorative Justice and Services<sup>128</sup>:**

The program provides high-quality restorative services for youth and adults that include community group conferencing, victim-offender dialogue, and restorative justice processes for drug or alcohol-related violations. Through these services, victims and harmed individuals, community members, and family members are empowered to participate in a facilitated

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127 For the full program summary, see *PCE's Michigan Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2019/11/20190529-Michigan-Prosecutor-Innovations-PCE.pdf>

128 For the full program summary, see *PCE's Colorado Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191203-Colorado-Innovation-Report.pdf>

restorative justice process that supports the person who committed the crime to take meaningful responsibility and repair the harm created by their actions. It can be empowering and healing for victims to ask, “why me?”; and it forces the juvenile offender to see the direct consequences of his actions.<sup>129</sup> It is believed to be a strong deterrent for future crimes.<sup>130</sup>



*Boulder County: Restorative justice staff receive an award.*

## **La Plata County District Attorney’s Office, CO**

*Population: 55,541 | Number of Full-Time Prosecutors: 11*

### **La Plata County Restorative Justice<sup>131</sup>:**

This small office in the city of Durango uses restorative justice in property cases, neighbor disputes, and community-based crimes, including traffic offenses and others. Highly trained facilitators screen the cases to ensure they are appropriate and conduct the restorative justice events, including victim-offender dialogues and community conferences.

<sup>129</sup> Michell Byars, *Face to face with victims: Boulder County to expand restorative justice*, Dailycamera, (July 19, 2014), [http://www.dailycamera.com/boulder-county-news/ci\\_26176550/face-face-victims-boulder-county-expand-restorative-justice](http://www.dailycamera.com/boulder-county-news/ci_26176550/face-face-victims-boulder-county-expand-restorative-justice).

<sup>130</sup> *Id.*

<sup>131</sup> For the full program summary, see *PCE’s Colorado Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191203-Colorado-Innovation-Report.pdf>

# Innovations in Collaboration with the Courts

Prosecutors have improved the criminal justice system by creating and collaborating on specialty courts. Over several decades, prosecutors have developed programs that intervene at a pre-disposition stage to re-route offenders and to identify and address the root causes of criminal behavior.<sup>132</sup> Prosecutors have cooperated with partners from all spheres of the criminal justice system to establish mental health courts and veterans' courts, which are designed to divert offenders from incarceration in favor of treatment and services.

Prosecutors involved in these specialized courts serve a very different function from their traditional role, working as part of a collaborative team focusing on the treatment of the defendant, as long as the risk to public safety is minimal. Thirty years ago, this collaboration fell far outside the purview of the prosecutor's responsibilities. Now prosecutors are addressing the needs of veterans and people with mental illnesses or drug addictions who previously were marched through the criminal justice system and into jail.<sup>133</sup> In the past, jails and prisons were tasked with determining and administering "treatment."<sup>134</sup> But, as prosecutors today focus heavily on strategies for crime prevention and recidivism reduction, specialized courts are a means of implementing those goals.

Although the below examples represent very few of the innovations, they illustrate how prosecutors are influencing alternatives to incarceration.

## Community Courts

These courts handle low-level crimes and, unlike standard criminal courts, use community-service and treatment for the offender as the primary forms of sanction. One of the earliest of these courts, the Red Hook Community Justice Center in Brooklyn, New York, was developed in 2000 through a partnership of non-profit agencies, the court system, and prosecutors, where prosecutors work collaboratively with community members to achieve restorative justice.<sup>135</sup> In this model

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<sup>132</sup> See Melissa Labriola, *Research on Prosecutor-Led Pretrial Diversion Programs*, presented April 1, 2014 at *The Center for Evidence-Based Crime Policy at GMU and the Pretrial Justice Institute Present: Pretrial Justice: Research Evidence and Future Prospects*, [https://www.youtube.com/watch?v=3T3accWbD\\_U](https://www.youtube.com/watch?v=3T3accWbD_U); see also *No Entry: A National Survey of Criminal Justice Diversion Programs and Initiatives, Executive Summary*, CENTER FOR HEALTH AND JUSTICE AT TASC, (Dec. 2013), [http://www2.centerforhealthandjustice.org/sites/www2.centerforhealthandjustice.org/files/publications/CHJ%20Diversion%20Report\\_ExecSumm.pdf](http://www2.centerforhealthandjustice.org/sites/www2.centerforhealthandjustice.org/files/publications/CHJ%20Diversion%20Report_ExecSumm.pdf) (last visited Jan. 16, 2020); *Pretrial Diversion in the 21<sup>st</sup> Century: A National Survey of Pretrial Diversion Programs and Practices*, NATIONAL ASSOCIATION OF PRETRIAL SERVICES AGENCIES, 2009, available at <http://www.pacenterofexcellence.pitt.edu/documents/Pretrial%20Diversion%20in%20the%2021st%20Century.pdf> (last visited Dec. 17, 2019). See also John L. Worrall, *Prosecutors in Problem-Solving Courts*, in *THE CHANGING ROLE OF THE AMERICAN PROSECUTOR*, (John L. Worrall & M. Elaine Nugent-Borakove, eds., 2008).

<sup>133</sup> See *People with Mental Illnesses Involved in the Criminal Justice System: Hearing Before the H. Subcomm. on Oversight and Investigations of the Energy and Commerce Comm.*, 113th Cong. (2014) (statement of J. Steve Leifman, Chair of Supreme Court of Fla. Task Force on Substance Abuse and Mental Health Issues in the Courts), <http://mentalillnesspolicy.org/imd/judgeleifmanpsychhospitaltestimony.pdf>.

<sup>134</sup> See *People with Mental Illnesses Involved in the Criminal Justice System: Hearing Before the H. Subcomm. on Oversight and Investigations of the Energy and Commerce Comm.*, 113th Cong. (2014) (statement of J. Steve Leifman, Chair of Supreme Court of Fla. Task Force on Substance Abuse and Mental Health Issues in the Courts), <http://mentalillnesspolicy.org/imd/judgeleifmanpsychhospitaltestimony.pdf>.

<sup>135</sup> The Redhook Community Justice Center was the country's first multi-jurisdictional community court, handling

the offender is arrested, charged, and arraigned in the Community Court before a judge, with the prosecutor and defense counsel participating in the case. Unlike traditional courts, the focus of the Community Court is to work with the community to solve problems and help the defendant with appropriate services. In Fulton County, Georgia, the District Attorney's Office implements a community court that is focused on a two-mile area where most crime occurs. The court handles quality of life crimes in an effort to reduce recidivism and improve the community.<sup>136</sup>

## Program Examples

### Windham State's Attorney's Office, VT

*Population: 42,756 | Number of Full-Time Prosecutors: 7*

#### **Brattleboro Community Justice Center (CJC)<sup>137</sup>:**

Police or prosecutors can refer people directly to the CJC at the time of arrest, as an alternative to court. This differs slightly from court diversion in the jurisdiction, as the CJC accepts people pre-charge, rather than at a defendant's first court appearance. The State's Attorney's Office refers people both to the pre-charge program and to court diversion, depending on the individual case. Typically, offenders that are referred pre-charge have committed an offense that lends itself to the community justice, restorative justice approach, or is too minor to warrant the formal criminal justice system.

## **Drug/Alcohol /Addiction Court**

In drug courts, as with many alternative-to-incarceration programs, the prosecutor's role is generally collaborative rather than adversarial, with an emphasis on recovery and productivity in society rather than punishment.<sup>138</sup> For offenders with substance abuse addictions, prosecutors have, for decades, been building programs that offer non-incarceratory treatment to foster rehabilitation as well as deterrence. For instance, the Drug Treatment Alternative to Prison Program (DTAP), established in Brooklyn in 1990 and now available to defendants throughout New York City, was the first prosecution-led residential drug treatment program in the country.<sup>139</sup> Having developed over time, these prosecutor-run programs are now widespread.<sup>140</sup> Around the same

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Family Court, Housing Court, and Criminal Court matters. It was developed by the Center for Court Innovation, in close collaboration with the Brooklyn District Attorney's Office and the Office of Court Administration. A group of prosecutors with specific knowledge of the neighborhood are assigned to work at this "problem-solving" center, prosecuting and sentencing some defendants in the traditional manner but more frequently, recommending a sentence that incorporates the rehabilitative services that the Center provides, such as treatment for substance abuse, anger management classes, GED classes, and youth groups. Red Hook Community Justice Center Bureau, The Brooklyn District Attorney's Office, <http://www.brooklynda.org/red-hook-community-court/> (last visited Dec. 17, 2019).

136 See <https://www.atlantafultoncountyda.org/community/community-court/>

137 See [https://www.sentinelsource.com/news/front\\_and\\_center/modeled-on-vermont-fledgling-cheshire-county-program-sees-justice-through/article\\_4861d127-8a61-599f-94e7-b6e6cc0ad714.html](https://www.sentinelsource.com/news/front_and_center/modeled-on-vermont-fledgling-cheshire-county-program-sees-justice-through/article_4861d127-8a61-599f-94e7-b6e6cc0ad714.html)

138 See *The Role of the Prosecutor in Drug Courts*, STATE OF COLORADO JUDICIAL DEPARTMENT, [https://www.courts.state.co.us/userfiles/file/Administration/Planning\\_and\\_Analysis/Problem%20Solving%20Courts/The%20Role%20of%20the%20Prosecutor%20in%20Drug%20Court.pdf](https://www.courts.state.co.us/userfiles/file/Administration/Planning_and_Analysis/Problem%20Solving%20Courts/The%20Role%20of%20the%20Prosecutor%20in%20Drug%20Court.pdf) (last visited Dec. 17, 2019).

139 See *Program Profile: Drug Treatment Alternative to Prison (DTAP)*, NATIONAL INSTITUTE OF JUSTICE, at <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=89> (last visited Dec. 17, 2019).

140 *Cook County State's Attorneys Office Misdemeanor Deferred Prosecution Program*, COOK COUNTY STATE'S ATTOR-

time that DTAP and similar programs were developing, prosecutors were partnering with courts, the defense bar, and addiction treatment professionals to create specialized drug courts.<sup>141</sup> Such courts are now available in almost every jurisdiction in the country.<sup>142</sup>

## Program Examples

### Denver District Attorney's Office, CO

*Population: 716,492 | Number of Full-Time Prosecutors: 94*

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#### **Sobriety Court<sup>143</sup>:**

This special, misdemeanor treatment court was developed to reduce the recidivism of drunk driving in the city and county of Denver. It targets adults (18+) charged with repeat impaired driving misdemeanor offenses. The program is designed for individuals who need a structured, intensive program and have a willingness to receive treatment for substance abuse. Individuals have alcohol and other substance abuse, and addiction issues. The program is voluntary and eligibility is based on legal and clinical screening. It consists of five phases and is approximately 14-24 months in duration.

### Erie County District Attorney's Office, NY

*Population: 919,719 | Number of Full-Time Prosecutors: 91*

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#### **Opiate Intervention Court<sup>144</sup>:**

Established in May of 2017, the court was the first of its kind and accepts defendants that have committed misdemeanors or non-violent felonies. The defendant receives immediate

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NEY'S OFFICE, available at <https://www.cookcountystatesattorney.org/resources/misdemeanor-diversion-programs> (last visited Dec. 17, 2019); Bram Kranichfeld, Pre-Arrestment Alternative Justice Programs in Vermont, REPORT TO THE GENERAL ASSEMBLY, OCTOBER 1, 2014; located at <http://docplayer.net/2206472-Pre-arrestment-alternative-justice-programs-in-vermont.html> (last visited Dec. 17, 2019); Maricopa County, Arizona's Felony Pretrial Intervention Program: Felony Pretrial Intervention Program, MARICOPA COUNTY ATTORNEY'S OFFICE, <https://www.maricopacountyattorney.org/168/Felony-Pretrial-Intervention-Program> (last visited Dec. 19, 2019); Essex County Drug Diversion Program, ESSEX DISTRICT ATTORNEY'S OFFICE, <http://www.mass.gov/essexda/prevention-and-intervention/school-safety/essex-county-drug-diversion-program.html> (last visited Dec. 17, 2019). For a collaborative D.A.-community not-for-profit program, see The Choice is Yours, JEVS HUMAN SERVICES, <https://jevshumanservices.org/job-readiness-career-services/the-choice-is-yours/> (last visited Dec. 17, 2019). In 2012, the Philadelphia D.A.'s office partnered with JEVS HUMAN SERVICES, a non-profit offering various community assistance, and created The Choice is Yours (TCY), a highly successful diversion program for first time, non-violent felony offenders facing one to two-year prison sentences. If the offender successfully completes the program, his criminal record can be expunged. TCY has received notice for its early success: as of 2013 it had a recidivism rate of only 5%. Laura Goldman, The Choice is Yours, Philadelphia District Attorney's Program for Young Drug Dealers Succeeds with Minimal Recidivism, HUFFPOST POLITICS, (Oct. 9, 2013), [http://www.huffingtonpost.com/laura-goldman/the-choice-is-yours-phila\\_b\\_3732718.html](http://www.huffingtonpost.com/laura-goldman/the-choice-is-yours-phila_b_3732718.html).

141 The Miami-Dade County drug court was the first drug court established in 1989. *History, Justice Professionals Pursue a Vision*, NATIONAL ASSOCIATION OF DRUG COURT PROFESSIONALS, <http://www.nadcp.org/treatment-courts-work/>. For more information about drug courts, see David Mitchell, Ojmarrh Mitchell, & Doris Mackenzie, *A systematic review of drug court effects on recidivism*, 2 J. EXPERIMENTAL CRIMINOLOGY 459-487 (2006).

142 See <https://www.ncjrs.gov/pdffiles1/nij/238527.pdf>

143 See <https://www.denverda.org/denver-problem-solving-courts/> (last visited Feb. 15, 2020)

144 See <http://www2.erie.gov/da/index.php?q=press/da-joins-buffalos-chief-judge-announcing-countrys-first-opiate-intervention-court> (;last visited Feb. 15,2020)

treatment without having to plead guilty. The primary objectives of the court are to allow the defendant to receive treatment instead of incarceration, adjourn the case indefinitely, and dispose of the case once the defendant completes treatment.

## 24<sup>th</sup> Circuit Commonwealth’s Attorney’s Office, KY

*Population: 50,886 | Number of Full-Time Prosecutors: 3*

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### **Pre-Trial Release to Rehab<sup>145</sup>:**

The office partners with Addiction Recovery Care (ARC) to implement a Pre-trial Release to Rehab (PARTS) program in a rural setting, offering residential and outpatient treatment to aid drug-addicted offenders in achieving sobriety. In order to be eligible, the defendant must be charged with a felony and an agreement must exist between the prosecution and defense referring them to the program.

## Kane County Attorney’s Office, UT

*Population: 7,537 | Number of Full-Time Prosecutors: 2*

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### **Community Recovery Program<sup>146</sup>:**

This treatment-focused, intensive probation program helps alcohol and drug dependent offenders achieve self-sufficiency and sobriety after sentencing. It serves between 10-20 individuals and lasts approximately 6 to 12 months.



*New Africa/Shutterstock.com*

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145 For the full program summary, see *PCE’s Kentucky Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191127-Kentucky-Report-FINAL.pdf>

146 For the full program summary, see *PCE’s Utah Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/02/20200216-Utah-Innovation-Report-Final.pdf>

## **Mental Health Court**

Mental health courts take a similar approach to drug courts. The more than 300 mental health courts in the United States are an interdisciplinary endeavor.<sup>147</sup> With a singular goal of providing treatment and services to certain mentally ill offenders, mental health courts depend on a “problem-solving” team of prosecutors, defense attorneys, judges, law enforcement and correctional officers, mental health professionals, and service providers.<sup>148</sup>

In the typical model, prosecutors hold a screening function, determining which defendants and crimes are appropriate for diversion. They are also instrumental in designing the appropriate treatment plan, ensuring the protection of public safety, and sometimes advocating for the victim’s wishes as well.<sup>149</sup>

Mental health courts are a valuable resource in jurisdictions large and small. In a county comprised of 130,000 residents, the Strafford, New Hampshire County Attorney’s Office in collaboration with other partners has lead a Mental Health Court since 2007.<sup>150</sup> It involves a three-phase intervention program designed for adults with one or more misdemeanor-level offenses and who are eligible for appropriate services with community partners or qualifying mental health agencies. In 2014, the much larger Ocean County, New Jersey Prosecutor’s Office founded the Mental Health Diversion Program using funds from the county as well as a grant from the Attorney General’s Office.<sup>151</sup> With the increasing focus on mental health issues in the criminal justice system, and with support from federal, state, and local governments, these programs and the role of the prosecutor in shaping them, continue to expand.<sup>152</sup>

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147 *Mental Health Courts*, Justice Center, THE COUNCIL OF STATE GOVERNMENTS: COLLABORATIVE APPROACHES TO PUBLIC SAFETY, <https://csgjusticecenter.org/projects/mental-health-courts/> (last visited Dec. 18, 2019).

148 See e.g. *Mental Health Courts: A Primer for Policymakers and Practitioners*, JUSTICE CENTER, THE COUNCIL OF STATE GOVERNMENTS, <https://csgjusticecenter.org/publications/mental-health-courts-a-primer-for-policymakers-and-practitioners/> (last visited Dec. 18, 2019).

149 In Manhattan, the District Attorney’s Office partnered with the Office of Court Administration and the defense bar to create the Manhattan Mental Health Court in 2011, with prosecutors playing a significant role in the approval and monitoring of each case. *District Attorney Vance, Chief Judge Lippman Announce Opening of Mental Health Court in Manhattan*, NEW YORK COUNTY DISTRICT ATTORNEY’S OFFICE (Mar. 16, 2011), <http://manhattanda.org/press-release/district-attorney-vance-chief-judge-lippman-announce-opening-mental-health-court-manha>. The prosecutors in the Special Litigation Unit of the Manhattan District Attorney’s Office, who have specialized knowledge about mental health issues, staff the MMHC. Before each case is called, the prosecutor, the defense attorney, judge, case manager and resource coordinator meet in chambers to discuss eligibility, compliance, sanctions, and program advancement. The prosecutor also works with the defense attorney to draft a plea agreement and recommends sanctions where the defendant has violated the agreement. See, e.g., Erin J. Farley, *A Process Evaluation of the Manhattan Mental Health Court*, CENTER FOR COURT INNOVATION (Jan. 2015), <http://www.courtinnovation.org/sites/default/files/documents/MMHC%20Process%20Evaluation%20Final.pdf>.

150 See, <https://www.co.strafford.nh.us/2012-09-24-10-52-34/mental-health-court>

151 *Ocean County Prosecutor Marks Start of Mental Health Diversion Program*, OCEAN COUNTY PROSECUTOR’S OFFICE, (Sept. 23, 2014), <https://ocponj.gov/programs-initiatives/programs/>.

152 *Justice and Mental Health Collaboration Program (JMHC)*, BUREAU OF JUSTICE ASSISTANCE, U.S. DEPARTMENT OF JUSTICE, [https://www.bja.gov/ProgramDetails.aspx?Program\\_ID=66](https://www.bja.gov/ProgramDetails.aspx?Program_ID=66) (last visited Dec. 18, 2019).

## Program Examples

### Miami-Dade State Attorney's Office, FL

Population: 2,752,000 | Number of Full-Time Prosecutors: 300

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#### **Criminal Mental Health Project (CMHP):**

One of the most cutting-edge mental health courts established in large part by a local judge with the cooperation of prosecutors, defense attorneys, mental health professionals, law enforcement, and corrections has both a pre-arrest component (where specially trained law enforcement officers respond to crises involving mentally ill people, de-escalate the situation, and provide access to services where appropriate in lieu of arrest) and a post-arrest component (where certain defendants charged with misdemeanors and low-level felonies are offered mental health treatment and services in lieu of incarceration).<sup>153</sup> This court has been replicated around the country.



Chanintorn.v/Shutterstock.com

### Yolo County District Attorney's Office, CA

Population: 220,408 | Number of Full-Time Prosecutors: 42

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#### **Yolo County Mental Health Court<sup>154</sup>:**

Yolo County prosecutors have focused additional attention on defendants who commit crimes as a result of serious mental illness, ultimately benefiting both the community and

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<sup>153</sup> *Pre-Booking Diversion Crisis Intervention Team Policing (CIT)*, ELEVENTH JUDICIAL CIRCUIT DISTRICT OF FLORIDA, <https://www.jud11.flcourts.org/Pre-Booking-Diversion> (last visited Dec. 18, 2019); *People with Mental Illnesses Involved in the Criminal Justice System: Hearing Before the H. Subcomm. on Oversight and Investigations of the Energy and Commerce Comm.; Post-Booking Diversion*, ELEVENTH JUDICIAL CIRCUIT DISTRICT OF FLORIDA, [HTTPS://WWW.JUD11.FLCOURTS.ORG/POST-BOOKING-DIVERSION](https://www.jud11.flcourts.org/POST-BOOKING-DIVERSION) (LAST VISITED DEC. 18, 2019). See also John S. Goldkamp and Cheryl Irons-Guynn, *Emerging Judicial Strategies for the Mentally Ill in the Criminal Caseload: Mental Health Courts in Fort Lauderdale, Seattle, San Bernardino, and Anchorage*, BUREAU OF JUSTICE ASSISTANCES (April 2000), <https://www.ncjrs.gov/pdffiles1/bja/182504.pdf> (last visited Dec. 18, 2019).

<sup>154</sup> For the full program summary, see *PCE's California Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20200113-California-Innovation-Report.pdf>

the offender. Through the mental health court program, participants receive community treatment services with the aim of increasing the participant's insight into their mental illness, reducing recidivism, and enhancing public safety.

## **Veterans' Court**

Veterans' courts are closely related to both mental health courts and drug courts, and the prosecutor plays a similar role, often serving more as a social worker than as a traditional prosecutor.<sup>155</sup> Prosecutors work collaboratively with social service providers to identify and recommend treatment and services for mental health, drug addiction, joblessness, homelessness, and re-entry into society after combat.<sup>156</sup> In the San Diego County District Attorney's Office for example, a selection committee evaluates potential candidates for the San Diego Veterans Court, requiring that there be a nexus between the criminal offense and the candidate's military-related mental health issue.<sup>157</sup>

## **Program Examples**

### **Dauphin County Attorney's Office, PA**

*Population: 275,710 | Number of Full-Time Prosecutors: 30*

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#### **Veterans' Treatment Court:**

A specialized criminal court docket runs the program involving veterans charged with criminal offenses, by diverting eligible veteran-defendants with substance dependency and/or mental illness. The court substitutes treatment for traditional court processing. Veterans are identified through specialized screening and assessments, and voluntarily participate in a judicially supervised treatment plan that a team of court staff, veteran health care professionals, veteran peer mentors, health care professionals, and mental health professionals develop. Treatment plans and other conditions are periodically reviewed at status hearings for appropriateness, incentives are offered to reward adherence to court conditions, and sanctions for non-adherence are handed down.<sup>158</sup>

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155 Spencer Michels, *In Veterans Courts, prosecutors become social workers for the accused*, PBS NEWS HOUR, (Feb. 24, 2015), <http://www.pbs.org/newshour/updates/surprise-prosecutors-social-workers-vets>.

156 <http://www.pbs.org/newshour/updates/surprise-prosecutors-social-workers-vets>. See also *Veteran's Alternative to Incarceration Program*, ROCKLAND COUNTY DISTRICT ATTORNEY, <https://rocklandgov.com/departments/district-attorney/prevention-and-intervention/veterans-alternative-to-incarceration-program> (last visited Dec. 18, 2019).

157 *Veterans Court*, SAN DIEGO COUNTY DISTRICT ATTORNEY, <http://www.sdccda.org/prosecuting/veterans/veterans-court.html> (last visited Dec. 18, 2019).

158 *Veterans' Court*, DAUPHIN COUNTY, PENNSYLVANIA, DISTRICT ATTORNEY, <https://dauphin.crimewatchpa.com/da/310/content/veterans-court> (last visited Dec. 17, 2019).

## Cascade County Attorney's Office, MT

*Population: 81,643 | Number of Full-Time Prosecutors: 15*

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### **Multi-Disciplinary Team<sup>159</sup>:**

A dedicated, multidisciplinary team of approximately 20 individuals oversees the Veterans Treatment Court and includes representatives from the Montana VA Health Care System, the Cascade County Attorney's Office, two independent counselors, Vet Center counselors, and over a dozen mentors who guide veterans through treatment.

## Rhode Island Office of the Attorney General (statewide initiative, all counties included in below figures)

*Population: 1,056,161 | Number of Full-Time Prosecutors: 60*

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### **Veteran's Court<sup>160</sup>:**

The Veteran's Court provides qualified veteran or active military persons suffering from PTSD or other service-related challenges with wrap-around services through the court. The ultimate goal is to provide them with the necessary tools to lead a productive and law-abiding life.

## **Specialty Court Division**

### Program Example

## Washoe County District Attorney's Office, NV

*Population: 465,735 | Number of Full-Time Prosecutors: 63*

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### **Specialty Court<sup>161</sup>:**

The Specialty Court Division is a unit of prosecutors who only work in the specialty courts. The prosecutors who work in these courts handle a wide variety of crimes committed by special populations including youth, veterans, those struggling with addiction, and more. The prosecutor's diversion staff use the District Attorney's case management system to track, analyze, and organize the complex procedures of the specialty court caseload and compile reports that provide useful statistical information for the office, such as the pass/fail rates for individual court programs.

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159 For the full program summary, see *PCE's Montana Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2019/11/20190809-Montana-Prosecutor-Innovations-PCE.pdf>

160 See <http://www.riag.ri.gov/CriminalUnit/VeteransCourt.php>

161 For the full program summary, see *PCE's Nevada Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2019/11/20190823-Nevada-Prosecutor-Innovations-PCE.pdf>

# Violence Prevention Programs

The traditional approach to violence has been to arrest, charge, and prosecute the offender. Though this part of a prosecutor's job remains, prosecutors are now looking at violence from a different angle. Prosecutors are now asking: What can we do to prevent violence? This question has spurred much of the innovation described in this paper. Here are a few examples of programs specifically addressing violence reduction.

## **Youth Violence Reduction**

### Program Example

#### **East Baton Rouge Parish District Attorney's Office – 19<sup>th</sup> Judicial Parish, LA**

*Population: 450,000 | Number of Full-Time Prosecutors: 54*

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##### **TRUCE<sup>162</sup>:**

This program was established as a 501(c)(3) nonprofit organization with the express purpose of reducing violence in Baton Rouge. The mission of TRUCE is to identify and support the youth of the East Baton Rouge community who are at risk by providing them and their communities continued outreach and resources. The program is a partnership between the prosecutor, the police, and local businesses. A prosecutor is in charge of the program.

## **Domestic Violence Reduction**

### Program Examples

#### **Essex County Prosecutor's Office, NJ**

*Population: 808,285 | Number of Full-Time Prosecutors: 129*

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##### **Sanctuary Program<sup>163</sup>:**

This program provides crisis intervention training as it relates to domestic violence to community members, police departments, social service agencies, religious groups, and other allied organizations. It equips and empowers a wide variety of citizens to effectively respond to victims of intimate partner violence-related assault, sexual assault, child abuse, and survivors of homicide victims who were killed as a result of intimate partner violence. Sanctuary training is a free, intensive, and interactive 80 - 120-hour program that takes place at the Essex County Prosecutor's Office.

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162 For the full program summary, see *PCE's Louisiana Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2019/11/20190528-Louisiana-Prosecutor-Innovations-PCE.pdf>

163 For the full program summary, see *PCE's New Jersey Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2019/11/20190801-New-Jersey-Prosecutor-Innovations-PCE.pdf>

## Denver District Attorney's Office, CO

*Population: 716,492 | Number of Full-Time Prosecutors: 94*

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### **Domestic Violence Liaison<sup>164</sup>:**

A Senior Deputy from the District Attorney's Office is embedded in the Rose Andom Center, Colorado's first family justice center, as a DV Liaison. In this capacity, the Deputy acts as the primary liaison between the domestic violence detectives and the District Attorney's Office, and is responsible for intake, review of search warrants, and assisting with triage. Additionally, the Senior Deputy conducts trainings for the District Attorney's Office, Denver Police Department, and community agencies, and represents the office in various community meetings.

### **Firearms Relinquishment Investigator<sup>165</sup>:**

This investigator, also housed at Rose Andom, works closely with the Senior Deputy. They are responsible for collection of information relating to firearm possession by domestic violence offenders, with the goal of removing firearms from their control as soon as possible in order to ensure victim safety.



*Denver District: Photo Courtesy of: Rose Andom Website*

## Stearns County Attorney's Office, MN

*Population: 159,256 | Number of Full-Time Prosecutors: 30*

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### **Felony Domestic Violence Court and Domestic Violence Partnership<sup>166</sup>:**

To be eligible for the program, offenders must be charged in Stearns County with a felo-

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<sup>164</sup> For the full program summary, see *PCE's Colorado Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191203-Colorado-Innovation-Report.pdf>

<sup>165</sup> *Id.*

<sup>166</sup> For the full program summary, see *PCE's Minnesota Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191203-Minnesota-Report.pdf>

ny-level domestic violence-related offense against a spouse, former spouse, significant other, or against an individual with whom they share a child. The offender is additionally required to have at least one prior felony domestic violence-related charge and a felony conviction within the preceding 15 years. Once accepted into the program, offenders participate in intensive pre-trial release supervision and subsequently, post sentence supervision. Offenders must comply with intensively enforced court ordered conditions of release. Such conditions may include electronic home monitoring, drug and alcohol testing, a domestic abuse no contact order, mandatory weekly compliance hearings, a daily schedule, and curfew enforcement. The goal is to reduce future domestic violence.

## 5<sup>th</sup> Judicial District Attorney's Office, NM

*Population: 192,470 | Number of Full-Time Prosecutors: 25*

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### **Violence Prevention Program<sup>167</sup>:**

The program is available to certain offenders charged with Battery on a Household Member and without a felony conviction in the past ten years. Once accepted, participants are enrolled in a one-year program which entails completing 52 weeks of counseling, alcohol and drug screening, and treatment. Participants who successfully complete the VPP avoid the stigma of formal criminal prosecution and conviction. They do not lose their right to bear arms, and most importantly, successful completion of the program promotes healthy relationships, allows victims to receive restitution, and possibly prevents repeat offenses as a result of early intervention.

## Marquette County Prosecutor's Office, MI

*Population: 66,502 | Number of Full-Time Prosecutors: 6*

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### **Domestic Violence Blueprint for Safety<sup>168</sup>:**

The Blueprint looks at all the aspects of a coordinated community response to domestic violence with an ever-present focus on how the overall criminal justice system response impacts victim safety and offender accountability. It was initially developed by Praxis International and implemented in St. Paul, Minnesota. To implement the Blueprint, the Marquette County Prosecutor identified an isolated high crime area of the county that constituted 9.4% of the total county population yet accounted for 23.4% of the total charged domestic violence cases in the county. The county-wide Blueprint Coordinator works for the Prosecutor, and the county-wide Blueprint Advocate works for the Women's Center, which is located in a high-crime area. The Advocate conducts focus groups with victim survivors, collects data, and provides constructive feedback to project partners.

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167 For the full program summary, see *PCE's New Mexico Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2019/11/20190924-New-Mexico-Prosecutor-Innovations-PCE.pdf>

168 For the full program summary, see *PCE's Michigan Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2019/11/20190529-Michigan-Prosecutor-Innovations-PCE.pdf>

## ***Collaboration with Tribal Authorities to Reduce Violence***

### **Pennington County State's Attorney's Office, SD**

*Population: 110,140 | Number of Full-Time Prosecutors: 23*

**Oglala Sioux Tribe Programs:** The State's Attorney's Office has a variety of programs to improve community relations and trust with the local tribal nations, principally the Oglala Sioux Tribe. Prosecutors go to the reservations to work with tribal members to clear warrants, and to resolve and dismiss cases, when appropriate. The office assists tribal members with obtaining valid identification, which helps to reduce high bonds and unnecessary arrests. For tribal members who suffer from substance abuse, the office uses a culturally sensitive residential program for drug and alcohol treatment, as well as diversion and a culturally appropriate drug/alcohol aftercare program.



*aerogondo2/Shutterstock.com*

# Innovations in Re-Entry

Alternatives to incarceration and diversion programs are only appropriate for certain offenders, and many others are prosecuted traditionally and, when convicted, sentenced to prison. But the modern prosecutor's role does not end there. Concern for reducing recidivism has led prosecutors to establish and lead re-entry programs, where recently released prisoners are provided with certain supports in order to help them abide by the law and remain self-sufficient.<sup>169</sup>

In San Diego, for instance, the District Attorney successfully advocated for a bill codifying a prisoner re-entry program.<sup>170</sup> There, sentenced defendants work with the Department of Probation to develop a "Life Plan" which sets forth goals for the incarceration period as well as re-entry into the community.<sup>171</sup> Similarly, the King County Prosecutor in Washington has pushed for a bill, which has since passed, authorizing a Certificate for Restoration of Opportunity (CROP), which would function "as a receipt that proves a person has fulfilled the conditions of a sentence or is in substantial compliance with paying off fines." Adults and juveniles meeting certain criteria can now apply for a CROP and can receive assistance by attending two CROP clinics that occur bi-monthly in Seattle.<sup>172</sup> The intent is to help released prisoners avoid collateral consequences of their imprisonment.<sup>173</sup>

Prosecutor-assisted re-entry programs are a prime example of the evolving role of prosecutors over time: whereas these programs have been traditionally managed by corrections departments and social services agencies, prosecutors around the country, even in the federal justice system, are now creating and contributing to these programs long after the underlying criminal prosecution is over.

## **Programs for Ex-Offenders**

### Program Examples

#### **Delaware Attorney General's Office (statewide initiative, all three counties included in below figures)**

*Population: 957,078 | Number of Full-Time Prosecutors: 110*

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#### **What's Next<sup>174</sup>:**

Community Engagement Unit runs a forum providing support for families who have a loved one returning to the community after serving a prison sentence. The forum is composed of

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<sup>169</sup> See, e.g., *Life Plan Prisoner Reentry Program*, San Diego County District Attorney, <https://www.crimesolutions.gov/ProgramDetails.aspx?ID=543> (last visited Dec. 19, 2019).

<sup>170</sup> *Id.*

<sup>171</sup> *Id.*

<sup>172</sup> See [https://www.courts.wa.gov/forms/documents/CROP%20Brochure%20Courts\\_2016%202012.pdf](https://www.courts.wa.gov/forms/documents/CROP%20Brochure%20Courts_2016%202012.pdf)

<sup>173</sup> Dan Satterberg & Brady Walkinshaw, *Inmates re-entering society should not face lifetime barriers to work*, THE SEATTLE TIMES, (Feb. 16, 2015), <https://www.seattletimes.com/opinion/inmates-re-entering-society-should-not-face-lifetime-barriers-to-work/>.

<sup>174</sup> For the full program summary, see *PCE's Delaware Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2019/11/20190919-Delaware-Prosecutor-Innovations-PCE.pdf>

two parts: first, a panel that will speak to attendees about the types of issues that recently-released individuals and their families encounter as that individual embarks on his/her re-entry journey, and second, various agencies that will set up resource tables that family members can visit after the panel discussion. An integral member of the Community Engagement Unit staff is formerly incarcerated.



*Community Engagement Specialist Corie Priest engages with an attendee of a “What’s Next” panel.  
Photo Courtesy of: Chris Both*

## **Albany County District Attorney’s Office, NY**

*Population: 307,117 | Number of Full-Time Prosecutors: 39*

### **Clean Slate<sup>175</sup>:**

This program aims to steer young adults away from the traditional criminal justice system, by both avoiding criminal conviction and addressing the harsh realities that ex-offenders often face after re-entering society. It is a collection of three programs (*Reclamation, Restoration, and Redemption*), which collectively strive to redirect youth away from the criminal justice system, promote re-entry resources and services to formally incarcerated individuals and their families, and clear records of criminal convictions for non-violent or low-level offenders who have shown positive rehabilitation.

<sup>175</sup> For the full program summary, see *PCE’s New York Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191201-New-York-Report-Final.pdf>

## Muskegon County Prosecutor's Office, MI

*Population: 173,588 | Number of Full-Time Prosecutors: 16*

### **Empowering Ex-Offenders in Transition (EXIT)<sup>176</sup>:**

Program strives to eliminate recidivism for parents with felony convictions in order to help them transform into productive citizens with full time employment. It engages government, education, business, health and human services, and institutions of faith in establishing a collaborative system of programs, services, and support that give offenders the skills to be productive employees and support themselves and their families.

Three program phases span approximately 12 weeks. Eligible applicants must enroll in the program while still incarcerated, be felony convicted fathers or men who might become fathers (35 years and under), live in the area codes that serve Muskegon and Muskegon Heights, and be eligible for early release from jail upon completion of Phase 3 as determined by the prosecuting attorney. Over 300 participants have entered the program since 2014 and over 90% have completed both Phase 1 and 2, leading to an employment rate of over 60%.



*Representatives from the Administrative Team of EXIT, Muskegon County Public Defender's Office, Sheriff Michael Poulin, Muskegon County Sheriff's Office, State Probation, Muskegon*

<sup>176</sup> For the full program summary, see *PCE's Michigan Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2019/11/20190529-Michigan-Prosecutor-Innovations-PCE.pdf>

## **Education Programs for Incarcerated Individuals and Prosecutors**

### Program Examples

#### **New York County District Attorney's Office (Manhattan), NY**

*Population: 1,630,000 | Number of Full-Time Prosecutors: 525*

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##### **Inside Criminal Justice<sup>177</sup>:**

In this joint initiative involving the Manhattan D.A. Academy, the Institute for Innovation in Prosecution at John Jay College of Criminal Justice, and the Center for Justice at Columbia University, prosecutors participate in a semester-long seminar alongside incarcerated individuals. The seminar aims to encourage in-depth and respectful conversation about the criminal justice system between prosecutors and incarcerated individuals who are both 'students' in the seminar, culminating in jointly-authored policy proposals. Course materials and discussions focus on the analysis of the criminal justice system and the ways that it impacts individuals and communities.

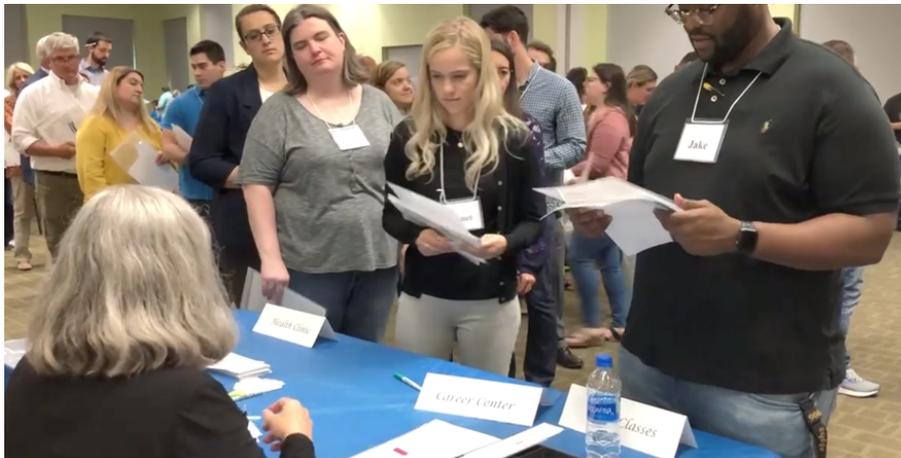
#### **Delaware Attorney General's Office (statewide initiative, all three counties included in below figures)**

*Population: 957,078 | Number of Full-Time Prosecutors: 110*

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##### **Re-entry Simulation for Prosecutors<sup>178</sup>:**

The Community Engagement Unit played an integral role in the Re-entry Simulation that the Delaware Criminal Division participated in at the end of May 2019. The simulation was designed to give criminal prosecutors the perspective of a person re-entering society after serving a prison sentence. The simulation highlighted the barriers and obstacles faced by those making the transition.



*Deputy Attorneys General attend a re-entry simulation organized by the Delaware Attorney General's Office and the Delaware U.S. Attorney's Office.*

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<sup>177</sup> See <https://www.prosecution.org/inside-criminal-justice>

<sup>178</sup> For the full program summary, see *PCE's Delaware Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2019/11/20190919-Delaware-Prosecutor-Innovations-PCE.pdf>

## PART II

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# INNOVATIONS WITHIN AND AMONG PROSECUTOR OFFICES



Just as District Attorneys have long been engaging in collaborative initiatives ranging from crime prevention to alternatives to incarceration, they have also been creating initiatives, programs and units within their own offices designed to improve their justice-seeking function.

One long standing example is victim/witness programs that provide victim/witness services such as counseling and advocacy.<sup>179</sup> These programs assist victims and witnesses during all stages of a criminal prosecution, with services including crisis intervention and emergency services, orientation to the criminal justice system, notification about the status of a case, and support to prevent witness intimidation before, during, and after a court appearance.<sup>180</sup> Almost all, if not all, prosecutors' offices offer either in-house services or referrals to centers providing victim and witness services such as the ones described above.<sup>181</sup> Even smaller offices such as Warren County, New York, with only six assistant district attorneys, has had a Victim Assistance Program since 1997.<sup>182</sup>

Because it would be impossible to document the thousands of internal initiatives that prosecutors have developed to address their local priorities, this section presents only a sampling of initiatives. The programs and units described below, such as crime strategies units, conviction review units, ethics training, initiatives to reduce implicit racial bias, and Best Practices Committees, illustrate just some of the creative and cutting-edge ideas that are emerging from within the prosecutor's office. And once again, these initiatives demonstrate that the prosecutor's role has evolved in comprehensive, far-reaching, and meaningful ways.

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179 Victim/witness services vary greatly from office to office. In some states, statutes mandate the services that prosecutors must provide to victims throughout the pendency of the case. *See, e.g.*, MASS. GEN. LAWS ch. 258B, § 3 (2012). Other offices contract with outside agencies to provide support for victims and witnesses. The Manhattan DA established one of the first in-office witness aid units (WASU) in 1975, first with the sole focus of obtaining corroborating affidavits from victims and witnesses, and later adding counseling and social services. Telephone interview with WASU staff member (Sept. 21, 2015). WASU has an office within the District Attorney's Office in downtown Manhattan as well as an uptown office to serve victims and witnesses all over the city. *Witness Aid Services Unit*, NEW YORK COUNTY DISTRICT ATTORNEY'S OFFICE, <https://www.manhattanda.org/about-the-office/bureaus-and-units/> (last visited Dec. 19, 2019).

180 *See, e.g., Victim Services*, SAN BERNARDINO COUNTY DISTRICT ATTORNEY, <https://sbcountyda.org/victim-services/> (last visited Aug. 18, 2020); *Victim Witness Services*, WESTMORELAND COUNTY PENNSYLVANIA, <http://www.co.westmoreland.pa.us/index.aspx?NID=305> (last visited Dec. 18, 2019); *Victim Advocates*, TULSA COUNTY DISTRICT ATTORNEY, <http://www.da.tulsacounty.org/Home/Victim> (last visited Dec. 19, 2019).

181 *See also section on Resources for Children and Families infra.*

182 *Victim Assistance Program*, WARREN COUNTY DISTRICT ATTORNEY'S OFFICE, <http://www.warrencountyny.gov/da/vap> (last visited Dec.18, 2019).

# Best Practices Committees

As prosecutors continue to move their practice forward, there is no better means of improvement than collaboration about the many new and complex issues faced by the criminal justice system. Statewide prosecutor-led Best Practices Committees have formed in over twenty states in the past few years, with more under consideration.<sup>183</sup> The committees are made up of head prosecutors, senior prosecutors, and prosecution coordinators, from all regions of the state, and provide a process for collaborative policy work. Prosecutors' Center for Excellence, which is focused on improving the criminal justice system and analyzing emerging issues, supports these committees with technical assistance and substantive information.<sup>184</sup> At meetings held several times a year, the statewide Best Practices Committee members discuss core issues that face prosecutors, such as bail, officer involved shootings, police worn cameras, ethics, advances in forensic evidence, and ways to prevent erroneous convictions.<sup>185</sup> The goal is to share new ideas and to learn from one another. When new practices or reforms are suggested, the committee representatives bring the ideas back to their offices and statewide associations to be evaluated in greater detail, and where possible, committee members work together to form a cohesive statewide policy.<sup>186</sup>

For instance, through the New York Best Practices Committee, prosecutors spearheaded statewide identification procedures and protocols for video recording interrogations that were adopted by the state's police departments in 2010.<sup>187</sup> In collaboration with the Ethics Committee of the District Attorney's Association of New York State, the Best Practices Committee issued an ethics guide called "The Right Thing." This guide has been adopted in various states around the country.<sup>188</sup>

Best Practices Committees in other states are taking the lead on a variety of issues as well. The Pennsylvania District Attorney's Association Best Practices Committee created statewide guidelines on "Disclosing Potential Credibility Issues Involving Police Witnesses".<sup>189</sup> The Colorado Best Practices Committee has issued "white papers" regarding body-worn cameras, recording of

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183 See, for example, Arizona (<http://pceinc.org/states/arizona/>), California (<http://pceinc.org/states/california/>), Colorado (<http://pceinc.org/states/colorado/>), Idaho (<http://pceinc.org/states/idaho/>), Illinois (<http://pceinc.org/states/illinois/>), Indiana (<http://pceinc.org/states/indiana/>), Iowa (<http://pceinc.org/states/iowa/>), Kansas (<http://pceinc.org/states/kansas/>), Kentucky (<http://pceinc.org/states/kentucky/>), Louisiana (<http://pceinc.org/states/louisiana/>), Maryland (<http://pceinc.org/states/maryland/>), Michigan (<http://pceinc.org/states/michigan/>), Missouri (<http://pceinc.org/states/missouri/>), Nevada (<http://pceinc.org/states/nevada/>), New York (<http://pceinc.org/states/new-york/>), North Carolina (<http://pceinc.org/states/north-carolina/>), Pennsylvania (<http://pceinc.org/states/pennsylvania/>), South Carolina (<http://pceinc.org/states/south-carolina/>), Tennessee (<http://pceinc.org/states/tennessee/>), Utah (<http://pceinc.org/states/utah/>), and Virginia (<http://pceinc.org/states/virginia/>) have established Best Practices Committees, although some committees use different names. Some committees are more active than others.

184 See <http://pceinc.org/our-capabilities/>

185 See PCE's map and select the "Best Practice Committee Formed" radial button to see states that have established a Best Practice Committee <https://pceinc.org/services/#map>

186 Kristine Hamann and Rebecca Rader Brown, *Best Practices for Prosecutors, A Nationwide Movement*, CRIMINAL JUSTICE MAGAZINE, AMERICAN BAR ASSOCIATION, Vol. 31, No. 1, (Spring 2016).

187 Kristine Hamann, *Police, District Attorneys Unveil Statewide Identification Procedures*, NEW YORK LAW JOURNAL, (Dec. 14 2010)

188 See, Ethics issues <http://pceinc.org/issues/ethics/>

189 See <https://www.pdaa.org/pdaa-offers-guidelines-on-disclosing-potential-credibility-issues-involving-police-witnesses/>

interrogations, and proffer agreements with defendants that have served as the basis for training of police and other law enforcement members.<sup>190</sup> The Colorado Committee also collaborated with the Innocence Project to pass legislation governing identification procedures.<sup>191</sup> In North Carolina, prosecutors created several guides including an ethics manual, a guide for handling post-trial relief motions, an open-file discovery training, a guide for investigating and prosecuting police use of force cases, and a white paper on body cameras.<sup>192</sup> The California District Attorney Association (CDA) Foundation hosted a “Conviction Review Forum” in collaboration with the Northern California Innocence Project in June of 2016. This day-long training provided information about the development of a Conviction Review Unit and enhanced the relationship between prosecutors and the Innocence Project.<sup>193</sup>

Not only do Best Practices Committees bring together prosecutors from within a state, but they also encourage the sharing of information between states. Since late 2014, prosecutors from around the country have been meeting at Regional or National Best Practices Committee meetings.<sup>194</sup> These meetings have been crucial in allowing prosecutors to learn how their colleagues in other states are analyzing critical issues. As the collaboration grows, prosecutors in one state are benefiting from the work of the committee in another state.<sup>195</sup>

It is encouraging to note that the number of national prosecutor organizations dedicated to supporting prosecutors is growing and flourishing. These organizations include [Aequitas](#), [Association of Prosecuting Attorneys](#), [Fair and Just Prosecution](#), the [Institute for Innovation in Prosecution](#), [National Association of Prosecution Coordinators](#), the [National District Attorneys Association](#) and [Prosecutors’ Center for Excellence](#).



*District Attorneys Association of the State of New York’s Best Practices Committee*

<sup>190</sup> See, e.g., *Body-Worn Cameras: A Report for Law Enforcement*, COLORADO BEST PRACTICES COMMITTEE FOR PROSECUTORS (2015) available at <http://pceinc.org/wp-content/uploads/2015/07/Colorado-Link-2.pdf>; see also *Professionalism and Ethics, Use of Body-Worn Cameras By Law Enforcement: Considerations, Issues, and Concerns*, WASHINGTON ASSOCIATION OF PROSECUTING ATTORNEYS BEST PRACTICES COMMITTEE (Jun. 29, 2015), available at <http://pceinc.org/wp-content/uploads/2015/07/Washington-Link-1.pdf>.

<sup>191</sup> *Innocence Project Lauds Colorado’s Enactment of Eyewitness ID Reform*, THE INNOCENCE PROJECT (Apr. 17, 2015), <http://www.innocenceproject.org/innocence-project-lauds-colorados-enactment-of-eyewitness-id-reform/>.

<sup>192</sup> See <http://pceinc.org/states/north-carolina/>

<sup>193</sup> See <https://law.scu.edu/northern-california-innocence-project/unprecedented-collaboration-ncip-presents-at-cdaa-conviction-review-forum/>

<sup>194</sup> To see PCE’s national meeting locations, <https://pceinc.org/events/categories/past-events/>

<sup>195</sup> For example, See *Body-Worn Cameras: Concerns and Considerations*, North Carolina Conference of District Attorneys for the North Carolina Best Practices Committee (2015), <http://www.ncdistrictattorney.org/newsroom/Body-Worn-Cameras.pdf> (citing the Colorado report on body-worn cameras.)

# Conviction Review Units

Since as early as 2002, with the acknowledgment that erroneous convictions have occurred, prosecutors have been “taking affirmative steps to safeguard and improve the integrity of their cases” by creating internal Conviction Review Units or a conviction review process.<sup>196</sup> The specific procedures differ from office to office, but they generally have a dual function: to review claims of actual innocence by convicted defendants, and to reduce the risk of wrongful convictions by establishing reforms and creating guidelines within the prosecutor’s office.<sup>197</sup> Prosecutors in these units not only investigate and confront claims of erroneous convictions, but also learn from the past and incorporate the most effective investigation and prosecution techniques to move their offices forward towards justice. After all, the most reliable way to reduce wrongful convictions is to conduct a proper investigation and prosecution in the first instance.

Conviction Review Units (CRUs) are a growing trend in all sized offices that have the resources to support a unit. There are a growing number of CRUs across the country, including in Santa Clara, CA (the first unit of its kind, established in 2004), Wayne County, MI, Wyandotte County, KS, Oneida County, NY and Dallas, TX.<sup>198</sup> Typically, one or more prosecutors assigned to the unit are in charge of reviewing or delegating the review of claims of actual innocence. Attorney Generals are also starting conviction review units to provide support to prosecutor offices that may have a conflict or do not have the resources to conduct the needed investigation.<sup>199</sup>

Another role for some Conviction Review prosecutors is to set office policy regarding discovery and Brady material, proper identification procedures, best practices for the use of forensic evidence, videotaping of interrogations, and other key prosecutorial issues that improve the reliability of a conviction.<sup>200</sup> One Conviction Review Unit has created a list of considerations that help

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196 *National Exoneration Registry*, <https://www.law.umich.edu/special/exoneration/Pages/Conviction-Integrity-Units.aspx> (last viewed Feb. 16, 2020), Mike Ware, *Dallas County Conviction Integrity Unit and the Importance of Getting It Right the First Time*, 56 N.Y.L. SCH. L. REV. 1033 (2012); *Establishing Conviction Integrity Programs in Prosecutors’ Offices*, CENTER ON THE ADMINISTRATION OF CRIMINAL LAW 13 (2011), [http://www.law.nyu.edu/sites/default/files/upload\\_documents/Establishing\\_Conviction\\_Integrity\\_Programs\\_FinalReport\\_ecm\\_pro\\_073583.pdf](http://www.law.nyu.edu/sites/default/files/upload_documents/Establishing_Conviction_Integrity_Programs_FinalReport_ecm_pro_073583.pdf).

197 Hamann, K., Eagan, O., and Rogers, A. (October 2020). Conviction Review Today: A Guide for Prosecutors. Prosecutors’ Center for Excellence, <https://pceinc.org/wp-content/uploads/2020/10/20201019-Conviction-Review-Final.pdf>

198 Hamann, K., Eagan, O., and Rogers, A. (October 2020). Conviction Review Today: A Guide for Prosecutors. Prosecutors’ Center for Excellence, <https://pceinc.org/wp-content/uploads/2020/10/20201019-Conviction-Review-Final.pdf>.

David Greenwald, *Santa Clara District Attorney’s Conviction Integrity Unit Draws Praise From Reform Advocates*, THE PEOPLE’S VANGUARD OF DAVIS, (Mar. 12, 2013), <http://www.davisvanguard.org/2013/03/santa-clara-das-conviction-integrity-unit-draws-praise-from-reform-advocates>. See also; John Holloway, *Conviction Review* Units: A National Perspective, University of Pennsylvania Law School, Quattrone Center for the Fair Administration of Justice, 5, 12-13 (2016) <http://ssrn.com/abstract=2707809>; See also, Marisa Gerber, *L.A. County D.A. Jackie Lacey to unveil details on Wrongful Conviction Unit*, L.A. Times, (Sept. 21, 2015), <http://www.latimes.com/local/lanow/la-me-ln-conviction-integrity-unit-20150629-story.html>.

199 See the New Jersey Attorney General’s Office CIU <https://nj.gov/oag/opia/cru.html>, the Pennsylvania Attorney General’s CIU <https://www.law.com/thelegalintelligencer/2020/02/12/pa-attorney-general-launches-statewide-conviction-review-unit/?sreturn=20200116214235>, the Michigan Attorney General’s CIU <https://www.michigan.gov/som/0,4669,7-192-47796-494775--,00.html>, and the New York Attorney General’s CIU <https://ag.ny.gov/conviction-review-bureau>

200 *Establishing Conviction Integrity Programs in Prosecutors’ Offices*, Center on the Administration of Criminal Law 13 (2011), [http://www.law.nyu.edu/sites/default/files/upload\\_documents/Establishing\\_Conviction\\_Integrity\\_Pro](http://www.law.nyu.edu/sites/default/files/upload_documents/Establishing_Conviction_Integrity_Pro)

prosecutors identify or prevent possible weaknesses in their cases.<sup>201</sup> Through the Best Practices Committees, the list has been shared with prosecutors around the country.

Although it is certainly easier to establish CRUs in larger offices that have more personnel and money, some medium and smaller offices have adapted the typical model to better fit their budgets, as featured below. In New York State, prosecutors from larger offices help their smaller counterparts: The Committee on the Fair and Ethical Administration of Justice of the District Attorneys Association has created a Mutual Assistance Sub-Committee consisting of experienced prosecutors from throughout the state to assist prosecutors in smaller counties in the re-investigation of a credible claim of actual innocence.<sup>202</sup>

## Program Examples

### Lake County State's Attorney's Office, IL

*Population: 703,520 | Number of Full-Time Prosecutors: 75*

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#### **Conviction Integrity Unit and External Review Panel:**

The office established an external case review panel in a separate county, designating former prosecutors and retired judges as “special state’s attorneys” working independently from the Prosecutor’s Office and on a volunteer basis to re-investigate claims of actual innocence and create protocols for ensuring justice in future investigations and prosecutions.<sup>203</sup>

### Boulder County District Attorney's Office, CO

*Population: 324,073 | Number of Full-Time Prosecutors: 32*

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#### **Boulder County Conviction Integrity Unit<sup>204</sup>:**

The prosecutor worked with the Boulder Public Defender’s Office, the private defense bar, and Colorado University’s Innocence Project to establish the protocols and reviewing innocence claims. The procedures for the Unit are posted on the office’s website.<sup>205</sup>

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[grams\\_FinalReport\\_ecm\\_pro\\_073583.pdf](#) 4-7.

201 *Establishing Conviction Integrity Programs in Prosecutors’ Offices*, Center on the Administration of Criminal Law 13 (2011), [http://www.law.nyu.edu/sites/default/files/upload\\_documents/Establishing\\_Conviction\\_Integrity\\_Programs\\_FinalReport\\_ecm\\_pro\\_073583.pdf](http://www.law.nyu.edu/sites/default/files/upload_documents/Establishing_Conviction_Integrity_Programs_FinalReport_ecm_pro_073583.pdf).

202 See Hamann, K., Eagan, O., and Rogers, A. (October 2020). Conviction Review Today: A Guide for Prosecutors. Prosecutors’ Center for Excellence and Justice & Security Strategies Inc. and Kristine Hamann, *Getting It Right: Practical Approaches for 21st Century Prosecution*, N.Y.L.J., (Sept. 2013), at n. 5; Memorandum issued by the District Attorneys Association of The State Of New York, establishing Committee for Fair and Ethical Administration of Justice 2-3 (Aug. 2009) (on file with author).

203 Bob Susnajara, *Lake County wrongful-conviction review panel sworn in*, DAILY HERALD, (Feb. 22, 2013), <http://www.dailyherald.com/article/20130222/news/702229905>.

204 For the full program summary, see *PCE’s Colorado Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191203-Colorado-Innovation-Report.pdf>

205 See <https://www.bouldercounty.org/district-attorney/conviction-integrity-unit/> (last viewed December 27, 2019)

## Oneida County District Attorney's Office, NY

*Population: 229,577 | Number of Full-Time Prosecutors: 22*

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### **Conviction Integrity Review Panel:**

The panel was created in 2013 to review past convictions in light of recent advances in technology and police investigative techniques. Panel members include prosecutors, police officers, and a community member.<sup>206</sup>

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<sup>206</sup> Righting a Wrong: How Oneida Co. reviews convictions, [LOCALSyr.com](https://www.localsyr.com) (Nov.14, 2016), available at <https://www.localsyr.com/news/righting-a-wrong-how-oneida-co-reviews-convictions/>

# Crime Strategies Units

Prosecutors are adopting a new mindset: intelligence-driven prosecution. Through data and intelligence, the prosecutor can evaluate crime trends and develop initiatives to improve public safety rather than just proving individual cases. A Crime Strategies Unit (CSU) is the vehicle for implementing intelligence-driven prosecution. A CSU collects data and intelligence on crime patterns and individuals driving crime, analyzes the information, develops partnerships with related agencies and gathers input from the community on public safety issues. This work informs prosecutorial decisions ranging from crime initiatives to alternative sentencing, improves the flow of information into the prosecutor office, and provides support for individual prosecutions and investigations. Prosecutors that do not have the resources for a separate CSU, can develop processes within their office that provide the benefits of a CSU.<sup>207</sup>

## Program Examples

### **New York County District Attorney's Office (Manhattan), NY**

*Population: 1,630,000 | Number of Full-Time Prosecutors: 525*

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#### **Crime Strategy Unit<sup>208</sup>:**

The first Crime Strategy Unit (CSU) was created in the Manhattan District Attorney's Office. In the CSU, Manhattan is divided into five geographic areas, and a senior prosecutor is assigned to each area to work with local residents to analyze trends and solve problems. These prosecutors partner with investigators, community liaisons, and intelligence analysts to identify opportunities to reduce and prevent crime by improving the timely and accurate sharing of criminal intelligence gathered not only by the District Attorney's Office, but from other law enforcement agencies as well.

CSU work is informed by an innovative "Arrest Alert System", which immediately notifies CSU prosecutors, police, and parole officers when someone in the database is picked up on a minor parole violation or arrested in any part of New York City. The CSU prosecutor can then contact the local prosecutor to whom the case is assigned, and the offender in question can be appropriately prosecuted without slipping through the cracks.

In addition to Arrest Alert, the CSU works with data in furtherance of their mission to identify the city's biggest crime drivers. The CSU also leverages social media and other evidence, such as jail calls, to the fullest extent in the fight to reduce gang violence and other crimes.

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<sup>207</sup> <sup>208</sup> See, Kristine Hamann and Andrew Faisman, The Problem-Solving Prosecutor: Modern Variations on the Crime Strategies Unit, (11/2020). See also, <https://www.justice.gov/usao-mdla/new-baton-rouge-crime-strategies-unit-announced>. (In East Baton Rouge, two assistant district attorneys, three DA investigators, and one Assistant U.S. Attorney are assigned to work with the police crime strategies unit and data analysts.). See also Rob Nagle, *SF District Attorney Takes Crime Reduction into Neighborhoods*, THE EXAMINER, (Jan. 18, 2015), <http://archives.sfexaminer.com/sanfrancisco/sf-district-attorney-takes-crime-reduction-into-neighborhoods/Content?oid=2917009>. (The San Francisco Crime Strategies Unit consists of prosecutors working with data analysts and police using predictive analysis and other tools to analyze crime trends.)

<sup>208</sup> For the full program summary, see *PCE's New York Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191201-New-York-Report-Final.pdf>

## St. Louis Circuit Attorney's Office, MO

Population: 318,069 | Number of Full-Time Prosecutors: 60

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### Gun Crime Strategy:

Attorneys gather and use information to strengthen cases as well as for “focused deterrence” crime prevention.<sup>209</sup> The St. Louis Circuit Attorney's CSU, which was created to combat a massive wave of gun violence, works to target individuals who are involved in crime but who are also good messengers to groups at the epicenter of criminal activity, as being part of a group “that drives the violence” around the city.



Presslab/Shutterstock.com

## 14<sup>th</sup> Circuit Solicitor's Office, SC

Population: 286,000 | Number of Prosecutors 23

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### Career Criminal Unit<sup>210</sup>:

The Career Criminal Unit's goal is to identify and prosecute the “20%” of offenders responsible for the most crime regardless of the crime type. The Unit's skilled analysts and computer specialists use sophisticated analytical tools remotely from the state's Fusion Center to identify crime drivers, inform casework, prepare for trial, and assist law enforcement counterparts.

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<sup>209</sup> *Crime Strategies Unit Uses 'Moneyball' Crime Fighting*, ST. LOUIS POST-DISPATCH, (June 29, 2015), <http://www.govtech.com/public-safety/St-Louis-Mo-Crime-Strategies-Unit-Uses-Moneyball-Crime-Fighting.html>. The Kansas City CSU also follows the “focused deterrence” model.

<sup>210</sup> For the full program summary, see *PCE's South Carolina Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191024-South-Carolina-Report-Final.pdf>

# Data

There is a growing awareness amongst prosecutors that they need to make their data public and accessible. An increasing number of offices are doing just that by posting data on their websites, some of which are interactive for the public. This important step promotes transparency and accountability.

## Program Examples

### **Cook County State's Attorney's Office (Chicago), IL**

*Population: 5,211,000 | Number of Full-Time Prosecutors: 900*

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#### **Data Team:**

The office implemented a dedicated data team that provides case-level data, data reports, and data analysis trainings for the public.<sup>211</sup> Case-level datasets available via a data portal contain anonymized information about every felony case processed by the SAO dating back roughly to 2010.<sup>212</sup>

### **Philadelphia District Attorney's Office, PA**

*Population: 1,581,000 | Number of Full-Time Prosecutors: 300*

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#### **Data Website:**

The office created a website<sup>213</sup> that allows citizens to connect with and evaluate the prosecutor's office via published data. Currently, data is organized into daily summaries which are populated by offenses categorized and tracked by incident type. The website will continue to evolve over time.

### **Hennepin County Attorney's Office (Minneapolis), MN**

*Population: 1,259,428 | Number of Full-Time Prosecutors: 186*

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#### **Data Dashboard<sup>214</sup>:**

Instead of making individual data requests, the public can view comprehensive criminal case data from the last five years, updated every 24 hours on a dashboard. The dashboard is accessed through the County Attorney's website.

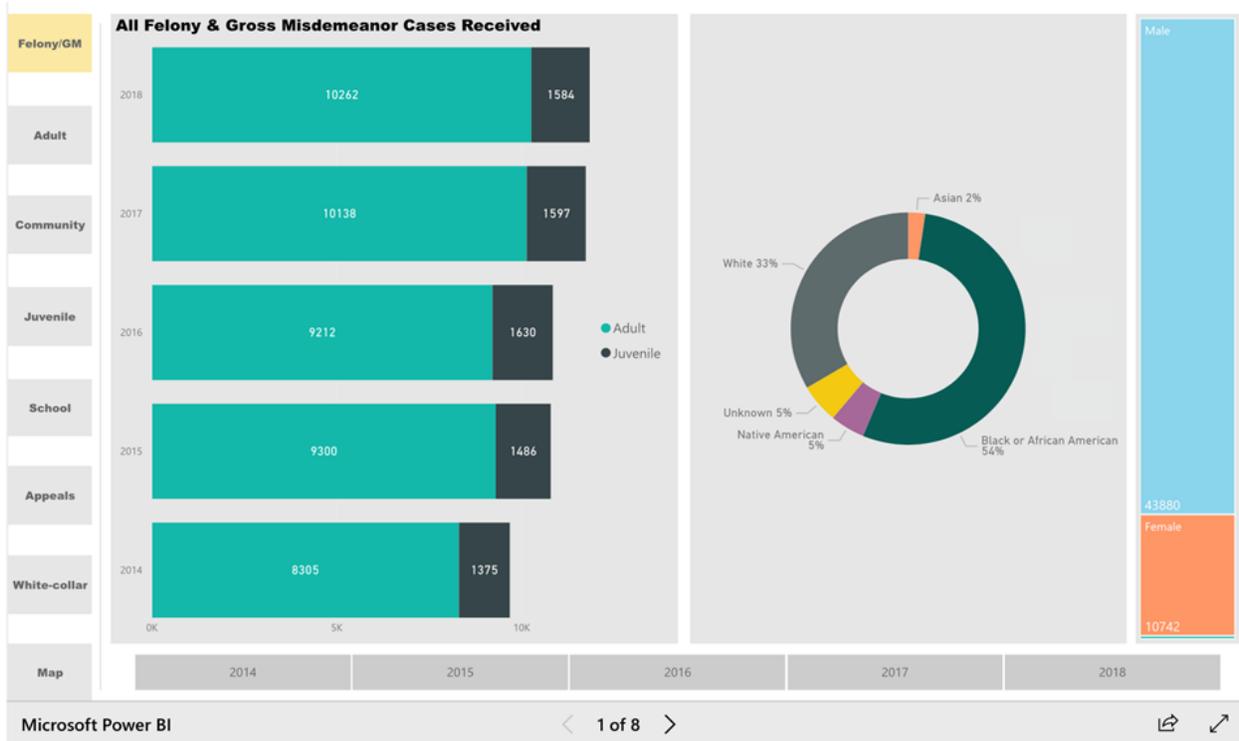
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211 See <https://www.cookcountystatesattorney.org/data>

212 See [https://datacatalog.cookcountyil.gov/browse?tags=state%27s+attorney+case-level&sortBy=most\\_accessed](https://datacatalog.cookcountyil.gov/browse?tags=state%27s+attorney+case-level&sortBy=most_accessed)

213 See <https://data.philadao.com>

214 For the full program summary, see *PCE's Minnesota Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191203-Minnesota-Report.pdf>



This image of the Data Dashboard shows information on felony and gross misdemeanor cases. To view the dashboard, [click here](#).

## 9<sup>th</sup> Circuit Solicitor’s Office, SC

Population: 626,996 | Number of Full-Time Prosecutors: 51

### Data Collection Program<sup>215</sup>:

The office has developed a data collection program where assistant prosecutors enter data and code results of court actions. The data relating to prosecutors’ sentence recommendations and reasons for dismissals allow for insightful analysis previously unavailable. Through the Solicitor’s website, the public now has access to the justifications and recommendations of the prosecutors for comparison to the resulting sentences.

<sup>215</sup> For the full program summary, see *PCE’s South Carolina Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191024-South-Carolina-Report-Final.pdf>

# Ethics

Closely tied to the forward-looking reforms that Conviction Integrity Units promote, many District Attorneys have, for some time now, put significant emphasis on ensuring that their prosecutors are aware of their ethical obligations. In New York, the Ethics and Best Practices subcommittees of the District Attorney's Association created a statewide ethics handbook, which has been used since 2011 to supplement existing ethics training around the state.<sup>216</sup> The handbook, "The Right Thing: Ethical Guidelines for Prosecutors," summarizes the ethical, constitutional, common law, and statutory rules that serve as the baseline for the prosecutor's conduct, and briefly addresses political activity by prosecutors.<sup>217</sup> This guide has inspired similar guides, such as in Minnesota, North Carolina, Virginia and Washington State.<sup>218</sup>

Based on a Manhattan DA model, the New York Best Practices Committee<sup>219</sup> also created a set of "case review questions", a guide designed to help line assistants throughout the state to assess whether there is any evidence that would indicate that the defendant did not commit the crime. Further, in New York, on a quarterly basis, the New York Prosecutor's Training Institute emails a bulletin to the state's prosecutors providing updates of recent court decisions involving ethical issues.<sup>220</sup> Additional ethics trainings are highlighted below.

## Program Examples

### Los Angeles County District Attorney's Office, CA

*Population: 10,105,518 | Number of Full-Time Prosecutors: 1,000*

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#### **Professional Responsibility Advisor:**

A deputy district attorney (DDA) is selected for this position to provide training and advice to prosecutors on their legal and ethical obligations. The DDA assists the District Attorney and her legal management team in fulfilling the office's mission to protect the community through the fair and ethical pursuit of justice. In order to fulfill this mission, the DDA provides ethics training to new deputy district attorneys and continuing legal education on ethics and the elimination of bias, as required by the State Bar of California, for all attorneys in the office. She also is available to consult with her colleagues on a variety of ethical issues

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<sup>216</sup> See generally, *The Right Thing: Ethical Guidelines for Prosecutors*, ETHICS AND BEST PRACTICES SUBCOMMITTEES OF THE DAASNY COMMITTEE ON THE FAIR AND ETHICAL ADMINISTRATION OF JUSTICE, (3d ed. 2015), available at <http://www.daasny.com/wp-content/uploads/2016/02/2016-Ethics-Handbook.pdf>.

<sup>217</sup> *Id.*

<sup>218</sup> See generally, *Professionalism and Ethics: A North Carolina Prosecutor's Guide*, NORTH CAROLINA CONFERENCE OF DISTRICT ATTORNEYS WITH ASSISTANCE FROM THE CHIEF JUSTICE'S COMMISSION ON PROFESSIONALISM (on file with author); *Ethical Guidelines and Expectations*, KING COUNTY PROSECUTING ATTORNEY'S OFFICE (Feb. 2015) (on file with author). Arizona prosecutors have also created a similar handbook, which includes a checklist for prosecutors to avoid misconduct during charging, plea negotiations, discovery, pretrial, and trial. See generally, Elizabeth Ortiz, *Prosecutorial Ethics*, ARIZONA PROSECUTING ATTORNEYS' ADVISORY COUNCIL (Mar. 22, 2013), <https://www.maricopacountyattorney.org/DocumentCenter/View/108/Prosecutorial-Ethics---A-Presentation-by-the-Arizona-Prosecuting-Attorneys-Advisory-Council-PDF?bidId=>.

<sup>219</sup> See Kristine Hamann and Rebecca Rader Brown, *Best Practices for Prosecutors, A Nationwide Movement*, Criminal Justice Magazine, American Bar Association, Vol. 31, No. 1, (Spring 2016), at 28.

<sup>220</sup> *Id.*

that include fulfilling their legal obligations to turn over exculpatory evidence to defense lawyers.<sup>221</sup>

## Hennepin County Attorney's Office (Minneapolis), MN

*Population: 1,259,428 | Number of Full-Time Prosecutors: 186*

### **Ethics Training:**

Using a training team composed of office employees, the team created video clips of situations where prosecutors had to confront ethical issues ranging from witnesses with mental health problems to lying police officers. During the training, the prosecutors and support staff voted on the most appropriate response to each situation and then debriefed about the various answers.<sup>222</sup>

## 13<sup>th</sup> Judicial Circuit Commonwealth's Attorney's Office, KY

*Population: 70,000 | Number of Full-Time Prosecutors: 3*

### **Ethics Videos:**

A local judge and the Commonwealth's Attorney have produced a trilogy of videos on prosecutorial ethics, which present common ethical problems, identify the ethical rules that govern prosecutors, and suggest ethical responses.<sup>223</sup> The training has been shown and discussed at prosecutors' conferences across the country.<sup>224</sup>



*Billion Photos/Shutterstock*

<sup>221</sup> See <http://da.co.la.ca.us/inside-LADA/spotlight-professional-responsibility-advisor>

<sup>222</sup> Memorandum from Michael O. Freeman, Hennepin County Attorney, on ETHICS Education Ideas – Focus on Brady/Giglio Issues, for NDAA Metropolitan Committee Members & NDAA Board Members (July 2015) (on file with author).

<sup>223</sup> See, e.g., *Ethics: The Movie III "The Cycle,"* Idaho Prosecuting Attorneys' Association 2013 Summer Conference Agenda, Idaho Prosecuting Attorneys Association.

<sup>224</sup> In 2007, the first movie in the trilogy was shown at a prosecutors' conference in Oklahoma. 2007 DAC/ODAA Annual Summer Conference, Oklahoma District Attorney Council & Oklahoma District Attorneys Association (2007), In 2009, the movie was shown at a Kentucky prosecutors' conference. KPC 2009 Program, Kentucky Prosecutors Conference (2009), In 2014, the movie was shown at a continuing legal education conference for the Kansas County and District Attorneys Association. Steve Kearney, KCDAA 2014 Year in Review, 11 Kan. Prosecutor, 1, 6 (2014).

# Implicit Bias/Racial and Ethnic Inequity

Over the past several years, the VERA Institute of Justice has partnered with several District Attorney's Offices including Milwaukee, Wisconsin; Mecklenburg, North Carolina; San Diego, California, and Manhattan, New York to identify and study instances of prosecutorial discretion that reflect implicit biases.<sup>225</sup> Although the findings of these studies were varied, the prosecutors nonetheless responded meaningfully and developed a variety of initiatives, some of which are detailed below.

A growing number of prosecutors are offering implicit bias trainings to their staff and initiating race and equity discussions or committees within their offices.

## Program Examples

### **New York County District Attorney's Office (Manhattan), NY**

*Population: 1,630,000 | Number of Full-Time Prosecutors: 525*

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#### **Chief Diversity Officer<sup>226</sup>:**

Based on the VERA study<sup>227</sup>, the office worked towards promoting an organizational structure that embraces diversity by appointing a Chief Diversity Officer and creating a diversity committee in conjunction with developing implicit bias training.

### **King County Prosecuting Attorney's Office (Seattle), WA**

*Population: 2,200,000 | Number of Full-Time Prosecutors: 250*

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#### **Office of Equity and Social Justice<sup>228</sup>:**

This office supports and works with King County leadership, employees, and local and national partners to advance practices, strategies, and policies that promote fairness, justice, and opportunity for all. They additionally have lead discussions within the office on issues of inequality and racism.

### **Milwaukee District Attorney's Office, WI**

*Population: 600,000 | Number of Full-Time Prosecutors: 120*

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#### **Vera Study on Prosecution and Racial Justice:**

After the Vera study, the prosecutor established a pre-arraignment diversion and deferred prosecution that took into account the VERA findings.

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225 See <https://www.vera.org/publications/prosecution-and-racial-justice-using-data-to-advance-fairness-in-criminal-prosecution>

226 For the full program summary, see *PCE's New York Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191201-New-York-Report-Final.pdf>

227 See *Race and Prosecution in Manhattan*, Vera Institute of Justice (Jul. 2014), <http://www.vera.org/sites/default/files/resources/downloads/race-and-prosecution-manhattan-summary.pdf>.

228 See <https://www.kingcounty.gov/elected/executive/equity-social-justice/team.aspx>

## Yavapai County Attorney's Office, AZ

Population: 231,993 | Number of Full-Time Prosecutors: 35

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### **Lessons from the Holocaust<sup>229</sup>:**

Working with the local Jewish Community Foundation and the city manager, the County Attorney created a program known as: *What You Do Matters: Lessons from the Holocaust*. Using police officers and prosecutors as instructors and portable posters as teaching tools, the program educates police officers and prosecutors on the escalation of abusive police tactics and disregard for human life that occurred leading up to and during the Holocaust. This program starkly highlights the perils of implicit and explicit bias.

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<sup>229</sup> For the full program summary, see PCE's Arizona Prosecutor Innovations report: <https://pceinc.org/wp-content/uploads/2020/01/20191201-Arizona-Innovation-Report-.pdf>

# Office-Wide Reform Strategies

Recognizing the need to improve office processes and community outreach on a variety of fronts, some offices have announced office-wide strategies on a multitude of issues to better serve their communities and reduce crime. The details of these programs are beyond the scope of this article, but it is significant to note that prosecutors are engaging in a holistic review and re-evaluation of their practices.

## Program Examples

### **Kings County District Attorney's Office (Brooklyn), NY**

*Population: 2,580,000 | Number of Full-Time Prosecutors: 500*

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#### **Justice 2020<sup>230</sup>:**

As a new office strategy, Brooklyn Assistant District Attorneys (ADAs) in every case first seek out non-conviction, non-jail resolutions and are encouraged to think through all available options before reaching a determination that incarceration is necessary.<sup>231</sup> Jail is considered the last resort. The ADAs are encouraged to determine the extent of the damage caused to the victim and the intervention necessary for the offender that may result in the offender taking responsibility and making amends for the harm they caused. Legislation that took effect on January 1, 2020 supersedes some of this program.

### **Delaware Attorney General's Office (statewide initiative, all three counties included in below figures)**

*Population: 957,078 | Number of Full-Time Prosecutors: 110*

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#### **Delaware Statewide Reform<sup>232</sup>:**

The Attorney General, who has statewide jurisdiction of criminal prosecution, implemented state-wide criminal justice reform strategies, via internal policy changes that emphasize judicial discretion, increase diversion for lower-level offenses, refrain from charging juveniles as adults, reduce collateral consequences associated with criminal records, and guide an overall shift in focus toward more violent crime.

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230 For the full program summary, see *PCE's New York Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191201-New-York-Report-Final.pdf>

231 See <http://www.brooklynda.org/wp-content/uploads/2019/03/Justice2020-Report.pdf>

232 For the full program summary, see *PCE's Delaware Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2019/11/20190919-Delaware-Prosecutor-Innovations-PCE.pdf>

## 2<sup>nd</sup> Judicial District Attorney's Office, NM

Population: 560,218 | Number of Full-Time Prosecutors: 104

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### IMPACT Prosecution<sup>233</sup>:

This strategy in Albuquerque focuses on two key components- community engagement and leveraging data and technology. Through a variety of unique partnerships with community groups and organizations with sophisticated technical abilities, the goal is to holistically look at the criminal justice system and strategically find the most effective way to make the community safer.



Bernalillo County: Victim Services Alliance volunteers attend a training.

## Richmond City's Commonwealth's Attorney's Office, VA

Population: 230,000 | Number of Full-Time Prosecutors: 40

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### Beyond Containment<sup>234</sup>:

In an effort to re-frame the City's lens on public safety, Richmond City's Office of the Commonwealth's Attorney met with City stakeholders to discuss the root causes of crime and to explore new approaches to promoting community-wide solutions. The office produced a thought-provoking discussion guide entitled Beyond Containment<sup>235</sup> in order to help frame the discourse on how to engage the community, reduce crime, and improve outcomes for its citizens.



### BEYOND CONTAINMENT

Reevaluating What's Important to Improve Public Safety in Richmond

Richmond County: Cover page of the Beyond Containment discussion guide

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233 For the full program summary, see PCE's New Mexico Prosecutor Innovations report:

<https://pceinc.org/wp-content/uploads/2019/11/20190924-New-Mexico-Prosecutor-Innovations-PCE.pdf>

234 For the full program summary, see PCE's Virginia Prosecutor Innovations report:

<https://pceinc.org/wp-content/uploads/2019/11/20190717-Virginia-Prosecutor-Innovations-PCE.pdf>

235 To download Beyond Containment, visit <https://bloximages.newyork1.vip.townnews.com/richmond.com/content/tncms/assets/v3/editorial/4/8f/48fb71cd-9be8-54b4-ae7f-85f34d3ed353/5d0aa344efd1.pdf.pdf>

# Sentence Review Units

In a different approach to the review of disposed cases, some offices are reviewing old sentences to determine if justice was served by the length of the sentence. If the office feels that the length of the sentence was unjust, remedial steps are taken.

## Program Example

### **King County Prosecuting Attorney's Office (Seattle), WA**

*Population: 2,200,000 | Number of Full-Time Prosecutors: 250*

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#### **Sentence Review:**

The office has a program to review old cases in which defendants received sentences of life in prison for relatively minor crimes to decide whether to join in clemency petitions for some of those prisoners.<sup>236</sup>



*smolaw/Shutterstock.com*

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<sup>236</sup> See, *King County prosecutors help cut breathtaking prison sentence*, KUOW (Mar. 26, 2019) <https://www.kuow.org/stories/king-county-prosecutors-help-cut-breathtaking-prison-sentence> (last viewed Feb. 17, 2020)

# Specific Crime Types - New Approaches

The prosecutor's traditional role is to prosecute crime. New approaches to prosecuting cases and new crime types are emerging with increasing frequency. Here are a few examples that serve to illustrate the variety of new crime-fighting initiatives spearheaded by prosecutors.

## **Animal Abuse**

### Program Examples

#### **Harris County District Attorney's Office (Houston), TX**

*Population: 4,698,619 | Number of Full-Time Prosecutors: 300*

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##### **HOPE – Helping our Pets through Education Program:<sup>237</sup>**

In order to educate youth on responsible pet ownership and animal welfare issues, the District Attorney's Office delivers presentations to fifth grade students with a formerly abused dog. The dog's name is Hope and she bears visible scars of her past abuse. The children can interact with the dog and learn about her story, in hopes of curbing potential animal abuse as adults.

#### **Tippecanoe County Prosecutor's Office, IN**

*Population: 191,670 | Number of Full-Time Prosecutors: 29*

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##### **Animal Advisory Board (AAB)<sup>238</sup>:**

The office developed the Animal Advisory Board in response to a criminal case involving the severe neglect of 64 dogs. Members of the AAB include: the Tippecanoe County Prosecutor's Office, local law enforcement, Purdue University's Veterinary Teaching Hospital and Department of Veterinary Clinical Sciences, Wildcat Valley Animal Clinic, Crystal Creek Kennels, North Central Indiana Spay and Neuter, Greater Lafayette Kennel Club, Board of Animal Health, and Almost Home Humane Society. During AAB meetings, which occur every 2-3 months, the prosecutor provides information to the group on closed cases. They discuss general strengths and weaknesses in recent investigations in order to improve processes for the next case.

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<sup>237</sup> See <https://app.dao.hctx.net/crime-prevention/hope-program>

<sup>238</sup> For the full program summary, see *PCE's Indiana Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2019/11/20190819-Indiana-Prosecutor-Innovations-PCE.pdf>

## Cyber Crime

### Program Example

#### New York County District Attorney's Office (Manhattan), NY

*Population: 1,630,000 | Number of Full-Time Prosecutors: 525*

##### **Cyber Lab:**

As part of their mission to combat malicious cyber activity, the office operates a \$10 million, 17,000 square-foot in-house cyber lab—the first of its kind within a local Prosecutor's Office in the U.S. The lab houses attorneys, investigators, and analysts who are assigned to the Cybercrime and Identity Theft Bureau and tasked with collaborating on fast-paced, complex cyber investigations while handling a high volume of device data and digital evidence.<sup>239</sup>



*Microgen/Shutterstock.com*

## Gun Crime

Crime Gun Intelligence Centers (CGIC) are forming around the country in cities with high gun crime. The mission of a CGIC is to remove the most prolific shooters from a given community by leveraging the National Integrated Ballistic Information Network (NIBIN), a system that can identify when the same gun is used at various crime scenes, and eTrace, an ATF database that traces the gun from manufacturing through sales. This approach involves a partnership between local and federal prosecutors and the ATF, local police, and crime labs. Prosecutors across the country are playing a key role in the CGIC process, collaborating with law enforcement and other partners to focus on the most prolific shooters in a way that differs slightly from previous approaches. Less of a focus is placed on the length of the shooter's criminal history, but rather the focus is on the trigger pullers who pose an immediate danger to the community.

<sup>239</sup> See <https://www.manhattanda.org/our-work/cybercrime/>

## Program Example

### **Marion County Prosecutor's Office (Indianapolis), IN**

*Population: 954,670 | Number of Full-Time Prosecutors: 160*

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#### **NIBIN Prosecutor<sup>240</sup>:**

The NIBIN deputy prosecutor's role is to be involved in strategic decisions with state and federal law enforcement about the investigation and prosecution of the city's most dangerous trigger pullers. The NIBIN prosecutor coordinates the Crime Gun Intelligence Center cases with prosecutors and law enforcement to ensure that these gun-related crime investigations get the attention and priority that they deserve.

## **Domestic Violence**

### Program Example

### **Fayette County Commonwealth's Attorney's Office, KY**

*Population: 323,780 | Number of Full-Time Prosecutors: 15*

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#### **Fayette County Strangulation Response Task Force<sup>241</sup>:**

While lobbying efforts were underway to enact a felony strangulation law, the task force also implemented forensic strangulation exams for survivors. Lexington's Forensic Nurse Manager, trained as an expert in strangulation assaults, completes head-to-toe exams to treat and document injuries and collect physical evidence to aid in the prosecution of these cases. The Forensic Nurse Manager uses the latest technology to conduct examinations, including a macro ring light and yellow UV filter lens to reveal signs of strangulation.



*ACA Jenna Cassady, Victim Advocate Brittany Scordo, Governor Matt Bevin, Commonwealth's Attorney Lou Anna Red Corn, ACA Claire Brickman, ACA Kathy Phillips, and Victim Advocate Kelly Wells at the signing of Senate Bill 70, Kentucky's felony strangulation law.*

240 For the full program summary, see *PCE's Indiana Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2019/11/20190819-Indiana-Prosecutor-Innovations-PCE.pdf>

241 For the full program summary, see *PCE's Kentucky Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191127-Kentucky-Report-FINAL.pdf>

## ***Driving Under the Influence***

### Program Example

#### **2<sup>nd</sup> Judicial District Attorney General's Office, TN**

*Population: 157,668 | Number of Full-Time Prosecutors: 17*

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##### **Fatal Incident Response Support Team (FIRST)<sup>242</sup>:**

This is a cooperative effort between the District Attorney's Office and local police to develop a team of trained officers, who are often crash scene reconstructionists, to respond jointly to motor vehicle crashes involving death or serious bodily injury. An Assistant District Attorney is always on call to answer officer questions, to respond to crash sites, and to assist in the preparation of search warrants. Both the Driving Under the Influence (DUI) Special Prosecutor and the DUI Investigator serve as integral members of FIRST.

## ***Human Sex Trafficking***

### Program Example

#### **Henrico County Commonwealth's Attorney's Office, VA**

*Population: 327,898 | Number of Full-Time Prosecutors: 31*

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##### **Human Sex Trafficking (HST) Intervention<sup>243</sup>:**

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. Now when enforcement operations are planned, a prosecutor and a victim advocate from the Commonwealth's Attorney's Office are consulted in advance. The victim advocate accompanies the police during the law enforcement operation to provide assistance to the victim. This has improved the ability to prosecute these cases and protect future victims.

## ***Immigrant Affairs***

### Program Example

#### **Bronx District Attorney's Office, NY**

*Population: 1,432,132 | Number of Full-Time Prosecutors: 499*

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##### **Immigrant Affairs Unit<sup>244</sup>:**

Language barriers and citizenship status leave many Bronx residents vulnerable to exploitation, particularly related to employment, housing, and documentation services. To better address this issue, the Immigrant Affairs Unit is charged with investigating and prosecuting

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242 For the full program summary, see *PCE's Tennessee Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191201-Tennessee-Report-Final.pdf>

243 For the full program summary, see *PCE's Virginia Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2019/11/20190717-Virginia-Prosecutor-Innovations-PCE.pdf>

244 See <https://www.bronxda.nyc.gov/html/bureaus/investigations-division.shtml>

financial fraud complaints targeting immigrants. It is also committed to aiding and encouraging both documented and undocumented immigrant victims, who may fear cooperating with law enforcement, through enhanced community outreach and proactive education efforts. The unit receives complaints via a toll-free helpline, walk-ins, community organization referrals, and government agencies.

## **Officer Involved Fatalities**

### Program Example

#### **Ramsey County Attorney's Office (St. Paul), MN**

*Population: 550,210 | Number of Full-Time Prosecutors: 101*

#### **Officer Involved Fatalities Toolkit<sup>245</sup>:**

The County Attorney and the mother of a man killed by police participated in the creation of an officer involved fatalities toolkit for prosecutors and police, which assesses the preparedness of police and prosecutors for critical incidents and identifies areas of improvement for preventing and responding to future incidents.



*Ramsey County Attorney John Choi and Valerie Castile deliver remarks at Institute for Innovation in Prosecution Press Conference.*

<sup>245</sup> For the full program summary, see PCE's Minnesota Prosecutor Innovations report: <https://pceinc.org/wp-content/uploads/2020/01/20191203-Minnesota-Report.pdf>

# Victim Services and Assistance Programs

Prosecutors all across the country are working hard to serve and care for victims and most have staff dedicated to this purpose.<sup>246</sup> Victim services can range from scheduling matters around court dates to service referrals to counseling. Victim services is a robust and developing area. Two illustrative examples of innovative approaches to victim services are provided here.

## ***Victim Outreach***

### Program Examples

#### **Pima County Attorney's Office, AZ**

*Population: 1,039,073 | Number of Full-Time Prosecutors: 67*

#### **Victim Services and Crisis Training Volunteer Programs<sup>247</sup>:**

The Pima County Attorney's Office has established a volunteer program for members of the community interested in assisting crime victims and people in crisis. Volunteers for the Pima County Attorney's Office of Victim Services Program provide important services to the criminal justice system by supporting crime victims going through the court process or by responding to crime scenes at the request of law enforcement.



*Pima County: Volunteers communicate with law enforcement at a crime scene.*

<sup>246</sup> For example, the Alaska Department of Law serves the citizens of Alaska through its Victim-Witness Assistance program. [http://law.alaska.gov/departments/criminal/victims\\_assist.html](http://law.alaska.gov/departments/criminal/victims_assist.html)

<sup>247</sup> For the full program summary, see *PCE's Arizona Prosecutor Innovations report*: <https://pceinc.org/wp-content/uploads/2020/01/20191201-Arizona-Innovation-Report-.pdf>

## Jackson County Prosecutor's Office (Kansas City), MO

*Population: 700,307 | Number of Full-Time Prosecutors: 65*

### **Caring for Crime Survivors<sup>248</sup>:**

Jackson County is a high crime jurisdiction where many are hesitant to cooperate with law enforcement. The program's multidisciplinary team visit crime survivors involved in cases that have not been submitted for filing of criminal charges and deliver a fresh bag of groceries. The team also offers a variety of services, including in-home counseling for the victim and family members for the resulting trauma, minor home repairs resulting from gunfire, and crime scene cleanup – such as the removal of blood and other bio-hazardous materials. These services are provided regardless of whether an arrest is made.

## **Therapy Dogs**

### Program Examples

#### **Alabama Office of Prosecution Services (statewide initiative)**

*Population: 4,910,000*

### **Helping Every Survivor Realize Their Opportunity and Strength (HERO):**

Some prosecutors provide additional victim support through the use of a service dog. The Alabama Office of Prosecution Services has a particularly robust program in which they assist with providing certified facility dogs to local prosecutor offices. The HERO<sup>249</sup> initiative provides a comfort dog to victims and/or witnesses of crime throughout the court process. The dogs play a key role in helping people who have experienced trauma resulting from the crime, especially children, to feel more comfortable while testifying and otherwise reliving the difficult details of their case.



*Diesel, the facility dog from the East Baton Rouge District Attorney's office (Louisiana), and a friend.*

<sup>248</sup> For the full program summary, see PCE's Missouri Prosecutor Innovations report: <https://pceinc.org/wp-content/uploads/2020/01/20191201-Missouri-Report-Final.pdf>

<sup>249</sup> See <https://ops.alabama.gov/programs/hero-program/>

## Denton County District Attorney's Office, TX

*Population: 859,064 | Number of Full-Time Prosecutors: 65*

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### **Therapy Dog<sup>250</sup>:**

The District Attorney's Office uses a golden doodle dog to help child victims of life-altering crimes, such as abuse and sexual assault, during the interview process or testifying in court.

## Ada County District Attorney's Office (Boise), ID

*Population: 1,787,065 | Number of Full-Time Prosecutors: 80*

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### **Comfort Dog<sup>251</sup>:**

The dog's primary role is to help victims, particularly children, during their testimony in court. The District Attorney's Office in Boise, Idaho utilizes a service leash with the dog, so that the person testifying can hold on to the leash to feel more in control. The dog has her own trading cards that child victims can take with them after the ordeal as an effort to give them something positive after the arduous court process.



*Lioneska/Shutterstock.com*

<sup>250</sup> See <https://dentonrc.com/news/meet-brady-the-district-attorney-s-office-s-new-therapy/article/af477068-1baa-5502-b0a7-c152b610708a.html>

<sup>251</sup> See <https://idahonews.com/news/local/good-girl-ada-county-court-dog-helps-comfort-victims>

# Prosecutor Wellness

Though prosecutors constantly deal with traumatic, disturbing, and emotionally wrought cases, it is rare that they have been properly equipped to manage the personal toll it can take on them. Very few offices have addressed this phenomenon known as “secondary trauma”. In an emerging trend, some prosecutor offices are seeing the benefits of better understanding and dealing with this type of trauma and providing services to prosecutors and staff.

## Program Example

### Missoula County Attorney’s Office, MT

*Population: 117,441 | Number of Full-Time Prosecutors: 22*

#### **Secondary Trauma Group<sup>252</sup>:**

The Missoula County Attorney’s Office in collaboration with a trauma expert created and implemented a groundbreaking organizational resiliency program for prosecutors and staff called Secondary Trauma Group. The goal of the group is to prevent and mitigate the negative effects associated with working with violent crime victims and to establish organizational resilience as a professional competency. The group implements four major components as part of its curriculum— initial orientation to trauma for all office staff and prosecutors; development of a group trauma-resiliency culture in smaller groups including prosecutors and law enforcement; integration and impact of trauma resiliency; and case-specific trauma response teams.



*Left to Right: Clinical social worker Andy Laue; First Step social worker MC Jenni; Missoula County Attorney Kirsten Pabst; Missoula Deputy County Attorney Brittany Williams; Missoula Deputy County Attorney Jordan Kilby. Photo Courtesy of: Photo Courtesy of Montana Public Radio: <https://www.mtpr.org/post/missoulaprosecutorsrecognized-fighting-secondary-trauma>*

252 For the full program summary, see PCE’s Montana Prosecutor Innovations report: <https://pceinc.org/wp-content/uploads/2019/11/20190809-Montana-Prosecutor-Innovations-PCE.pdf>

## Salt Lake County District Attorney's Office, UT

Population: 1,152,633 | Number of Full-Time Prosecutors: 139

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### On-site Child Care:

Through the Creative Learning Academy of Utah, prosecutors and other county employees are provided with on-site child care between 6:45 AM and 6:00 PM. On occasion, the children are taken together upstairs to the District Attorney's office, so they can say "hello" to the staff.



*ypkim/Shutterstock.com*

# Conclusion

If there is one conclusion to be drawn from this study of various prosecutorial initiatives, it is this: the prosecutor's responsibilities are expanding and evolving faster than ever. Despite all of this progress, however, it is clear that many communities do not think prosecutors are doing enough. Prosecutors must be aware of these perceptions and strive to develop even better ways to work effectively with their communities in order to promote trust in the criminal justice system.

Even as this article ends, new initiatives emerge. Prosecutors today are engaging in truly transformative innovations, and the list of initiatives profiled in this article is by no means exhaustive. Prosecutors are leaders in the reform of the criminal justice system, implementing remarkable improvements in prosecution techniques from within their offices and creating diverse and widespread programs that benefit their communities. Even the smallest offices with the fewest resources are creatively adapting these initiatives to fit their means.

Although the prosecutor's core mission will always be case-focused, the responsibilities of modern prosecutors have expanded deeply into the realms of crime prevention, rehabilitation of offenders, and community engagement. New ideas and new programs abound on the prosecutorial horizon. Prosecutors from around the country who are embracing this broader vision are enhancing public safety and significantly benefiting the men, women, and children in the communities that they serve.

## PART III

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## INDEX



## Alabama

### ***Alabama Office of Prosecution Services***

Helping Every Survivor Realize Their Opportunity and Strength [82](#)

## Alaska

### ***Alaska Department of Law***

Victim-Witness Assistance Program [81](#)

## Arizona

### ***Maricopa County Attorney's Office (Phoenix)***

Felony Pretrial Intervention [36, 44](#)

### ***Pima County Attorney's Office***

Victim Services and Crisis Training Volunteer Programs [81](#)

### ***Yavapai County Attorney's Office***

Lessons from the Holocaust [72](#)

## California

### ***Alameda County District Attorney's Office (Oakland)***

Justice Restoration Project [37](#)

### ***Los Angeles County District Attorney's Office***

Abolish Chronic Truancy (ACT) Program [18](#)

Professional Responsibility Advisor [69](#)

Wrongful Conviction Unit [62](#)

### ***Sacramento County District Attorney's Office***

Youth and Community Connect App [20](#)

### ***San Bernardino County District Attorney's Office***

Victim Services [59](#)

### ***San Diego County District Attorney's Office***

Community Outreach to Students and Community Members [8](#)

Life Plan Prisoner Reentry Program [54](#)

San Diego Veterans Court [48](#)

### ***San Francisco District Attorney's Office***

San Francisco Crime Strategies Unit [65](#)

San Francisco's Neighborhood Court [28](#)

### ***Santa Clara County District Attorney's Office***

Santa Clara Family Justice Centers [11](#)

### ***Yolo County District Attorney's Office***

Clear My Record [32](#)

Yolo County Mental Health Court [47](#)

Yolo County Neighborhood Court [27, 28](#)

## **Colorado**

### ***Boulder County District Attorney's Office***

Boulder County Conviction Integrity Unit [63](#)

Boulder County Mental Health Diversion [27](#)

Fresh Start [32](#)

Restorative Justice and Services [40](#)

### ***Denver District Attorney's Office***

Community Prosecution Strategies [3](#)

Domestic Violence Liaison [51](#)

Firearms Relinquishment Investigator [51](#)

Sobriety Court [44](#)

### ***La Plata County District Attorney's Office***

La Plata County Restorative Justice [41](#)

## **Connecticut**

### ***New Britain State's Attorney's Office***

Community Engagement Board [5](#)

### ***Stamford/Norwalk State's Attorney's Office***

Lecture on Perils of the Digital World [9](#)

### ***Waterbury State's Attorney's Office***

Early Screening and Intervention Program [35](#)

## **Delaware**

### ***Delaware Attorney General's Office***

Delaware Statewide Reform [73](#)

Re-entry Simulation for Prosecutors [57](#)

What's Next [54](#)

## **District of Columbia**

### ***Washington, DC U.S. Attorney's Office***

Breaking the Silence of Youth Violence [16](#)

Clergy Ambassador Program [6](#)

Community Prosecution [2](#)

## Florida

### ***Miami-Dade State Attorney's Office***

Criminal Mental Health Project (CMHP) [47](#)

Miami-Dade County Drug Court [44](#)

## Georgia

### ***Fulton County District Attorney's Office (Atlanta)***

Community Court [43](#)

## Hawaii

### ***Kauai County Office of the Prosecuting Attorney***

Driving without a License or Insurance [34](#)

## Idaho

### ***Ada County Prosecutor's Office (Boise)***

Comfort Dog [83](#)

## Illinois

### ***Cook County State's Attorney's Office (Chicago)***

Data Team [67](#)

Misdemeanor Deferred Prosecution Program [43](#)

### ***Lake County State's Attorney's Office***

Children's Advocacy Center [12](#)

Conviction Integrity Unit and External Review Panel [63](#)

## Indiana

### ***Marion County Prosecutor's Office (Indianapolis)***

Community Justice Academy [8](#)

NIBIN Prosecutor [78](#)

Zone Prosecution [3](#)

### ***St. Joseph County Prosecutor's Office***

Felony and Misdemeanor Pretrial Diversion [37](#)

### ***Tippecanoe County Prosecutor's Office***

Animal Advisory Board (AAB) [76](#)

## Iowa

### ***Calhoun County Attorney's Office***

Student Empowerment Resilience Team (SERT) [22](#)

### ***Cherokee County Attorney's Office***

Braves Mentoring Program [22](#)

### ***Polk County Attorney's Office***

Restorative Justice Center [39](#)

### ***Story County Attorney's Office***

Fundraising for Foster Care Children [21](#)

## Kansas

### ***Sedgwick County District Attorney's Office***

Clean Slate Day [31](#)

## Kentucky

### ***13th Judicial Circuit Commonwealth's Attorney's Office***

Ethics Videos [70](#)

### ***24th Circuit Commonwealth's Attorney's Office***

Pre-Trial Release to Rehab [45](#)

### ***Fayette County Commonwealth's Attorney's Office***

Fayette County Strangulation Response Task Force [78](#)

### ***Kenton County Commonwealth's Attorney's Office***

Foundations for a Better Life [38](#)

## Louisiana

### ***Calcasieu Parish District Attorney's Office - 14th Judicial District***

Positive Change Initiative/Impact Agency [16](#)

### ***East Baton Rouge Parish District Attorney's Office***

Clergy Training [6](#)

Crime Strategies Unit [65](#)

Neighborhood Clean-ups [9](#)

TRUCE [50](#)

### ***Red River Parish District Attorney's Office - 39th Judicial District***

Individualized Treatment [39](#)

Legal Enrichment and Decision-Making (LEAD) [17](#)

## Maine

### ***Kennebec and Somerset County District Attorney's Office***

Maine Bail Reform [31](#)

## Maryland

### ***Baltimore City State's Attorney's Office***

Community Engagement Unit [4](#)

Junior State's Attorneys Program [13](#)

### ***Frederick County State's Attorney's Office***

Juvenile Entry Diversion Initiative (JEDI) [25](#)

### ***Montgomery County Office of the State's Attorney***

Interagency Truancy Review Board [18](#)

## Massachusetts

### ***Essex District Attorney's Office***

Essex County Drug Diversion Program [44](#)

### ***Hampden County District Attorney's Office***

Hoop Up Springfield [14](#)

Youth Advisory Board [4](#)

### ***Plymouth County District Attorney's Office***

Identifying Traumatized Students [20](#)

## Michigan

### ***Kalamazoo County Prosecuting Attorney's Office***

Community Prosecutor [3](#)

### ***Kent County Prosecutor's Office***

Restorative Justice and Juveniles [40](#)

### ***Marquette County Prosecuting Attorney's Office***

Domestic Violence Blueprint for Safety [52](#)

### ***Muskegon County Prosecutor's Office***

Empowering Ex-Offenders in Transition (EXIT) [56](#)

## Minnesota

### ***Cottonwood County Attorney's Office***

Mediations for Truancy [19](#)

### ***Dakota County Attorney's Office***

Targeted Accountability Program (TAP) [24](#)

***Hennepin County Attorney's Office (Minneapolis)***

Community Prosecutors [3](#)

Data Dashboard [67](#)

Ethics Training [70](#)

***Ramsey County Attorney's Office (St. Paul)***

Officer Involved Fatalities Toolkit [80](#)

***Stearns County Attorney's Office***

Felony Domestic Violence Court and Domestic Violence Partnership [51](#)

**Mississippi**

***19th Judicial District Attorney's Office***

Pretrial Diversion Program [36](#)

**Missouri**

***Jackson County Prosecutor's Office (Kansas City)***

Caring for Crime Survivors [82](#)

Community Advisory Board [5](#)

***Platte County Prosecutor's Office***

Handle with Care [22](#)

***St. Louis Circuit Attorney's Office***

Gun Crime Strategy [66](#)

**Montana**

***Cascade County Attorney's Office***

Multi-Disciplinary Team [49](#)

***Missoula County Attorney's Office***

Secondary Trauma Group [84](#)

**Nebraska**

***Douglas County Attorney's Office (Omaha)***

Operation Youth Success [37](#)

**Nevada**

***Clark County District Attorney's Office (Las Vegas)***

Initial Appearance Court [29](#)

**Washoe County District Attorney's Office**  
Specialty Court [49](#)

## **New Hampshire**

**Strafford County Attorney's Office**  
Mental Health Court [46](#)

## **New Jersey**

**Essex County Prosecutor's Office**  
Highlander Star Students Program [15](#)  
Sanctuary Program [50](#)

**Hunterdon County Attorney's Office**  
One Voice [7](#)

**Mercer County Prosecutor's Office (Trenton)**  
Book Drive [19](#)

**Ocean County Prosecutor's Office**  
Mental Health Diversion Program [46](#)

## **New Mexico**

**2nd Judicial District Attorney's Office**  
IMPACT Prosecution [74](#)

**5th Judicial District Attorney's Office**  
Violence Prevention Program [52](#)

**9th Judicial District Attorney's Office**  
Excellence in Attendance [19](#)

## **New York**

**Albany County District Attorney's Office**  
Clean Slate [55](#)

**Bronx District Attorney's Office**  
Immigrant Affairs Unit [79](#)

**Chautauqua County District Attorney's Office**  
School Threat Assessment and Response (S.T.A.R.) Team [22](#)

**Chenango County District Attorney's Office**  
Child Advocacy Center [13](#)

***Erie County District Attorney's Office***

Opiate Intervention Court [44](#)

***Kings County District Attorney's Office (Brooklyn)***

Community Prosecution [3](#)

Drug Treatment Alternative to Prison Program (DTAP) [43](#)

Justice 2020 [73](#)

Redhook Community Justice Center [42](#)

Truancy Reduction Alliance to Contact Kids [18](#)

***New York County District Attorney's Office (Manhattan)***

Chief Diversity Officer [71](#)

Clean Slate [31](#)

Community Partnership Unit [3](#)

Crime Strategy Unit [65](#)

Cyber Lab [77](#)

Inside Criminal Justice [57](#)

Manhattan Mental Health Court [46](#)

Police Athletic League [15](#)

Project Reset [24](#)

Saturday Night Lights [15](#)

Subway Fare Evasion [33](#)

Witness Services Aid Services Unit [59](#)

***Oneida County District Attorney's Office***

Conviction Integrity Review Panel [64](#)

***Onondaga County District Attorney's Office***

Marijuana Conviction Expungement [33](#)

***Rockland County District Attorney's Office***

Center for Safe and Healthy Youth [21](#)

Partnership for Safe Youth (PSY) [21](#)

Veteran's Alternative to Incarceration Program [48](#)

***Staten Island District Attorney's Office***

Safe Rides Program [10](#)

***Warren County District Attorney's Office***

Victim Assistance Program [59](#)

***Washington County District Attorney's Office***

Addiction and Domestic Violence Diversion [36](#)

## North Carolina

### ***McDowell County District Attorney's Office***

McDowell Teen Court [25](#)

## North Dakota

### ***Cass County State's Attorney's Office***

Red River Children's Advocacy Center [12](#)

## Ohio

### ***Athens County District Attorney's Office***

Athens County Child Advocacy Center (CAC) [12](#)

### ***Montgomery County Prosecutor's Office***

Arrive Safe [10](#)

## Oklahoma

### ***Tulsa County District Attorney's Office***

Victim Advocates [59](#)

## Oregon

### ***Clackamas County District Attorney's Office***

Community prosecution [2](#)

### ***Multnomah County District Attorney's Office***

Neighborhood D.A. (NDA) Program [3](#)

## Pennsylvania

### ***Dauphin County District Attorney's Office***

Veterans' Treatment Court [48](#)

### ***Philadelphia District Attorney's Office***

Bail Reform [30](#)

Community Prosecution [3](#)

Data Website [67](#)

The Choice is Yours (TCY) [44](#)

### ***Westmoreland County District Attorney's Office***

Victim Witness Services [59](#)

## Rhode Island

### ***Rhode Island Office of the Attorney General***

Veteran's Court [49](#)

## **South Carolina**

### ***4th Circuit Solicitor's Office***

Community Service [38](#)

### ***9th Circuit Solicitor's Office***

Data Collection Program [68](#)

### ***14th Circuit Solicitor's Office***

Career Criminal Unit [66](#)

## **South Dakota**

### ***Pennington County State's Attorney Office***

Teen Court [25](#)

## **Tennessee**

### ***2nd Judicial District Attorney General's Office***

Fatal Incident Response Support Team (FIRST) [79](#)

### ***6th Judicial District Attorney General's Office***

High School Shadow [13](#)

### ***Shelby County District Attorney General's Office (Memphis)***

Community Prosecutor [4](#)

Every DAY in School [18](#)

Truancy Forgiveness for Parents [18](#)

Unlicensed Driving Dismissals [33](#)

## **Texas**

### ***Dallas District Attorney's Office***

Citizen Prosecutor Academy [5, 8](#)

Community Prosecutor [3](#)

### ***Denton County District Attorney's Office***

Therapy Dog [83](#)

### ***Harris County District Attorney's Office***

HOPE - Helping our Pets through Education Program [76](#)

### ***Orange County District Attorney's Office***

The Uncommon Athlete [14](#)

### ***Travis County District Attorney's Office***

Cite and Release [27](#)

## Utah

### ***Kane County Attorney's Office***

Community Recovery Program [45](#)

### ***Salt Lake County District Attorney's Office***

Onsite Child Care [85](#)

## Vermont

### ***Windham State's Attorney's Office***

Battleboro Community Justice Center (CJC) [43](#)

## Virginia

### ***Arlington County Commonwealth Attorney's Office***

Second Chance [21](#)

### ***Chesapeake City Commonwealth Attorney's Office***

Youth Empowerment Conferences [17](#)

### ***Henrico County Commonwealth Attorney's Office***

Human Sex Trafficking (HST) Intervention [79](#)

### ***Richmond City's Commonwealth's Attorney's Office***

Beyond Containment [74](#)

### ***Suffolk County Commonwealth Attorney's Office***

Forensics Camp [14](#)

### ***Wise County Commonwealth Attorney's Office***

Wise Works [36](#)

## Washington

### ***Benton County Attorney's Office***

Benton County Mental Health Diversion [27](#)

### ***King County Prosecuting Attorney's Office (Seattle)***

Office of Equity and Social Justice [71](#)

Sentence Review [71, 75](#)

The LEAD Program [26](#)

### ***Thurston County Attorney's Office***

Early Case Assessment [30](#)

## **Wisconsin**

### ***Milwaukee District Attorney's Office***

Implicit Bias [71](#)

Sojourner Family Peace Center [11](#)

Vera Study on Prosecution and Racial Justice [71](#)

## **Wyoming**

### ***Albany County District Attorney's Office***

Community Juvenile Services Board [5](#)