



Prosecutors' Guide for Reducing Violence and Building Safer Communities

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Violent crime touches every community—whether it’s the steady wave of street violence plaguing certain neighborhoods, or the epidemic of sexual and intimate partner violence, stalking, and human trafficking targeting families, the displaced, and other vulnerable victims. The devastation violent crime leaves in its wake takes a toll on the survivors, witnesses, and communities in which it thrives. Prosecutors are uniquely positioned to lead community efforts to prevent and respond to this violence as partners, advocates, innovators, and champions for justice.

A handwritten signature in black ink, appearing to read 'Jennifer Long'.

Jennifer Long
Chief Executive Officer, AEquitas

FOREWORD

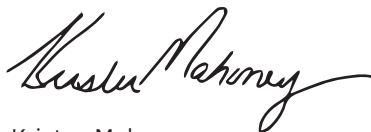
From the Bureau of Justice Assistance

The Bureau of Justice Assistance (BJA) has consistently supported improvements in the response to violent crime as a top priority in its efforts to assist state and local law enforcement officials in keeping their communities safe through fair, just, and impartial policing. Recognizing that violent crime impacts communities throughout the country, BJA has invested in innovations that are customizable to any community. Relying on lessons learned from BJA programs such as the Public Safety Partnership and Project Safe Neighborhoods, effective evidence-based strategies are shared and supported through targeted training and technical assistance to jurisdictions struggling with crimes of violence against persons and property. One of the key lessons learned from these efforts is the need for reciprocal collaboration both vertically among federal, state, and local criminal justice partners and laterally among police, prosecutors, probation and parole departments, and other allied criminal justice professionals at the jurisdictional level.

BJA recognizes the pivotal role that prosecutors play in the safekeeping of our communities and promoting innovative best practices as a critical component of reducing victimization. The Innovative Prosecution Solutions (IPS) program encourages and disseminates innovative strategies for prosecuting a variety of violent crimes. As part of this work, BJA partnered with AEquitas to produce the Prosecutors' Guide to Reducing Violence and Building Safer Communities. This Guide is intended to be a companion to BJA's Violent Crime Reduction Operations Guide, created for law enforcement executives to consider their capacity to address violence in their communities fairly and impartially. The Prosecutors' Guide builds upon this existing work, challenging prosecutor executives to consider their central role as the chief law enforcement officer in their jurisdiction and their capacity to respond to violent crime through several critical elements related to the prosecutorial function.

BJA is committed to supporting the demanding work of dedicated prosecutors seeking justice on behalf of the people they serve. We recognize the ongoing evolution of criminal activity and the need to constantly adapt our efforts to reduce and prevent violence as well as biases. America's prosecutors can count on BJA to aid them in protecting victims, holding offenders accountable, and creating safer communities.

I would like to acknowledge the BJA staff, who helped facilitate the drafting of this publication, especially Janeth Herman, who was the lead on this project, as well as Cornelia Sigworth and Tammy Brown. I appreciate their hard work and dedication to our prosecutors across the country who will benefit from this guide. I very much enjoyed being part of this project.



Kristen Mahoney
Deputy Director, BJA

This guide was written by AEquitas in partnership with RTI International, the Prosecutors' Center for Excellence, and independent consultant B. McGarry & Associates. Individual contributors include Teri Garvey and John Wilkinson, Attorney Advisors at AEquitas; Holly Fuhrman, Senior Associate Attorney Advisor, AEquitas; Mary MacLeod, Associate Attorney Advisor, AEquitas; Jennifer Long, Chief Executive Officer, AEquitas; Debbie Dawes, Program Director, RTI International; Venita Embry, Public Health Analyst, RTI International; Kristine Hamann, Executive Director, Prosecutors' Center for Excellence; Beth McGarry, Criminal Justice Policy Advisor, B. McGarry & Associates, LLC; and Janeth Herman, Office of Justice Programs Fellow.

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The authors also thank the Association of Prosecuting Attorneys (APA) and the National District Attorneys Association (NDAA) for their support in organizing the Innovative Prosecution Solutions Violent Crime Reduction Roundtable, which took place in February 2020. That Roundtable, during which lead prosecutors discussed the core elements of a violent crime response, serves as the basis for this Guide.

Finally, the authors would like to thank the individuals who participated in the Roundtable. Their perspectives, experiences, and feedback were invaluable in the development of this publication:

- **Tammy Brown** — Senior Policy Advisor, BJA
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Introduction

“The [prosecutor] is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done.”

Berger v. U.S., 295 U.S. 78, 88 (1935)

Preventing and responding to violent crime is a top priority for the criminal justice system in the United States. Crime statistics fluctuate from year to year, and every community is unique in the prevalence of specific types of violence, the practical and legal obstacles that present challenges to the system’s response, and the availability of resources to meet those challenges. However, every jurisdiction has the capacity to mount a *more effective* response, enabling it to reduce the level of violent crime and build a safer community.

HOW DOES “VIOLENT CRIME” LOOK IN YOUR JURISDICTION?

No community is immune to the scourge of violent crime. Some communities struggle with highly visible street-level violent crime: robberies; stranger rapes; assault; homicide; gun violence; gang violence; drug-related violence; hate crimes. In many communities, the violence tends to be less visible but no less dangerous: intimate partner violence (including intimate partner sexual violence); rape and other forms of sexual violence by perpetrators known/trusted by their victims; child abuse (sexual or otherwise); crimes of exploitation against the vulnerable; stalking; human trafficking; witness intimidation. Every member of the community deserves to feel safe and to be able to trust that the criminal justice system will protect them from those who would do them harm. The recommendations in this Guide are intended to enhance the ability of prosecutors in every community to respond to, and ultimately reduce, violent crime of every kind.

Prosecutors’ offices are central to the criminal justice system. The prosecutor’s office interacts on a regular basis with a variety of allied professionals, community service agencies and organizations, and members of the public. This central, interconnected role of the prosecutor requires the office and its personnel — including prosecutors, investigators, analysts, advocates, IT specialists, researchers, support staff, and others — to work in harmony with all of these stakeholders.



Prosecutors are thus uniquely positioned to bring together the professionals, resources, and community leaders essential to the creation and execution of a coordinated, effective, and sustainable plan to reduce the incidence of violent crime, as well as to build a sense of safety within the community.

In early 2020, AEquitas and its partners involved with the Innovative Prosecution Solutions initiative¹ (IPS) convened a Roundtable of prosecutors from jurisdictions around the country who have been leaders in their communities’ efforts to reduce violent crime. They discussed the essential capabilities — the critical elements — necessary for a prosecutor’s office to effectively prevent and respond to crimes of violence, while ensuring that the office is well-prepared to meet the inevitable challenges. The prosecutors shared their experiences in implementing policies, practices, and initiatives that exemplify those critical elements. This Prosecutors’ Guide, patterned upon one created for law enforcement,² identifies these critical elements and suggests practices that would be customizable and scalable, from

¹IPS partners and contributors include AEquitas, RTI International, the Department of Justice Bureau of Justice Assistance (BJA), the Association of Prosecuting Attorneys (APA), the National District Attorneys Association (NDAA), the Prosecutors’ Center for Excellence (PCE), and criminal justice consultant Beth McGarry.

²See MAJOR CITIES CHIEFS ASS’N AND BUREAU OF JUST. ASSISTANCE, *VIOLENT CRIME REDUCTION OPERATIONS GUIDE* (2018), <https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/violent-crime-reduction-operations-guide.pdf>
 AEquitas gratefully acknowledges the permission of Major Cities Chiefs and BJA to adapt and incorporate portions of that Guide for this Prosecutors’ Guide.

foundational to enhanced, depending on available resources and experience, as well as jurisdiction-specific needs and challenges. This Guide is intended to enable the executives responsible for operating a prosecutor's office to identify policies and practices that could be readily implemented, as well as those that represent actionable goals to work toward. Every prosecutor's office—whether a small tribal or rural office, a mid-sized suburban office, or a large office serving a major metropolitan area—can build the capacity to improve its response to violent crime by systematically incorporating promising practices that will harness all of the available resources to achieve the goal of a safer community.

We are grateful for the leadership of all the Roundtable participants and their willingness to share their experience and expertise, as well as for the contributions of all the dedicated interdisciplinary professionals who have helped to inform our collective knowledge about what works best to make our criminal justice system more effective, responsive, and just in the ongoing effort to build safer communities. The recommendations presented here are only the beginning. It is our hope that these ideas will inspire further innovation and refinement in prosecutors' offices throughout the nation and that the most promising practices and policies will continue to evolve and be shared across jurisdictions.



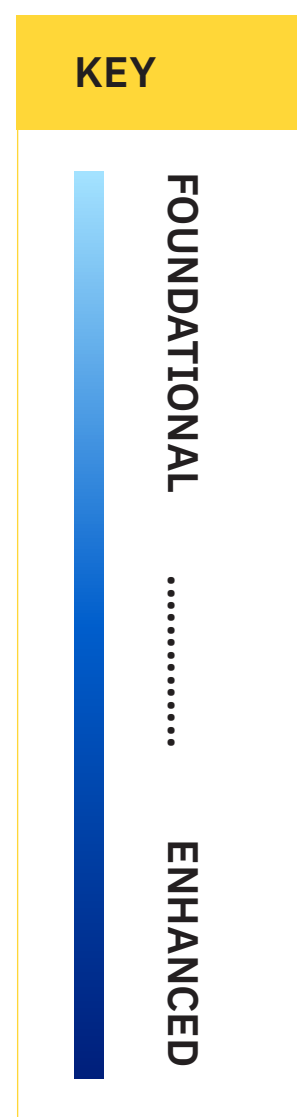
How to Use this Guide

This Guide is not a prescription for or “recipe” of specific policies or practices that, if carefully followed, will bring about the desired results in every jurisdiction. Rather, the Guide provides a systematic way for each prosecutor’s office to assess its strengths and weaknesses with respect to several critical elements—those capabilities that will enable the office to develop and enhance policies and practices that will be most effective in the real world of that jurisdiction. The Guide also suggests ways to enhance those capabilities and provides examples of policies and practices that might be developed or improved.

The premise of this Guide is that every prosecutor’s office can and should develop and enhance the critical elements that are essential for the response to and the reduction of violent crime within its jurisdiction. The following elements were identified from the Roundtable:

- [Community Engagement](#)
- [Collaboration with Criminal Justice Partners](#)
- [Technology](#)
- [Analytics and Intelligence](#)
- [Recruitment, Training, and Case Assignment](#)
- [Resources and Sustainability](#)
- [Accountability](#)

These elements cannot be viewed, or improved/refined, in isolation from one another. There is a considerable degree of overlap among these elements; improvements in one area often cannot be achieved without concomitant refinements to the others. For example, community engagement will require collaboration and coordination with criminal justice partners in order to present a unified message and to ensure the work of all partners contribute to, and benefit from, an improved relationship with the community. Likewise, accountability helps to build the trust that is essential to effective engagement with the community. The elements are simply different facets of a cohesive and holistic approach to the improvement of community safety by reducing the incidence and impact of violent crime.



Also included in the Guide are:

- An examination of the qualities needed for effective leadership—an essential foundation for the successful implementation of the selected strategies.
- Discussion of a suggested approach to identification of the violent crime problem(s) plaguing the community.

In evaluating the office with respect to the critical elements, and in establishing goals for change or improvement, certain questions should be considered:

- What practices and resources are already in place?
- Where can existing resources be put to more effective use?
- Can/should certain resources or efforts be redirected, enhanced, or expanded?
- Is additional training necessary?
- Is there a need to hire staff with specialized skill sets?
- Would additional or updated equipment or software be helpful?
- Are there existing programs, policies, or procedures that are less than effective in achieving their desired goals? If a program is less than effective, what are the obstacles or barriers that hinder its success? Should the program be improved, or abandoned in favor of more focused and effective measures?
- What limitations are there, in terms of resources or practical/legal constraints? How can they be overcome?
- Are there demographic, social, or legal changes on the horizon that should be accounted for (e.g., a growing homeless population; reduced criminalization of certain drugs for personal use; bail reform measures)?

Above all, it is important for purposes of planning and implementing new or refined practices to think strategically. What changes will have the greatest positive impact? How will any contemplated changes affect the priorities and practices of others in the system and in the community? How can you reduce resistance to change and achieve buy-in from those affected? What process do you employ to prioritize goals? Can desired changes be broken into incremental steps?

In the Appendices to this Guide you will find specific tools and other resources to provide further guidance and assistance, as well as examples of efforts undertaken in jurisdictions that have already begun to change their approach to enhanced community safety.

This Guide is intended to spark ideas and provoke discussion about the best way for each individual prosecutor's office to take a leadership role in improving community safety and to facilitate the cooperation and collaboration necessary to achieve that goal.

The Leadership Role of the Prosecutor

Successful planning and implementation of strategies for responding to violent crime and improving community safety demands effective leadership on the part of the chief prosecutor. The prosecutor is not only the chief law enforcement officer in the jurisdiction but in many respects the chief problem-solver. In addition to guiding their office and the local criminal justice system to achieve justice inside the courtroom, the chief prosecutor engages with their community to promote public safety and well-being outside the courtroom.

First and foremost, the chief prosecutor is responsible for setting the culture and tone of the office. The prosecutor and all staff members should hold themselves to standards consistent with the values that embody justice. These values must be communicated — not only to staff, but to criminal justice partners and the community — and continually reinforced. The chief prosecutor ensures that those prosecutors and other staff appointed to leadership positions within the office promote the same values in their respective units. Leading by example, the executive prosecutor can inspire criminal justice and community partners to do likewise.

Those values include:

- Respect for the rights of the accused and for all participants in the criminal justice process, including colleagues, allied professionals, victims and witnesses, adversaries, and the courts, as well as members of the community (including the media).
- Ethics and fairness — not only abiding by the law and the Rules of Professional Conduct, but being fair, unbiased, and candid in all professional interactions and decision-making.
- Empathy, compassion, and honesty in dealing with victims and survivors of violent crime.
- Willingness to listen to the concerns, suggestions, and feedback of others.
- Readiness to acknowledge and correct errors or poor decisions.
- A cooperative spirit in working with colleagues as well as criminal justice and community partners.
- Cultural humility — an approach to culture that includes a commitment to self-evaluation and critique, working to eliminate power imbalances based on cultural differences, and working with those who advocate for the underserved (e.g., diverse racial, ethnic, and LGBTQ communities).³

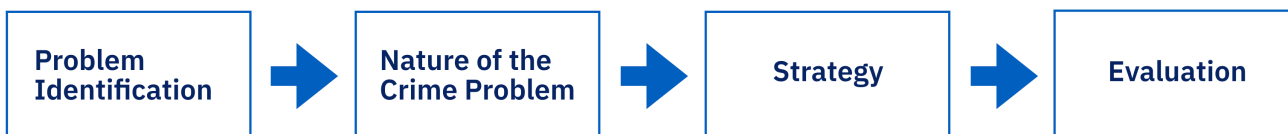
³See Amanda Waters and Lisa Asbill, American Psych. Ass'n, *Reflections on Cultural Humility*, APA.ORG (Aug. 2013), <https://www.apa.org/pi/families/resources/newsletter/2013/08/cultural-humility> (last visited July 21, 2020).

The priorities for the office and the definition and execution of its mission are ultimately in the hands of the chief executive, who must become intimately familiar with the makeup of the community—its strengths as well as the challenges it faces. The chief prosecutor is responsible for obtaining and digesting data that will illuminate the scope and nature of the violent crime problem in the jurisdiction and, after consultation with office leadership staff and other stakeholders in the criminal justice system and in the community, acquiring and appropriately allocating the necessary resources. The executive must embrace the use of, and obtain access to, technologies that facilitate office and case management, as well as those that enhance the investigation and prosecution of violent crime. Personnel must be adequately trained, compensated, and supported.

Violent crime is both a symptom and a cause of many related social problems. The criminal justice system—however well it operates—cannot fix them all, and cannot remedy any on its own. It is critical for the chief prosecutor to recognize the interrelatedness of the criminal justice system with other important community institutions, such as the healthcare system, schools, businesses, and social service agencies and organizations. Violent crime affects all of these institutions and they all have a stake in community safety; their interests and their contributions can be harnessed to common purpose under the leadership of the prosecutor.

Finally, the prosecutor is responsible for ensuring that the office is responsive and accountable to the public that it serves. Victims and witnesses must receive timely and helpful information about the status of their cases, the office must provide accurate and timely information in response to proper media requests, and the office must solicit and welcome feedback from the community.

Identifying and Analyzing the Violent Crime Problem



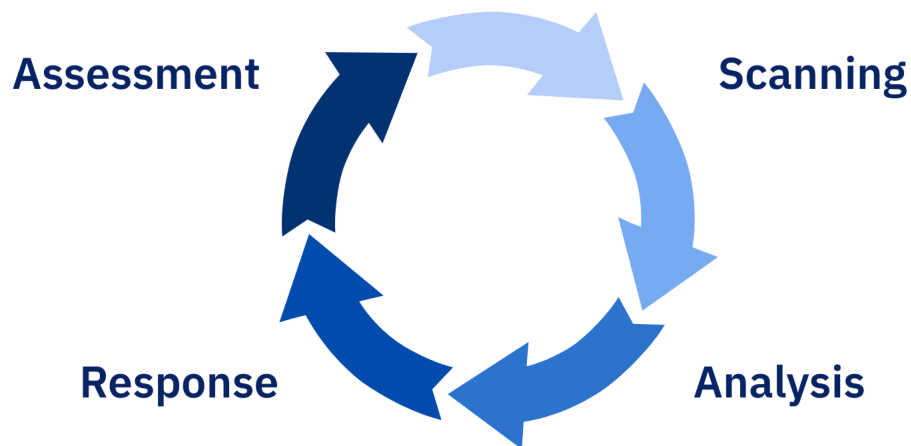
The “violent crime problem” in most jurisdictions is not monolithic. There is no single “problem” which, if remedied, would make the community safe. Violent crime is multifaceted, affecting different geographical areas and populations in different ways. It is imperative for the chief prosecutor to use all of the resources and strategies at their disposal to reduce the harm visited on these victim populations and their neighborhoods. In doing so, they are challenged to achieve and maintain community credibility and support, maximize the utility of finite resources, and address the needs of stakeholders with potentially competing priorities.

Problem identification and analysis are the first steps in determining which strategies are prioritized and how resources are deployed. One way to approach problem-solving is the SARA Model (Scanning, Analysis, Response, and Assessment), developed by the Center for Problem-Oriented Policing.⁴

That model can be summarized as follows:

- **Scanning:** Identifying serious and/or recurrent problems and their consequences; prioritizing them (e.g., according to urgency and/or ease of resolution); developing broad goals for elimination or reduction; selecting problems requiring closer examination.
- **Analysis:** Identifying and understanding the events and conditions that accompany the problem; identifying relevant data to collect and study; researching what is known about this type of problem; evaluating the strengths/weaknesses of any existing efforts to address it; identifying resources that may assist in developing deeper understanding of the problem.

⁴See Ariz. State Univ. Ctr. for Problem-Oriented Policing, *The SARA Model*, POPCENTERASU.EDU, <https://popcenter.asu.edu/content/sara-model-0> (last visited July 21, 2020).



- **Response:** Brainstorming new interventions; researching strategies implemented in similar communities; considering contextual factors that may present barriers to success and developing a plan to mitigate these; choosing among alternative strategies; outlining a response plan with specific objectives and assigned responsibilities; implementing the plan.
- **Assessment:** Evaluating the plan's implementation; examining pre- and post-intervention quantitative and qualitative data; determining the extent to which goals were attained; identifying and making any necessary adjustments; conducting ongoing assessment to ensure continued effectiveness.

Information derived from the collection and analysis of law enforcement and case data enables prosecutors to identify recurring violent crime problems that demand focused attention. For example, one strategy might involve focus on neighborhoods with high levels of gun-, drug-, or gang-related activity. Another might involve focus on habitual offenders. Such crime-reduction strategies require data-driven information and careful analysis to ensure they are designed and deployed in a manner that is both effective and free of systemic bias. Additionally, they require partnerships with local, state, tribal, and federal law enforcement and prosecutors able to share intelligence and case information, as well as with parole and probation officers to ensure that high-risk offenders are effectively monitored when not in custody.

While the importance of collecting and analyzing crime data cannot be overstated, prosecutors must look beyond the existing data, employing additional methods to identify problems not accurately represented there. Some violent crimes are notoriously underreported; crimes such as intimate partner violence, sexual violence, sex and labor trafficking, and abuse of children or elders tend to be much more widespread than the crime data alone would indicate. Schools, healthcare providers, social service agencies, and nonprofit organizations that regularly engage with victims of these crimes are positioned to provide information to support a more accurate assessment of the nature, prevalence, and effects of such hidden crimes of violence. Partnering with those entities can provide critical information that should be considered in identifying the problems to be addressed.

For crimes of domestic and sexual violence, it is particularly important to identify the serial or habitual perpetrators who pose the greatest threat to their victims and the community. Habitual domestic abusers, whose arrest record may represent only the most serious or most recent acts of violence, frequently escalate the level of violence over time. Until they are stopped, such offenders present an ongoing threat to the victim, to children in the home, and to future intimate partners, as well as others—a significant proportion of mass shooting perpetrators have a history of intimate partner violence.⁵ Because even reported crimes of domestic violence tend to be under-prosecuted due to factors such as witness intimidation, the most dangerous offenders can often be identified only through careful victim interviews and the use of risk assessment instruments. Identification of serial sex offenders presents similar challenges. Not only is sexual violence underreported in general, many cases are subject to prosecutorial declination or dismissal because of deficiencies in the investigative and prosecution response. As a result, many serial sex offenders go undetected and continue to prey on victims—often those targeted for their vulnerability. Improving the investigative and prosecution response to crimes of sexual violence is key to the identification and incapacitation of these dangerous perpetrators.⁶

Other gaps in violent crime data may be attributable to language or cultural barriers, including fear or distrust of law enforcement. Hate crimes that target individuals based on their perceived race, ethnicity, country of origin, religion, sexual orientation, or gender identity may go unreported for such reasons. Victims of violence perpetrated by members of the same insular community to which they belong (e.g., immigrant neighborhoods; religious communities) may be subjected to community pressure not to involve “outside” law enforcement authorities. To assess and appropriately address such crimes, the prosecutor’s office may benefit from partnering with organizations, agencies, and faith-based institutions serving individuals who may be the targets of hate crime or crimes of violence within their community.

Finally, some threats to the sense of safety in the community present with such urgency that they take priority over the problems represented by the data. Critical, high-profile incidents, such as a home invasion/hostage crisis—perhaps rare—may be so disturbing to residents as to compel an immediate focus on the source of community fear and concern, regardless of the extent to which they are reflected in the data. Effectively addressing such concerns in a visible, transparent manner will not only help to restore a sense of safety, but will pay dividends in terms of community trust and confidence in the legitimacy of the criminal justice system. Regular or systematic engagement with the community that encourages candid and comprehensive feedback will help identify these concerns.

The critical elements of violent crime reduction, examined in more detail in the following pages, will provide every office with the capability to make a difference in building a safer community. These elements provide the necessary structure to support effective problem identification, analysis, strategic planning, implementation, and ongoing assessment necessary for success in this effort.

⁵April M. Zeoli and Jennifer K. Paruk, *Potential to prevent mass shootings through domestic violence firearms restrictions*, 19 CRIM. & PUBLIC POL’Y 129 (2020), <https://onlinelibrary.wiley.com/doi/epdf/10.1111/1745-9133.12475>

⁶See generally AEQUITAS, JUST. MGMT. INST., & URBAN INST., MODEL RESPONSE TO SEXUAL VIOLENCE FOR PROSECUTORS (RSVP MODEL) VOLUME I: AN INVITATION TO LEAD (2020), <https://aequitasresource.org/wp-content/uploads/2020/01/RSVP-Vol.-I-1.8.20.pdf> (last accessed July 21, 2020).

Critical Elements



Community Engagement



To do its job effectively, the prosecutor’s office must actively engage in the life of the community or communities it serves.

The prosecutor’s office represents the people—the public that it serves. But the “community” is not a singular, uniform entity. While some offices serve a single, relatively homogeneous community, there are those that serve a large, highly diverse community and still others that serve numerous municipalities within their jurisdictions, each with vastly different demographics, problems, and local resources. To do its job effectively, the prosecutor’s office must actively engage in the life of the community or communities it serves. Community engagement promotes understanding and a spirit of cooperation and problem-solving which will prove to be invaluable to the success of any effort to reduce the threat of violence within the community and develop a shared vision to promote public safety.

Distrust of the criminal justice system results in the underreporting of crimes, reluctance on the part of witnesses to participate in the process, and public cynicism or skepticism about the law enforcement response. When prosecutors fail to engage with the community, there is the risk they will come to view the people they serve simply as problems to be managed, sources of evidence to be extracted, or cases to be processed. Community engagement personalizes the crime problem and invites the public to become active participants in the effort to build safer lives for themselves and their families and friends.

Valuable relationships can be built with such local entities as school systems; public housing authorities; hospitals/healthcare providers; mental health,

youth-based, social service, and faith-based organizations; civil rights organizations; colleges and universities; and military installations. Identify community organizations or agencies whose cooperation would be valuable and establish relationships with the leadership of those entities. Work to identify ways in which coordination and collaboration would be mutually beneficial—partnership implies mutual benefit as well as mutual effort. Jointly determine roles, responsibilities, and goals, reducing agreements to Memoranda of Understanding (MOUs) or other written form such as protocols or guidelines. Ensure that partner organizations or agencies receive appropriate credit for their efforts.

The prosecutor’s office should assess its capacity in the following areas:

- **Community Events** — Ensure that the chief prosecutor, first assistant, or other high-ranking prosecutor is engaged and involved at important community events—particularly those focused on public safety (e.g., Nights Out; Neighborhood/Community Watch events)—as a visible demonstration of commitment to the community’s safety and well-being. These, as well as prosecutor-sponsored events, such as town halls, call-in programs, or listening sessions afford opportunities to solicit input from the public about their public safety or criminal justice concerns.
- **Community Events** — Encourage participation by individual staff (including prosecutors) in community engagement events or initiatives (e.g., by providing incentives, allowing staff to choose among initiatives or roles, and making community engagement an aspect of performance evaluation). Draft scripts, guidelines, or curricula for staff who participate in such activities to ensure uniformity of messaging.
- **Accessible Messaging** — Work to provide messaging and communication to the public and to individuals involved in cases that is accessible to those who are not English-proficient or who have disabilities.
- **Cold Case Support** — Maintain regular contact with victims and survivor families regarding cold or unsolved cases to explain the status of ongoing efforts to bring the case to a resolution; engage with organizations, such as those for families of murder victims, to provide peer support and advocacy.
- **Risk Assessment** — Conduct regular risk assessments⁷ with victims of domestic violence in coordination with advocacy organizations. Assessments permit prosecutors to focus more intently on the most dangerous offenders for purposes of bail, charging, and case preparation; they also provide vital information for advocate use in safety planning.
- **Culture and Bias** — Engage, with cultural humility, the diverse communities served by the office, including ethnic/religious groups, tribal, LGBTQ+, and immigrant communities; explore the role of potential implicit bias⁸ in prosecutorial decision-making; appoint liaisons to these communities to ensure culturally appropriate responses and messaging.
- **Working with Media** — Establish or maintain a good working relationship with the press. Comply with ethical constraints on public statements, but provide all appropriate information in a timely manner. Use briefings/press releases (through the public information officer, if available) to elicit community help in solving cases and identifying evidence/witnesses, as well as to provide critical public safety information.
- **Social Media** — Use social media (e.g., Facebook; Twitter) to make announcements about events

⁷To learn more about risk assessment tools, see *Risk Assessment*, Battered Women’s Justice Project, <https://www.bwjp.org/our-work/topics/risk-assessment.html> (last visited Dec. 1, 2020).

⁸*Project Implicit*, IMPLICIT.HARVARD.EDU, <https://implicit.harvard.edu/implicit/> (last visited Oct. 1, 2020).

or initiatives, highlight successes, introduce prosecution staff to the public, and elicit information and assistance from the community.

- **Tip Lines** — Provide and publicize tip lines with various ways to report information or concerns (phone, text, email, online forms), including both a means for making anonymous reports and an option to request follow-up contact.
- **Website** — Develop and maintain a website that explains the work that various units do and what happens after a crime is reported, highlights significant cases, features identified community problems and any initiatives addressing them, and provides information about ways the community can help. The website could include a form to submit for providing feedback on problems in the community or problems experienced during interactions with the criminal justice system. Ensure that feedback receives a prompt response or follow-up.
- **Community Feedback** — Conduct surveys for victims/witnesses to provide feedback about their experience with the prosecutor’s office—electronically (if possible), by phone, or by use of paper questionnaires. Although such surveys should be anonymous by default, provide an option for respondents to be contacted for follow-up regarding problems or complaints. Establish an appropriate protocol for review, response, and any necessary follow-up for such feedback. Report back to the community any actions taken in response to issues raised by the surveys.
- **Communication Strategies** — Develop communications strategies (periodic newsletter, educational videos, speaking engagements) to inform the public that the mission of the prosecutor’s office is to achieve justice and ensure public safety, not to maximize convictions or incarceration, and explain how office policy advances that mission. Explain how the data collection, analysis, and collaboration processes in use support the violent crime strategies employed. Explain the steps taken to avoid systemic and implicit bias, to ensure that communities subject to historical discrimination are not targeted. Coordinate and collaborate with criminal justice and community partners on messaging to demonstrate unity of purpose.
- **Reporting Success** — In reporting successes, avoid focusing solely on convictions and major prosecutions: hold press conferences or issue releases to announce initiatives, including those aimed at diversion, problem-solving courts, prevention efforts, and victim assistance; report results of feedback surveys and announce what the office is doing to identify and address systemic problems.
- **Civil Legal System** — Partner with local bar associations, civil legal organizations, and law schools to provide civil legal services to victims/witnesses facing landlord/tenant, child custody/visitation, immigration, employment-related, and other legal issues that may accompany victimization.
- **Low-level Offenses** — Collaborate with criminal justice partners to assess the impact of traditional prosecution of low-level, non-dangerous offenses (e.g., driving with revoked license; failure to pay penalties; possession of small quantities of marijuana for personal use) on individuals, the community and the criminal justice system to determine the continued efficacy of this approach. Where appropriate, consider exercising prosecutorial discretion to dismiss/divert such offenses in order to preserve resources for violent crime and to avoid penalties having a disproportionate impact on income or employment of those least able to pay (see, e.g., Strategy in Focus: Shelby County, TN).
- **Victim-Witness Units** — Expand victim-witness units to support victims and incorporate trauma-informed practices, provide or refer victims and family survivors for trauma recovery and bereavement counseling services as well as safety planning; employ or provide referrals

to bilingual and disability-accessible advocacy. Assist with witness relocation/housing (including shelters, public housing); support local relocation efforts that minimize disruption to the lives of victims/witnesses.

- **Diversion Programs** — Identify community-based rehabilitative programs that may be recommended as an alternative to incarceration (e.g., diversion/probation; restorative justice)—programs that are appropriate to the type of offense or offender, have a record of success, and provide reliable reporting—and educate judges so they can order offenders to the best programs.
- **Re-entry/Vacatur/Expungement** — Support rehabilitative efforts by engaging with community-based organizations to provide publicly accessible information, or hold public events, on the requirements and process to vacate or expunge eligible arrests or convictions; work with organizations providing re-entry services to those recently released from incarceration.
- **Community Prosecution** — Establish or enhance community prosecution initiatives to solve problems, improve public safety, and enhance the quality of life in the community. Working together, prosecutors, law enforcement, social services, behavioral health services, public and private organizations and agencies, and community members identify the problems that jeopardize safety or contribute to violence (e.g., abandoned buildings; anchor points for crime in neighborhoods; lack of recreation or meaningful projects to engage youth) and formulate solutions (e.g., public-private community partnerships,⁹ neighborhood courts¹⁰)
- **Community Advisory Board** — Consider establishing a community advisory board to hear community concerns and discuss prosecutorial priorities, practices, and policies.
- **Youth Offenders** — Establish or collaborate with youth-based programs to prevent crime, such as “violence interrupter” programs featuring former offenders who serve as peer specialists and credible messengers to de-glamorize violence and provide realistic lived experience to youthful offenders or others engaging in activities predictive of future violence; structured youth mentoring programs; “Junior Prosecutor” initiatives and/or Explorer groups to educate youth about the criminal justice system as a potential career path to serve their communities.

STRATEGY IN FOCUS

COMMUNITY ENGAGEMENT

Baltimore City State's Attorney's Office's External Affairs Division

Since 2015, the Baltimore City State’s Attorney’s Office (SAO) in Baltimore, MD has invested heavily in youth and community engagement: the chief prosecutor, State’s Attorney Marilyn Mosby, has personally participated in over 1750 community events. One well-received strategy has been the

⁹See, e.g., *Project Green Light Detroit*, DETROITMI.GOV, <https://detroitmi.gov/departments/police-department/project-green-light-detroit> (last visited July 21, 2020).

¹⁰See, e.g., *Neighborhood Courts*, <http://www.courtinnovation.org/sites/default/files/documents/Plenary%20H.pdf>.

creation of the SAO External Affairs Division, a unit responsible for fostering and strengthening relationships with the Baltimore community. This division has several smaller, specialized units under its purview, including those for Communications, Victim and Witness Services, Crime Control and Prevention, and Community Engagement.

The Community Engagement Unit is led by a director and includes nine community liaisons—each responsible for building relationships with youth and young adults, empowering crime victims and witnesses to work with law enforcement, and educating the wider community about the legal system. Thanks to the enhanced level of public trust that has been established, the liaisons are able to serve as “eyes and ears” in the community, gathering valuable intelligence about local crimes and neighborhood crime drivers. Every few months, the Community Engagement Unit hosts a “Court in the Community” event to discuss a particular criminal justice topic, such as sentencing reform or navigating the expungement process for marijuana possession offenses. The State’s Attorney personally leads the Q&A sessions in order to connect one-on-one with members of the public and ensure their concerns are relayed to the highest levels of city government.

The Community Engagement Unit also hosts fun, family-friendly “pop up” events to enhance community ties and provide safe places for adolescents to congregate. Since Friday evenings in the summer typically correlate with spikes in youth violence, the SAO hosts such supervised activities as skating and laser tag during those hours, providing adolescents with healthy alternatives to crime. In addition to providing youth with activities they might not otherwise be able to afford, the “pop ups” give them the opportunity to interact with neighbors and law enforcement professionals in a welcoming and collegial environment. These events have been tremendously popular—bringing together more than 5,000 young people and 30 criminal justice partners over the course of three years.

For more information about the Baltimore City State’s Attorney’s Office External Affairs Division and Community Engagement Unit, please refer to the following resources:

- *Community Engagement: Changing the Way We Engage the Community*, BALTIMORE STATE’S ATTORNEY’S OFFICE, <https://www.stattorney.org/community-affairs/community-engagement> (last accessed Nov. 25, 2020).
- Demetrius Dillard, *Baltimore State’s Attorney Explains New Policy at Community Forum*, BALTIMORE TIMES, March 8, 2019, <http://baltimoretimes-online.com/news/2019/mar/08/baltimore-states-attorney-explains-new-policy-comm/>.

“We have to stop making victims do all the work to get justice. That’s not their job — it’s our job. The more we do on our end, the more victims will engage with us.”

— Nancy O’Malley,
Alameda County District Attorney

Collaboration With Criminal Justice Partners

Successful collaboration and coordination on initiatives focused on violent crime help to maximize available resources and shared information, avoid unnecessary duplication of effort, and minimize conflict between agencies.



Any good relationship requires maintenance; meetings should foster an atmosphere where concerns can be aired and considered without blaming or finger-pointing.

The criminal justice system comprises a vast network of departments and agencies at the federal, state, local, and tribal levels — each with its own jurisdiction, mission, priorities, practices, and resources. In many jurisdictions, interagency and/or multidisciplinary task forces or response teams have long played a crucial role in responding to discrete types of crime (e.g., drug crime, firearms-related crime, gang violence, sexual violence, domestic violence, human trafficking). Successful collaboration and coordination on initiatives focused on violent crime help to maximize available resources and shared information, avoid unnecessary duplication of effort, and minimize conflict between agencies. Because of their central role in the criminal justice system, prosecutors' offices are well-positioned to establish or enhance collaboration with their criminal justice partners: law enforcement departments; crime labs; probation, parole, and corrections departments; federal agencies; and other prosecutors' offices within the state.

In some jurisdictions, relationships among the partners may have a history of tension or mistrust. In those places, collaboration may prove to be more challenging at first. Before more ambitious initiatives are undertaken, it may be necessary to spend time and effort resolving grievances and committing to the improvement of the relationship at all levels, from leadership down through the ranks of the partner agencies. Any good relationship requires maintenance;

meetings should foster an atmosphere where concerns can be aired and considered without blaming or finger-pointing.

In addition to collaborating with law enforcement entities, engaging on a regular, formal basis with public defenders, as well as representatives of the private defense bar and the judiciary, can result in streamlined proceedings, resolution of problems, and a reduction in unnecessary conflict that otherwise would impede the orderly and timely administration of justice.

It is important that partnerships not be solely reliant on personal relationships; written agreements, policies, and protocols promote the sustainability of efforts over time and across changes in administrations.

The prosecutor's office should assess its capacity in the following areas:

- **Audit Partnerships** — Learn what relationships and partnerships already exist; if the prosecutor's office is not currently involved, determine whether it should be, and/or whether a representative of the existing partnership should be invited to participate in any new collaborative efforts. Learn why past or existing collaborative projects succeeded, failed, were continued, or were abandoned.
- **Written Agreements** — Work with partners to draft MOUs, policies, and protocols so each partner knows its responsibilities and what to expect of others. Determine where resources can be shared or reallocated consistent with shared goals. These written agreements should be regularly updated and modified, as appropriate.
- **Solicit Feedback** — Elicit feedback from partners about issues related to coordination with the prosecutor's office (e.g., subpoenas for court appearances; meetings for trial preparation) or other performance-related issues; work toward collaborative solutions and routinely share with partners how their feedback has been used to improve practices.
- **Early Case Engagement** — Encourage police to consult with prosecutors early in the investigation, particularly where guidance is needed regarding charging, evidence collection, search warrants, etc. Consider providing on-call legal advice to officers, staffed by a rotating roster of experienced prosecutors.
- **Cross-Trainings** — Facilitate cross-training to better enable partners to understand each other's roles, capabilities, and challenges.
- **Train Police** — Train police on investigative and reporting needs (e.g., documentation of nontestimonial statements that would be admissible under *Crawford v. Washington*¹¹ when witnesses are unable to participate at trial), as well as the evidentiary standards the office requires for a case to be accepted for prosecution. Invite law enforcement agencies to explain to prosecutors the processes and technology used in their responses and investigations.
- **Federal Partners** — Collaborate with federal partners such as U.S. Attorneys, the FBI, ATF, DEA, and U.S. Marshals Service on federal-state initiatives (e.g., Project Safe Neighborhoods; National Public Safety Partnerships; Violent Gang Safe Streets Task Force) and issues related to interstate or federal law enforcement.

¹¹541 U.S. 36 (2004).

- **Corrections Partners** — Collaborate with corrections departments to prevent and respond to violence within jails and prisons (including requirements under the Prison Rape Elimination Act and witness safety concerns); establish protocols for obtaining access to jail phone calls and jail intelligence and for requesting limitations or restrictions on correspondence and visits to protect witnesses.
- **Offender Programs** — Work with the judiciary to create a process for assessment of offender programs, to ensure that offenders are directed to the most appropriate and effective programs.
- **Defense Bar Partners** — Meet regularly with public defenders and representative members of the private defense bar to hear their concerns and work toward mutually agreeable solutions where possible.
- **Probation/Parole Partners** — Work with probation/parole departments to ensure appropriate monitoring of offenders under supervision; ensure these agencies maintain regular contact with victims to ensure compliance with conditions of supervision; identify programs that are effective in reducing further violence. Coordinate with probation/parole when a supervised individual is the target of an investigation.
- **Attorney General Partner** — Meet regularly with representatives of the Attorney General’s Office regarding training opportunities, statewide policies/protocols, changes in the law, and significant or recurring appellate issues.
- **Specialized Courts** — Work with the judiciary to establish or enhance problem-solving/specialized courts or dockets (e.g., domestic violence, mental health, veterans’ issues, drug courts, opioid intervention courts; high-risk domestic violence dockets).
- **High-Profile Crime Response Team** — Create a High-Profile Crime Response Team (including police, prosecutor, and city/county government authorities, as well as one or more community representatives) for such incidents as police-involved shootings, acts of terrorism, or public corruption. Team members coordinate messaging to keep both individual victims and the public informed, releasing appropriate information as it becomes available.
- **Firearms Surrender Program** — Institute a firearm surrender program/protocol to enforce prohibitions associated with protection orders (including those issued under “red flag” laws), bail conditions, or disqualifying convictions; address issues related to safe storage and return procedures.

STRATEGY IN FOCUS

COLLABORATION

The Cook County (IL) State’s Attorney’s Office’s Gun Crimes Strategies Unit

The city of Chicago experienced a dramatic spike in fatal and nonfatal shootings in 2016. In response, the Cook County State’s Attorney’s Office (SAO) created the Gun Crimes Strategies Unit (GCSU) with

funds from the IPS initiative.

Today, the GCSU consists of experienced Assistant State’s Attorneys (ASAs) who are embedded in six of Chicago’s most violent police districts. Working side by side, law enforcement and prosecutors develop intelligence to identify the individuals driving most of the crime and build the strongest possible cases against them. GCSU prosecutors spend a significant portion of their time physically present in police districts to deepen their understanding of the conflicts and individuals who drive violence. ASAs also participate in daily intelligence briefings conducted by Chicago Police Department personnel, as well as weekly shoot reviews, to identify present and emerging conflicts affecting specific neighborhoods.

The GCSU ASAs vertically prosecute the cases coming out of these districts, with a dedicated team following the case from charging to disposition to ensure consistency and maximize the value of the knowledge developed during the investigation.

The unit has also set up an early alert system, which sends real-time notifications to GCSU prosecutors upon the arrest of a high-profile offender. Equipped with this knowledge, ASAs can collaborate with law enforcement partners to immediately gather open source social media intelligence on the offender, which provides a more comprehensive presentation at bond hearings. There is a 48-hour window between arrest and a bond hearing, so the early alert system enables prosecutors to gather critical information for the defendant’s first court appearance on this charge.

The GCSU ASAs are cross-designated as Special Assistant United States Attorneys (SAUSAs), which allows them to bring charges in state or federal court. They work very closely with counterparts at the U.S. Attorney’s Office to address violence in GCSU districts.

The key to the GCSU’s success is the close collaboration between prosecutors and their partners in law enforcement. The creation and implementation of the GCSU has helped develop trust and foster cooperation between police and prosecutors, who have historically been siloed from one another. The GCSU model recognizes the importance of teamwork to address the persistent problem of violence.

Researchers from the University of Chicago Crime Lab are now assessing the effects of real-time notifications, vertical prosecution, and close police–prosecutor collaboration. While the Crime Lab is still conducting its final evaluation, preliminary findings are promising: between 2016 and 2018, arrests for enhanced gun offenses quadrupled in one district and nearly tripled in another, while gun violence declined faster in GCSU districts than in the city as a whole.

The IPS initiative has also enabled the GCSU to make more strategic prosecution decisions. In 2019, GCSU prosecutors were alerted to the arrest of an individual in a stolen vehicle who had previously been suspected of multiple shootings. When police discovered forged credit cards connected with the offender, GCSU prosecutors collaborated with the Financial Crimes Unit (FCU) to obtain bank and credit card records that were tied to the offender’s Uber account. Confronted with this evidence, the offender made a full admission to the use of forged cards. He was charged with a Continuing Financial Enterprise crime, a Class 1 felony punishable by four to fifteen years in prison. Since the GCSU had previously identified the offender as a major crime driver and were alerted to his arrest early on, they were able to invest the resources and the time necessary to tie an otherwise disparate case neatly together—and hold the offender accountable for the full spectrum of his conduct.

The early successes of the project have prompted the SAO to sustain the GCSU beyond the scope of IPS funds. It is now a thriving and growing unit.

For more on Chicago’s Gun Crimes Strategies Unit, please refer to the following resource:

- [*Innovative State’s Attorney’s Office Program Results in Dramatic Increase in Repeat Gun Charges*](#),

Cook County State's Attorney's Office, <https://www.cookcountystatesattorney.org/news/innovative-state-s-attorney-s-office-program-results-dramatic-increase-repeat-gun-charges> (last updated Nov. 26, 2019).

“Attending regular, joint meetings between prosecutors and police helps ease tension between the two disciplines. By improving communication, we are becoming more effective partners.”

— Erika Gilliam-Booker,
Assistant State's Attorney,
Cook County State's Attorney's Office

Technology



Prosecutors also need to foster trust in digital technologies among jurors, judges, and the community by explaining the reliability of the technology and any safeguards that have been put in place to ensure the intelligence and data are unbiased.

The value of technology to a 21st century prosecutor’s office cannot be overstated. Technological innovations—digital and electronic evidence sourced from body-worn cameras, surveillance drones, gunshot detection, social media extraction tools; improved video surveillance systems; advancements in forensic science; and development of integrated case management systems—have revolutionized the investigation and prosecution of violent crimes. While the use of technology is widely seen as a “game changer” in disrupting violent crime, this new technological landscape challenges prosecutors to implement policy and practice changes that support the application of novel tools in this pursuit. For example, the high volume of video and other electronic evidence received by prosecutors’ offices demands the application of data science tools to efficiently review this material for relevance and redact information, as necessary, to protect the safety and privacy of victims and witnesses. Today’s prosecutor’s office also benefits from an electronic case management system that is integrated with police, jails, courts, and other local systems to efficiently share, store, and track case-level information. Such systems also serve as a critical source of data to examine and monitor crime trends, caseloads and workflow, and performance across the local criminal justice system.

Prosecutors, as well as police, must ensure that intelligence or evidence is collected or developed in compliance with the Constitution. Prosecutors also need to foster trust in digital technologies among jurors, judges, and the community by explaining the reliability of the technology and any safeguards that have been put in place to ensure the intelligence and data are unbiased.

The prosecutor's office should assess its capacity in the following areas:

TECHNOLOGY AND DIGITAL EVIDENCE

- **Technology Policies** — Develop clear policies and procedures for the use of technology, including digital evidence (what to look for and where to find such evidence, how to properly preserve such evidence, and how to admit the evidence at trial); technology tools (what tools exist in the office or with partners and how to fairly and legally use these tools), and office technology (case management systems, the sharing of information within/without the office, and digital discovery systems).
- **Technology Training** — Establish routine training and peer-sharing policies to stay current on new technologies, applications, and system integration. Training should be ongoing and occurring on multiple levels in the prosecutor's office and police departments. Policies should establish expectations for what information should be collected/documented, protocols for the legal and fair collection of information, and the means for sharing appropriate information among agencies.
- **Litigation Technology** — Create a litigation technology unit or designate a litigation technology attorney to explore the acquisition and use of technology to improve management of discovery and courtroom presentation. Provide training on newly acquired technology.
- **Forensic Technology** — Ensure staff are familiar with the existence and capabilities of forensic-based evidence tools/systems (e.g., NIBIN [National Integrated Ballistic Information Network]) and that they are capable of explaining them in non-technical terms to allied professionals and laypeople.
- **Digital Evidence Task Force** — Establish a Digital Evidence Task Force to ensure that procedures for using technologies (e.g., social media data extraction tools) and database/case management systems are both legal and fair.
- **Data Integrity** — Develop data integrity procedures (governing, e.g., security, access, and sharing) with the guidance of a privacy expert.
- **Discovery Issues** — Hire or train specialized staff (e.g., a discovery review unit) to review and redact, as needed, such evidence as body-worn camera footage, surveillance video, audio recordings, and social media data, as well as conduct general pre-discovery evidence review. Use data science tools (e.g., data mining) and analytic methods to increase the efficiency of digital and electronic data review and to facilitate the redaction of sensitive information.
- **Video Evidence** — Facilitate the ability to canvass for video evidence by plotting video sources on a map.
- **Public Trust** — Effectively articulate the safeguards in place to ensure the fair and legal use of technology in law enforcement and prosecution, in order to build and reinforce public trust in novel digital tools and strategies.
- **Public Trust** — Engage the community in discussions about the purpose, use, and impact of technology in investigating and prosecuting violent crime. Educate the community about the use of such non-sensitive technology as gunfire location technologies and video camera evidence, including body-worn cameras and fixed or mobile video cameras deployed in the community. Solicit from the community suggestions and information about the deployment of technology resources and potential sources of intelligence.

CASE MANAGEMENT SYSTEMS

- **System Assessment** — Whether procuring, developing, or upgrading a case management system, assess data needs relative to system capabilities to identify and avoid potential gaps in the systems.
- **System Integration** — Whether procuring, developing or modernizing a case management system, consult with other stakeholders (e.g., police; jails; courts) to determine how such a system could be integrated with stakeholders' systems.
- **Court Notification System** — Implement a court notification function in the case management system to remind victims, witnesses, police officers, and defendants of upcoming court dates to reduce delay, or advocate the implementation of this function within other stakeholders' systems (e.g., courts).
- **Investment Review Board** — Consider the use of an in-house Investment Review Board or policy to guide the acquisition of information technology, eliciting the input of experienced prosecutors, IT professionals, support staff, and contracting authorities regarding system requirements. If procuring a case management system from a vendor, assess the ease and cost of data extraction from the system; discuss system performance with users in other prosecutors' offices.
- **Information Technology Staff** — Develop or hire information technology staff to maintain the case management system.
- **Data Analytics** — Build data analytics (routine and ad hoc) into the case management system.
- **Comprehensive Data Collection** — Establish a fully integrated case management system or data warehouse that captures data from all points of the local criminal justice system from arrest through case disposition. Such a system facilitates the sharing of relevant case-level information among stakeholders and provides feedback on case processing and outcomes.

STRATEGY IN FOCUS

TECHNOLOGY

The Denver (CO) District Attorney's Office Digital Evidence Task Force

In late 2019, the Denver District Attorney's Office, Denver Police Department, and Denver Crime Laboratory partnered to create a Digital Evidence Task Force, in cooperation with Hannibal Technologies, a private technology company specializing in digital forensics, data recovery, and hardware exploitation. With funding through the IPS initiative, members of the Task Force are working collaboratively to unlock, extract, decode, and analyze digital data, which they hope will yield crucial

intelligence relating to criminal acts and the offenders responsible for them. Under the direction of a Deputy District Attorney specializing in 4th amendment issues related to digital evidence collection, the Task Force meets regularly to discuss cases, evaluate digital evidence extraction tools, and create protocols related to task force activities. This joint approach between criminal justice partners, along with a private sector partner whose work is on the cutting-edge of digital evidence recovery, is improving the ability of law enforcement to effectively recover, analyze, and introduce critical digital evidence at trial. The team is also using field-capable mobile device extraction tools, enabling law enforcement officers—with consent or a warrant—to extract and forensically examine data on cell phones in real-time at the scene of a crime. This helps expedite and enhance the investigation and prosecution of violent crimes.

"It is crucial for prosecutors to be able to speak with confidence about technology to juries and to the public — they need to be able to communicate that technologies are effective, constitutional, and not unduly invading privacy."

— Kristen Mahoney,
Former Deputy Director,
Bureau of Justice Assistance

"Through the National Integrated Ballistic Information Network, we've been following the guns and not the gangs. Our information is much more objective, accurate, and useful."

— Dan Satterberg,
King County Prosecuting Attorney

Analytics and Intelligence



In a resource-constrained system, data analytics can also help prioritize the most pressing crimes impacting a community.

Intelligence-led investigation and prosecution of violent crime requires access to data, as well as analytic technology and staff to support such an approach. Data analytics can help to target not only the places where violent crime occurs, but also help identify the drivers of violent crime within those “hotspots.” In a resource-constrained system, data analytics can also help prioritize the most pressing crimes impacting a community.

Today’s prosecutors’ offices also harness data to monitor staff performance. A data-informed, evidence-based approach to performance management can provide feedback to prosecutors about the impact of their decision-making and guide discussions to improve case management, case outcomes, and organizational efficiency. To be effective, performance management systems require sustained buy-in from staff at all levels, a willingness to critically and constructively examine office- and case-level practices, a process for reporting results internally and to the public, and processes for honing prosecution responses based on performance data.¹²

It is critical that accurate performance data be collected and then analyzed

¹²See generally AEQUITAS ET AL., *supra* note 6.

in a manner that reflects reality—however uncomfortable that reality may be. The data should drive improvements in practices and case outcomes. Accurate performance data analysis affords the opportunity to examine the underlying causes of any problems, to identify practices that might improve outcomes, and to implement necessary changes. At the same time, it is important that changes in practices actually address these underlying problems, rather than cosmetically improve the data. For example, accepting fewer and “better” cases for prosecution (which may reduce excessive case attrition) merely boosts the disposition data, at the expense of efforts that would address the actual reasons for case attrition.

Building an intelligence-led and evidence-based prosecutor’s office calls for reconceptualizing staffing needs and/or developing partnerships in order to build capacity and expertise in driving analytics at the case, office, and criminal justice system levels.

The prosecutor’s office should assess its capacity in the following areas:

INTELLIGENCE

- **Analytics Policies** — Establish clear policies and procedures for using analytics in the investigation and prosecution of cases, including: use within the office to improve performance and case outcomes; use in the community to identify crime trends/hotspots to improve the effective deployment of resources; and in individual cases, to identify investigative leads and evidence. The policies and their purpose should be shared with personnel and, as appropriate, with the community; policies should incorporate principles related to fairness, privacy, and legal considerations.
- **Validating Data** — Ensure that intelligence data (e.g., gang databases) are sound, by developing policies or criteria for verifying data, assessing it for racial/ethnic bias, and purging inaccurate or biased data through a semi-automated review process involving manual record inspection and data analytics.
- **Analytics Training** — Build capacity for use of data based on forensic analysis (e.g., NIBIN hits that connect shell casings to individuals). Prosecutor skills should be supported through ongoing training to ensure that they have the requisite working knowledge to lay the foundation for admission of the forensic evidence, to effectively explain the analysis to the jury, and to respond to defense challenges.
- **Specialized Unit Analytics** — Collaborate with specialized police units (e.g., gun or gang task forces) to facilitate real-time sharing of data and analysis. Collaboration may involve such practices as co-locating personnel to increase effective information-sharing and investigation strategies; establishing a clear personnel hierarchy for investigative decision-making; and creating policies for the secure housing, access, and sharing of data/evidence. Analysts should provide timely, ongoing, and relevant intelligence briefings to these teams to develop strategic and tactical plans.
- **Crime Strategies Unit** — Consider establishing a collaborative Crime Strategies Unit (CSU) that can collect and analyze case-specific data as well as aggregate data about crime trends and the drivers of crime in discrete locations or jurisdiction-wide. Use the analysis to inform decision-making regarding allocation of resources, development of targeted crime prevention strategies, and support for investigation and prosecution of emerging and ongoing violent crime.

AGGREGATE ANALYTICS

- **Performance Analytics** — Develop performance metrics to monitor, at minimum, case dispositions and case processing times.
- **Performance Analytics** — Develop metrics to monitor performance beyond case dispositions and case processing times, including metrics that may indicate bias (e.g., charging decisions; dismissal due to lack of victim/witness participation; referrals to diversion or specialty courts; plea agreements, case demographics).
- **Performance Analytics** — Use performance metrics that include post-disposition outcomes (e.g., new criminal arrest within 12 months of disposition) to develop a feedback loop about the effectiveness of decision-making; use this evidence-based approach to modify policies and practices to improve decision-making and case outcomes, as well as to increase office efficiency.
- **Data Dashboards** — Develop data dashboards that will display performance metrics and permit authorized users (e.g., system stakeholders; members of the public; the media) the means to readily visualize select data.
- **Data Dashboards** — Incorporate other stakeholder data (e.g., from jail and courts) for display in data dashboards, permitting a more comprehensive picture of trends in case processing, case outcomes, and recidivism to help track the impact of policy or practice changes on the jail population, caseloads, and case outcomes.
- **Evaluate Decision-Making Tools** — If considering or using an algorithm-based decision-making tool (e.g., risk assessment), convene a committee to review the manner in which the tool is used, including the data inputs (to evaluate possible limitations or factors that may bias these inputs), the accuracy with which outcomes (e.g., failure to appear; new arrest) are predicted, and the manner by which levels of risk are determined. Consider current or historical factors that may contribute to bias in the data inputs. Ensure that staff are thoroughly trained in the tool's use and possible limitations. Engage a research partner to validate the tool for the jurisdiction and assess for potential bias; revalidate if a major system change is implemented (e.g., bail reform) or an exogenous event occurs (e.g., a pandemic) that might impact the individuals affected.

STAFFING CONSIDERATIONS

- **Data Entry Training** — Train prosecution/support staff on proper data entry and the importance of entering timely, accurate, and complete data. Elicit staff input for the development of aggregate indicators (e.g., performance metrics) and identification of other measures to track.
- **University Partners** — Partner with a local university (e.g., interns, partnerships through grants) to conduct analysis and/or to provide consultation.
- **Merging Data** — Hire or develop staff skilled in case-level and aggregate-level data analysis (e.g., social network analysis; violent crime problem analysis and trends; caseload analysis; workflow analysis; case outcomes; performance metrics) and data-linking techniques to merge data from other case management systems (e.g., police; jails; courts).
- **Predictive Analytics** — Hire or develop staff skilled in predictive analytics or development

of actuarial tools (e.g., risk assessments) to prioritize cases and inform decision-making (e.g., bail or sentencing recommendations).

- **Analytics Teams** — Develop analytic teams of data analysts and prosecutors that match technical skill with subject-matter expertise (e.g., a Crime Strategy Unit).
- **Analytics Skills** — Develop subject-matter expertise among data analysts and/or develop technical/analytics skill among prosecutors (representing a possible career path for prosecutors), qualifying such specialists to drive data analytics within the office.

STRATEGY IN FOCUS

ANALYTICS AND INTELLIGENCE

Strategy in Focus: East Baton Rouge (LA) District Attorney's Office Crime Strategies Unit

In 2015, the East Baton Rouge District Attorney's Office (EBRDA) partnered with the U.S. Attorney's Office, Police Department, National Guard, and criminologists from Louisiana State University to create the EBRDA Crime Strategies Unit (CSU). Modeled after the Manhattan District Attorney's Office CSU, the multi-disciplinary unit consists of two criminology students, an Assistant District Attorney (ADA), an Assistant U.S. Attorney (AUSA), victim advocates, detectives, and a crime analyst from the Louisiana National Guard. The CSU harnesses the area's collective law enforcement resources to identify regional crime trends in targeted violent crime areas and to develop data-driven intervention and prosecution strategies. The CSU supplements its analysis with comprehensive partnership efforts—engaging with local community residents and police precincts to build neighborhood intelligence networks and monitor priority offenders. By meeting with faith leaders, homeowner associations, and school officials, the CSU is able to identify and address social and economic problems affecting the community and driving crime.

One of the CSU's most valuable outputs is its daily "Shots Fired" analysis report. The report synthesizes data from nonfatal shootings, homicides investigations, and their gunshot detection system—an acoustic surveillance technology that uses sensors to detect and locate potential gunfire incidents in real time—to identify crime hotspots and focus law enforcement efforts and resources on the areas that need them most. The analysis revealed that 50% of the violent crime in East Baton Rouge Parish occurs within 10-30 yards of a blighted or abandoned property, which are hotspots for illegal firearms dealings. In response to this information, EBRDA partnered with the City of Baton Rouge to condemn and remove these properties.

Another key benefit of the CSU's work is its ability to identify habitual offenders, while linking them to their violent activities and co-conspirators. Utilizing interns to monitor jail phone calls and analysts to investigate social media accounts, the Unit is able to build relational datasets to identify the

relationships and connections between individuals and criminal enterprises. This type of intelligence, commonly referred to as social network analysis, is invaluable in tying together seemingly unrelated crimes and uncovering larger conspiracies.

For more information about the East Baton Rouge CSU, please refer to the following resources:

- *New Baton Rouge Crime Strategies Unit Announced*, JUSTICE.GOV, <https://www.justice.gov/usao-mdla/new-baton-rouge-crime-strategies-unit-announced> (last updated Sept. 23, 2015).
- Bryn Stole and Maya Lau, *A 'Moneyball' approach: New multi-agency unit will use data to fight crime in targeted East Baton Rouge Parish Neighborhoods*, THE ADVOCATE, Sept. 5, 2015, https://www.theadvocate.com/baton_rouge/news/crime_police/article_9d670405-d25f-52df-895e-85eb5cb1d9b5.html

"Crime Strategies Units and crime analysts do the 'thinking' for prosecutors' offices. This is invaluable, because most prosecutors don't have time for this type of thinking — they have to constantly be triaging the things that are coming at them."

-John Irwin, Chief of Trial Division,
Manhattan District Attorney's Office

Recruitment, Training, and Case Assignment



Ideally, the staff of the prosecutor’s office should reflect the community it serves.

The most valuable resource in any prosecutor’s office is its staff — prosecutors, investigators, and victim-witness advocates, as well as administrative and support staff. Careful planning is required to ensure that those tasked with responding to violent crimes have the knowledge, skills, capacity, and support necessary to bring about just outcomes.

Ideally, the staff of the prosecutor’s office should reflect the community it serves. Prosecutors, investigators, and victim advocates are highly visible professionals — to the public, they represent the “face” of the prosecutor’s office. An office that bears a resemblance to the community is more likely to be viewed by the public as credible and legitimate. Diversity also helps to ensure that the perspectives and lived experiences of all members of the community are taken into account in setting priorities; establishing policies for screening, charging, and disposing of cases; working effectively with victims and witnesses; and presenting credible cases to juries.

To achieve and maintain optimal performance, prosecutors and investigators need regular training opportunities to stay current on the latest advances and challenges. Strategies and techniques are constantly evolving as knowledge derived from new research leads to advances in forensic science, technology, social science, and medicine. The law, too, is constantly evolving, with new or amended statutes, rules, and court decisions.

Diversity also helps to ensure that the perspectives and lived experiences of all members of the community are taken into account in setting priorities; establishing policies for screening, charging, and disposing of cases; working effectively with victims and witnesses; and presenting credible cases to juries.

Specialized units, or specialized/dedicated prosecutors in offices too small to accommodate specialized units, enable prosecutors, investigators, and advocates to develop high levels of expertise in particular types of violent crime and effective strategies specific to combating that type of crime. Despite the benefits of specialization, there are common co-occurring crimes that may be overlooked unless there is collaboration among specialists to ensure that offenders are held accountable, and victims receive appropriate services, for the full scope of criminal activity. For example, a sexual assault or human trafficking case may have arisen in the context of gang violence, requiring a level of expertise in gang crime and culture.

The prosecutor's office should assess its capacity in the following areas:

- **Training** — Identify training opportunities related to the investigation and prosecution of violent crime, including training events and webinars presented by your state prosecutor's association and technical assistance providers (e.g., AEquitas; Association of Prosecuting Attorneys; National District Attorneys Association; International Association of Chiefs of Police; Police Executive Research Forum¹³). Arrange for staff who attend in-person events to share their course materials and newly-acquired knowledge with colleagues.
- **Trauma-Informed Response** — Ensure that all prosecutors, investigators, and victim-witness advocates who work with victims of violent crime have had training in trauma-informed response. These techniques reduce the incidence of re-traumatization, while increasing the ability of victims to provide useful information and remain engaged in the criminal justice process.
- **Case Triage** — Establish criteria to triage cases for the purpose of concentrating more resources on the most dangerous offenders.¹⁴ The seriousness of the charged crime should not be the sole criteria; the risk of future harm to the victim and to the community, as well as the relative culpability of the offender, are key considerations.
- **Workload Analysis** — Collect data related to the workload of your prosecutors and staff to include cases handled and additional duties outside the courtroom. Use the data to create and disseminate metrics that govern workloads.¹⁵

¹³ For a comprehensive list of BJA TTA providers, see *Training and Technical Assistance Grantee Directory*, BJATTA.BJA.OJP.GOV (Summer 2020), https://bjatta.bja.ojp.gov/system/files/attachments/BJA_NTTAC_Grantee_Directory_Summer_2019%20-%20508c.pdf (last visited July 21, 2020).

¹⁴ The majority of violent crimes are perpetrated by a small number of persistent violent offenders, typically males, characterized by early onset of violent criminality, substance abuse, personality disorders, and nonviolent criminality. See Orjan Falk et al., *The 1% of the population accountable for 63% of all violent crime convictions* 49(4) SOC. PSYCHIATR. EPIDEMIOL. 559-71 (Oct. 31, 2013), <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3969807/>.

¹⁵ For a discussion on prosecutor workloads see AMERICAN PROSECUTORS RESEARCH INST., *HOW MANY CASES SHOULD A PROSECUTOR HANDLE? RESULTS OF THE NATIONAL WORKLOAD ASSESSMENT PROJECT* (2002), <http://www.imijustice.org/wp-content/uploads/2019/12/NDAA-APRI-How-Many-Cases.pdf>.

- **Recruitment Diversity** — Locate sources for recruitment of diverse candidates for prosecutor and investigator positions, including professional associations,¹⁶ law schools, and colleges or universities with criminal justice programs. Institute a diverse internship program for law and criminal justice students to provide hands-on experience for students and valuable assistance with tasks that would otherwise fall to paid staff (see Resources and Sustainability), but also represents an experienced and vetted pool of candidates for future employment.
- **Multidisciplinary Training** — Collaborate with nearby jurisdictions or local criminal justice partners on multidisciplinary trainings, inviting as presenters such allied professionals as law enforcement, Sexual Assault Nurse Examiners (SANEs), state lab forensic analysts, and community advocates.
- **Brief Bank** — Maintain an office brief bank for appellate and motion briefs that is searchable by issue and type of crime.
- **Advancement Opportunities** — Assign cases, to the extent permitted by available resources and court procedures, so that every prosecutor has the opportunity to handle significant cases, consistent with their experience and abilities. Ensure that prosecutors are afforded the opportunity to grow in terms of developing their skills.
- **Mentorships** — Partner more experienced prosecutors with those who are newer or less experienced, locating them in the same office or nearby to encourage regular consultation and mentoring.
- **Bias** — Explore and discuss topics of historical racism and cognitive bias with prosecutors and support staff. Develop action items with input from all staff.
- **Specialized Units** — Create specialized units, or appoint one or more prosecutors and investigators to specialize (along with a dedicated victim-witness advocate, if possible), for prosecution of discrete types of violent crime requiring a high level of expertise (e.g., homicide; sexual violence; domestic violence; human trafficking; gang violence; child abuse; elder abuse). Personnel should be selected based upon interest, demonstrated skills, and willingness to learn and share knowledge.
- **Mental Health Prosecutors** — Designate a mental health screening prosecutor to evaluate cases impacted by a defendant’s mental health or addiction history. Provide training to prosecutors on mental health and addiction issues.
- **Co-occurring Crimes** — Encourage specialized prosecutors and investigators to cross-train others in the office, including those specializing in other types of violent crime, to ensure that co-occurring crimes are not overlooked, but rather are appropriately addressed. If trials are handled by general trial prosecutors, ensure that they call upon the expertise of those who specialize in the specific type(s) of violent crime involved.
- **Vicarious Trauma** — Prevent burnout and minimize the incidence of vicarious trauma among prosecutors who specialize in violent crime. Consider imposing maximum caseload ceilings, providing appropriate support personnel for their work, providing access to self-care resources, and/or assigning specialized prosecutors a percentage of nonviolent crime cases as part of their caseload.

¹⁶ E.g., the National Black Prosecutors Association; the National Organization of Black Law Enforcement Executives; the National LGBT Bar Association; the Hispanic National Bar Association; National Asian Pacific American Bar Association.

- **Vertical Prosecution** — Provide for vertical prosecution of violent crime (to the extent resources permit). This office structure reduces the number of prosecution and investigative staff with whom victims must interact—one way to minimize the trauma associated with victimization—and ensures continuity of approach throughout the course of a case. If vertical prosecution is not feasible in all cases, consider its use for at least the most serious or complex cases. For cases that cannot be vertically prosecuted, require that any new prosecutor assigned to the case consult with the original prosecutor (or another with the relevant expertise).
- **Appellate Units** — Create a dedicated appellate unit, if appeals are handled within the office. Such a unit can also provide legal research and assistance with motion briefs, assistance with legal issues that arise during trial, or interlocutory appeals to challenge adverse rulings before and during trials. Appellate prosecutors should consult with specialized prosecutors to ensure their arguments incorporate the latest research relevant to issues in the case.
- **Cross-Designated Prosecutors** — Secure cross-designation of prosecutors as Special Assistant United States Attorneys (SAUSAs) to enhance federal–state collaboration in cases such as firearms offenses, gang/drug violence, domestic violence, and human trafficking.
- **Teaching Opportunities** — Encourage staff to seek adjunct teaching opportunities at local colleges or universities, including law schools, to present seminars or other courses focused on the criminal justice system’s response to violent crime. One factor contributing to the difficulty in recruiting talented and diverse prosecutors and investigators is the widespread perception that the prosecutor’s role is focused on punishment, rather than doing justice in a manner that promotes social change and community safety. Carefully planned and engaging coursework can help change that perception, making employment in the prosecutor’s office more attractive.

STRATEGY IN FOCUS

RECRUITMENT, TRAINING AND CASE ASSIGNMENT

Alameda County (CA) District Attorney’s Office

The Alameda County District Attorney’s Office offers a series of community-based public recruitment and training programs. The Justice Academy is one such offering: a community outreach program that provides a learning and working experience for local public-school students interested in the justice system. Over the course of six months, students participate on a regular basis in interactive seminars with legal experts and are placed in paid summer internships with local government, nonprofit, law enforcement, and law offices. At the end of the program, each student makes an oral presentation on a seminar topic to demonstrate what they have learned about the legal system, civic engagement, and social justice. The goal is to instill in youth an appreciation for the justice system and to encourage them to consider pursuit of careers in criminal justice or law, including prosecution.

For law school students, the DA's Office continues the effort by conducting a competitive on-campus interviewing process, through which 8-12 second-year law students are selected for rigorous internships with the Office. Each student carries their own caseload and, based upon performance, is later considered for employment as a Deputy District Attorney. This recruitment strategy exposes law students to the variety of work prosecutor's offices do and encourages them to consider a career in prosecution; at the same time, it allows the Office to identify the most qualified candidates and steadily integrate them into the office culture and work environment.

For more information about the recruitment and case assignment practices of the Alameda County District Attorney's Office, please refer to the following resources:

- *District Attorney's Justice Academy*, ALAMEDA COUNTY DISTRICT ATTORNEY'S OFFICE, https://www.alcoda.org/community_outreach/justice_academy (last visited Nov. 25, 2020).
- *Recruitment and Development*, ALAMEDA COUNTY DISTRICT ATTORNEY'S OFFICE, https://www.alcoda.org/about_us/recruitment (last visited Nov. 25, 2020).

"Frankly a lot of people don't know what a prosecutor really does. They think we just lock folks up. People don't realize that we're the gatekeepers of justice and fairness — if we're able to effectively communicate that message, we can recruit more diverse prosecutors."

- Damon Mitchell,
Chief Deputy District Attorney,
Wyandotte County District Attorney's Office

Resources and Sustainability



In today's rapidly evolving landscape, the prosecutor's office cannot rely on local government funding alone.

Combating and reducing violent crime is a resource-intensive undertaking. Prosecutors' offices labor under heavy caseloads and face ever-increasing demands for personnel, technology, and other resources as they strive to implement best practices and to cope with an ever-increasing volume of digital evidence (including audio and video recordings) as well as case-related and operational data. In today's rapidly evolving landscape, the prosecutor's office cannot rely on local government funding alone. Most offices turn to a variety of sources for funding and in-kind resources, including government-funded or private-sector grants; technical assistance and training provided by nonprofits with special expertise; resources shared by partner agencies and organizations; forfeited assets (as permitted by law); and, in some offices, programs funded by Social Impact Bonds based on the Pay for Success model.¹⁷

Securing necessary resources and sustaining innovative practices and initiatives require an ongoing effort to identify currently available resources and determine whether they are being put to the most effective use; to explore potential sources for funding or other resources; to apply or negotiate for these resources; to cooperate with partner agencies on grant applications or other funding opportunities; to continually monitor progress toward goals by measuring outcomes and making adjustments as necessary or appropriate.

¹⁷ For a brief explanation of social impact bonds, and some examples of their uses, see Sheela Pandey et al., *What are social impact bonds – and do they work?*, apolitical.co (March 15, 2019), https://apolitical.co/en/solution_article/what-are-social-impact-bonds (last visited July 21, 2020).

The prosecutor's office should assess its capacity in the following areas:

- **Assess Resource Allocation** — Assess current priorities and resources to determine whether resources can or should be reallocated among units or programs. Careful budget analysis may result in cost savings in one area that can be reallocated to another. Consider whether the work of any programs or specialized units should be eliminated, consolidated, or reorganized for greater efficiency or better outcomes. For example, resources devoted to prosecution of low-level, nonviolent offenses may be reallocated to support more vigorous prosecution of violent crime.
- **Assess Equipment/Technology Needs** — Assess the adequacy of equipment and technology for investigation, litigation, and data storage and analysis; determine what needs to be updated, replaced, or expanded.
- **Low-Cost Innovations** — Implement innovations that will require little or no additional funding (e.g., making the office lobby and witness interview rooms more welcoming; drafting or revising guidelines for screening, charging, or case disposition).
- **Additional Resources** — Determine what additional resources will be needed for any desired changes to office structure, existing practices, or innovative programs. Plans should incorporate maximum flexibility and scalability to accommodate changing priorities and contemplated future needs.
- **Intragovernment Communications** — Communicate on a regular basis with the jurisdiction's elected officials and budget officers about priorities, needs, and challenges. Keep these officials apprised of progress and successes.
- **Work Fatigue** — Create strategies to avoid professional burnout on the part of prosecution and investigative staff. Encourage staff to pursue work-life balance; consider implementing flexible work schedules; encourage suggestions to improve working conditions affecting personal and professional well-being.
- **Partner Agencies** — Identify partner agencies and organizations (including community-based organizations) that may have resources or expertise to share for specific purposes and negotiate agreements to do so. For example, legal interns can provide research assistance for motions (students also often have access to online research beyond what the office subscription to Westlaw or Lexis provides); local colleges or universities with criminal justice programs may have student interns who could be trained to assist with such time-consuming tasks as review of jail phone calls and body-worn camera recordings, as well as redaction of documents or recordings; university social science departments or research organizations may have resources for data collection and analysis; state police labs may provide training to assist prosecutors in understanding testing procedures and lab reports. To promote sustainability, partnerships should not rely on personal relationships alone; reduce agreements with partners to writing in the form of MOUs or formal protocols.
- **Peer Consultation** — Identify opportunities for peer consultation with jurisdictions that have successfully implemented programs or practices similar to those being planned. Peer mentors from similar jurisdictions can often be found through national technical assistance providers, state prosecutors' associations, the state Attorney General's office, or the Department of Justice. In turn, share acquired knowledge and expertise, as well as lessons learned, with other jurisdictions, through published reports and presentations at regional or national training events.

- **Funding Innovation** — Prepare to justify requests for funding related to proposed innovations (whether through the local government budget process, grants, or other sources) by drawing upon the experience of similar jurisdictions that have successfully implemented those practices with favorable outcomes; study and cite reports or case studies reflecting their experience in support of your office’s requests.
- **Coordinate Activities** — Avoid conflicting or redundant agreements or obligations by ensuring that both new and existing grants, MOUs, policies/protocols, and other commitments are placed in an easily accessed and referenced repository.
- **Grant Opportunities** — Identify available grants and other funding opportunities, including those for which the prosecutor’s office may be the lead applicant in a joint project with one or more partner agencies and organizations (or grants led by partners, for which the office may be a subrecipient). If resources permit, employ a professional grant specialist to research funding sources and to prepare or collaborate on proposals for joint projects; alternatively, designate one or more capable staff members to become in-house grant specialists.¹⁸
- **Protocols** — Create and document protocols for procedures and considerations related to specific types of cases involving violent crimes (e.g., cases involving domestic violence; sexual violence; gang violence).
- **Mentorship** — Implement a structured mentorship program for more experienced prosecutors to guide and advise those who are new to the office or to a specialized unit.
- **Retention** — Improve the retention of experienced prosecutors and investigators by ensuring that excellent performance is recognized and rewarded. Provide access to opportunities for professional development and encourage the acquisition of advanced prosecution and investigation skills and knowledge. (See Recruitment, Training, and Case Assignment). Ensure that performance is judged not by conviction rate alone but primarily by such criteria as the adherence to best practices; demonstrated commitment to justice; and community engagement.
- **Recidivism Reduction** — Explore projects — particularly those focused on youthful offenders, rehabilitation, community interventions to reduce violence, or re-entry programs to reduce recidivism — that might be suitable for funding from social impact bonds through private foundations.
- **Dedicated Planning Staff** — Hire or designate dedicated planning staff to monitor all projects and priorities; monitor needs and recommend changes in staffing, equipment, or procedures; prepare budget requests; manage grants; and track cooperation agreements.

¹⁸ One source for grants education is a two-day course offered by the National District Attorneys Association and National Criminal Justice Association. See NDAA/NCJA Grants Management Training, NDAA.ORG, <https://ndaa.org/training/ndaa-ncja-grants-management-training/> (last visited July 21, 2020).

Shelby County (TN) District Attorney General's Office's Misdemeanor Traffic Violation Program

The Shelby County District Attorney General's Office (SCDAG) in Memphis has taken an innovative approach to reducing overall caseloads, thereby preserving limited resources for violent crime investigations and prosecutions. In September 2018, SCDAG began reviewing cases of defendants charged with driving with a revoked license. For individuals whose license had been revoked for dangerous driving behavior (e.g., a DUI or vehicular homicide) their charge for driving with a revoked license would proceed through the criminal justice system as usual. If, however, the sole basis for the license revocation was failure to pay previously-imposed fines and costs, the charge for driving with a revoked license would be dismissed. SCDAG implemented this policy in response to the overwhelming number of these cases clogging the court's docket—a condition that delayed justice for victims of violent crime; overburdened judges, prosecutors, defense counsel, and court resources with cases that did not advance the interest of public safety; and overtaxed a population lacking reasonable transportation alternatives and unable to afford the fines imposed.

Since instituting this policy, SCDAG has declined prosecution in almost 33,000 cases—a 16 percent reduction of cases in Shelby County's highest case volume district. Although the program does not restore licenses or set aside the penalties owed, community feedback has been overwhelmingly positive. State legislators who had expressed concern over potential budget implications have been won over by the program's reduction in court time, and the reality that many of the penalties imposed were levied against indigent defendants unable to pay them.

For more information about the Shelby County District Attorney General's Office Misdemeanor Traffic Violation Program, please refer to the following resource:

- Katherine Burgess, *Shelby County DA's office stops prosecuting many cases of driving with a revoked license*, MEMPHIS COMMERCIAL APPEAL, Oct. 19, 2018, <https://www.commercialappeal.com/story/news/2018/10/19/shelby-county-da-revoked-drivers-license-cases/1694404002/>.

“If you want to sustain a new project or initiative beyond grant funds, you should be as productive as possible during the grant period. You can develop mutually beneficial relationships with allied agencies, such as law enforcement and advocacy organizations who will dedicate human and financial resources to the effort.”

- Pat Muscat, Deputy Chief, Special Prosecution Division, Wayne County Prosecutor's Office

Accountability



Prosecutors must employ methods of accountability beyond the ballot or suggestion box to fulfill their duty to the communities they serve — to ensure that strategies and practices are effective in reaching their stated goals and to promote credibility and trust with partners, the courts, and the community.

An accountable prosecutor’s office has processes and mechanisms in place for internal self-examination and evaluation; for ensuring that commitments to partner agencies and organizations are met; and for candor and responsiveness to community concerns. Prosecutors must employ methods of accountability beyond the ballot or suggestion box to fulfill their duty to the communities they serve — to ensure that strategies and practices are effective in reaching their stated goals and to promote credibility and trust with partners, the courts, and the community. In evaluating the success of violent crime initiatives, it is critical to look beyond the crime rate statistics to examine the impact of initiatives on the community and its perceptions. Is the community experiencing the results as beneficial? Are the strategies employed and the manner in which operations are carried out consistent with the community’s sense of justice?

An accountable office evaluates itself and its violent crime initiatives to ensure that expended resources are having their intended impact. Meaningful data collection, both quantitative and qualitative, goes beyond mere conviction rates to tell the true story of how an office is performing. For example, an office that regularly declines to prosecute a high percentage of certain violent crimes, or negotiates inappropriately lenient plea agreements for serious cases, might have an artificially high conviction rate; conversely, an office may regularly try difficult, complex cases resulting in a lower conviction rate, yet be highly successful in improving its trial strategies while affording justice for victims of these crimes. A performance measurement system that examines the extent to which the office is employing best practices can improve the quality of justice in cases involving violent victimization, as well as ultimately boost conviction rates.

Transparency is crucial to building trust. Partners and the public require information enabling them to understand prosecution priorities, criteria for prosecutorial decision-making, and the results of initiatives intended to improve justice and community safety. Feedback is welcomed and actively solicited as a means of ensuring that the office is responsive to community concerns. Public disclosure of performance data, even when less than favorable, promotes trust — especially when accompanied by a plan to remedy any shortcomings. (See Analytics and Intelligence.) Public reports may require careful explanation of the methodologies and purposes of the data collection and analysis.

Finally, prosecutors are appropriately held to the highest ethical standards. Processes are implemented to ensure the integrity of convictions, to avoid conflicts of interest, and to enforce compliance with applicable ethical standards.

The prosecutor's office should assess its capacity in the following areas:

- **Performance Review** — Randomly but regularly observe personnel performing in court and provide constructive feedback for improvement. Create a structured coaching/mentoring program for less experienced prosecutors to engage experienced colleagues for advice on cases. (See Recruitment, Training, and Case Assignment and Resources and Sustainability.)
- **Ethics Unit/Officer** — Create an ethics unit/officer position or process to review complaints of misconduct, to provide ethics training, and to serve as a resource for prosecutors faced with ethical issues (e.g., compliance with *Brady* obligations). Create an office culture that encourages prosecutors to engage others in the office for advice and to self-report any ethical or case integrity issues that may arise.
- **Address Misconduct** — Create an internal process to hold prosecutors accountable for mistakes or misconduct, with remedies ranging from training and mentorship (for mistakes) to dismissal (for willful misconduct).
- **Case Guidelines** — Create written office guidelines for charging and disposing of cases, train personnel on those guidelines, and share them with partner agencies. Regularly monitor compliance through internal review of case dispositions and formal solicitation of feedback from line prosecutors, supervisors, police partners, courts, and the defense bar.
- **Case Review** — Establish a policy specifying which types of cases are subject to supervisory review before certain actions are taken (e.g., cases declined for prosecution; cases resolved by diversion or by plea outside the norm for the type of case). Document and collect data regarding the reason for any such unusual dispositions (e.g., witness could not be located; witness afraid to come to court; victim wanted no jail time). Analyze data for problematic trends (e.g., racial, income, or educational disparities in case disposition) requiring corrective action at the individual or office level. Conduct random review of files to ensure compliance with policy.
- **Data Analysis** — Audit violent crime data routinely collected by the office, whether by case management system or otherwise, to assess whether data collection and analysis are adequate for identification of trends in the incidence and type of violent crime. Share this data/analysis internally and with partner agencies as appropriate.
- **Community Feedback** — Institutionalize the solicitation of feedback — online, in-person, or via mail — from the community, including victims and witnesses who have interacted with the office. Respondents should be afforded anonymity, with an option to provide contact information for

personal follow-up. Meet on a regular basis with community leaders/influencers, as well as groups, to elicit their concerns and suggestions for improvement. Determine whether an expressed concern is the result of failure to understand legal or practical constraints (which suggests the need for improved education and communication) or whether the concern indicates a need for change in office policy or practice; respond accordingly.

- **Partner Feedback** — Institutionalize the solicitation of feedback from allied professionals such as police partners and judges, as well as the defense bar, seeking their views on issues related to violent crime, the impact and efficacy of violent crime initiatives, and the performance of office personnel. (See Partnerships.)
- **Conviction Integrity** — Create a conviction integrity process/unit that is victim-centered, non-adversarial, and transparent for review of selected convictions.¹⁹ Consider creating a conviction integrity committee of various office staff to review and approve recommendations of the conviction integrity unit.
- **Appellate Issues** — Encourage prosecutors to consult with the appellate unit or Attorney General’s Office to anticipate and minimize potential appellate issues. Invite appellate prosecutors to provide training on common trial errors and recurring appellate issues, including recommendations for protecting the record on appeal and minimizing the risk of reversal.
- **Performance Management** — Develop and implement a performance management system to ensure that the office is employing best practices to reduce case attrition, improve prosecution skills, and increase victim satisfaction.²⁰ Ensure that staff receive appropriate training for implementation and ongoing compliance with the system.
- **Bias** — Proactively collect and analyze data to identify and respond to issues related to implicit bias in prosecution decision-making and police conduct.
- **Multidisciplinary Case Review** — Conduct regular, multidisciplinary case reviews (e.g., by the Sexual Assault Response Team; Domestic Abuse Response Team; Child Fatality Review Team; Non-Fatal Shooting Review Board; Witness Intimidation Coordinating Committee) to recommend changes in systemic responses and suggest processes for implementing such changes.
- **Conflict of Interest Policy** — Create a conflict of interest policy for cases involving criminal acts alleged to have been committed by office staff or by members of collaborative agencies, for the purpose of promoting integrity and public confidence in the investigation and prosecution of the case. Consider requesting assistance from outside agencies such as the state police, the Attorney General’s Office, the FBI, or the U.S. Attorney’s Office.

¹⁹ See, e.g., JOHN HOLLWAY, QUATRONE CTR. FOR THE FAIR ADMIN. OF JUST., UNIV. OF PENN. LAW SCH., CONVICTION REVIEW UNITS: A NATIONAL PERSPECTIVE (April 2016), https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=2615&context=faculty_scholarship (last accessed Oct. 2, 2020).

²⁰ One example of a performance management system specific to crimes of sexual violence is the Model Response to Sexual Violence for Prosecutors (RSVP Model). See AEQUITAS ET AL., *supra* note 6; see also AEQUITAS, JUST. MGMT. INST., & URBAN INST., MODEL RESPONSE TO SEXUAL VIOLENCE FOR PROSECUTORS (RSVP MODEL) VOLUME II: MEASURING THE IMPACT (2020), <https://aequitasresource.org/wp-content/uploads/2020/01/RSVP-Vol.-II-1.10.20.pdf> (last accessed July 21, 2020).

Montgomery County District Attorney's Office's Deputy District Attorney for Professional Standards

In 2014, the Montgomery County District Attorney's Office invested in an extensive case review process, hiring a full-time Deputy District Attorney (DA) for Professional Standards. The position was created after a high-profile case in the county was dismissed due to the incorrect reading of a lab report. This spurred the initiation of a root-cause analysis, which was conducted in partnership with the Quattrone Center for the Fair Administration of Justice at the University of Pennsylvania School of Law. This type of analysis, commonly performed in a variety of industries, is undertaken to identify vulnerabilities in processes and relationships, as well as to create an organizational culture that encourages leadership and staff to identify and learn from past errors. The study generated several recommendations for enhancing investigative and prosecutorial integrity, including the creation of the Deputy DA for Professional Standards position.

The prosecutor reviews the investigative steps, charging decisions, and prosecution strategies employed in cases that have been closed, ultimately evaluating the appropriateness of case dispositions. By employing an objective professional to assess the accuracy, reliability, and fairness of procedures and decision-making, the DA's Office is better equipped to determine what additional training and resources are needed to enhance prosecutorial success (e.g., collaborating with law enforcement to ensure the safe handling of crime scene evidence and to avoid orders to suppress). The Deputy DA also proactively reviews selected cases from the very beginning to ensure that the Office's best practices are followed. The DA's Office has continued to work with academics to track the results of its initiative since its inception, while exploring additional responsibilities the Deputy DA might assume in order to promote the highest level of professional standards within the Office.

Since 2014, the Deputy DA for Professional Standards has significantly impacted prosecution throughout the Office. In excess of 1,000 criminal cases and police investigations have been reviewed at the request of police, prosecutors, defense attorneys, and the courts to help ensure appropriate and fair outcomes. These reviews have not only evaluated the sufficiency of evidence, but also considered any other circumstances relevant to prosecution, including the types of offenses charged, number of charges filed, and grading of those charges. Rather than simply seeking to identify "mistakes" by law enforcement personnel, the goal has been to proactively prevent them from occurring in the first place. In addition to the sheer quantity of matters that have undergone specific scrutiny, the Deputy DA has implemented policies and best practices designed to promote prosecutors' role in the community as ministers of justice. Over time, the position has served to provide an unprecedented level of general transparency and objectivity within the DA's Office.

For more information about the Montgomery County District Attorney's Office Professional Standards initiative, please refer to the following resources:

- Gene Walsh, *Montgomery County District Attorney's Office makes changes after review of Robert Kerns case*, THE TIMES HERALD, Oct. 22, 2014, https://www.theadvocate.com/baton_rouge/news/crime_police/article_9d670405-d25f-52df-895e-85eb5cb1d9b5.html
- MONTGOMERY COUNTY DIST. ATTORNEY'S OFF. & QUATTRONE CTR. FOR THE FAIR ADMIN. OF JUST., *USING ROOT CAUSE ANALYSIS TO INSTILL A CULTURE OF SELF-IMPROVEMENT: PROGRAM REPLICATION MATERIALS (2015)*, <https://www.law.upenn.edu/live/files/4291-impact-report-root-cause-analysis>.

"If we don't engage in case and fatality reviews, all of the lessons from our cases get lost."

-Kevin Steele,
Montgomery County District Attorney

Conclusion

As prosecutors across the country endeavor to meet the challenges of violent crime in communities of all sizes and compositions, consideration of certain core capabilities can improve their response to violent crime. This Guide contains an extensive examination of the role of the prosecutor in confronting violent crime; the critical elements, from foundational to advanced, that any office should consider, as well as examples of those elements in practice; and existing resources to assist prosecutors' offices in combating violent crime and creating safer communities.

APPENDIX A

Resources and Programs

GRANTS AND TRAINING AND TECHNICAL ASSISTANCE: IS IT A FIT?

The following pages discuss select DOJ grant opportunities, training and technical assistance (TTA) offerings, and grants management tools. In reviewing these and identifying which might be a fit for the department, the following preliminary questions might assist in a “first run” at determining whether to pursue a potential opportunity.

- How does this opportunity fit within our vision and mission?
- What problem will this opportunity help us address?
- Does it fill an identified gap in resources?
- Does it provide the opportunity to innovate in an area we have yet to explore?
- Is it a competitive or a noncompetitive opportunity?
- Is our agency eligible to apply or to participate?
- Do we know how to apply and have the capacity to apply?
- What partnerships are needed for the application or implementation—are those in place?
- Are there peer agencies we can access to learn about their experiences or receive advice about this opportunity?
- If we receive an award, can we sustain the program without taking resources away from another critical area?
- Is staff in place to manage the opportunity through its duration?

WHAT IS “TRAINING AND TECHNICAL ASSISTANCE,” OR “TTA?”

Points to consider:

- There are few challenges in the prosecution profession that have not been encountered by another prosecutor's office.
- TTA essentially is consulting services provided by other experts in the field to help solve identified problems — a large number of TTA offerings are no-cost to offices.
- Often, TTA opportunities become available through DOJ grants that are awarded to TTA providers, not prosecutors' offices themselves, and there is a certain amount of funding to be expended on TTA for specific

policy or practice areas relevant to the field.

- TTA can be delivered in a variety of formats — in person or remotely by webinar or teleconference — and focus on train-the-trainer, specific topics or interests, problem-solving for a particular challenge, etc.

The DOJ has prioritized “by the field, for the field” TTA offerings, and there are resources at DOJ to assist offices in identifying potential TTA opportunities based on what the office would like to accomplish. The National Training and Technical Assistance Center (NTTAC), described on page 56, is a starting point for offices interested in exploring TTA opportunities.



Innovative Prosecution Solutions

Innovative Prosecution Solutions (IPS) for Combating Violent Crime initiative supports state, local, and tribal prosecutors in their efforts to reduce crime and increase public safety. The program encourages prosecutors and agencies to use data in the development of their strategies and programs and to develop effective, economical, and innovative responses to crime within their jurisdictions.

IPS incorporates strategies across a spectrum of original, promising, and best practices; makes creative use of new and existing technologies; and conducts data-driven analysis and evaluation to pioneer new strategies and validate them as effective in the fight against violent crime.

For more on the IPS initiative, please visit <https://innovativeprosecutionsolutions.org>.



Project Safe Neighborhoods

Project Safe Neighborhoods (PSN) is designed to create and foster safer neighborhoods through a comprehensive interagency approach to addressing violent crime that uses law enforcement, community partnerships, and strategic prevention and enforcement efforts. Its data-driven approach encourages practitioner–researcher partnerships that use data, evidence, and innovation to understand the causes of local violence problems and create interventions that respond to the unique characteristics of crime in that location. The PSN program builds on successes and lessons learned from throughout the country.

For more on PSN, please visit <https://www.justice.gov/psn>.



National Public Safety Partnership

The National Public Safety Partnership (PSP) provides a framework for DOJ to enhance its support of state, tribal, and local law enforcement officers and prosecutors in the investigation, prosecution, and deterrence of violent crime, especially crime related to gun violence, gangs, and drug trafficking.

The associated Public Safety Clearinghouse is an online tool that individuals can use to build, download, and share custom toolkits of evidence-based strategies, best practices, training, technical assistance, publications, and more. Topics include community policing, corrections, crime analysis, crime prevention, domestic violence, drug crime, gang violence, homicide, human trafficking, intelligence/information sharing, youth offenders, officer safety/wellness, prosecution, sex crimes, social media, technology, and victim/witness assistance.

You can access the Public Safety Clearinghouse at <https://www.nationalpublicsafetypartnership.org/Clearinghouse>



Crime Gun Intelligence Centers

Crime Gun Intelligence Centers (CGICs) are Bureau of Alcohol, Tobacco, and Firearms (ATF) supported interagency collaborations that attempt to identify shooters, disrupt criminal activity, and prevent future violence by focusing on the immediate collection, management, and analysis of crime gun evidence. The primary outcome of a CGIC is the identification of armed offenders for investigation and prosecution. Other outcomes include the identification of crime gun sources; efficient resource allocation; providing decision makers with the most accurate crime data available; and increasing case closure rates, public safety, and the prevention of violent crime committed with firearms.

For more information on CGICs, please visit <https://crimegunintelcenters.org/>

Community Based Crime Reduction

The Innovations in Community-Based Crime Reduction (CBCR) Program brings together diverse partners, including local law enforcement, researchers, and residents to analyze crime drivers and pursue strategies that reduce crime, spur revitalization, and build community-police collaboration in neighborhoods with persistent crime problems. CBCR provides resources to enable leaders in the community to closely examine the factors contributing to crime, to select appropriate response strategies based on evidence of what has worked elsewhere, and then tap the resources of diverse partners as they implement those strategies. The CBCR Program approach centers on four core elements: place-based strategy, data-driven strategy, community-oriented strategy, and partnerships/capacity building.

For more information on CBCR, please visit <https://www.lisc.org/our-initiatives/safety-justice/cbcr/>



Sexual Assault Kit Initiative

The Sexual Assault Kit Initiative (SAKI) aims to create a coordinated community response that ensures resolution of sexual assault cases. Grant funding may be used to inventory the existing numbers of unsubmitted SAKs, test these kits, assign designated personnel to pursue new investigative leads and prosecutions, and to support victims throughout the investigation and prosecution process. Grants may also be used to develop evidence-tracking systems, train law enforcement on sexual assault investigations, conduct research on outcomes in sexual assault cases, and increase collection of offender DNA for CODIS upload purposes that may lead to the identification of serious and serial sex offenders.

For more on SAKI, please visit
<https://www.sakitta.org/>

National Training and Technical Assistance Center

BJA's National Training and Technical Assistance Center (NTTAC) helps agencies achieve their public safety goals by connecting state, local, and tribal agencies in need of assistance with specialized subject matter experts from throughout the country. NTTAC has a wide array of resources, training, and assistance available, including a BJA TTA provider directory, webinars, publications, a Body Worn Camera toolkit, and Naloxone toolkit.

For more on NTTAC, please visit
<https://bjatta.bja.ojp.gov/working-with-nttac/requestors>

Capital Case Litigation Initiative

CCLI provides training and technical assistance (TTA) to both prosecutors and defense attorneys who work on the adjudication of capital cases. CCLI delivers in-person training, online resources, and hands-on assistance to:

1. Enhance the ability of prosecutors to effectively represent the public in state capital cases.
2. Improve the quality of the legal representation provided to indigent defendants in state capital cases.
3. Develop and implement appropriate standards of practice and qualifications for state and local prosecutors who litigate capital cases.
4. Minimize the potential for error in the trial of capital cases.

For more on the CCLI, please visit
<https://bj.a.ojp.gov/program/ccli/overview>

Community Courts Program

BJA, in collaboration with the Center for Court Innovation, administers the National Community Courts Program under BJA's larger Problem-Solving Justice initiative. The goal of the National Community Courts Program is to help judges, prosecutors and defense counsel, law enforcement, and other innovators around the country reduce drug use, crime, and unnecessary incarceration through:

- Site-based training and technical assistance
- Peer-to-peer site visits to model community courts for practitioners across the country
- Network of Mentor Community Courts
- The Community Court Grant Program
- Community justice conferences
- Articles, multimedia products, webinars, and other resources on related topics
- Responses to practitioner inquiries

For more information on the Community Courts program, please visit <https://bja.ojp.gov/program/community-courts-program/overview>

The Comprehensive Opioid, Stimulant, and Substance Abuse Program

The Comprehensive Opioid, Stimulant, and Substance Abuse Program (COSSAP), formerly the Comprehensive Opioid Abuse Program (COAP), was developed as part of the Comprehensive Addiction and Recovery Act (CARA). COSSAP's purpose is to provide financial and technical assistance to states, local government, and Indian tribal governments to develop, implement, or expand comprehensive efforts to identify, respond to, treat, and support those impacted by opioids, stimulants, and other drugs of abuse.

For more on COSSAP, please visit <https://bja.ojp.gov/program/cossap/overview> and <https://cossapresources.org/>

The Emmett Till Cold Case Investigations Program

The Emmett Till Cold Case Investigations Program, launched in 2020, provides support to state, local, and tribal law enforcement and prosecutors in their investigation and prosecution of cold case murders associated with civil rights violations. Funds are limited to address violations of civil rights statutes resulting in death that occurred no later than December 31, 1979.

For more on the program, please visit <https://bja.ojp.gov/program/emmett-till-cold-case-investigations-program/overview>

Encouraging Innovation: Field-Initiated Programs

Through Encouraging Innovation: Field-Initiated Programs, BJA builds partnerships with law enforcement and other criminal justice practitioners to leverage innovative strategies for preventing and reducing crime. BJA's Field-Initiated Program is an opportunity for criminal justice practitioners to identify an emerging or chronic criminal justice challenge and propose evidence-based strategies to strengthen public safety.

For more on this program, please visit

<https://bja.ojp.gov/program/encouraging-innovation-field-initiated-programs/overview>

Prosecuting Cold Cases Using DNA Technology

The Prosecuting Cold Cases using DNA Technology program provides funds to: (1) prosecute violent crime cold cases, and (2) decrease the number of violent crime cold cases awaiting prosecution. This program is aimed at providing resources for agencies to prosecute cases where a suspect's DNA has been identified, decreasing the number of unresolved violent crime cold cases.

For more on the program, please visit

<https://bja.ojp.gov/program/prosecuting-cold-cases-using-dna-technology/overview>



Strategies for Policing Innovation (SPI)

The Strategies for Policing Innovation (SPI) program is a Bureau of Justice Assistance (BJA)–sponsored initiative that supports law enforcement agencies in building evidence-based, data-driven law enforcement tactics and strategies that are effective, efficient, and economical. SPI represents a strategic approach that helps police agencies figure out what works in crime prevention and crime reduction initiatives.

With the assistance of CNA (BJA's partner in SPI training and technical assistance), SPI sites—law enforcement agencies and research partners—collect and analyze data to devise evidence-based solutions to target serious crime problems, such as street robberies, substance abuse, repeat violent offenders, retaliatory violence, or gun violence. CNA documents lessons learned and research-tested practices to share proven policing innovations nationwide.

For more on the program, please visit

<https://www.strategiesforpolicinginnovation.com/>

APPENDIX B

Annotated Bibliography

COMMUNITY ENGAGEMENT

I. COMMUNITY ENGAGEMENT GENERALLY

PROSECUTORS' CTR. FOR EXCELLENCE, THE PROSECUTOR'S EVOLVING ROLE: SEEKING JUSTICE THROUGH COMMUNITY PARTNERSHIPS AND INNOVATION (2016),

<https://pceinc.org/wp-content/uploads/2019/11/20160606-The-Prosecutors-Evolving-Role-Seeking-Justice-Through-Community-Partnerships-and-Innovation-PCE-Hamann-Greenberg-Chao.pdf>

This report examines the modern prosecutor's evolving role in the criminal justice system with an overarching objective to share information among prosecutors and others seeking to improve the criminal justice system through innovation. It begins by examining community-based initiatives by prosecutors' offices, including: community engagement, community prosecution, resources for families and children, alternatives to incarceration, juvenile diversion programs, re-entry programs, and neighborhood courts. The report covers a wide array of programs from around the country, demonstrating the far-reaching efforts by prosecutors to engage with their communities and to implement innovative methods to improve community safety. The second part of the report covers programs run within prosecutors' offices, including Crime Strategies Units, Conviction Integrity Units, and ethics training for prosecutors. Finally, the report concludes by examining emerging initiatives and considering what these trends will mean for the future of prosecution.

COMMUNITY ENGAGEMENT, INNOVATIVE PROSECUTION SOLUTIONS,

<https://innovativeprosecutionsolutions.org/community-engagement/> (last visited Jan. 7, 2021).

To achieve justice for the communities they serve, prosecutors must enlist members of the public to be part of the solution. This website page describes the efforts of current Innovative Prosecution Solutions grantees, who are engaging with their jurisdictions' residents, schools, and community leaders — as well as victims and defendants — to better understand the public's concerns, provide crucial information about drugs and violence, and offer needed services to target the root causes of crime.

CATERINA GOUVIS ROMAN ET AL., URBAN INST., UNDERSTANDING COMMUNITY JUSTICE PARTNERSHIPS: ASSESSING THE CAPACITY TO PARTNER (2002),

<https://www.urban.org/sites/default/files/publication/60746/410789-Understanding-Community-Justice-Partnerships.PDF>

The report synthesizes key dimensions and characteristics that embody partnership capacity. This review leads to the heart of the report—the development of a conceptual framework to improve our understanding of community partnership processes. The report highlights the role of community organizations and the importance of their involvement in increasing informal social control in the community.

II. COMMUNITY PROSECUTION

FAIR AND JUST PROSECUTION, BUILDING COMMUNITY TRUST: KEY PRINCIPLES AND PROMISING PRACTICES IN COMMUNITY PROSECUTION AND ENGAGEMENT (2018),

https://fairandjustprosecution.org/wp-content/uploads/2018/03/FJP_Brief_CommunityProsecution.pdf

This summary discusses the importance of community prosecution and the key principles and important considerations that aid in building community trust. Ultimately, it finds that there is a substantial need for prosecutors to engage in communities and provides several ways in which offices around the U.S. can engage with their communities, including: conducting listening tours or surveys to assess the community's perceptions; ensuring that prosecutors are proactive in the community; identifying needs in the local neighborhood and community; thinking strategically about effective ways to engage with an emotionally charged community; engaging with other community leaders; integrating victim perspectives; considering opportunities to use restorative justice; ensuring staff and

prosecutors are trained in procedural justice principles; and developing performance metrics to put a value on this type of work.

INT’L ASS’N OF CHIEFS OF POLICE, INTELLIGENCE LED COMMUNITY POLICING, COMMUNITY PROSECUTION, AND COMMUNITY PARTNERSHIPS (2016)

<https://www.theiacp.org/sites/default/files/all/i-j/IL3CP.pdf>.

This study is based on the innovative approach developed by the Rockland County, New York, District Attorney’s Office, and explores its implementation in other jurisdictions across the U.S. Their innovative approach, known as Intelligence-Led Community Policing, Community Prosecution, and Community Partnerships, synthesizes the philosophies of community policing, intelligence-led policing, and community prosecution into a single model that connects the criminal justice system and the community through seamless communication and partnerships. Overwhelmingly, police and prosecutors have praised the model for its ability to improve communication, collaboration, and cooperation between their respective offices. Initial implementation of the model in the pilot jurisdictions resulted in the increased reporting of crime, but began to decline at the end of the assessment period. While these declines fall short of formal evaluation, they are encouraging.

JOHN S. GOLDKAMP ET AL., BUREAU OF JUST. ASSISTANCE, U.S. DEP’T OF JUST., COMMUNITY PROSECUTION STRATEGIES: MEASURING IMPACT (2002),

<https://www.ncjrs.gov/pdffiles1/bja/192826.pdf>.

This brief report from the early 2000s provides an overview of key community prosecution strategies and emphasizes the importance of evaluation. It suggests that an evaluation framework must begin by identifying the key dimensions of the community prosecution approach to frame performance measurement appropriately. The proliferation and diversity of community prosecution programs underscore the need for rigorous assessment of their impact. Evaluation can provide jurisdictions with data to assess the strengths and weaknesses of various elements and approaches and contribute to the development of best practices for community prosecution initiatives across the nation.

NAT’L DIST. ATTORNEYS ASS’N, COMMUNITY PROSECUTION AND SERIOUS CRIME: A GUIDE FOR PROSECUTORS (2010),

https://www.courtinnovation.org/sites/default/files/documents/CP_SC.pdf.

This report seeks to answer the question: how can community prosecution improve responses to serious and violent crime? This report notes that although community prosecutors initially forged relationships with police, probation departments, schools, faith-based groups, and social service agencies in order to combat truancy, drug abuse, and prostitution, they soon realized that these relationships can also help them fashion better responses to more serious offenses. The report explains how key principles of community prosecution have helped prosecutors respond more effectively to violent and serious cases that strike at the core of a community’s health and safety.

Robert V. Wolf, Nat’l Dist. Attorneys Ass’n, Community Prosecution And Serious Crime: A Guide For Prosecutors (2010),

https://www.courtinnovation.org/sites/default/files/documents/CP_SC.pdf.

This report examines how community prosecution can improve responses to serious and violent crime through the lens of several jurisdictions’ experiences. It concludes that many community prosecution initiatives found success targeting serious crimes through geographic assignment, vertical prosecution, specialization, immediacy of response, and task forces. With geographic assignment, for example, many community prosecutors have found that by immersing themselves in a particular neighborhood, they are better able to help law enforcement solve serious crimes, find cooperative witnesses, and create lasting solutions to difficult problems like gangs and high crime “hotspots.” Another advantage is that geographic assignment makes it easier for prosecutors to follow cases vertically.

III. COMMUNICATION STRATEGIES

ABA STANDARDS FOR CRIM. JUSTICE - FAIR TRIAL AND PUBLIC DISCOURSE (ABA Book Publishing, 4th ed., 2016)

These aspirational Standards provide guidelines for prosecutors, defense attorneys, judges, and legal

commentators on the disclosure of information to the press and the public in criminal cases. The Standards promote conduct that upholds fair trial interests while bolstering confidence in the criminal justice system.

ACCENTURE & INT'L ASS'N OF CHIEFS OF POLICE, MAKING SOCIAL MEDIA PART OF THE UNIFORM: HOW POLICING SOLUTIONS USE #SOCIALMEDIA TO #BUILDCOMMUNITIES AND #FIGHTCRIME (2014)

<https://www.theiacp.org/sites/default/files/2020-01/Center%20for%20Social%20Media%20Resources/Making%20Social%20Media%20Part%20of%20the%20Uniform.pdf>

This resource was developed to assist police departments in integrating social media into their public communication strategies, and engage the community to build trust.

ACCENTURE & INT'L ASS'N OF CHIEFS OF POLICE, READY, SET, GO. CREATING AN ENGAGING SOCIAL MEDIA PRESENCE IS ABOUT MORE THAN TOOLS (2013)

<https://www.theiacp.org/sites/default/files/2020-01/Center%20for%20Social%20Media%20Resources/Ready%2C%20Set%2C%20Go.%20Creating%20an%20Engaging%20Social%20Media%20Presence.pdf>

This guide provides law enforcement offices, irrespective of size or resources, a path for how and where to begin or enhance social media activities. It includes information on how to establish a social media plan and a tool for offices to self-evaluate their current social media presence.

CTR. FOR SOCIAL MEDIA, INT'L ASS'N OF CHIEFS OF POLICE, BLOGGING GUIDE (2020)

<https://www.theiacp.org/sites/default/files/2020-01/Center%20for%20Social%20Media%20Resources/Blogging-Guide-2013.pdf>

This tool is meant to help law enforcement agencies determine their blogging strategy, assign responsibility, determine what will be posted, and promote their material in the most effective way possible.

CTR. FOR SOCIAL MEDIA, INT'L ASS'N OF CHIEFS OF POLICE, FACEBOOK PAGE CHECKLIST (2011)

<https://www.theiacp.org/sites/default/files/2020-01/Center%20for%20Social%20Media%20Resources/Blogging-Guide-2013.pdf>

This resource includes some suggestions to help guide a law enforcement agency through the process of creating a Facebook page. It includes a companion fact sheet as well as a step-by-step tutorial available in the Resources section of the IACP Center for Social Media (www.iacpsocialmedia.org).

CTR. FOR SOCIAL MEDIA, INT'L ASS'N OF CHIEFS OF POLICE, TWITTER ACCOUNT CHECKLIST (2011)

<https://www.theiacp.org/sites/default/files/2020-01/Center%20for%20Social%20Media%20Resources/FacebookChecklist.pdf>

This resource includes some suggestions to help guide an agency through the process of creating a Twitter account. There is also a companion fact sheet as well as a step-by-step tutorial available in the Resources section of the IACP Center for Social Media (www.iacpsocialmedia.org).

EMILY TIRY ET AL., URBAN INST., SOCIAL MEDIA GUIDEBOOK FOR LAW ENFORCEMENT AGENCIES (2019)

https://www.urban.org/sites/default/files/publication/99786/social_media_guidebook_for_law_enforcement_agencies_0.pdf

This guidebook provides a description of how to promote social media engagement for more transparent, trustworthy, and effective law enforcement. Working primarily with Twitter data, the project examines how law enforcement agencies can use social media as an effective community policing tool. It provides data-driven recommendations and step-by-step strategies for agencies that want to use social media to enhance community engagement.

FACEBOOK, BUILDING YOUR PRESENCE WITH FACEBOOK PAGES: A GUIDE FOR POLICE DEPARTMENTS (2020)

https://www.theiacp.org/sites/default/files/2020-01/Center%20for%20Social%20Media%20Resources/Building%20Your%20Presence%20with%20Facebook%20Pages_A%20guide%20for%20Police%20Departments.pdf

This guide is designed to help police departments make the most of Facebook Pages to tell their stories and build deep, lasting connections with their audience.

INT'L ASS'N OF CHIEFS OF POLICE, BLOG FACT SHEET (2012)

<https://www.theiacp.org/sites/default/files/2020-01/Center%20for%20Social%20Media%20Resources/Blog-Fact-Sheet.pdf>

The resource discusses how law enforcement agencies can use blogs to interact with their community and offers guidance on how to maximize their effectiveness.

INT'L ASS'N OF CHIEFS OF POLICE, SOCIAL MEDIA FOR LAW ENFORCEMENT: FACEBOOK (2019)

https://www.theiacp.org/sites/default/files/2019-06/231289_IACP_SocialMediaGuides_Facebook_Final.pdf

The resource discusses the ins and outs of Facebook—from how to maneuver its different facets, to tips, tricks, and strategies to consider when using the tool.

INT'L ASS'N OF CHIEFS OF POLICE, SOCIAL MEDIA FOR LAW ENFORCEMENT: INSTAGRAM (2019)

https://www.theiacp.org/sites/default/files/2019-06/231289_IACP_SocialMediaGuides_Instagram_Final.pdf

The resource discusses basics of Instagram—from what makes it different from other social media platforms to best practices and important questions to consider when using the tool.

INT'L ASS'N OF CHIEFS OF POLICE, SOCIAL MEDIA FOR LAW ENFORCEMENT: TWITTER (2019)

https://www.theiacp.org/sites/default/files/2019-06/231289_IACP_SocialMediaGuides_Twitter_Final.pdf

The resource discusses basics of Twitter—from how to develop an effective communication strategy to challenges and pitfalls to consider when using the tool.

INT'L ASS'N OF CHIEFS OF POLICE, VIRTUAL COMMUNITIES FACT SHEET (2011)

<https://www.theiacp.org/sites/default/files/2020-01/Center%20for%20Social%20Media%20Resources/Virtual-Communities-Fact-Sheet.pdf>

This fact sheet explains the importance of online virtual communities and the ways in which law enforcement can engage with them to collect information and connect with specific audiences.

MELANIE A. WAKEFIELD ET AL., NAT'L INST. OF HEALTH, USE OF MASS MEDIA CAMPAIGNS TO CHANGE HEALTH BEHAVIOUR (2010)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4248563/pdf/nihms643749.pdf>

This review discusses the outcomes of mass media campaigns in the context of various health-risk behaviors (e.g., use of tobacco, alcohol, and other drugs, heart disease risk factors, sex-related behaviors, road safety, cancer screening and prevention, child survival, and organ or blood donation). This study concludes that mass media campaigns can produce positive changes or prevent negative changes in health-related behaviors across large populations. Additionally, the study assesses what contributes to these outcomes, such as concurrent availability of required services and products, availability of community-based programs, and policies that support behavior change. Finally, it proposes areas for improvement, such as investment in longer, better-funded campaigns to achieve adequate population exposure to media messages.

RTI INT'L, SAKI MEDIA RELATIONS: KEY CONSIDERATIONS FOR PARTNERING WITH THE MEDIA

<https://www.sakitta.org/resources/docs/SAKI-Media-Relations-Key-Considerations-for-Partnering-with-the-Media.pdf>

This brief discusses strategies for raising the public's awareness of a jurisdiction's efforts to test previously unsubmitted Sexual Assault Kits and to investigate and ultimately prosecute cold case sexual assaults. It includes tips for speaking to media personnel, including a list of key facts that reporters will likely want to know and recommended language to use when describing a sexual assault.

IV. DIVERSION AND OTHER ALTERNATIVES TO INCARCERATION

A Diversion Toolkit for Communities, RESTORATIVE JUST. PROJECT

<https://rjdtoolkit.impactjustice.org/> (last accessed on Apr. 18, 2020).

This webpage features a toolkit that explains how to build a pre-charge restorative justice diversion program that reduces youth criminalization while meeting the needs of people harmed. The toolkit provides the first phase of technical assistance and prepares sites to begin receiving a suite of trainings and support. It was primarily created for community-based organizations interested in starting a

restorative justice diversion program for youth in their county.

CTR. FOR CT. INNOVATION, RISK ASSESSMENT & PRETRIAL DIVERSION: FREQUENTLY ASKED QUESTIONS (2018)

https://www.courtinnovation.org/sites/default/files/media/documents/2018-06/risk_assessment_diversion_faqs.pdf

Increasingly, prosecutors across the country are using risk assessment to help identify defendants appropriate for pretrial diversion and match participants to services that will reduce their risk of reoffending. This guide includes the questions most frequently asked by prosecutors seeking to incorporate risk assessment tools into the development of pretrial diversion programs. In responding to these questions, this document draws on studies of existing diversion programs that use risk assessments, provides tips for effective implementation of these assessments, and explains common challenges of applying them.

CTR. FOR HEALTH AND JUST. AT TASC, A NATIONAL SURVEY OF CRIMINAL JUSTICE DIVERSION PROGRAMS AND INITIATIVES (2013)

http://www.centerforhealthandjustice.org/tascblog/Images/documents/Publications/CHJ%20Diversion%20Report_web.pdf

Due to the increase of overburdened courts, crowded jails and prisons, strained government budgets, advances in drug use interventions, and awareness of negative and residual impacts of justice involvement on families, community-based diversion alternatives are receiving strong support across society. This particular study explores the landscape of diversion from criminal justice involvement, and includes information about programs across the country that offer diversion as an alternative to traditional criminal justice case processing. The five main observations from the study are: (1) many diversion programs around the country focus on individuals with substance use and mental health issues; (2) many programs are limited to first-time or low-level offenders; (3) there are no apparent overarching standards for collecting or publishing data; (4) standard definitions with regard to diversionary practices have not been adopted; and (5) many jurisdictions explore diversion alternatives out of necessity.

Holly A. Wilson & Robert D. Hoge, *The Effect of Youth Diversion Programs on Recidivism: A Meta-Analytic Review*, 40 CRIM. JUST. & BEHAV. 5 (2013)

http://users.soc.umn.edu/~uggen/Wilson_CJB_13.pdf

Pre- and post-charge diversion programs have been used as a formal intervention strategy for youth offenders since the 1970s. This study was conducted to shed some light on whether diversion reduces recidivism at a greater rate than traditional justice system processing and to explore aspects of diversion programs associated with greater reductions in recidivism. Seventy-three programs were included in the meta-analysis, and the results indicated that diversion is more effective in reducing recidivism than conventional judicial interventions.

FAIR AND JUST PROSECUTION, IMPROVING JUSTICE SYSTEM RESPONSES TO INDIVIDUALS WITH MENTAL ILLNESS (2018)

https://fairandjustprosecution.org/wp-content/uploads/2018/07/FJP.Brief_MentalHealth.pdf

Over half of individuals in the justice system have mental health needs, and as a result, jails and prisons have become the largest mental health treatment facilities in the country. This brief provides background information on the need to reform how police, prosecutors, and others within the criminal justice system respond to individuals with mental illness. It offers recommendations for prosecutors at every stage of the justice system — from the pre-arrest stage up to the point of re-entry.

Mary Carlton, *Functional Family Therapy-Gangs: Adapting an Evidence-Based Program to Reduce Gang Involvement*, NAT'L INST. OF JUST., U.S. DEP'T OF JUST. (Mar. 5, 2020)

<https://nij.ojp.gov/topics/articles/functional-family-therapy-gangs-adapting-evidence-based-program-reduce-gang>

This article details an NIJ study on whether an evidence-based delinquency program could be modified to prevent gang involvement and reduce the criminal activities of gang members. In 2009, researchers began exploring whether a Functional Family Therapy—Gangs (FFT—G) program could reduce gang involvement and help implement sustainable positive outcomes. The study results indicated that FFT—G reduced delinquency for program participants and cost less than the usual treatment. It concluded that those at the highest risk of gang involvement had the best results.

MICHAEL REMPEL ET AL., U.S. DEP'T OF JUST., NIJ'S MULTISITE EVALUATION OF PROSECUTOR-LED DIVERSION PROGRAMS: STRATEGIES, IMPACTS, AND COST-EFFECTIVENESS (2018)

<https://www.ncjrs.gov/pdffiles1/nij/grants/251665.pdf>

In recent years, a growing number of prosecutors have established pretrial diversion programs— either pre-filing (before charges are filed with the court) or post-filing (after the court process begins but before a disposition). This study found that today's prosecutor-led diversion programs pursue a wide range of goals not limited to recidivism reduction and serve a mixed population. Across five programs in three sites, diversion participants benefited from a reduced likelihood of conviction and incarceration; and in four of the five programs, pretrial diversion participation led to reduced rearrest rates. In addition, in all four programs where a cost evaluation was conducted, diversion cases involved a lesser resource investment than similar comparison cases.

MICHELA LOWRY & ASHMINI KERODAL, CTR. FOR CT. INNOVATION, PROSECUTOR-LED DIVERSION: A NATIONAL SURVEY (2019)

https://www.courtinnovation.org/sites/default/files/media/document/2019/prosecutor-led_diversion.pdf

The purpose of this study is to learn more about the range of prosecutor-led diversion programs nationwide and to provide a detailed portrait of their goals, target populations, and policies. The study revealed that 55% of the 220 responding prosecutors' offices reported that their agency offered some type of diversion programs. Additionally, prosecutors in both rural and urban jurisdictions expressed similar goals for their diversion programs. Overall, the four most important self-reported diversion goals for respondents were to: hold participants accountable for their criminal behavior; reduce participant recidivism; rehabilitate participants by treating their underlying problems; and use resources more efficiently.

Thomas J. Miles, Does the "Community Prosecution" Strategy Reduce Crime? A Test of Chicago's Experience, 1591) American L. & Economics Rev. 117 (2014)

<https://academic.oup.com/aler/article/16/1/117/135028>

In an examination of Chicago's community prosecution programs over a fifteen-year period, researcher Thomas Miles found that the strategy reduced certain categories of crime, such as aggravated assault, but had no effect on other types, such as larceny. Miles concluded that, while the current diversity of practices that fall under the umbrella of "community prosecution" makes generalization difficult, the findings from Chicago show that community prosecution can lead to reductions in crime.

V. EXPANDING VICTIM/WITNESS SERVICES

ALL. FOR HOPE INT'L, HOW TO START A FAMILY JUSTICE OR MULTI-AGENCY CENTER IN YOUR COMMUNITY – IT IS TIME (2017)

<https://www.familyjusticecenter.org/wp-content/uploads/2017/11/How-to-Start-a-Family-Justice-Multi-Agency-Center-in-Your-Community-2016.pdf>

This presentation serves as a guide for the creation of Family Justice Centers that work with victims of sexual assault, domestic violence, child abuse, elder abuse, and human trafficking. The PowerPoint discusses a variety of important questions that are key to a successful Family Justice Center, including: Where should an agency start with such partnerships? Is a community ready for a comprehensive Family Justice Center model or are there preliminary steps toward collaborative approaches that should be taken first? Which agencies have the necessary relationships in a community to come together, and which agencies are not ready for such a model?

CHAN M. HELLMAN ET AL., CTR. OF APPLIED RSCH. FOR NONPROFIT ORG., UNIV. OF OKLA. TULSA, SURVIVOR DEFINED SUCCESS, HOPE AND WELL-BEING: AN ASSESSMENT OF THE IMPACT OF FAMILY JUSTICE CENTERS (2017)

<https://www.acesconnection.com/fileSendAction/fcType/0/fcOid/475599658395137170/filePointer/475599658395163665/fodoid/475599658395163652/FJC%20OU%20Report.FINAL.pdf>

This assessment utilizes a pretest/posttest design to assess changes in hope and well-being among survivors of domestic violence and sexual assault receiving services at a diverse group of seven California-based Family Justice Centers. It examines the relationship of hope and well-being to survivor-defined success operationalized by successful attainment of personal goals identified by the survivors. Overall, it found that survivors reported a statistically significant increase in hope, satisfaction with life,

positive emotional experience, and affect balance. The results emphasize that Family Justice Centers are important sources of hope and well-being for survivors of violence.

Inst. of State and Reg'l Affairs, Volume VI: Crime Victim Needs: Insights from Research (2014)

<https://www.pccd.pa.gov/Victim-Services/Documents/Volume%20VI%20final.pdf>

The Office of Victims' Services of the Pennsylvania Commission on Crime and Delinquency engaged a research team at Penn State Harrisburg to conduct the 2013 Needs Assessment of Pennsylvania's Victim Community. The primary goal of this initiative was to develop a comprehensive understanding of unmet needs and service gaps through the perspectives of both service providers and victims. The study found that women are more likely to be victimized by known offenders than men. The majority of crime victims do not report their victimization to the police, nor do they seek mental health services. Researchers found that many crime victims do not report due to shame, embarrassment, and a belief that nothing will be done. Researchers also underscored the importance of assisting underserved populations through education, targeted outreach, and culturally competent services.

VI. PROSECUTORIAL DISCRETION

K. Babe Howell, *Prosecutorial Discretion and the Duty to Seek Justice in an Overburdened Criminal Justice System*, 27 GEO. J. LEGAL ETHICS 285 (2014)

https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=1113&context=cl_pubs.

This law review article discusses the power of the prosecutor and the unfettered discretion to charge or to decline to charge in the criminal justice system. Given this power, prosecutors can have a large role in addressing rampant injustices and disparities. The author offers several recommendations to the field—namely that chief prosecutors exercise their discretion to decline to prosecute minor offenses where arrest patterns show a disparate impact on racial minorities or where overburdened prosecutors and courts cannot provide procedural justice.

Stephanos Bibas, *The Need for Prosecutorial Discretion* 19(2) TEMPLE POL. & CIV. RTS. L. REV. 369 (2010)

https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=2428&context=faculty_scholarship.

This law review article challenges scholarly notions of prosecutorial discretion as a "regrettable concession to reality." The author argues that, even in the absence of crowded court dockets and outdated criminal codes, prosecutorial discretion is essential to doing justice—without discretion, application of the law can produce "absurdly unjust results." The author distinguishes idiosyncratic discretion, whereby individual prosecutors make inconsistent decisions based on their own personal opinions and biases, from discretion per se, the exercise of which enables prosecutors to uphold justice. Bibas proposes that offices create cultures, structures, and incentives that encourage prosecutors to use their discretion consistently and in line with the public's sense of justice.

MELBA V. PEARSON, *CAN THEY DO THAT? UNDERSTANDING PROSECUTORIAL DISCRETION* (ABA Book Publishing, 2020)

This book explores prosecutorial discretion from the viewpoint of varying criminal justice stakeholders—including defense attorneys, judges, theorists, reform advocates, and prosecutors themselves. It provides theories on discretion and its historical context, current checks on prosecutors' discretion; its positive and negative impacts; insights into prosecutors' decision-making processes; and comparative international perspectives.

VII. RE-ENTRY PROJECTS

CHRISTINE LINDQUIST ET AL., RTI INT'L, CTR. FOR CT. INNOVATION, & NPC RESEARCH, *THE NATIONAL INSTITUTE OF JUSTICE'S EVALUATION OF SECOND CHANCE ACT ADULT REENTRY COURTS: PROGRAM CHARACTERISTICS AND PRELIMINARY THEMES FROM YEAR 1* (2013)

<https://www.ncjrs.gov/pdffiles1/nij/grants/241400.pdf>.

This study discusses re-entry courts, which combine intensive judicial oversight with rehabilitative

services, and have arisen as part of a broader national movement to address specific problems among criminal justice populations. It focused on eight re-entry courts around the country and found common characteristics throughout, including: an emphasis on post-release service delivery, the provision of a breadth of relevant services (with all sites offering substance abuse treatment and employment services), the use of a case management approach to coordinate and monitor services, the use of court hearings to monitor participants' progress in the program, the use of drug testing, and a team approach to decision-making regarding sanctions and rewards.

JENNIFER YAHNER & JANINE M. ZWEIG, URBAN INST., WHICH COMPONENTS OF TRANSITIONAL JOBS PROGRAMS WORK BEST? ANALYSIS OF PROGRAMS FOR FORMER PRISONERS IN THE TRANSITIONAL JOBS REENTRY DEMONSTRATION (2012)

<https://www.urban.org/research/publication/which-components-transitional-jobs-programs-work-best>.

Different components of transitional jobs (TJ) programs may improve employment and recidivism outcomes among former prisoners. Using data from the Transitional Jobs Reentry Demonstration evaluation, this study found that former prisoners who spent 30 workdays or more in a TJ were 14 percent more likely to obtain an unsubsidized job in the subsequent six months (45% vs. 31%). No other TJ program components (e.g., job development, case management, retention bonuses) individually affected employment or recidivism. Although non-experimental, analyses incorporated regression-based adjustments for selection bias.

JOCELYN FONTAINE ET AL., URBAN INST., FINAL IMPLEMENTATION FINDINGS FROM THE RESPONSIBLE FATHERHOOD REENTRY PROJECTS (2017)

https://www.urban.org/sites/default/files/publication/89766/final_implementation_report_1.pdf.

This study evaluated the Community-Centered Responsible Fatherhood Ex-Prisoner Reentry Pilot Projects and the implementation of six programs designed to help stabilize fathers and their families. The study found that these programs succeeded if they: evolved over time in response to the participants' needs and local contexts; implemented flexible program models with different services and activities; used varied approaches to serve participants and encourage system-level coordination; partnered with other organizations to deliver services; and fostered creative thinking to help the programs make midcourse adjustments and overcome implementation challenges.

JOHN BAE ET AL., VERA INST. OF JUST., OPENING DOORS: HOW TO DEVELOP REENTRY PROGRAMS USING EXAMPLES FROM PUBLIC HOUSING AUTHORITIES (2017)

https://storage.googleapis.com/vera-web-assets/downloads/Publications/opening-doors-public-housing-reentry-guide/legacy_downloads/Opening-Doors-Full-Report.pdf

This guide provides insight on designing and implementing reentry programs in public housing, improving existing programs that aid formerly incarcerated people; and becoming informed on innovation occurring across a wide array of public housing authorities (PHA). The guide concludes that, "increasing the number of PHAs implementing reentry programs and changing policies for people with conviction histories will greatly contribute to the shifting narrative around formerly incarcerated people. A different approach to the way formerly incarcerated people are thought of and treated may give rise to innovations that can lower incarceration rates, increase social mobility, and promote safer communities."

MARGARET LOVE & DAVID SCHLUSSEL, COLLATERAL CONSEQUENCES RES. CTR., REDUCING BARRIERS TO REINTEGRATION: FAIR CHANCE AND EXPUNGEMENT REFORMS IN 2018 (2019)

<http://ccresourcecenter.org/wp-content/uploads/2019/01/Fair-chance-and-expungement-reforms-in-2018-CCRC-Jan-2019.pdf>

This report explores several reforms implemented across the U.S. aimed at reducing barriers to reintegration. It suggests that states are experimenting with a more nuanced blending of philosophical approaches to dealing with the collateral consequences of arrest and conviction. These approaches include forgiving people's past crimes (through pardon or judicial dispensation), forgetting them (through record-sealing or expungement), or forgoing creating a record in the first place (through diversionary dispositions). While sealing and expungement remain the most popular forms of remedy, there seems to be both popular and institutional resistance to limiting what the public may see respecting the record of serious offenses, and a growing preference for more transparent restoration mechanisms that limit what the public may do with such a record, along with standards to guide administrative decision-making.

NAT'L INST. OF JUST., U.S. DEP'T OF JUST., *An Overview of Offender Reentry*

<https://www.ncjrs.gov/pdffiles1/nij/251554.pdf?ed2f26df2d9c416fbddddd2330a778c6=hepeewjada-hebykysae>

This document provides an overview to offender reentry literature, offender outcomes, and reentry initiatives that may work to improve public safety. It promotes a holistic approach to reentry and emphasizes that the challenges offenders face in their return coupled with the impact of the return on the offender's family, victims, and community are critical aspects that are key in addressing public safety. The document also discusses risk assessment and service delivery, family, health, employment, in-custody education, housing, substance abuse, and the application of technology to offender reentry programs.

NYU CTR. ON THE ADMIN. OF CRIM. L., *Disrupting the Cycle: Reimagining the Prosecutor's Role in Reentry: A Guide to Best Practices (2017)*

https://www.law.nyu.edu/sites/default/files/upload_documents/CACL%20Report.pdf

This study is the product of bringing together prosecutors and policy experts to identify the hurdles that exist in reentry processes. This four-part study concludes that prosecutors should consider recidivism risks at key stages of the criminal justice process—before and during the charging stage, during the consideration of bail versus detention, during plea bargaining, and at sentencing. Additionally, prosecutors can impact recidivism and reentry by keeping defendants' files "open" after sentencing and maintaining involvement with defendants.

VIII. RISK ASSESSMENT TOOLS

Alex Chohlas-Wood, *Understanding risk assessment instruments in criminal justice*, BROOKINGS (June 19, 2020)

<https://www.brookings.edu/research/understanding-risk-assessment-instruments-in-criminal-justice/>

This article details the idea behind risk assessment tools and their use in the criminal justice system to predict a defendant's future risk for misconduct. In particular, the author focuses on the potential racial biases that might be involved in these algorithms and offers suggestions for any law enforcement agencies that are thinking about using these tools.

SARAH PICARD ET AL., CTR. FOR COURT INNOVATION, *THE CRIMINAL COURT ASSESSMENT TOOL: DEVELOPMENT AND VALIDATION (2018)*

https://www.courtinnovation.org/sites/default/files/media/documents/2018-02/ccat_validation.pdf

Data-driven risk assessment tools play an increasingly important role in the criminal justice system in influencing decisions such as pretrial release and the conditions of community-based supervision. In addition to providing evidence-based classifications of defendant risk (e.g., low, moderate, or high risk), many tools include needs assessments, which identify underlying problems that may be addressed through therapeutic or social service interventions. To date, there remains a shortage of risk/needs assessments that cover important needs fueling a defendant's criminal behavior, yet can be efficiently administered in high-volume settings and inform referral to effective intervention. This report summarizes both the development of the Criminal Court Assessment Tool and the results of a validation study with a sample of defendants drawn from the Brooklyn Criminal Court in New York City.

IX. SOLICITING FEEDBACK FROM COMMUNITIES TO IMPROVE RESPONSE

DENNIS ROSENBAUM ET AL., U.S. DEP'T OF JUST., *MEASURING POLICE AND COMMUNITY PERFORMANCE USING WEB-BASED SURVEYS: FINDINGS FROM THE CHICAGO INTERNET PROJECT (2008)*

<https://www.ncjrs.gov/pdffiles1/nij/grants/221076.pdf>

This report describes the Chicago Internet Project—a joint information technology project involving the University of Illinois at Chicago, the Chicago Police Department, and residents in Chicago neighborhoods. The goals of this project are: to successfully implement a large-scale comprehensive web-based community survey and identify the challenges encountered when transferring this infrastructure to other settings; and to determine whether a web-based survey system can enhance the problem-solving process, increase community engagement, and strengthen police–community relations.

LESLIE PALK, BUREAU OF JUST. ASSISTANCE, U.S. DEP'T OF JUST., SURVEYING COMMUNITIES: A RESOURCE FOR COMMUNITY JUSTICE PLANNERS (2002)

<https://www.ncjrs.gov/pdffiles1/bja/197109.pdf>.

This monograph details the experiences of those who developed the Red Hook Community Justice Center in Brooklyn, New York. It shares the lessons learned from the preparation, administration, and analysis of this community survey in order to assist other jurisdictions in achieving a better understanding of community needs and delivering more responsive programs to meet those needs. The monograph emphasizes the importance of surveys when it comes to community justice programs, finding that “[w]hen it is well executed, a survey can build planners’ knowledge about a community, cultivate the goodwill of stakeholders, nurture partnerships, and measure a program’s effectiveness over time. Combined with other methods of community outreach—such as convening focus groups, attending meetings of neighborhood organizations, and creating community advisory boards—a survey can help ensure that a community justice project makes the neighborhood safer by building stronger ties between criminal justice agencies and the communities they serve.”

MARTIN WOOD ET AL., CROWN PROSECUTION SERV., VICTIM AND WITNESS SATISFACTION SURVEY (2015)

https://www.cps.gov.uk/sites/default/files/documents/victims_witnesses/cps_victim_and_witness_survey_sept_2015.pdf

This survey was commissioned by the Crown Prosecution Service (CPS) as part of its strategic objective to ensure that its service to victims and witnesses is central to everything it does. The survey sought to gather the views of victims and witnesses on their experience of the service they received from the CPS during a criminal case in which they were involved. It also revealed information about the type of case and its outcome, covered the victim’s or witness’s overall satisfaction levels, and their views on different stages of the prosecution process.

X. WITNESS PARTICIPATION RELOCATION

AEQUITAS, FIELD GUIDE TO WITNESS INTIMIDATION: A REFERENCE FOR IDENTIFICATION (2018)

https://aequitasresource.org/wp-content/uploads/2018/09/Field_Guide_to_Witness_Intimidation_3.19.18.pdf.

This Field Guide to Witness Intimidation is intended to be a convenient reference to assist professionals in identifying acts of witness intimidation that may affect their work with victims and witnesses vulnerable to such pressures. It breaks down what types of crimes often co-occur with intimidation (gang crime, human trafficking, sexual violence, drug crime, stalking, child abuse, and others), how intimidation occurs (explicit or implied, physical, emotional, economical, immigration-related, through social media, and others), who intimidates and who the targets are, where intimidation occurs, when intimidation occurs, and why.

AEQUITAS, THE PROSECUTORS’ RESOURCE: WITNESS INTIMIDATION (2014)

<https://aequitasresource.org/wp-content/uploads/2018/09/The-Prosecutors-Resource-Intimidation.pdf>.

This comprehensive resource outlines strategies for effective prosecution of cases where witness intimidation is, or may be, a factor. It is intended both as a checklist of actions that can increase the likelihood of successful prosecution and as a reference to assist the prosecutor in handling typical problems and legal issues that arise in prosecuting cases involving intimidation. This resource is organized into three parts. Part I discusses the first steps that should be taken when a prosecutor is assigned a case in which witness intimidation is, or may be, an issue. Part II discusses steps to be taken and strategies that can be employed during the pretrial phase of a criminal prosecution, up through the final pretrial conference. Part III discusses trial strategies that will enhance the likelihood of a successful prosecution that will result in a guilty verdict and an appropriate sentence, including appropriate post-release conditions that will enhance the ongoing safety of victims and witnesses.

FRANKLIN CRUZ & TERESA M. GARVEY, AEQUITAS, IMPROVING WITNESS SAFETY AND PREVENTING WITNESS INTIMIDATION IN THE JUSTICE SYSTEM: BENCHMARKS FOR PROGRESS (2014)

<https://aequitasresource.org/wp-content/uploads/2018/09/Benchmarks-for-Progress.pdf>.

The pervasive problem of victim/witness intimidation in criminal justice systems is one that requires a

strategy for change and firm commitments from leaders and practitioners alike. This resource includes tools for practitioners to use collaboratively within their communities. These tools are intended to provide criminal justice leaders with concrete guidance to implement best practices in providing for victim and witness safety. While many experienced justice system professionals are knowledgeable about intimidation, far too many incidents are still missed, misjudged, or otherwise left unaddressed due to a lack of collaboration and struggle to respond to this pervasive yet undetected crime. Practitioners, therefore, may also find this publication helpful in developing or reinforcing their knowledge of intimidation — both inside and outside of the criminal justice system — and discovering what other jurisdictions have done to promote victim and witness safety.

JOHN WILKINSON ET AL., AEQUITAS & THE JUST. MGMT. INST, COMBATTING WITNESS INTIMIDATION: EXPERIENCES IN CREATING SYSTEMS-BASED CHANGE (2019)

<https://aequitasresource.org/wp-content/uploads/2019/09/CWI-Final-Report-9.26.19.pdf>

This initiative identifies the challenges related to witness intimidation across all crimes, suggests strategies to address these challenges, and details potential methods to evaluate the impact of those approaches. AEquitas and the Justice Management Institute, with assistance from the International Association of Chiefs of Police and other experts in the field, led the Combatting Witness Intimidation (CWI) Initiative and supported three jurisdictions — Baltimore, MD; Baton Rouge, LA; and Boston, MA — to plan and implement a set of coordinated strategies to reduce intimidation in their communities. The sites' experience working to combat intimidation over a two-year period highlighted several important themes and lessons related to risk management, problem definition, resource availability, and multidisciplinary collaboration. Lessons from their work will assist criminal justice professionals across the board in recognizing and effectively responding to intimidation.

Teresa M. Garvey, *Legal Jiu-Jitsu for Prosecutors in Intimate Partner Violence Cases: Forfeiture by Wrongdoing*, 17 STRATEGIES (2018)

<https://aequitasresource.org/wp-content/uploads/2018/12/Legal-Jiu-Jitsu-for-Prosecutors-in-IPV-Cases-Forfeiture-by-Wrongdoing-2.pdf>

This article explains the historical underpinnings of the doctrine of forfeiture by wrongdoing and the public policies it promotes and examines the current state of the law concerning forfeiture around the country. It addresses some of the issues that may arise in proving the predicate facts supporting a motion to admit evidence under the forfeiture doctrine. Finally, it suggests litigation strategies that should prove helpful in asserting and arguing the applicability of the doctrine to admit hearsay statements of intimidated witnesses who have become unavailable to testify due to wrongdoing on the part of the defendant. Although the article is focused primarily on the use of forfeiture in domestic violence cases, the same law and principles generally apply in other types of cases where defendants, or those acting on their behalf, have prevented witnesses from testifying.

***Witness Intimidation: What You Can Do to Protect Your Witness*, PROSECUTORS' CTR. FOR EXCELLENCE (2016)**

<https://pceinc.org/wp-content/uploads/2019/11/20160610-Witness-Intimidation-What-You-Can-Do-To-Protect-Your-Witnesses-PCE-3-1.pdf>

This report discusses the issues of witness intimidation and witness tampering, as they have a variety of consequences from the silencing of an entire community to the murder of a witness to the recantation of truthful testimony. Though witness intimidation is an insidious problem, there are strategies throughout the investigation and prosecution of a case that can help to keep a witness safe and reduce the impact of intimidation. The report is broken down into several stages of the criminal justice process where witness intimidation can occur, including: the initial meeting and safety assessments, executing search warrants, arrest to arraignment, discovery, hearings and trials, times during which individuals are incarcerated, and post-trial issues. Under each category, the report identifies strategies that prosecutors can use in order to prevent intimidation from occurring. Strategies range from developing a plan of communication with witnesses, relocating witnesses if necessary, requesting search warrant affidavits to be sealed to protect witness identities, and protective orders.

COLLABORATION WITH CRIMINAL JUSTICE PARTNERS

I. ADVOCATES AND SUPPORT

KIMBERLY A. LONSWAY ET AL., END VIOLENCE AGAINST WOMEN INT’L, BREAKING BARRIERS: THE ROLE OF COMMUNITY-BASED AND SYSTEM-BASED VICTIM ADVOCATES (2013)

https://evawintl.org/wp-content/uploads/Module-13_Breaking-Barriers-12.9.2020.pdf

This study discusses the myriad ways in which communities can positively impact victims of sexual violence and how to hold offenders accountable. It concludes that offenders will be held accountable for their crimes if victims are able to successfully participate in the process of a law enforcement investigation and criminal prosecution. This, in turn, will only happen when victims are supported by friends, family members, advocates, and other professionals. In other words, to hold more offenders accountable we must provide all victims of sexual violence (and their loved ones) with as much support as possible. This study suggests that one way communities can ensure this is by participating in the Start by Believing campaign. Start by Believing is the global campaign developed by End Violence Against Women International to transform responses to sexual assault and overcome the common belief that victims are only fabricating reports out of revenge, a desire for attention, or as an excuse for their own questionable behavior. It “flips the script” on the message victims have historically received from professionals and support people, which is: “How do I know you’re not lying?” Advocates often play an integral role in bringing this campaign, and the overall philosophy, into their communities. Community-based and system-based advocates have a unique ability to bring criminal justice professionals together to unify in a single message for survivors.

SAINT PAUL DOMESTIC ABUSE INTERVENTION PROJECT, THE DISTINCT AND VITAL ROLE OF A LEGAL AND SYSTEM ADVOCATE

<https://www.stpaulintervention.org/AdvocatesCompanionPiece.pdf>

This article outlines the significance of the role advocates have in (a) ensuring victims of domestic abuse have their voices heard and safety needs met (to the highest degree possible) by the criminal justice system and (b) creating long-term social and system change in responding to domestic violence. It lays out several ways in which a legal advocate should function when assisting battered women, such as: providing nonjudgmental support, listening, undivided loyalty, validation, confidentiality, safety planning, education, legal advocacy services, allowing the victim to determine her own choices, and more.

II. CROSS-TRAINING AND COLLABORATION WITH POLICE AND OTHER AGENCIES

C.J. Williams, *Working with Law Enforcement Officers, in FOR THE PROSECUTION: HOW TO PROSECUTE CRIMINAL CASES (2020).*

This work focuses on how prosecutors should collaborate with law enforcement officers, including federal agents, state investigators, and local police officers. Successful prosecutors recognize that they must form partnerships with law enforcement officers. Strategies for building healthy relationships with law enforcement officers include: making an effort to visit them at their own offices instead of insisting that officers come to the prosecutor's office; taking the time to explain to officers why the prosecutor desires that the officers perform a particular task in furtherance of the investigation and prosecution, and actively listening to law enforcement officers' needs and ideas. The chapter also emphasizes that prosecutors and law enforcement officers should stay in their own lanes, recognizing that neither profession works for the other.

KRISTINE HAMANN & JOHN DELANEY, INVESTIGATING VIOLENT CRIME: THE PROSECUTOR’S ROLE (2018)

<https://centerforimprovinginvestigations.org/wp-content/uploads/2018/09/Investigating-Violent-Crime-The-Prosecutors-Role-Lessons-Learned-from-the-Field-NRTAC-June-2018.pdf>

This paper tracks the various phases of a violent crime investigation and provides an overview of the issues discussed by violent crime prosecutors during an October 2017 conference. One section addresses prosecutor crime scene training for the police. Because prosecutors are tasked with introducing crime

scene evidence at trial, they are aware of the issues that can prevent the admission of evidence. To share their insights, some prosecutors participate in training law enforcement on matters relating to crime scenes. This paper also mentions how some prosecutors observe and provide feedback to law enforcement regarding the evidentiary values of statements taken during the investigative stage and the pros and cons of the techniques used to obtain the statements.

WILLIAM F. McDONALD, NAT'L INST. OF JUST., POLICE-PROSECUTOR RELATIONS IN THE UNITED STATES (1982)

<https://www.ncjrs.gov/pdffiles1/Digitization/77829NCJRS.pdf>

This executive summary presents the highlights of the findings, conclusions, and recommendations of a study of police–prosecutor relations in jurisdictions with over 100,000 people. A common and major weakness in the relationship is that the police do not supply prosecutors with the amount and kind of information needed due to inadequacies in training, incentive, and the nature of the interorganizational communication system. Police and prosecutors must devote greater attention to removing from the prosecution process, at the earliest possible point, weak and low priority cases, while simultaneously assuring maximum cooperation and communication on serious cases. Training suggestions include police training programs emphasizing knowledge of the elements of a crime, and providing police with the opportunities to learn directly from local prosecutors about how the quality of information in a case affects the disposition decisions. The study highly emphasizes the mutual participation of each in the other's training programs.

III. PARTNERING WITH FEDERAL AGENTS

Daniel C. Richman, *Prosecutors and Their Agents, Agents and Their Prosecutors*, 103 COLUM. L. REV. 749 (2003)

https://scholarship.law.columbia.edu/cgi/viewcontent.cgi?article=3494&context=faculty_scholarship

Part I of this article shows how the iterated interactions between federal agents and prosecutors will affect investigative and adjudicative decision-making and the allocation of enforcement resources. Part II of the article asks what the prosecutor–agent dynamic should look like in the federal system, suggesting that the distinctive incentives of prosecutors and agents can most productively be harmonized if the two enforcement elements are seen as mutually monitoring members of a working group. Part III explores some mechanisms for such improvement and shows how a focus on institutional dynamics reveals opportunities in some surprising places for criminal procedure law to promote healthier relationships among law enforcers. The goal is to promote teamwork between prosecutors and agents by increasing the flow of information to prosecutors and assessing whether mechanisms directly promote or deter mutual gatekeeping that deters agency-prosecutor interaction or allows one side to circumvent the other. The mutual monitoring model that this article advocates can also be promoted through changes in the prosecutor's office, including organizing the office vertically, paying more attention to the extent to which individual prosecutors work with a particular group of agents or kind of case, and targeting hiring and retention patterns for assistants.

IV. TASK FORCES

GANG INTELLIGENCE STRATEGY COMMITTEE ET AL., GUIDELINES FOR ESTABLISHING AND OPERATING GANG INTELLIGENCE UNITS AND TASK FORCES (Oct. 2008)

<https://www.it.ojp.gov/documents/d/guidelines%20for%20establishing%20Gang%20Intelligence%20units.pdf>

This guide discusses general principles for establishing violent crime task forces and the critical steps needed to make them successful and sustainable. The guide includes considerations such as task force participants, mission, design, case management, operational planning, and more.

Off. for Victims of Crime., *Human Trafficking Task Force e-Guide*, OFF. FOR VICTIMS OF CRIME TRAINING AND TECH. ASSISTANCE CTR.

<https://www.ovcttac.gov/taskforceguide/eguide/acknowledgments/> (last visited Jan. 7, 2021).

This e-guide, developed by the U.S. Department of Justice's Bureau of Justice Assistance and Office for Victims of Crime, is intended to assist jurisdictions in the development and day-to-day operations of an anti-human trafficking task force and to provide fundamental guidance for effective task force

operations.

Protocols and Guidelines for Sexual Assault Response Teams, NAT'L SEXUAL VIOLENCE RES. CTR.

<https://www.nsvrc.org/sarts/protocols-and-guidelines> (last visited Jan. 7, 2021),

This web page contains guidelines and model protocols for developing a Sexual Assault Response Team (SART), a multidisciplinary team that helps guide local or statewide response to sexual violence.

TECHNOLOGY

I. BODY-WORN CAMERAS

Damon Mosler, *The Impact of Body-Worn Cameras on the Burden of Proof and Evidentiary Expectations: A Prosecutor's Perspective*, BODY-WORN CAMERA POL'Y IMPLEMENTATION PROGRAM

<https://www.bwctta.com/resources/commentary/viewthe-impact-bwcs-prosecutors-perspective>
(last visited Apr. 21, 2020).

In its simplest form, footage from body-worn cameras (BWC) could be considered just another type of evidence collected by law enforcement to prosecute offenders. But the novelty and volume of this type of evidence, as well as the public spotlight on it, makes the evidence unique. Because officers cannot view all of their recordings before they write a report, some details that do not make it into a report may be called into question during testimony. In light of the emerging nature of law enforcement's and prosecutors' experience with BWCs, this paper provides some considerations on the evidentiary nature of BWC footage. Topics include crime charging expectations; courtroom expectations; courtroom challenges; evidentiary matters; and trial preparation. Looking to the future, evidence from BWCs requires enhanced collaboration between prosecutors and law enforcement.

GREGORY HURLEY, NAT'L CTR. FOR STATE COURTS, BODY-WORN CAMERAS AND THE COURTS (2016)

<https://ncsc.contentdm.oclc.org/digital/collection/criminal/id/268>.

This report discusses the functionality of BWCs and the potential litigation issues expected to arise as the technology is increasingly used by the law enforcement community. In particular, it examines BWC systems and functionality and the legal impact of BWCs on courts, and includes a state-by-state analysis of courts that follow the Youngblood standard.

John Wilkinson, AEQUITAS, *To Record or Not To Record: Use of Body-Worn Cameras During Police Response to Crimes of Violence Against Women, 29 Strategies in Brief 1* (2017)

<https://aequitasresource.org/wp-content/uploads/2018/09/To-Record-or-Not-To-Record-Use-of-Body-Worn-Cameras-During-Police-Response-to-Crimes-of-Violence-Against-Women-SIB29.pdf>

Domestic and sexual violence, stalking, and human trafficking are crimes that require investigation and trial strategies that respectfully acknowledge and accommodate the trauma that victims suffer as a result of these crimes and enable fact-finders to understand the impact of that trauma. The positive and negative implications of BWC usage in the law enforcement response to these crimes demand serious, collaborative thought in the drafting or review of departmental policy. The lack of existing research-based evidence to guide policy and practice in this area strongly suggests a multidisciplinary approach, considering the perspectives of police, prosecutors, advocates, medical professionals, and victims. Such an approach, incorporating the experience and perspective of allied professionals, can help anticipate and address potential problem areas. This article examines several that should be considered in creating or refining policy on BWC usage.

KRISTINE HAMANN, PROSECUTORS' CTR. FOR EXCELLENCE, POLICE BODY-WORN CAMERAS: WHAT PROSECUTORS NEED TO KNOW (2018)

https://pceinc.org/wp-content/uploads/2018/03/20180301-Police-Body-Worn-Cameras_What-Prosecutors-Need-to-Know-White-and-Case-and-PCE.pdf

As police departments across the United States embrace the use of police BWCs, prosecutors will need to be involved in the uptake process as early as possible. Without coordination, police departments might purchase different technologies, implement different policies, and store the data in different locations. This paper seeks to assist prosecutors in navigating the many complex issues surrounding a BWC program. It considers (1) technical specifications of body-worn camera devices and supporting software and storage systems and (2) prosecutorial issues such as developing office policies, access to recordings, discovery considerations, and the use of body-worn camera recordings as evidence for a grand jury and at trial. An appendix provides a checklist for prosecutors.

L. ENF'T POL'Y CTR., INT'L ASS'N OF CHIEFS OF POLICE, BODY-WORN CAMERAS (2019)

<https://www.theiacp.org/sites/default/files/2020-06/BWCs%20June%202020.pdf>.

Body-worn cameras provide officers with a reliable and compact tool to systematically and automatically record their field observations and encounters. They can be used for documentation purposes, to include interactions with victims, witnesses, and others during police–public encounters; arrests; and critical incidents. These documents provide items for agencies to consider when developing their own body-worn camera programs.

II. DATA-SHARING AND INFORMATION MANAGEMENT

NAT'L CONSORTIUM FOR JUST. INFO. AND STAT., NAT'L DIST. ATTORNEYS ASS'N, PROSECUTOR CASE MANAGEMENT SYSTEM FUNCTIONAL REQUIREMENTS (2018),

<https://ndaa.org/wp-content/uploads/PCMS-Functional-Specifications.pdf>.

This document serves as a comprehensive reference for prosecutors and support staff engaged in procuring case management and case tracking technology. It identifies and defines the common capabilities and functions required of this technology. Prosecutors, in conjunction with staff and technology support entities, can use this document to assess the specific needs and requirements of their organization. After looking at the business and organizational needs of prosecutors' offices and how software applications should address those needs, the document looks at broader technology-oriented requirements that prosecutors need to successfully implement an effective prosecutor case management system (PCMS). In addition to contributions from a group of subject matter experts, the authors consulted a variety of documents and resources to identify business and technology functions and capabilities required of a PCMS. The resulting document is intended to be expansive and inclusive of all potential prosecutorial functional requirements that a PCMS should support and accommodate.

BRIAN A. JACKSON ET AL., RAND CORP., FOSTERING INNOVATION IN THE U.S. COURT SYSTEM: IDENTIFYING HIGH-PRIORITY TECHNOLOGY AND OTHER NEEDS FOR IMPROVING COURT OPERATIONS AND OUTCOMES (2016)

https://www.rand.org/pubs/research_reports/RR1255.html.

This report was compiled by a Courts Advisory Panel, a national panel of judges, prosecutors, defense counsel, and court administrators. It addresses five key issues facing courts, including case preparation, court information management, support for court hearings, facilities management, and people management. The report identifies improvements in technology, policy, and practices as a potential solution for these issues, including: improving tools “to sort cases and match them with the process most likely to get them to an outcome efficiently and effectively,” developing basic standards for the online protection of formal court records, and expanding the court-related transactions and interactions that can be done over the internet.

Pota Kanavaros, *Police and Prosecutors Need Enhanced Case Management Systems*, Sec. INDUS. Assoc. (Apr. 1, 2017)

<https://www.securityindustry.org/2017/04/01/video-management/>.

More cameras in physical security systems collect and share more data than ever before. But this increase is not without its challenges. Managing and storing growing amounts of data can overwhelm systems that were not designed to accommodate the new types of video and other digital data and metadata that are being collected by today's law enforcement tools. This article discusses data's impact on law enforcement, the need for more data storage capacity, and the cost of complying with Freedom of Information Act requests, among other topics.

PRETRIAL JUST. INST., USING TECHNOLOGY TO ENHANCE PRETRIAL SERVICES: CURRENT APPLICATIONS AND FUTURE POSSIBILITIES (2012)

http://thecrimereport.s3.amazonaws.com/2/85/0/1651/pji_using_technology_to_enhance_pretrial_services.pdf.

This report analyzes the extent to which pretrial services programs make use of their current technologies and how new technological developments aid their work. First, it reviews current technology used to manage information and track program performance. Next, it examines how pretrial services

programs (e.g., interviewing defendants, verification, and record checks) are analyzed in conjunction with new technologies that can help perform these basic functions. The report also explores factors affecting the implementation of new technologies, such as the maturity of the technology at the time of implementation, the level of training needed to use it, ethical issues that need to be addressed prior to implementation, and overall costs.

TODD SANDER, DIGITAL COMMUNITIES, LAW ENFORCEMENT INFORMATION SHARING AND THE IMPLICATIONS FOR LOCAL GOVERNMENT (A TECHNICAL REFERENCE) (2010)

https://cdn.ymaws.com/www.ijis.org/resource/collection/232074EF-6453-4014-BC4E-018BF818D291/Law_Enforcement_Information_Sharing_and_the_Implications_for_Local_Government.pdf

The need for law enforcement information and communication technology (ICT) must be considered and addressed as cities, towns, and counties strive to consolidate their IT infrastructures. Unfortunately, much of the good work done over the past several years in criminal justice information-sharing has resulted in confusing sets of systems, standards, and organizational contributions. To that end, the Law Enforcement Information Technology Task Force is constructing a technical reference containing overview information from just a few of the most common and widely accepted standards, systems, programs, and organizations available to support local officials as they seek to improve their information-sharing capabilities. This technical reference provides an introduction to the law enforcement technology and information-sharing community and a review for those familiar with ICT concepts.

III. DIGITAL EVIDENCE – INVESTIGATIONS AND PROSECUTIONS

Courses, Nat'l Computer Forensics Inst.

<https://www.ncfi.usss.gov/ncfi/pages/courses.xhtml?dswid=-6771> (last visited Nov. 18, 2020).

The Secret Service's National Computer Forensics Institute website contains free trainings for law enforcement and prosecutors regarding forensic examinations of computers and cellphones.

Donald E. Shelton et al., *Studying Juror Expectations for Scientific Evidence: A New Model for Looking at the CSI Myth*, 47 Ct. Rev 8 (2011),

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=958224

The media-coined phrase “CSI effect” generally refers to the allegation that jurors who watch CSI or similar television programs expect and demand forensic evidence as portrayed on these shows and, when such evidence is not produced, that jurors wrongfully acquit defendants. In 2006, to test the validity of the alleged CSI effect, researchers surveyed 1,027 jurors in Washtenaw County, Michigan, about their television-watching habits, their expectations for scientific evidence in particular types of cases, and their likely verdicts in those cases when faced with scenarios featuring various types of evidence. The data showed that jurors had increased expectations for scientific evidence, and that in cases based on circumstantial evidence, they would be more likely to acquit a defendant in the absence of some form of scientific evidence but researchers also found no significant correlation between those expectations and whether the jurors watched CSI or similar programs. This article concludes that these heightened juror expectations represent a broader change in our popular culture regarding the use of modern science and technology, suggesting that the so-called “CSI effect” could more accurately be referred to as a “tech effect.”

EOGHAN CASEY, DIGITAL EVIDENCE AND COMPUTER CRIME: FORENSIC SCIENCE, COMPUTERS, AND THE INTERNET (3rd ed. 2011).

This book provides the knowledge necessary to uncover and use digital evidence effectively in any kind of investigation. It offers a thorough explanation of how computer networks function, how they can be involved in crimes, and how they can be used as a source of evidence. In particular, it addresses the misuse of computer networks as well as privacy and security issues on computer networks.

EOGHAN CASEY, HANDBOOK OF DIGITAL FORENSICS AND INVESTIGATION (1st ed. 2009).

This book builds on the success of the Handbook of Computer Crime Investigation, bringing together renowned experts in all areas of digital forensics and investigation to provide the consummate resource for practitioners in the field. It is also designed as an accompanying text to Digital Evidence and Computer Crime.

Gary Craig Kessler, Judges' Awareness, Understanding, and Application of Digital Evidence (Sept. 2010) (Ph.D. dissertation, Graduate School of Computer and Information Sciences, Nova Southeastern University)

https://www.garykessler.net/library/kessler_judges&de.pdf.

Due to the relative newness of the computer forensics field, there have been few studies on the use of digital forensic evidence and no studies of judges' understanding of the underlying technologies and applications from which digital evidence is derived. This study is based on data acquired via a written survey distributed to judges in the ABA and the National Judicial College, followed by interviews with judges from Massachusetts and Vermont. The findings indicate that judges generally recognize the importance of evidence derived from digital sources, although they are not necessarily aware of all such sources. They believe that digital evidence must be authenticated like any other type of evidence and that it is the role of attorneys rather than of judges to mount appropriate challenges to that evidence. Judges are appropriately wary of digital evidence, recognizing how easy it is to alter or misinterpret such evidence. They recognize their need for additional training in computer forensics process and digital evidence, citing a lack of availability of such training. This training would enable judges to better understand the arguments presented by lawyers, testimony offered by technical witnesses, and judicial opinions forming the basis of decisional law. This dissertation provides a framework for such training.

Humaira Arshad et al., DIGITAL FORENSICS: REVIEW OF ISSUES IN SCIENTIFIC VALIDATION OF DIGITAL EVIDENCE, 14(2) J. INFO. PROCESSING SYS. 326 (2018),

<https://rb.gy/5yw6tb>.

Digital forensics is a vital part of almost every criminal investigation, given the amount of information available and the opportunities offered by electronic data for investigating a crime. However, in criminal justice proceedings, these electronic pieces of evidence are often considered with the utmost suspicion and skepticism. This article presents key issues that are essential to resolve for the proper acceptance of evidence based on scientific grounds. Moreover, the article explains the state of forensics in emerging subfields of digital technology, such as cloud computing, social media, and the Internet of things, and reviews the challenges that may complicate the process of systematic validation of electronic evidence.

INT'L ASS'N OF CHIEFS OF POLICE, DATA, PRIVACY AND PUBLIC SAFETY: A LAW ENFORCEMENT PERSPECTIVE ON THE CHALLENGES OF GATHERING ELECTRONIC EVIDENCE (2015)

https://www.theiacp.org/sites/default/files/2018-08/IACPSummitReportGoingDark_0.pdf.

New technologies and strategies developed to advance network security are preventing law enforcement and justice agencies from executing lawful court orders to investigate criminal or terrorist incidents or to secure electronic evidence. Recognizing the growing challenges these issues represent for local, state, federal, and international law enforcement and criminal justice agencies, the International Association of Chiefs of Police (IACP) organized the Law Enforcement Summit on "Going Dark" in February 2015. The summit assembled a group of subject matter experts, including law enforcement executives and investigators, privacy experts, legal specialists, scholars, and other professionals, to explore the nature of the challenges of "Going Dark" and to examine the technical, operational, legal, and policy issues that must be confronted in addressing these challenges. This report is a result of that summit.

John Alldredge, *The "CSI Effect" and Its Potential Impact on Juror Decisions*, 3 THEMIS: RES. THEMIS J. OF JUST. STUD. & FORENSIC SCI. 1134 (2015)

<https://scholarworks.sjsu.edu/cgi/viewcontent.cgi?article=1027&context=themis>.

The "CSI Effect" was first described in the media as a phenomenon alleged to result from viewing forensic and crime-based television shows. This effect influences jurors to have unrealistic expectations of forensic science during a criminal trial and affects jurors' decisions in the conviction or acquittal process.

This article summarized research showing the “CSI Effect” has a possible pro-defense bias in that jurors are less likely to convict in the absence of some type of forensic evidence. Studies have revealed that some in the criminal justice system are changing their tactics, based on the theory that this effect has a significant influence, causing them to request unnecessary crime lab tests and expert testimony. One of the solutions proposed to overcome this influence is creating multimedia jury instructions, using photos, animations, and videos, regarding any forensic testing process applicable to the case to correct any misinformation and facilitate learning. A second solution is to develop a scale, which will assist in identifying jurors who have been influenced by these types of television shows, to eliminate them from the jury selection process before the start of a trial.

KAREN KENT ET AL., NAT’L INST. OF STANDARDS AND TECH., GUIDE TO INTEGRATING FORENSIC TECHNIQUES INTO INCIDENT RESPONSE: RECOMMENDATIONS OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (2006)

<https://nvlpubs.nist.gov/nistpubs/legacy/sp/nistspecialpublication800-86.pdf>.

This guide provides general recommendations for performing the forensic process. It also provides detailed information about using the analysis process with four major categories of data sources: files, operating systems, network traffic, and applications. The guide focuses on explaining the basic components and characteristics of data sources within each category, as well as techniques for the collection, examination, and analysis of data from each category. The guide also provides recommendations for how multiple data sources can be used together to gain a better understanding of an event.

KIM-KWANG RAYMOND CHOO & ALI DEGHANTANHA, CONTEMPORARY DIGITAL FORENSIC INVESTIGATIONS OF CLOUD AND MOBILE APPLICATIONS (2016).

This book comprehensively discusses the implications of cloud (storage) services and mobile applications on digital forensic investigations. The book provides both digital forensic practitioners and researchers with an up-to-date and advanced knowledge of collecting and preserving electronic evidence from different types of cloud services, such as digital remnants of cloud applications accessed through mobile devices.

NAT’L INST. OF JUST., U.S. DEP’T OF JUST., DIGITAL EVIDENCE IN THE COURTROOM: A GUIDE FOR LAW ENFORCEMENT AND PROSECUTORS (2007)

<https://www.ncjrs.gov/pdffiles1/nij/211314.pdf>.

Law enforcement agencies, prosecutors, and judges are overwhelmed by the amount of information required to keep pace with the rapid changes involving computers and their associated devices and features. Criminals continually alter, revise, or create hardware, software, and viruses in an effort to disguise criminal activity and thwart detection. In addition to being familiar with these changes in technology, law enforcement officers and prosecutors also must stay abreast of the latest revisions of applicable laws. To assist prosecutors' offices and associated law enforcement agencies, the NIJ has developed this guide to address the complete investigation process—from the crime scene, through analysis, and finally into the courtroom. This guide summarizes information from a select group of practitioners who are knowledgeable about the subject matter.

NAT’L INST. OF JUST., U.S. DEP’T OF JUST., ELECTRONIC CRIME SCENE INVESTIGATION: A GUIDE FOR FIRST RESPONDERS (2nd ed. 2008)

<https://www.ncjrs.gov/pdffiles1/nij/219941.pdf>.

This guide is intended to assist state and local law enforcement and other first responders who may be responsible for preserving an electronic crime scene and for recognizing, collecting, and safeguarding digital evidence. It is not all-inclusive but addresses situations encountered with electronic crime scenes and digital evidence.

NAT’L INST. OF JUST., U.S. DEP’T OF JUST., INVESTIGATIONS INVOLVING THE INTERNET AND COMPUTER NETWORKS (2007)

<https://www.ncjrs.gov/pdffiles1/nij/210798.pdf>.

This report was developed by the Technical Working Group for Electronic Crime Scene Investigation and

is intended to be a resource for individuals responsible for investigations involving the internet and other computer networks.

NAT'L INST. OF JUST., U.S. U.S. DEP'T OF JUST., INVESTIGATIVE USES OF TECHNOLOGY: DEVICES, TOOLS, AND TECHNIQUES (2007)

<https://www.ncjrs.gov/pdffiles1/nij/213030.pdf>.

This special report is intended to be a resource to any law enforcement personnel (investigators, first responders, detectives, prosecutors, etc.) who may have limited or no experience with technology-related crimes or with the tools and techniques available to investigate those crimes. It is not all inclusive. Rather, it deals with the most common techniques, devices, and tools encountered.

Published, Sci. Working Grp. on Dig. Evidence

<https://www.swgde.org/documents/published> (last visited Nov. 18, 2020).

This website is a repository of documents crafted by the Scientific Working Group on Digital Evidence—from best practices for archiving digital media, to best practices for mobile device evidence collection and preservation.

SEAN E. GOODISON ET AL., RAND CORP., DIGITAL EVIDENCE AND THE U.S. CRIMINAL JUSTICE SYSTEM (2015)

https://www.rand.org/pubs/research_reports/RR890.html.

This report describes the results of a National Institute of Justice-sponsored research effort to identify and prioritize criminal justice needs related to digital evidence collection, management, analysis, and use. It asks three questions: 1) What is the state of digital evidence today?; 2) What are the criminal justice needs associated with digital evidence collection, management, analysis, and use?; and 3) What are the highest priorities among those needs?

Social Media Reference Guide, Fed. Bureau of Investigations,

<https://crimegunintelcenters.org/wp-content/uploads/2018/07/Social-Media-Guide-For-Investigations-07272017.pdf>

(last visited Oct. 7, 2020).

This guide offers a collection of over one hundred websites pertaining to social networking. Topic areas include operations security (OPSEC); anonymization; website evaluation; people searching; social networking in general; blogging tools; specific social networks (Facebook, Twitter, Instagram); image, file, and video sharing; analytical tools; and additional miscellaneous web sites.

Webinar by Cathee Hansen, Chris Gray & Adam Bechtold, Digital Evidence Part I: The Investigative Stage – Recognition, Collection, Search, AEQUITAS

<https://aequitasresource.org/resources/> (recorded Sept. 18, 2020).

This two-part webinar series presented by the Denver District Attorney's Office, in partnership with AEQUITAS, explores the scope of data available from sources of digital evidence and strategies on how such data can effectively be developed with forensically-sound practices. Presenters discuss theories of admission, rules of evidence, and "real life" examples to demonstrate how to properly authenticate and introduce digital evidence in court proceedings. Part I of the series explores the different types and sources of electronic data that are available to investigators; how such data can be properly collected, regardless of whether it is in a physical device or electronic records; and methods to facilitate searching and seizing data.

Webinar by Cathee Hansen, Chris Gray & Adam Bechtold, Digital Evidence Part II: Now That You've Got It and Can Read It, What Can You Do With It?, AEQUITAS

<https://aequitasresource.org/resources/> (recorded Sept. 25, 2020).

This two-part webinar series presented by the Denver District Attorney's Office, in partnership with AEQUITAS, explores the scope of data available from sources of digital evidence and strategies on how such data can effectively be developed with forensically-sound practices. Presenters discuss theories of admission, rules of evidence, and "real life" examples to demonstrate how to properly authenticate and introduce digital evidence in court proceedings. Part II of the series discusses how legally-obtained

data can be analyzed, depending on the type of data in question. Presenters also discuss strategies for effectively presenting data at trial.

Webinar by Jane Anderson, #GUILTY: Identifying, Preserving, and Presenting Digital Evidence, AEQUITAS

<https://aequitasresource.org/resources/> (recorded Nov. 28, 2017).

As technology becomes more integral to our lives, offenders increasingly misuse technology to facilitate crimes against women, and as a means to assert power and control in the course of an intimate partner relationship. This webinar demonstrates how cyber investigations can be used to reveal evidence of criminal activity, as well as evidence of the power and control dynamics of an abusive relationship. The presenter discusses theories of admission, rules of evidence, and case law using “real life” examples to demonstrate how to properly authenticate and introduce digital evidence in civil and criminal proceedings.

IV. DIGITAL INVESTIGATIONS AND PROSECUTION SAMPLE TOOLS

Note: AEQUITAS has sample tools available upon request and with permission from the drafting agency—including affidavits in support of search warrants for call detail records, cell phones, and Facebook user records; consent to search forms, preservation letters, nondisclosure orders, motions to compel passcodes, and responses to motions to compel victim cell phones and social media. Contact AEQUITAS at info@aequitasresource.org.

KING COUNTY’S SEARCH WARRANT RSCH. CTR.

<https://ingress.kingcounty.gov/Login/> (last visited Nov. 19, 2020).

This website contains sample search warrants, available to law enforcement and prosecution personnel with a log-in code.

N.Y. Prosecutors Training Inst.

<https://www.nypti.org> (last visited Nov. 19, 2020).

This repository, maintained by the District Attorneys Association of the State of New York, contains a multitude of sample search warrants and other prosecutor tools that are available to individuals with a log-in code.

V. ELECTRONIC DISCOVERY

Jenia I. Turner, *Managing Digital Discovery in Criminal Cases*, 109 J. Crim. L. & Criminology 237 (2019)

<https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7651&context=jclc>.

Though the burdens and challenges of discovery—especially electronic discovery—are usually associated with civil rather than criminal cases, this is beginning to change, and is already common in white-collar crime cases, where voluminous digital discovery is increasingly a feature of ordinary criminal prosecutions. This article examines the explosive growth of digital evidence in criminal cases and the efforts to manage its challenges, and makes three key claims regarding criminal case electronic discovery: (1) the volume, complexity, and cost of digital discovery will incentivize the prosecution and the defense to cooperate more closely; (2) cooperation between the parties will not be sufficient to address the serious challenges that digital discovery presents to the fair and accurate resolution of criminal cases; and therefore (3) digital discovery in criminal cases needs to be regulated more closely.

KRISTINE HAMANN, PROSECUTORS’ CTR. FOR EXCELLENCE, THE BENEFITS OF ELECTRONIC DISCOVERY: CASE STUDY (2018)

<https://pceinc.org/wp-content/uploads/2019/11/20180218-King-County-Discovery-Final-with-Appendix-and-cover3-3.pdf>

Prosecutors are obligated to provide timely and complete discovery, particularly with regard to exculpatory and impeachment material. The discovery process can be complex and time-consuming. Failure to properly record discovery documents provided to the defense can jeopardize cases and put prosecutors at risk of being charged with ethical violations. Thus, prosecutors are turning to technology to streamline the discovery process and to create a reliable record of what was turned over to the defense and when. This report discusses the electronic discovery system developed by the Office of the

King County Prosecuting Attorney, located in Seattle, Washington. The report includes examples of the correspondence given when discovery requests have been received.

Webinar by Jane Anderson & Meg Garvin, *Safeguarding Victim Privacy in a Digital World: Ethical Considerations for Prosecutors*, AEQUITAS

<https://aequitasresource.org/resources/> (recorded May 18, 2017).

Prosecutors have an obligation to provide to the defense all evidence in the government's possession or control that is material to a defendant's guilt or punishment. How can prosecutors fulfill that obligation, while at the same time safeguarding victim privacy against unnecessary disclosure? In the digital age, these cases present unique ethical challenges related to privacy and confidentiality, prosecutorial discretion, recantation, and disclosure of evidence. This presentation uses hypothetical case scenarios to: address ethical considerations in the context of the investigative function of prosecutors, digital evidence, discovery obligations, and immunity; identify confidential, privileged, nonmaterial and/or irrelevant victim information and records; discuss threshold requirements for defense attempts to obtain information or for in camera review; introduce pretrial and trial strategies that support the protection of victim privacy, including collaboration with allied professionals.

ANALYTICS AND INTELLIGENCE

I. CRIME ANALYSTS

INT'L ASS'N OF CRIME ANALYSTS, PRIORITIZING OFFENDERS AND THE ROLE OF CRIME ANALYSTS IN OFFENDER-FOCUSED CRIME PREVENTION (2018)

https://crimegunintelcenters.org/wp-content/uploads/2018/07/iacawp_2018_01_prioritizing_offenders1.pdf.

This document discusses the importance of using crime analysts to identify crime drivers, as prioritizing offenders is a key proactive tactic that police agencies can employ to address crime and disorder. Proactive police agencies strive to find effective ways to determine how to best direct their resources. Prioritization is a cost effective method for streamlining scarce resources and reducing crime, and allows police to enhance their legitimacy by making decisions seen as consistent, reliable, accurate, unbiased, timely, and efficient.

KAREN L. AMENDOLA & GREG JONES, CMTY. ORIENTED POLICING SERVICES, SELECTING THE BEST ANALYST FOR THE JOB: A MODEL CRIME ANALYST ASSESSMENT PROCESS FOR LAW ENFORCEMENT AGENCIES (2010)

<https://crimegunintelcenters.org/wp-content/uploads/2018/07/Amendola-et-al.-2010-Selecting-the-Best-Analyst-for-the-Job.pdf>

This publication provides law enforcement personnel with a complete understanding of the underlying capacities directly associated with the emerging crime analysis profession, as well as a better understanding of how to assess these capacities. During the last two decades, crime analysis has become an integral part of police operations because it provides assistance to agencies in apprehending offenders, supporting investigations, and disrupting criminal networks. Geographic information systems, formal training, and various mapping techniques have enabled crime analysts to synthesize and streamline information into useful products that support many community- and problem-oriented initiatives. It is therefore essential that agencies select crime analysts who possess the skills and abilities necessary for identifying problems, solutions, and comprehensive strategies to help reduce crime and disorder problems.

II. CRIME ANALYSIS AND MAPPING

Analysis Toolkit, BUREAU OF JUST. ASSISTANCE, U.S. DEP'T OF JUST. (2020)

<https://it.ojp.gov/AT/> (last visited Apr. 20, 2020).

The Analysis Toolkit enables users to explore existing resources, refine current approaches, and discover new points of contact. The toolkit was developed with the support of the DOJ's Bureau of Justice Assistance (BJA) as a clearinghouse for publicly available crime and intelligence analysis resources. With the support of the Institute for Intergovernmental Research, a group of subject experts in the fields of crime and intelligence analysis identified content for the toolkit and continue to evaluate the resources on the site to ensure relevancy. The toolkit contains several case studies stemming from the Nationwide Crime Analysis Capability Building Project, which was initiated by BJA to identify and evaluate promising practices to assist jurisdictions in enhancing their crime analysis capacity.

JOHN E. ECK ET AL., OFF. OF JUST. PROGRAMS, U.S. DEP'T OF JUST., MAPPING CRIME: UNDERSTANDING HOTSPOTS (2005)

https://www.researchgate.net/publication/32894301_Mapping_Crime_Understanding_Hot_Spots.

Much of crime mapping is devoted to detecting high crime density areas known as hotspots. Hot spot analysis helps police identify these high crime areas, the types of crime being committed, and the best way to respond. This report discusses hot spot analysis techniques and software and indicates when to use each one. The visual display of a crime pattern on a map should be consistent with the type of hot spot and possible police action. For example, when hotspots are located at specific addresses, a dot map is more precise and thus more appropriate than an area map. Chapters progress in sophistication from novice to advanced, concluding with information for highly experienced analysts.

POLICE FOUND. CRIME MAPPING AND PROBLEM ANALYSIS LAB., CMTY. ORIENTED POLICING SERVICES, CRIME ANALYSIS AND CRIME MAPPING INFORMATION CLEARINGHOUSE (8TH ED.)

<https://www.hsdl.org/?view&did=478405>.

The clearinghouse provides a comprehensive list of bibliographic and internet resources that may be useful to practitioners and researchers interested in the disciplines of problem analysis, crime analysis, and crime mapping. The bibliographic references are composed of books, articles, and reports that relate to topics such as crime analysis, problem solving, geographic information systems (GIS), crime mapping, and internet mapping. This particular edition includes over 130 new references and two new resource categories, including “Journey to Crime” and “Crime Forecasting.” The internet resources provided at the end of the document include links to additional sources of information concerning crime analysis and crime mapping.

RACHEL BOBA, CMTY. ORIENTED POLICING SERVICES, INTRODUCTORY GUIDE TO CRIME ANALYSIS AND MAPPING (2001)

<https://cops.usdoj.gov/RIC/Publications/cops-w0273-pub.pdf>.

This guide was developed from the 2001 curriculum of the “Introduction to Crime Analysis Mapping and Problem Solving” training course conducted by members of the Police Foundation’s Crime Mapping Laboratory. It functions both as a “starter” guidebook for persons entering the field and as a reference manual for current crime analysts or other law enforcement analysts. Topics include types of mapping (single vs. graduated); types of data (tabular vs. geographic); and numerous aspects of data (management, timeliness, validity, reliability, transfer, and privacy).

RACHEL BOBA, CRIME ANALYSIS DEFINED *in* CRIME ANALYSIS AND CRIME MAPPING 5-18 (1st ed. 2005)

https://www.sagepub.com/sites/default/files/upm-binaries/6243_Chapter_2_Boba_Final_PDF_2.pdf.

This chapter provides an overview of the key definitions and concepts in the field of crime analysis. The components of crime analysis include: the collection, collation, and analysis of data; dissemination of results; and incorporation of feedback from users of the information. Types of crime analysis include intelligence analysis (surveillance, wiretapping, informants); criminal investigative analysis (formerly “criminal profiling”); tactical crime analysis (how, when, and where criminal activity has occurred); strategic crime analysis (identifying long-term problems in crime and police responses to them); and administrative crime analysis (presenting interesting findings of crime research and analysis to administration, city government, and citizens).

RACHEL BOBA, INTRODUCTION TO CRIME MAPPING *in* CRIME ANALYSIS AND CRIME MAPPING 37-47 (1st ed. 2005)

https://www.corwin.com/sites/default/files/upm-binaries/6244_Chapter_4_Boba_Final_PDF_3.pdf.

Ever since maps have been available that depict the geographic features of communities, such as streets and city boundaries, police departments have used such maps to determine patrol areas and emergency routes as well as to assist patrol officers in finding specific addresses. Police departments have also mapped crime, a process that, until recently, involved the manual placement of pins on hand-drawn wall maps. This chapter discusses the emergence of computerized crime mapping as a tool for conducting crime analysis. It begins with an introduction to key terms and then describes basic concepts before presenting a history of crime mapping and information on the field’s current status and career paths.

III. CRIME GUN INTELLIGENCE CENTERS (CGICS)

POLICE EXEC. RSCH. F., THE “CRIME GUN INTELLIGENCE CENTER” MODEL: CASE STUDIES OF THE DENVER, MILWAUKEE, AND CHICAGO APPROACHES TO INVESTIGATING GUN CRIME (2017)

<https://www.policeforum.org/assets/crimegunintelligencecenter.pdf>.

This report examines case studies of the Crime Gun Intelligence Center (CGIC) model in Chicago, Denver, and Milwaukee. While these cities follow the same basic approach, each jurisdiction has put its own variations on the model. The Police Executive Research Forum’s findings revealed that CGICs are an innovative and promising approach for enhancing the investigation of gun crimes and identifying offenders. Its examination found that turnaround times for evidence analysis have been reduced, and agencies’ capabilities for connecting guns to crimes that may appear unrelated at first have improved.

THE NAT'L CRIME GUN INTEL. GOVERNING Bd., CRIME GUN INTELLIGENCE: DISRUPTING THE SHOOTING CYCLE (2018)
<https://crimegunintelcenters.org/wp-content/uploads/2018/09/CGI-Manual-Best-Practices-ATF-27-AUG-18.pdf>.

This is a best practices guide for implementing a Crime Gun Intelligence (CGI) program as part of a comprehensive violent crime strategy. The work includes guidance for the collection of ballistic evidence; firearms trace requests; documentation of circumstances surrounding evidence recovery; transfer of all National Integrated Ballistics Information Network (NIBIN) leads to an intelligence unit such as a Crime Gun Intelligence Center; dissemination of intelligence reports to investigators; investigative follow-up on CGI leads; and coordinated prosecution.

POLICE FOUND., *Crime Gun Intelligence Centers*
<https://crimegunintelcenters.org> (last visited Jan 4., 2021).

This website is a comprehensive resource for jurisdictions interested in establishing Crime Gun Intelligence Center (CGICs) or similar multidisciplinary efforts to prevent violent crime by identifying perpetrators, linking criminal activities, and identifying sources of crime guns for disruption, investigation, and prosecution. The website contains basic information on CGICs, best practices, examples of CGIC successes, and resources. The website also contains a portal through which to request training and technical assistance.

IV. GUN ANALYSIS AND THE NATIONAL INTEGRATED BALLISTIC INFORMATION NETWORK (NIBIN)

***Best Practices for NIBIN Sites*, BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES, U.S. DEP'T OF JUST.**
<https://www.atf.gov/firearms/docs/undefined/nibinbestpracticespdf/download> (last visited Apr. 21, 2020).

The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) recommends that National Integrated Ballistic Information Network (NIBIN) sites follow best practices, which are based on the four critical steps of comprehensive collection, timeliness, investigative follow-up, and feedback. These practices are derived from successful NIBIN operations and they strengthen the effectiveness of NIBIN programs, allowing them to identify and disrupt violent gun crime throughout the country.

***Firearms-Related Training for Law Enforcement*, BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES, U.S. DEP'T OF JUST.**
<https://www.atf.gov/firearms/firearms-related-training-law-enforcement> (last visited Apr. 21, 2020).

This website hosts the information for ATF training courses on national firearms examiners, serial number restoration, and toolmark identification and comparison. These courses are dedicated to combating violent firearms crime and to working with federal, state, and local law enforcement to solve those crimes through the use of all forensic disciplines.

Webinar by Marissa McEwan & Ron Nichols, *NIBIN-Led Policing: A Prosecutor's Perspective*, Just. CLEARINGHOUSE
<https://www.youtube.com/watch?v=zy5-OjrlQg> (recorded July 18, 2019).

Success in the investigation of crimes involving firearms requires a collaboration of police investigators, forensic experts, and prosecutors thinking and acting together. Investigative leads identified through the use of the ATF National Integrated Ballistic Information Network (NIBIN) are powerful sources for crime gun intelligence. However, to maximize the value of intelligence both for the investigation and prosecution of the cases, leads must be provided to analysts, investigators, and prosecutors in a timely and comprehensive manner. This webinar discusses how NIBIN leads and other sources of crime gun intelligence can be utilized at every phase of the investigative and prosecutorial process. It also presents specific procedures and strategies that have been implemented as well as case studies.

V. INTELLIGENCE-DRIVEN PROSECUTION

JENNIFER A. TALLON ET AL., CTR. FOR CT. INNOVATION, THE INTELLIGENCE-DRIVEN PROSECUTION MODEL: A CASE STUDY IN THE NEW YORK COUNTY DISTRICT ATTORNEY'S OFFICE (2017)

https://www.courtinnovation.org/sites/default/files/documents/IDPM_Research_Report_FINAL.PDF

Designed and implemented by the New York County District Attorney's Office, the Intelligence-Driven Prosecution Model (IDPM) is a novel prosecutorial strategy rooted in the rigorous collection of background information about the people, places, and problems driving crime in specific neighborhoods. Through enhanced information-gathering — including close coordination with local law enforcement and robust community outreach — the IDPM seeks to facilitate improved prosecutorial decision-making.

THE N.Y. CTY. DIST. ATT'Y, INTELLIGENCE-DRIVEN PROSECUTION: AN IMPLEMENTATION GUIDE (2015)

<https://pceinc.org/wp-content/uploads/2015/06/Reducing-Crime-Intelligence-Driven-Prosecution-An-Implementation-Guide.pdf>

Effective crime-fighting begins with a clear understanding of the nature of criminal activity affecting our communities—from violent crimes, quality-of-life issues, and the individuals committing these offenses. In May of 2010, District Attorney Cyrus R. Vance, Jr. created a Crime Strategies Unit (CSU) to develop and implement an Intelligence-Driven Prosecution model in an effort to enhance crime fighting in New York. This report details the process and considerations that other prosecutors' offices should follow and think about when deciding whether to create a similar data-driven unit.

VI. SOCIAL NETWORK ANALYSIS

INT'L ASS'N OF CRIME ANALYSTS, SOCIAL NETWORK ANALYSIS FOR LAW ENFORCEMENT (2018)

https://crimegunintelcenters.org/wp-content/uploads/2018/07/iacawp_2018_02_social_network_analysis.pdf

This document focuses on Social Network Analysis (SNA) and its role in helping us understand criminal networks, co-offending patterns, and victimization. Primarily, the usefulness of SNA to law enforcement hinges on the fact that knowing who a person associates with (whether s/he be a suspect, victim, or potential witness) can aid in predicting that person's future movements. It is well documented that crime and victimization are not randomly distributed across people or space. In addition, victims and offenders are often connected in multiple ways and play varying roles in criminal events (such as victim, offender, co offender, or witness—often swapping in different events) and in daily social life (such as acquaintance, family member, spouse/partner, etc.).

Webinar by RTI International, IPS Learning Community Series: Social Network Analysis, AEQUITAS

<https://aequitasresource.org/resources/> (recorded July 22, 2020).

As home to the Innovative Prosecution Solutions (IPS) Research and Evaluation Training and Technical Assistance team, RTI International has developed a webinar series to support the creation and ongoing engagement of a learning community of local researchers and practitioners interested in discussing evaluation-related topics, sharing methodological techniques, and addressing problem-solving challenges in carrying out applied research. In the fourth webinar in the series, research partners from two IPS projects discussed how they are utilizing — or plan on utilizing — social network analysis (SNA) to aid in action research. The webinar includes a discussion of the basics of SNA and how it can be used to better understand the relationships between opioid manufacturers, distributors, and overdose victims.

RECRUITMENT, TRAINING, AND CASE ASSIGNMENT

I. CASELOAD ASSIGNMENT

Adam M. Gershowitz & Laura R. Killinger, *The State (Never) Rests: How Excessive Prosecutorial Caseloads Harm Criminal Defendants*, 105 Nw. U. L. REV. 261 (2011)

<https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1184&context=nulr>.

This essay reviews the caseload of prosecutors in some of the largest district attorneys' offices, demonstrating that many offices are woefully understaffed. It then discusses how excessive prosecutorial caseloads harm defendants, victims, and the public at large. The last part offers an approach to reducing prosecutorial caseloads to more manageable levels.

AM. PROSECUTORS RSCH. INST., HOW MANY CASES SHOULD A PROSECUTOR HANDLE? RESULTS OF THE NATIONAL WORKLOAD ASSESSMENT PROJECT (2002)

<http://www.jmijustice.org/wp-content/uploads/2019/12/NDAA-APRI-How-Many-Cases.pdf>.

This monograph describes APRI's disposition-based method to provide a comprehensive assessment of caseload and workload, reports the findings with regard to caseload and workload standards, and provides guidance to prosecutors on how to assess their own caseload and workload. APRI concludes that variation across the country could not be controlled, and consequently establishing national standards will over-provide attorneys in some offices, leading to a draining of public coffers from the surplus of attorneys, and under-provide in others, causing attorneys to be unable to spend sufficient time on cases to see that justice is done. It is therefore not feasible to develop national caseload and workload standards, but it is possible for individual prosecutors' offices and individual states to develop their own caseload and workload standards using APRI's disposition-based method and its formula to project resource needs. To determine how many staff persons are needed to handle a prosecutor's office's caseload and workload, this method requires three steps: determine the case weights (average time needed to process a case), calculate the workload measures (average time needed to process a case), and apply the workload measures to annual case dispositions.

JENNIFER W. BOURGEOIS ET AL., CTR. FOR JUST. RSCH., TEXAS SOUTH. UNIV., AN EXAMINATION OF PROSECUTORIAL STAFF, BUDGETS, CASELOADS AND THE NEED FOR CHANGE (2019)

<https://www.centerforjusticeresearch.org/reports/prosecutor-workload>

This research brief provides an overview of prosecutors' offices in the seven largest U.S. counties along with their funding allocations and staff differentials. Since there is no prosecutor caseload standard, most offices follow caseload recommendations of 150 felony cases or 400 misdemeanor cases per defense attorney put forth by the National Advisory Commission on Criminal Justice Standards and Goals in 1973. However, the U.S. population has increased by 53% since then and prosecutor caseloads are fundamentally different from those of public defenders. The brief gives three recommendations for potential caseload standards and excessive prosecutor caseloads. Despite the general consensus that there are too many local nuances to establish a prosecutorial caseload standard, Recommendation 1 is to determine a caseload/workload standard by creating and implementing guidelines or a matrix by which prosecutors can determine an empirically-supported caseload standard. The recommendation summarizes the calculation matrix in APRI's 2002 report that proposes that individual prosecutors' offices evaluate their own caseloads and workloads in order to create their own standard. Recommendation 2 is to understand the relationship between prosecutors and public defenders and Recommendation 3 is to implement pre-charge diversion programs to allow prosecutors to identify those cases most appropriate for immediate deferral.

Nelson O. Bunn, Jr., Nat.'l Dist. Atty's Ass'n, *Overworked and Understaffed: The Shifting Landscape in Local Prosecutor Caseloads*, MEDIUM (Feb. 24, 2020)

<https://medium.com/@ndaajustice/overworked-and-understaffed-the-shifting-landscape-in-local-prosecutor-caseloads-122f7ef5e4f1>

This article explains the challenges of answering emerging questions about appropriate caseload levels in prosecutors' offices in a shifting landscape. The amount of work in a prosecutor's office often changes without any subsequent change in funding for staffing levels. Unfortunately, data showing national standards for staff caseloads at both the felony and misdemeanor levels is not easily available to address questions about appropriate caseload levels because of varying state laws, different specialized units and organizational structure in each office, and community responsibilities. While there is no easy answer to these questions, stakeholders are starting to come together to discuss potential solutions to address the preexisting and increasing challenges with workloads.

II. COUNTERING STAFF ATTRITION

DANIEL S. LAWRENCE ET AL., RAND. CORP., PROSECUTOR PRIORITIES, CHALLENGES, AND SOLUTIONS (2019)

https://www.rand.org/content/dam/rand/pubs/research_reports/RR2800/RR2892/RAND_RR2892.pdf

On behalf of the National Institute of Justice (NIJ), RTI International and the RAND Corporation convened a prosecutors' workshop in March 2018 as part of the Priority Criminal Justice Needs Initiative. The workshop and this report sought to identify and candidly describe the most pressing challenges prosecutors and various actors within the criminal justice system face, and help prioritize future research needs that could help mitigate some of these challenges to enhance the capacity of state and local prosecutors in the United States. The 17 core participants in the workshop included six members from academic, training, or nonprofit institutes who focus on prosecutorial work; two city prosecutors; two county prosecutors; one state prosecutor; three county district attorneys; one supervisor of a county conviction integrity unit; and two agency data officers.

DENNIS DRESANG ET AL., PUBLIC SAFETY AND ASSISTANT DISTRICT ATTORNEY STAFFING IN WISCONSIN (2011)

<https://lafollette.wisc.edu/images/publications/otherpublications/ada/ada.pdf>

This report discusses staffing and attrition issues that many DA's offices face. Based on surveys of former and current prosecutors in Wisconsin and reviews of state employment records, the report concludes that the major source of dissatisfaction is the compensation system, which prompts ADAs to leave their jobs, usually within the first five years of service. Wisconsin's annual turnover rate for prosecutors has been increasing and is higher than turnover rates for other types of public employees. To lower prosecutor turnover in Wisconsin, the report recommends that the state improve compensation by giving high performers merit increases, targeting prosecutors with three to ten years of experience, and accounting for the higher cost of living in Milwaukee and Dane Counties, which have the largest prosecutor staff numbers and the highest crime rates in the state.

Ken Carlson, *How Will Stanislaus County Stop the Revolving Door at District Attorney's Office?*, THE MODESTO BEE (Aug. 26, 2019)

<https://www.modbee.com/news/local/article234403797.html>

Stanislaus County in California has struggled to recruit and keep prosecutors in the past seven years. Since 2012, turnover among Deputy District Attorneys has averaged 20 percent and was 25 percent in the 2018-19 fiscal year. This article reports that the county has implemented pay incentive policies as a solution to the problem. These incentives include new pay items, including 5 percent "certificate pay" for qualifying attorneys, an extra 2.5 percent for DA staff members who counsel and coach other attorneys, and deferred compensation of 2 percent added to attorneys' base salary. To encourage recruitment of new hires, staff can now earn a \$1,000 bonus for referring a job candidate who is hired and passes the probationary period. The county will also cover \$2,500 in moving expenses for attorneys who relocate to Stanislaus County. A three-year contract negotiated between the county and the County Attorneys' Association gave unionized staff members a 4 percent raise in July 2018, followed by another 4 percent in July 2019. An additional 3 percent raise is scheduled to go into effect in July 2020.

III. ENSURING DIVERSE RECRUITMENT

KATHERINE J. BIES ET AL., STANFORD CRIM. JUST. CTR., DIVERSITY IN PROSECUTORS' OFFICES: VIEWS FROM THE FRONT LINE (2016)

<https://law.stanford.edu/wp-content/uploads/2015/07/Diversity-Case-Studies-Final-3.12.16.pdf>.

This study uses the responses of 44 prosecutors across five different California District Attorneys' offices to better understand the obstacles to and strategies for achieving office diversity. Despite agreeing that prosecutors from underrepresented backgrounds are needed within their offices, respondents explained that one of the largest challenges to recruiting and hiring minority candidates was overcoming the negative perception of prosecutors held by candidates that could drive them away from prosecution and into defense. Almost half of the respondents highlighted the challenge of overcoming the negative perception of prosecutors as the "bad guys" that is prevalent in minority communities, especially among Blacks and Latinos, due to a historical distrust of law enforcement within these communities. Respondents offered a variety of suggestions to combat this stigma, and this article discusses them in depth.

Raman Preet Kaur, *When It Comes to U.S. Attorneys, All Americans Need a Seat at the Table*, CTR. FOR AM. PROGRESS (Jun. 22, 2017)

<https://www.americanprogress.org/issues/courts/news/2017/06/22/434808/comes-u-s-attorneys-americans-need-seat-table/>

This article discusses the lack of gender and racial diversity of current U.S. attorneys and how the lack of diversity among prosecutors has long-term effects that negatively impact the criminal justice system and the judiciary. The author emphasizes how senators should concentrate on selecting and demanding diverse nominees for U.S. attorney positions in order for officials who represent the public to reflect the public's demographics.

Report Highlights Lack of Racial Diversity Among U.S. Prosecutors, NAT'L PUB. RADIO (Jul. 7, 2015)

<https://www.npr.org/2015/07/07/420913863/report-highlights-lack-of-racial-diversity-among-u-s-prosecutors>.

In 2015, a study showed that 95 percent of elected prosecutors in the U.S. were white. In this interview, Bryan Stevenson discusses how the racial makeup of prosecutors has not been given adequate attention, and what the lack of diversity means for our justice system.

IV. RECRUITMENT METHODS AND HIRING STRUCTURES

CATHERINE M. COLES ET AL., PROSECUTION IN THE COMMUNITY: A STUDY OF EMERGENT STRATEGIES (1998)

<https://www.innovations.harvard.edu/sites/default/files/cross-site.pdf>.

This study was conceived to investigate the practices, programs, developing approaches, and new trends in prosecution; to examine the process of change by which prosecutors create and implement new activities and programs; and to assess potential opportunities and liabilities involved in these changes. The study finds that recruitment standards reflect a greater emphasis on commitment to and experience in working in community-oriented initiatives and problem solving. Shifting away from only including litigation skills, these new criteria are directed at identifying individuals with broader interests, experience, and skills on the assumption that they will bring different and valuable resources to bear in community-oriented initiatives, problem-solving tasks, and plea negotiations. Prosecutors generally agree that strong litigation "specialists" are still needed, but increasingly are seeking "generalists" who bring other skills and interests to the new tasks that the prosecutor is asking them to take on, as well as to case processing.

LISA D. WILLIAMS & IRIS HSIAO, SIZING UP THE PROSECUTION: A QUICK GUIDE TO LOCAL PROSECUTION (2010)

<https://hls.harvard.edu/content/uploads/2008/07/prosecution2010.pdf>.

This guide to local prosecution reviews the various prosecution positions in local, state, and federal government, provides insight into the job itself and considerations in deciding whether to become a prosecutor, and discusses the unique hiring and interview process. Although specific hiring practices will vary from office to office, there are usually several rounds of interviews for each applicant before any offer is made—and this source walks through them all.

V. TRAINING ATTORNEY OR TRAINING UNIT

Legal Training, BROOK. DIST. ATTORNEY'S OFF. (2020)

<http://www.brooklynda.org/legal-training-unit/>.

This source details the Brooklyn District Attorney's Office's Legal Training Unit. The office offers a four-part program for assistants in their first three years of commitment to the office, which is designed to prepare them for the challenges of practice at the Criminal Court, Grand Jury, and Supreme Court levels. The four parts are Orientation Training, Trial Advocacy Program, Grand Jury Training, and Felony Trial Training.

Prosecuting Attorneys Training Coordinator, IOWA OFF. OF THE ATT'Y GEN. (2020)

<https://www.iowaattorneygeneral.gov/about-us/divisions/prosecuting-attorneys-training-coordinator>.

The Office of Prosecuting Attorneys Training Coordinator (PATC) provides in-depth training programs for county attorneys in civil and criminal law. PATC provides continuing education, training, and support for Iowa prosecuting attorneys, their assistants, and their victim/witness coordinators in order to promote a uniform and effective administration of criminal justice. PATC provides services to all 99 county attorneys, assistant county attorneys, victim/witness coordinators, as well as to other government attorneys and law enforcement officials.

Prosecutors Supervision and Training Bureau, N.J. OFF. OF THE ATT'Y GEN. (2020)

<https://www.nj.gov/oag/dcj/prosecutors-supervision.htm>.

The Prosecutors Supervision and Training Bureau exercises general supervisory authority over each of New Jersey's twenty-one County Prosecutors' offices and their respective local police departments. The Bureau coordinates the implementation of statewide law enforcement initiatives and mandates, provides analysis concerning proposed legislation of importance to law enforcement, and provides legal advice and training to members of the law enforcement community on a variety of police, prosecutorial, and law enforcement management-related issues. The Bureau also performs a number of supervisory functions, such as performing periodic office and program management reviews, gathering information concerning various law enforcement functions, maintaining guidelines for internal affairs operations within law enforcement agencies, and overseeing expenditures and management of forfeiture funds by law enforcement agencies.

VI. SPECIALIZED UNITS

Dawn Beichner & Cassia Spohn, *Prosecutorial Charging Decisions in Sexual Assault Cases: Examining the Impact of a Specialized Prosecution Unit*, 16 CRIM. JUST. POL'Y REV. 461 (2005)

https://www.researchgate.net/publication/240707311_Prosecutorial_Charging_Decisions_in_Sexual_Assault_Cases_Examining_the_Impact_of_a_Specialized_Prosecution_Unit

Noting that the effects of specialized units have been largely untested, this study examines the prosecutorial charging decisions across two jurisdictions to determine the effect of prosecutorial specialization on case outcomes: Kansas City, Missouri, which utilizes a specialized unit for sexual assault cases, and Miami, Florida, which does not use a specialized unit. The study's findings reveal that, despite differences in departmental policies and rates of plea bargains and trials, prosecutors' charging decisions and the predictors of charging are similar in the two jurisdictions. This research suggests that a specialized unit, in and of itself, will not improve prosecution rates.

Jennifer G. Long & John Wilkinson, *AEquitas, The Benefits of Specialized Prosecution Units in Domestic and Sexual Violence Cases*, 8 STRATEGIES IN BRIEF (2011)

https://aequitasresource.org/wp-content/uploads/2018/09/Benefits_of_Specialized_Prosecution_Units_in_Domestic_and_Sexual_Violence_Cases_Issue_8.pdf

This article discusses how prosecutors' offices around the country have created specialized units dedicated to prosecuting domestic and adult sexual violence cases. These units provide prosecutors with concentrated trial experience, focused training, and the opportunity to work closely with law

enforcement and community partners. This approach can lead to an improved experience for the victim as well as for police, prosecutors, and community partners. Prosecutors with strong experience working on sexual and domestic violence cases are skilled at focusing on the offender and exposing their attempts to manipulate the system.

Nat'l Rsch. Council, *What's Changing in Prosecution?*, in *WHAT'S CHANGING IN PROSECUTION: REPORT OF A WORKSHOP* (Philip Heymann & Carol Petrie, eds., 2001)

<https://www.nap.edu/catalog/10114/whats-changing-in-prosecution-report-of-a-workshop>.

Chapter 3 discusses how prosecutors during the past two decades have increasingly started to develop special units or task forces within their offices to target specific classes of offenders or types of crime. Units can be created in response to political advocacy related to a specific type of misconduct, such as child abuse or a neglected victim group, high-profile or unsolved cases, or media attention focused on behaviors that affect the community as a whole. Specialized units are able to marshal sufficient resources to focus scarce prosecution resources intensely on one problem or a set of related problems. They also create the additional and specialized capacity to investigate cases in collaboration with police to ensure that the needed evidence is properly identified, collected, analyzed, and prepared for presentation at trial.

OFF. FOR VICTIMS OF CRIME, U.S. DEP'T OF JUSTICE, *NEW DIRECTIONS FROM THE FIELD: VICTIMS' RIGHTS AND SERVICES FOR THE 21ST CENTURY 77-78* (1998)

https://www.ncjrs.gov/ovc_archives/directions/pdf/direct.pdf.

Chapter 3, which concentrates on the prosecution field, discusses how many prosecutors have created special units within their offices to serve victim populations with similar needs, such as victims of domestic violence, sexual assault, and child abuse. Prosecutors in these units receive extensive training in their area of specialization and handle cases through vertical prosecution to ensure that victims do not have to tell their story repeatedly to prosecutors at various stages of the case. This report notes that the use of specialized units has significantly helped improve the treatment of victims in the criminal justice system by emphasizing speedy disposition of cases, training of police departments, and a better focus on the needs of specific populations.

VII. TRAUMA-INFORMED TRAINING

FAIR AND JUST PROSECUTION, JUVENILE JUSTICE AND YOUNG ADULT ISSUES: PROMOTING TRAUMA-INFORMED PRACTICES (2017)

<https://fairandjustprosecution.org/wp-content/uploads/2017/09/FJPBrief.TraumaPractices.9.25.pdf>.

Research showing that brain development is significantly altered by traumatic events or toxic stress is changing the way prosecutors respond to juveniles and victims of crimes. Recognizing and responding to trauma can help reduce recidivism, increase perceptions of fairness, and improve victim experiences. This brief explores avenues for integrating trauma-informed practices into a prosecutor's response to juveniles. It recommends that prosecutors focus on implementing new policies and practices in three areas: (1) reducing retraumatization for children and youth who come into contact with the prosecutor's office, whether they present as individuals charged with a crime, witnesses, community members, or victims; (2) partnering with mental health service providers to ensure necessary treatment for children and youth with trauma-related mental health issues; and (3) reducing secondary traumatic stress for attorneys and other staff.

Viktoria Kristiansson & Charlene Whitman-Barr, *Integrating a Trauma-Informed Response in Violence Against Women and Human Trafficking Prosecutions*, 13 STRATEGIES (2015)

<https://aequitasresource.org/resources/>

This resource describes a trauma-informed approach to responding to gender-based violence and human trafficking offenses and discusses practices where such an approach has already been incorporated, highlighting areas where continued, additional integration is necessary. This article also identifies gaps in the application of the approach, specifically in reference to other co-occurring violence against women

and human trafficking crimes, and suggests strategies to more effectively integrate trauma-informed investigative and prosecutorial practices.

Webinar by Jonathan H. Kurland & Patricia D. Powers, *First, Do No Harm: Trauma-Informed Interviewing During the COVID-19 Pandemic*, AEQUITAS

<https://aequitasresource.org/resources/> (recorded July 21, 2020).

This presentation identifies barriers to successful crime victim/witness interviews and explores techniques for overcoming those barriers, with a special emphasis on virtual interviews that are compliant with COVID-19 social distancing measures. The presenters will discuss the limitations of a traditional fact-gathering approach and introduce alternative techniques to minimize retraumatization and enhance our ability to recreate the reality of the crime at trial. An emphasis will be placed on strategies for integrating a trauma-informed response from the first contact with a victim through the conclusion of the case, with realistic goals for interviews and virtual meetings at every stage of the process.

Webinar by Viktoria Kristiansson & Olga Trujillo, *Integrating a Trauma-Informed Response*, AEQUITAS

<https://aequitasresource.org/resources/> (recorded Sept. 16, 2014).

Short- and long-term reactions to trauma manifest in a variety of behaviors that may have an impact on a victim's ability to participate in the criminal justice process. In order to keep victims safe and engaged throughout the process, allied professionals must ensure that their interaction with victims and their decision-making take into account the wide-ranging effects of trauma. This webinar addresses how to recognize the signs and symptoms of trauma following a crime of violence. The presenters discuss strategies for conducting thoughtful and effective victim interviews, collaborating with allied professionals to achieve a fully integrated trauma-informed approach, and explaining victim behavior at trial.

VIII. VERTICAL VERSUS HORIZONTAL PROSECUTION

Lori Mullins, *Prosecuting Cases Vertically: A More Victim-focused Approach*, GOLDEN GATE U. L. REV. (2015)

https://ggulawreview.com/wp-content/uploads/2015/04/mullins_digital_symposium.pdf.

This article argues that prosecutors' offices should implement a vertical prosecution model, since vertical prosecution enables offices to support victims throughout the process while still keeping in mind defendants' rights and justice. Advocates of horizontal prosecution argue that it is more efficient because a prosecutor only has to focus on one aspect of the litigation process, and therefore can become specialized in a particular area of the trial process. While these arguments are valid, the article argues that vertical prosecution is still the better option because it better addresses victims' unique needs by offering them a way to feel involved with the justice process. Additionally, the author argues that vertical prosecution leads to better outcomes, since one prosecutor has all the case information, and it is more efficient for one prosecutor to make all the strategic decisions regarding the case.

STEPHEN W. GROHMANN, WIS. COUNCIL ON CRIM. JUST., *ASSISTANCE TO THE URBAN PROSECUTOR: VERTICAL PROSECUTION SYSTEM* (1978)

<https://www.ncjrs.gov/pdffiles1/Digitization/53378NCJRS.pdf>.

This program evaluation report compares vertical case data to horizontal case data from the Milwaukee County District Attorney's Office, which converted its horizontal prosecution system for felony cases into a vertical system. The project's expectations were fewer dismissals of vertical cases compared to horizontal cases, fewer continuances in vertical cases, and shorter processing time for vertical cases. The data shows that the dismissal rate for the vertical cases is one-half that for the older horizontal cases, that not only were there fewer continuances recorded with vertical cases but vertical cases average 0.39 continuances per case while horizontal cases average 1.56 continuances per case, and that while the older horizontal cases had a median processing time from filing to disposition of 72 days, the median processing time for vertical cases was 31 days. The data presented seems to indicate that prosecution under the vertical system is more efficient and effective than under the former horizontal system, but should be interpreted carefully since it reflects only seven months of operation and likely contains a preponderance of easy cases which were closed quickly.

RESOURCES AND SUSTAINABILITY

I. BUILDING CAPACITY FOR GRANT MANAGEMENT

OJP Grant Application Resource Guide, OFF. OF JUST. PROGRAMS, U.S. DEP'T OF JUST. (2020)

[https://www.ojp.gov/funding/apply/ojp-grant-application-resource-guide.](https://www.ojp.gov/funding/apply/ojp-grant-application-resource-guide)

The Office of Justice Programs (OJP) Grant Application Resource Guide provides guidance to assist OJP grant applicants in preparing and submitting applications for OJP funding and information that may help potential applicants make the decision whether to apply for funding. It addresses a variety of policies, statutes, and regulations that apply to many (or in some cases, all) OJP program applicants, or to grants and cooperative agreements awarded in fiscal year 2020. Some OJP programs may have program solicitations that expressly modify a provision of this guide; in such cases, the applicant is to follow the guidelines in the solicitation as to any such expressly-modified provision.

U.S. DEP'T. OF JUST., DOJ GRANTS FINANCIAL GUIDE (2017)

[https://www.justice.gov/ovw/page/file/1228061/download/.](https://www.justice.gov/ovw/page/file/1228061/download/)

This guide is the official Department of Justice manual designed to assist all Office of Justice Programs, Office on Violence Against Women, and Office of Community Oriented Policing Services grant recipients in adhering to the responsibilities and requirements associated with funding. The guide provides a compilation of laws, rules, and regulations pertinent to the financial and administrative management of grant awards.

II. GRANTS

Capacity Enhancement Funding, NAT'L INST. OF JUST. (2020)

[https://nij.ojp.gov/capacity-enhancement-funding.](https://nij.ojp.gov/capacity-enhancement-funding)

This website provides a list of current NIJ funding opportunities for programs designed to enhance and assist forensic labs in multiple areas.

Center for Faith and Opportunity Initiatives (Partnership Center), OFF. OF INTERGOVERNMENTAL AND EXTERNAL AFFAIRS, U.S. DEP'T OF HEALTH & HUM. SERVICES (2020)

[https://www.hhs.gov/about/agencies/iea/partnerships/index.html.](https://www.hhs.gov/about/agencies/iea/partnerships/index.html)

This website provides a list of funding opportunities, through the Partnership Center within the Office of Intergovernmental and External Affairs, for projects focused on building and supporting partnerships with faith-based and community organizations in order to better serve individuals, families, and communities in need.

Current Funding Opportunities, OFF. OF JUST. PROGRAMS, U.S. DEPT. OF JUST. (Jan. 21, 2020)

[https://www.ojp.gov/funding/explore/current-funding-opportunities.](https://www.ojp.gov/funding/explore/current-funding-opportunities)

This resource provides a comprehensive list of grant funding opportunities coming from the Bureau of Justice Assistance, Bureau of Justice Statistics, National Institute of Justice, Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime, compiled by the Office of Justice Programs.

Funding Opportunities at IES, INST. OF EDUC. SCIENCES (2020)

[https://ies.ed.gov/funding/.](https://ies.ed.gov/funding/)

This website provides a list of current funding opportunities through the Institute of Education Sciences for projects contributing to improved education outcomes for all learners, and particularly for those whose education prospects are hindered by inadequate education services and conditions associated

with poverty and race.

Grant Opportunities, NAT'L DIST. ATTORNEYS ASS'N (2020)

<https://ndaa.org/resources/grant-opportunities/>

This resource provides an updated, comprehensive list of grant funding opportunities coming from the Department of Justice, among other entities, and was curated by the National District Attorneys Association.

GRANTS.GOV (2020)

<https://www.grants.gov>

This resource serves as an expansive search tool to find appropriate grant opportunities from various governmental organizations, including, but not limited to, Department of Health and Human Services and Department of Justice funding opportunities.

Innovative Prosecution Solutions, BUREAU OF JUST. ASSISTANCE (2016)

<https://bja.ojp.gov/program/innovative-prosecution-solutions/overview>

Innovative Prosecution Solutions (IPS) is a model developed by the Bureau of Justice Assistance (BJA), building from BJA's past crime-fighting programs in order to assist prosecutors develop effective strategies and programs to address violent crime. IPS pairs an operational, results-focused researcher with a prosecutor's office for the development of data-driven solutions to create effective, efficient, and fair prosecution strategies to improve public safety. The BJA offers grant funding for those participating in its program to deliver training and technical assistance services to agencies participating in the Innovative Prosecution Solutions program.

Project Safe Neighborhoods (PSN), BUREAU OF JUST. ASSISTANCE, U.S. DEP'T OF JUST. (2020)

<https://bja.ojp.gov/program/project-safe-neighborhoods-psn/overview>

Project Safe Neighborhoods is aimed at reducing violent crime through a multi-jurisdiction, multifaceted approach, which includes addressing gang activity and firearm use. The project relies heavily on coordination and partnerships between local, state, tribal, and federal actors to implement the program.

III. SUSTAINING PROJECTS BEYOND GRANT FUNDS

DAVID K. BYERS & NANCY SWETNAM, ADMIN. OFF. OF THE COURTS, ARIZ. SUPREME CT., GUIDE TO FUNDING OPTIONS FOR COURT FACILITIES (2014)

https://www.ncsc.org/_data/assets/pdf_file/0026/18809/fundingoptionsforcourtfacilitiesfinal.pdf

This report, put together by the Administrative Office of the Courts, Arizona Supreme Court, was compiled to supplement the 1995 report, "A Court Manager's Guide to Court Facility Financing," by the National Center for State Courts, which outlines various traditional and innovative methods for financing court facilities. This 2014 report provides an update on challenges faced by courts since 1995, along with both traditional and innovative methods used to finance the planning, design, construction, remodeling, and maintenance of court facilities. Funding strategies of courts all around the country are analyzed in order to demonstrate how a flexible, innovative, and collaborative process of utilizing resources and expertise from both public- and private-sector partners can produce facilities that meet the needs of the public and the judiciary.

Yolanda Jones, *New Initiative Reduces Court Dates for Misdemeanor Citations*, DAILY MEMPHIAN (Oct. 15, 2018)

<https://dailymemphian.com/article/682/New-initiative-reduces-court-dates-for-misdemeanor-citations>

This newspaper article provides a look at the Shelby County Misdemeanor Citation Consolidation program. Under the program, individuals issued misdemeanor citations are booked, processed, and go to court all in one day. Previously, the issuance of a misdemeanor included an extended lapse between booking and returning for the initial court date. The program was started after data revealed

that for nearly half of misdemeanor citations issued, individuals failed to show up for their court dates, resulting in warrants issued for their arrest. The streamlined misdemeanor citation process, which has seen substantial success thus far, was developed by members of the Shelby County Safety and Justice Challenge Committee, which was formed as part of a MacArthur Foundation project, with grant funding directed towards developing strategies that help law enforcement agencies look at ways to reduce over-incarceration.

ROBERT V. WOLF, CTR. FOR CT. INNOVATION, HOW DO WE PAY FOR THAT? SUSTAINING COMMUNITY PROSECUTION ON A TIGHT BUDGET (2006)

<http://www.courtinnovation.org/sites/default/files/Sustainability%203.pdf>.

This white paper takes a look at how prosecutors' offices around the country are sustaining and expanding their community prosecution programs even as federal dollars earmarked for community prosecution grow scarce. It focuses largely on two strategies: in Part I, it examines adopting problem-solving strategies that don't necessarily require extra spending; and in Part II, it discusses finding new resources from a range of sources, including government, foundations, and community partners. Specifically, Part II focuses on expanding the breadth of grant funding, beyond grants geared exclusively to public safety and prosecution initiatives. Prosecutors can also pursue grants relating to education, drug treatment, housing, or anything that might fit into a broad problem-solving strategy. Furthermore, beyond grant funding, Part II discusses funding measures beyond grants, including the expansion of the legislatively approved overall budget, community initiatives that generate their own income, and a special tax to support criminal justice initiatives.

ACCOUNTABILITY

I. CASE ASSESSMENT AND SCREENING

Adam M. Gershowitz, *The Intake Prosecutor: Prosecutorial Screening Before the Police Make Warrantless Arrests* (Wm. & Mary Law Sch., Working Paper No. 09-362, 2019)

<http://www.ciclt.net/ul/ndaajustice/AOI/October%202017/10.18/20170914-TheIntakeProsecutorProsecutorialScreeningBeforethePoliceMakeWarrantlessArrests-WilliamandMaryLawSchool-Gershowitz.pdf>

This research paper discusses prosecutorial screening of warrantless arrests and how screening can help individuals by preventing wrongful arrests, unnecessary bail, loss of employment, and wrongful convictions. It provides information on how Harris County (Houston, TX) has implemented a rigorous screening process where a prosecutor reviews every case before police make a warrantless arrest and take a suspect to jail. It makes the case that other medium-sized and large jurisdictions should follow the Harris County model and screen warrantless arrests in real time.

Gerard E. Lynch, *Screening Versus Plea Bargaining: Exactly What Are We Trading Off?*, 55 STAN. L. REV. 1399 (2003)

<https://www.jstor.org/stable/1229606?refreqid=excelsior%3A6314407a0d000d5854031e73685b9723&seq=1>

This is a comment on Ronald Wright and Marc Miller's article, *The Screening/Bargaining Tradeoff*. While the article takes the stance that plea bargaining can be reduced, or even eliminated, without increasing the number of trials by adopting New Orleans' policy of significantly increasing the prosecutorial screening function, Lynch disagrees with their position that plea bargaining is a bad thing. He argues that there is value to the negotiated disposition. However, he does agree that thorough prosecutorial screening to eliminate unjustifiable charges can be an improvement to the system.

KATY WELTER, *EARLY CRIMINAL CASE ASSESSMENT IN URBAN JURISDICTIONS*, CHI. APPLESEED FUND FOR JUST. (2012)

<http://chicagoappleseed.org/wp-content/uploads/2012/06/Early-Case-Assessment-Brief-Final.pdf>

This policy brief assesses three urban jurisdictions administering early case assessment programs. As of 2012, Philadelphia, PA, Brooklyn, NY, and Milwaukee, WI all had early case assessment programs consisting of prosecutor assessment of all cases within 24 hours of arrest and/or early post-arrest case conferences between prosecutors and police. The brief discusses the benefits of early case assessment and features of successful programs.

Stephanos Bibas, *Prosecutorial Regulation Versus Prosecutorial Accountability*, 157 U. PA. L. REV. 959 (2009)

https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1188&context=penn_law_review

This article examines current methods of prosecutorial accountability and suggests alternative methods. It critiques proposals for legislation to rein in prosecutors, and argues that judicial review and bar authorities' review of individual prosecutors' actions is largely ineffective. The author argues that the most promising avenue for reform is changing the internal structure and management of prosecutors' offices. Office leaders can develop a culture that values more than high conviction rates and encourages regular feedback on prosecutor performance from other criminal justice stakeholders; and office policies and practices, including recruitment, training, promotion, and tenure practices, can also be structured to shape prosecutor behavior.

II. CONVICTION INTEGRITY

Barry C. Scheck, *Conviction Integrity Units Revisited*, 14 OHIO ST. J. OF CRIM. L. 705 (2014)

https://kb.osu.edu/bitstream/handle/1811/80789/OSJCL_V14N2_705.pdf

This article outlines best practices for Conviction Integrity Units (CIUs) and discusses how systematically

reviewing cases could lead to exonerations. The author concludes that case selection by CIUs should encompass any of the following criteria: (1) facts suggesting plausible claims of innocence; (2) evidence of a constitutional violation; and/or (3) any facts that would cause review to be in the “interest of justice.” The author also emphasizes that the fact that a defendant pled guilty or is no longer incarcerated should not be a bar to examining cases. Scheck argues that the implementation of CIUs as a permanent part of the criminal justice landscape in the United States would allow for the correction of mistakes and negligence in a non-blaming environment.

COURTNEY OLIVA, CTR. ON THE ADMIN. OF CRIM. L., ESTABLISHING CONVICTION INTEGRITY PROGRAMS IN PROSECUTORS’ OFFICES (2012)

http://www.law.nyu.edu/sites/default/files/upload_documents/Establishing_Conviction_Integrity_Programs_FinalReport_ecm_pro_073583.pdf

This report provides a template for prosecutors looking to formalize conviction integrity mechanisms and adopt best practices. It was developed after a roundtable of current and former prosecutors and law enforcement representatives met to discuss issues related to conviction integrity programs. Suggested reforms in the prosecutors’ offices include: leadership and rewards for ethical prosecutors, training, checklists, discovery-related initiatives, and investigating post-conviction claims of innocence.

JOHN HOLLWAY, QUATTRONE CTR. FOR THE FAIR ADMIN. OF JUST., UNIV. OF PA. LAW SCH., CONVICTION REVIEW UNITS: A NATIONAL PERSPECTIVE (2016)

<https://www.law.upenn.edu/live/files/5522-cru-final>

This report includes recommendations for prosecutors’ offices developing Conviction Review Units (CRUs) to ensure these units’ independence, flexibility, and transparency, as well as to minimize and prevent errors. The report was compiled to help established CRUs compare practices and assess how their peers have approached challenges, assist offices without CRUs to develop successful units, and give communities the tools to ensure these units realize their goal of an improved criminal justice system.

III. ETHICAL CONSIDERATIONS

Bruce A. Green & Rebecca Roiphe, *Rethinking Prosecutors’ Conflicts of Interests*, 58 B.C. L. REV. 463 (2017)

<https://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=3568&context=bclr>

This article proposes changes within prosecutors’ offices to help align prosecutors’ decisions with the public interest rather than personal motivations, beliefs, and interests that potentially divert them from their duty to do justice. Following a discussion of prosecutors’ conflicts of interest and the current regulatory system, the author argues that prosecutors’ offices can be redesigned to address conflicts of interest on an ongoing basis. Utilizing the theoretical framework of experimentalism, which argues that experimentation and local problem-solving are the most effective ways to guide conduct, the author suggests that prosecutors themselves can and should continually assess and seek to improve their deliberative processes.

David Alan Sklansky, *The Progressive Prosecutor’s Handbook*, 50 U.C. DAVIS L. REV. 25 (2017)

<https://lawreview.law.ucdavis.edu/online/vol50/Sklansky.pdf>

This article outlines ten suggestions for chief prosecutors who want their offices to do a more effective job of pursuing justice. Newly-elected progressive prosecutors can look to these suggestions to improve the day-to-day functioning of their offices.

Joshua L. Sandoval, *Ethical Considerations for Prosecutors: How Recent Advancements Have Changed the Face of Prosecution*, 10 ST. MARY’S J. LEGAL MALPRACTICE & ETHICS 60 (2020)

<https://commons.stmarytx.edu/cgi/viewcontent.cgi?article=1047&context=lmej>

This article discusses the various ethical issues prosecutors face on a daily basis, and the recent developments in prosecutorial ethics—namely the advancements in disclosure of evidence and the trend of various prosecuting offices declining to pursue charges for certain offenses as a matter of policy.

R. Michael Cassidy, *(Ad)ministering Justice: A Prosecutor's Ethical Duty to Support Sentencing Reform*, 45 LOY. UNIV. OF CHI. L. J. 981 (2014)

<https://lawdigitalcommons.bc.edu/cgi/viewcontent.cgi?article=1723&context=lsfp>.

Cassidy argues that prosecutors have an ethical duty to support sentencing reform, as a prosecutor's job should go beyond seeking the appropriate conviction and punishment in individual cases and promote criminal justice policies that further broader societal ends. The author argues against mandatory minimum penalties and addresses how an ethical prosecutor should make plea bargaining decisions when mandatory minimum prison terms are retained by the legislature.

STANDING COMM. ON ETHICS & PROF'L RESPON., AM. BAR ASS'N, OBLIGATIONS OF PROSECUTORS IN NEGOTIATING PLEA BARGAINS FOR MISDEMEANOR OFFENSES (2019)

https://www.abajournal.com/files/aba_formal_opinion_486.pdf.

This opinion by the American Bar Association addresses a prosecutor's ethical obligations when negotiating with an unrepresented individual during the plea-bargaining process for a misdemeanor charge, whether the accused has invoked the right to counsel or not. It discusses prosecutorial roles and duties and looks to specific jurisdictional practices with regards to plea bargaining for misdemeanor charges.

IV. RACIAL JUSTICE EFFORTS

Angela J. Davis, *Reimagining Prosecution: A Growing Progressive Movement*, 3 UCLA CRIM. JUST. L. REV. 1 (2019)

<https://escholarship.org/content/qt2rq8t137/qt2rq8t137.pdf>.

This article discusses some of the successes and challenges progressive prosecutors committed to criminal justice reform have experienced and proposes guidelines to assist newly-elected prosecutors focused on criminal justice reform. Prosecutors committed to reforming the criminal justice system are bound to face many internal and external challenges; this article gives them strategies to address the varying challenges and help them to achieve success.

CARLY WILL SLOAN, RACIAL BIAS BY PROSECUTORS: EVIDENCE FROM RANDOM ASSIGNMENT (2019)

https://editorialexpress.com/cgi-bin/conference/download.cgi?db_name=CELS2019&paper_id=143

This paper tests for racial bias of prosecutors using administrative data on the case assignment process and case outcomes in New York County. The results suggest that in-group bias can persist despite widespread prosecutor training on equal treatment of defendants. Additionally, the assignment of an opposite-race prosecutor leads to a five percentage point increase in the probability of defendants being found guilty for property crimes.

EQUAL JUST. INITIATIVE, DELAWARE'S ACCESS TO JUSTICE COMMISSION'S COMMITTEE ON FAIRNESS IN THE CRIMINAL JUSTICE SYSTEM: A REPORT ON RACIAL BIAS IN PROSECUTORIAL CHARGING DECISIONS, PLEA-BARGAINING, AND SENTENCING (2015)

<https://courts.delaware.gov/supreme/docs/Delaware-Charging-Plea-Bargaining-Sentencing-Report.pdf>.

The Equal Justice Initiative (EJI) assessed Delaware's criminal procedures, including charging, plea-bargaining, and sentencing, and what can be reformed to reduce the disparities experienced by indigent defendants and defendants of color. EJI proposes recommendations for each of these specific areas based on their academic research and research on other jurisdiction's' reform efforts.

V. PERFORMANCE MEASURES

AEQUITAS, URBAN INST., & JUST. MGMT. INST., MODEL RESPONSE TO SEXUAL VIOLENCE FOR PROSECUTORS (RSVP): AN INVITATION TO LEAD, VOLUME I: PROSECUTION PRACTICES (2020)

<https://aequitasresource.org/wp-content/uploads/2020/01/RSVP-Vol.-I-1.8.20.pdf>.

RSVP Volume I is a collection of office- and case-level promising practices, identified through the research and experience of AEquitas staff, partnered prosecutors, and allied professionals, to produce more positive outcomes in the prosecution of sexual violence. The first section, which addresses the office-level response to sexual violence, provides information and tools for leadership to assess current

practices, establish effective office philosophies and practices, support prosecutors, meaningfully collaborate with allied professionals, promote community engagement, utilize the latest data and technology, and sustain promising practices throughout changes in administration and personnel. The second section, which focuses on the case-level response to sexual violence, includes specific strategies and tools for prosecutors to employ to achieve positive case outcomes at each stage of the prosecution, beginning with the initial case review all the way through pretrial, trial, sentencing, and post-conviction.

AEQUITAS, URBAN INST., & JUST. MGMT. INST., MODEL RESPONSE TO SEXUAL VIOLENCE FOR PROSECUTORS (RSVP): MEASURING THE IMPACT, VOLUME II: PERFORMANCE MANAGEMENT (2020)

<https://aequitasresource.org/wp-content/uploads/2020/01/RSVP-Vol.-II-1.10.20.pdf>

RSVP Volume II looks beyond conviction rates as the sole measure of effectiveness in sexual violence prosecutions. It describes procedures aimed at addressing and tracking the full range of desired outcomes through implementation of a performance management system. Additionally, it provides prosecutors with the basic steps to translate data collection and analysis into actionable goals for change. The tools provided in Volume II are intended to assist prosecutors in examining and improving their performance.

HARRY P. HATRY, URBAN INST., TRANSFORMING PERFORMANCE MEASUREMENT FOR THE 21ST CENTURY (2014)

<https://www.urban.org/sites/default/files/publication/22826/413197-transforming-performance-measurement-for-the-21st-century.pdf>

This report provides recommendations on what performance information organizations should be collecting, as well as the data collection procedures to obtain that information. It also describes how that information can be analyzed and reported to make the information as useful as possible. Finally, it focuses on how information can be utilized to improve performance and services. The recommendations provided throughout the report are applicable to all organizations—whether the organization is just getting started with a performance measurement process or whether it wants to enhance its existing system.

M. ELAINE NUGENT-BORAKOVE ET AL., NAT'L DIST. ATTORNEY'S ASS'N & AM. PROSECUTORS RSCH. INST., EXPLORING THE FEASIBILITY AND EFFICACY OF PERFORMANCE MEASURES IN PROSECUTION AND THEIR APPLICATION TO COMMUNITY PROSECUTION (2009)

<https://www.ncjrs.gov/pdffiles1/nij/grants/227668.pdf>

This study examined the three measurable goals identified by the Prosecution Study for the 21st Century to determine success in prosecution: (1) promoting the fair, impartial, and expeditious pursuit of justice; (2) ensuring safer communities, and (3) encouraging integrity in the prosecution profession and coordination in the criminal justice system. The study tracked the implementation of performance metrics associated with the first two goals in two anonymous jurisdictions and concluded that performance measurement related to these goals is possible. It suggests a number of core performance metrics, including but not limited to sentence length; case processing time; gun, gang, and robbery crime rates; and ratio of repeat offenders to total offenders. The authors also discuss the challenges that arose from the implementation of performance measurements and articulate lessons learned for other jurisdictions.

