

2017 PROSECUTOR RESOURCE GUIDE



**EXPLORING
INNOVATIONS**
ASSOCIATION OF PROSECUTING ATTORNEYS

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Introduction

The Safety and Justice Challenge (the "Challenge") is an initiative supported by the John D. and Catherine T. MacArthur Foundation to reduce over-incarceration by changing the way America thinks about and uses jails. The initiative features a competition to help jurisdictions across the country create fairer, more effective local justice systems.

The Association of Prosecuting Attorneys (APA) is a strategic ally in the Challenge. Strategic allies help the initiative communicate with important stakeholder groups. APA provides support and resources to prosecutors' offices to assist them with implementing and sustaining their evidence-based programs. Through coordinating with the Challenge sites, APA conducts peer-to-peer exchanges and provides a forum for prosecutors to discuss their successes and obstacles to implementation. Through peer presentations followed by question and answer sessions, Challenge prosecutors have the opportunity to learn from each other and work off others past experiences. APA takes the lessons learned from these exchanges and drafts publications to disseminate to prosecutors' offices, not only from the Challenge, but throughout the country.

Through the Safety and Justice Challenge, our goal is to provide prosecutors' offices with the tools they need to succeed. As a national organization, we have identified resources that we believe will aid prosecutors' offices throughout the country. Coming out of October Leadership Institute, APA reached out to key speakers to memorialize the discussions for all. Whether offices are still in the planning stages of developing their programs or have successfully implemented their practices, we believe that this resource guide will provide prosecutors' offices with helpful direction. To learn more about APA, please visit our website, www.apainc.org. We also encourage you to reach out to us regarding how we can help make your Challenge goals a success.

Marlene Biener

*Safety and Justice Challenge Project Lead
Deputy General Counsel*

Criminal Justice, Community Justice:

Honorable Dan Satterberg
Prosecuting Attorney, King County, WA

A critical challenge faced by prosecutors as leaders of their respective criminal justice systems is to build relationships and trust with the communities most impacted by crime. One way to do that is to invite community leaders to help us tackle some of the complex social problems that come to the doorstep of the courthouse. Our invitation to the community to help define justice and build alternative systems of accountability must be accompanied by our humility in admitting that the courtroom and the jail cell cannot solve problems of addiction, mental illness, or juvenile crime. Those answers may be found within an engaged community invited to create more effective solutions.

Criminal Justice reform can be accomplished through the tool of prosecutorial discretion, and requires three things: First, a prosecutor willing to admit that more effective solutions can be found in the community than in the courthouse. Second, a community that is willing to build alternative systems of accountability and restoration for criminal conduct through the non-profit structure. Third, money to pay the community for the value they bring to the table.

Community justice initiatives in collaboration with the prosecutor are ideal in these areas:

- 1. No entry:** building robust youth diversion alternatives, and new non-court, non-exclusion outcomes for truancy and school discipline.
- 2. Treatment:** building assisted outpatient alternatives for diversion of non-violent criminal cases motivated by mental illness, and for cases involving issues of legal competency. Every community should aspire to build and sustain street-level alternatives for police officers to refer a person affected by drug dependence and mental illness to a case manager for immediate services, like the harm reduction model in Seattle called L.E.A.D. (Law Enforcement Assisted Diversion).
- 3. Reentry transition:** Successful reentry means lower recidivism and more public safety. It makes better use of scarce prison cells and taxpayer resources. Prosecutors should support community efforts to build a support system for men and women who have paid their debt to society and need housing, jobs and stability.
- 4. Juvenile violence.** Community members may be the best credible messengers to change the way youth think and act. Our community has shown a strong preference for restorative justice programs designed to build relationships between youth and positive adult mentors and help youth gain skills and a vision for their future. The prosecutor's role is to support this intervention, give it structure and, if possible, funding.

Community justice means doing justice with the community, instead of to it.

Internal Office Communication:

Robyn Withrow

Assistant District Attorney: 26th Prosecutorial District, Mecklenburg County, NC

Why is internal office communication important?

There is a positive correlation between effective communication and empowerment, and the development of an ethical culture. When there is a congruence of personal and organizational values, there is an improvement related to employee commitment, satisfaction, motivation and ethical behavior. The attorneys within the DA's office should be familiar with the office's mission statement. They should know what it means, and subscribe to it. It is critical that the staff understand the reasons behind the policies the office is implementing. In Mecklenburg, the mission is to provide fair and equal justice to the people of Mecklenburg by doing the right thing every time.

What are some practical methods of engaging in internal office communication?

Communication is paramount, and it's important to speak with one unified voice. Meetings are an integral part of internal office communication. By having staff meetings, the office paves the way for broader dialogue, improved staff morale, and the office team has a clear understanding of its mission. In Mecklenburg, the office conducts executive team meetings, which include the District Attorney (DA), the Executive Team, and the DA's administrative assistant. This is where key decisions are made, such as resource allocation and how to best put resources to their highest and best use. Team leader meetings provide an opportunity for the DA to give a summary of recent issues and initiatives to the team leaders, and each person provides an update about what's going on with their team and recent work. It's also an opportunity to share successes and problems. "All hands" meetings are led by the DA where all attorneys are required to attend. The DA discusses the office mission, recent successes, policy reminders, addresses controversial cases, as well as new initiatives.

Other practical methods of internal communication are employee newsletters, which share important office news, calendar of events, awards, links to media articles, profiles of new employees, births and weddings, as well as work within the community.

How can prosecutors move forward in restructuring their offices to best fit their innovative programs?

Prosecutors should take advantage of external resources. There is a need to have a strong commitment to community-based prosecution. Prosecutors have an obligation to work collaboratively with the community and criminal justice stakeholders in developing their initiatives. By working jointly, prosecutors strengthen ties with the community, as well as providers from public health, schools and community reinvestment from the private sector. These stakeholders become key partners in creating and implementing strategies for safer communities. An example of this is in Milwaukee at the Sojourner Family Peace Center. The Family Peace Center is a nonprofit provider of domestic violence prevention and intervention services in Wisconsin. Sojourner provides an array of support aimed at helping families affected by domestic violence achieve safety, justice and well-being. The Family Peace Center is a shelter, a clinic, and all social services for families exposed to violence are co-located. Each system actor has a distinct perspective and role to play. Co-location brings together criminal justice agencies, such as the district attorney, police department and public schools to operate from the same premises. Families, victims and witnesses can attend court without hassle and most importantly families have access to the resources they need. When community buy-in and local support is obtained, trust is built between the government and the communities they serve.

How can prosecutors work to get “tough-on-crime prosecutors” to think in a new way?

It is essential that prosecutors are serious about fighting crime in a way that's socially responsible. Prosecutors want to do the right thing and are interested in knowing what they can do better. By relying on data and evidence, prosecutors will recognize that there is a need to improve the system. Working with organizations such as the Vera Institute of Justice helps bring those factors to light and allows experienced prosecutors to think about crime in ways they haven't before. By providing insight into what prosecutors are doing, this can modify their way of thinking.

Setting up the Office and Handling Grants:

Nicole Kramer

Director of Programs and Development Unit, Cook County State's Attorney's Office

What is the importance of having a dedicated grants manager in a prosecutor's office?

Internal personnel that are dedicated to handling grants can be invaluable for not only finding, developing, and writing grants, but can be crucial to the ongoing monitoring of grant funds to make sure that the program stays compliant with the funder's requirements and is successful. Sites that are looking to gain funding through grants should reach out to program managers and determine if the program fits what the funders want to fund.

How can offices determine if a grant is right for their office?

Before applying for a grant, make sure you take stock of what the funder is looking for, what the ongoing requirements are, and if you have the resources to implement and monitor the grant. Before applying, determine how much it will cost to implement the deliverables under the grant. Offices can then decide if applying for a grant is worth their time and energy.

If a grant is right for an office, what are some tips for drafting the grant?

Both sustainability and evaluation are important components to a grant program. When starting a program, sites should think about how it will look years down the road. Work with program supervisors and leaders in the office to craft a sustainability plan. Determining how you will sustain a not-yet-funded grant program is one of the most difficult parts of a grant application, but it is crucial to show the potential funders that you are thinking ahead about how their money will live on after the funding ends. Increasingly, research and evaluation plans are vital to effective grant programs. Ideally, have an external evaluation of your proposed program. If that is not possible, create performance measures that can effectively track the progress of the program. Evaluations can assist an office in proving how useful and effective the program is, which can then be used to gain additional funds from other sources in the future. Evaluations may also uncover that the program is not the best approach to the problem, which is equally useful. Overall, it is important to have people involved in the development of programs who can take a holistic view of the initiatives your office wants to implement to put that into action.

External Office Communication:

Amelia Cramer
Chief Deputy Pima County Attorney (Tucson, Arizona)

How can sites have successful collaborations with the community?

Bringing together individuals from disparate backgrounds has been key to our successful collaborations in Pima County. We have done this by establishing a formal community collaborative and designing programs that support leadership development among formerly incarcerated individuals. We also have partnered with our local university to develop quality research. In Pima County, external communication has been a feature of the county-wide Safety + Justice Challenge implementation plan, with the goal of ensuring accountability and transparency throughout the community. Our community planning has included many community based agencies, along with government agencies, to enhance the planning process. We have found it important to host community events and open houses. For example, we have hosted panel discussions open to the community featuring leaders from criminal justice agencies, and we recently hosted a conference entitled “Decriminalizing Mental Illness” at which we had 350 participants from the justice system, mental health system, community based service providers, and formerly incarcerated individuals, including those in recovery from addiction and mental illness. During this conference and at other functions sponsored through our challenge initiative, judges and prosecutors have sat down with individuals who were formally incarcerated to discuss reform efforts. We have found that community engagement is an integral aspect of criminal justice reform, and regular and ongoing communication – both in groups and one-on-one - has been key.

What is the importance of involving other criminal justice stakeholders in reform efforts?

When the criminal justice community comes together, all stakeholders are able to work collaboratively to achieve justice reform goals. It is important to provide information and training to criminal justice system stakeholders, including judges, prosecutors, public defenders, probation officers, and pretrial service officers, about criminal justice system innovations and treatment alternatives. In Pima County, our criminal justice stakeholders work together to achieve the goals of keeping dangerous people in custody, and letting non-dangerous, non-violent sick people out of custody, and while they are out on pretrial release, getting them the treatment they need. Pima County has implemented multiple pretrial risk screenings, including a screening regarding risk to reoffend or to abscond and a screening regarding mental and behavioral health issues. These screenings are administered by the Pretrial Services Division of the Court, for all defendants booked in county jail on felonies and misdemeanors to increase post-booking releases and to identify needed treatment both in the jail and during pretrial release. Pima County also has increased the capacity of its Pretrial Services staff to supervise individuals on pretrial release who are at high risk of failure to appear and/or to commit further criminal offenses (such as drug possession) and to connect those individuals with behavioral health services after their release. When the focus of the pretrial detention decisions is on public safety, and when those who suffer from mental and behavioral health problems are provided with necessary services - both inside the jail and when on release - the system will work both more efficiently and more effectively.

Additional Resources: *Strategic Allies*

Strategic Allies, such as APA, are part of the Challenge Network in order to assist sites in communicating with important stakeholder groups. Collaboration with key criminal justice members is a major component key to implementing successful innovative programs. The following organizations are strategic allies who can assist sites in their efforts.

International Association of Chiefs of Police

<http://www.iacp.org/>

Association of Prosecuting Attorneys

<http://www.APAinc.org>

National Association of Counties

<http://www.naco.org/>

National Center for State Courts

<http://www.ncsc.org/Information-and-Resources/Browse-by-State/State-Court-Websites.aspx>

The Council of State Governments

<http://www.csg.org/>

National Conference of State Legislatures

<http://www.ncsl.org/>

National League of Cities

<http://www.nlc.org/>

National Center for Victims of Crime

<https://victimsofcrime.org/>

R Street Institute

<http://www.rstreet.org/>

JustLeadershipUSA

<https://www.justleadershipusa.org/>

Right on Crime

<http://rightoncrime.com/>

National Legal Aid & Defender Association

<http://www.nlada.org/>



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