



Community Prosecution and Serious Crime

A Guide for
Prosecutors



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INTRODUCTION

When community prosecution first emerged in the early 1990s, many programs targeted low-level crime almost exclusively. This emphasis was understandable: community prosecution grew out of the community policing movement, which was rooted, at least partially, in the “broken-windows” theory.¹ That theory held that even small signs of neighborhood disorder created an environment that fueled law breaking. Thus, by addressing minor offenses such as vandalism, public vagrancy, and prostitution, police believed they could prevent more serious crimes down the road.

In a similar way, many saw community prosecution as a way to address the “the small things—speeding, someone urinating in a doorway, a one rock [cocaine] sale on a corner,” in the words of Multnomah County (Oregon) District Attorney Michael D. Schrunk.² Schrunk assigned assistant prosecutors to work in specific neighborhoods where they brainstormed solutions to low-level crime—an approach that many elected prosecutors around the U.S. emulated. In Portland and elsewhere, attorneys attended civic and business association meetings, created community advisory boards, and established storefront offices that invited community members to walk in with their complaints and concerns. Consistent with this approach, in 1995 the National District Attorneys Association’s American Prosecutors Research Institute,

¹ Wilson, James Q and Kelling, George L., “Broken Windows,” *The Atlantic Monthly*, March 1982.

² Robert V. Wolf and John Worrall, “Lessons from the Field: Ten Community Prosecution Leadership Profiles,” Center for Court Innovation, 2004, available at http://www.courtinnovation.org/_uploads/documents/cp_lessons_from_the_field.pdf.

in a research effort supported by the U.S. Bureau of Justice Assistance, identified a key element of community prosecution as “a focus on . . . quality-of-life issues.”³

Yet this focus hasn’t prevented community prosecutors from also applying the principles of their work to more serious crime. In recent years, community prosecutors have effectively addressed a range of serious offenses, including gang violence, large-scale drug dealing, and armed robbery. “Many offices have undergone a natural evolution,” said Brent Berkley, director of NDAA’s National Center for Community Prosecution (NCCP). “They start relatively small with a pilot, assigning a single prosecutor to handle low-level crime in one neighborhood. When that works, they expand the program to include not only quality-of-life crimes but more serious crimes as well.”

How can community prosecution improve responses to serious and violent crime? This report answers that question by looking at the experience of several jurisdictions. In doing so, this document seeks to expand awareness about an important crime-fighting philosophy that some—particularly those who associate community prosecution with only low-level crime—might have overlooked.

Robert V. Wolf, the author, is the director of communications at the Center for Court Innovation (www.courtinnovation.org), a public-private partnership that promotes new thinking about

³ M. Elaine Nugent, Patricia Fanflik, and Delene Bromirski, “The Changing Nature of Prosecution: Community Prosecution vs. Traditional Prosecution Approaches,” American Prosecutors Research Institute, 2004, available at http://www.ndaa.org/pdf/changing_nature_of_prosecution.pdf.

how the justice system can solve difficult problems like addiction, quality-of-life crime, domestic violence, and child neglect. Russ Immerigeon, who edits the *Community Corrections Report* and other publications for the Civic Research Institute, contributed research assistance.

WHAT IS COMMUNITY PROSECUTION?

Defining community prosecution isn't as simple as it might sound. Community prosecution is a philosophy that manifests differently according to local variables. Those variables include local safety priorities, staff outlook, community resources, and local laws. Nonetheless, the National District Attorneys Association, has been able to identify some overarching principles that most programs seem to have in common.⁴ These include:

Community involvement

Community prosecutors seek community input and involvement. They invite stakeholders to identify neighborhood problems, brainstorm responses, and participate in solutions.

Problem solving

Community prosecutors are problem-solvers, seeking not only to build better cases but also prevent crime. They use a wide range of tools and strategies, many of which fall outside the classic prosecutor's toolbox.

Partnership

The criminal justice system is an interlocking network of agencies and departments that depend on each other to operate effectively. Community prosecutors build on these natural connections, encouraging greater communication, improved coordination, and stronger partnerships.

⁴ "Key Principles of Community Prosecution," National District Attorneys Association, 2009, available at http://www.ndaa.org/apri/programs/community_pros/final_key_principles_updated_jan_2009.pdf.

Each of these principles has a role to play in combating serious crime. Take community involvement: while many originally viewed community engagement as helpful for dealing with only low-level crime, prosecutors have come to realize that the community also has an important role to play in addressing serious crime. Who, after all, witnesses crime or provides tips and essential evidence? The trust and good will that community prosecutors cultivate with the public can help support cooperation when they investigate shootings, robberies, homicides, and gang networks.

As for partnership, community prosecutors initially forged relationships with other justice agencies, including police and probation departments, and with non-justice agencies, such as schools, faith-based groups, and social service agencies, in order to launch programs to combat truancy, drug abuse, and prostitution. But they soon realized that these same relationships can also help them fashion better responses to more serious offending.

What follows are examples that show how these three key principles of community prosecution have helped prosecutors respond more effectively to the kinds of violent and serious cases that go beyond quality-of-life crimes and strike at the core of a community's health and safety.

Wayne County (Detroit), Michigan

Faced with over a thousand non-fatal shootings a year, police and prosecutors in Wayne County, Michigan, eagerly sought new strategies in the early 2000s to address the problem.

One challenge they confronted was lack of public confidence in law enforcement, a deficiency in trust that one could argue was understandable given a U.S. Department of Justice investigation that cited the Detroit Police Department for problems in its handling of suspects, especially its use of force.⁵ In the wake of two consent decrees in 2003—which required outside monitoring of police policies and conduct—community confidence in justice was so low that police and prosecutors alike found it nearly impossible to conduct successful investigations.

“When I first started as a community prosecutor, the citizens I’d meet would say, ‘We don’t trust the police and we don’t trust you,’” said Steve Jansen, who worked as a community prosecutor assigned from 2002 to 2005 to high-crime neighborhoods in the 11th Precinct on the east side of Detroit.

Jansen was one of four prosecutors who participated in Detroit’s initial experiment with community prosecution. As part of that pilot, Jansen and the three other prosecutors were each assigned to a precinct, where they set up offices within the police stationhouse. Their day-to-day proximity to the police encouraged better communication and collaboration between the prosecutor’s office and the police department. “If I had problems with a gang member, I’d talk to the units who patrol the schools and ask them to write down what the gang members were wearing, or I’d tell them about a gang member who just got shot in the hopes that maybe they’d

⁵ See Consent Judgment: Conditions of Confinement (June 12, 2003) available at http://www.usdoj.gov/crt/split/documents/dpd/detroitpd_holdingcell_613.pdf and Consent Judgment: Use of Force and Arrest and Witness Detention (June 12, 2003), available at http://www.usdoj.gov/crt/split/documents/dpd/detroitpd_uofwcd_613.pdf. See also, David Shepardson and Darci McConnell, “Feds order overhaul of Detroit police; Cops must try to defuse violence, avoid deadly force,” *The Detroit News*, June 13, 2003.

talk to some students who might share useful information with them,” he said.

Jansen said one of his priorities as a community prosecutor was to build a bridge between police and the community. “I’d say, ‘If a crime occurred in the area, I need to know. I’m here to assist in solving the crime and finding a solution to prevent the next incident. And if a police officer did something wrong, I need to know that, too.’”

Jansen participated in the classic activities of a community prosecutor, such as attending civic and neighborhood association meetings, where he invited community members to visit him in his office in the police stationhouse. But he also launched an innovative initiative targeting the city’s epidemic of non-fatal shootings.

As an essential part of that initiative, Jansen partnered with two detectives on the shooting cases, providing a consistency that hadn’t existed before. “Previously, you’d have different detectives or patrols that were responding to different shootings. There was no one who looked at every single shooting that happened in this area. When the two detectives and I started working together, we could figure things out more quickly, whether this was a retaliatory shooting for the one that happened last week, whether this victim was a suspect in another shooting. We were able to connect the dots better, identifying the shooters and taking them off the streets.”

In addition, Jansen made himself available 24 hours a day, showing up at crime scene investigations with the two detectives around the

clock. “Having a prosecutor at the scene from the beginning helped us build stronger cases. The detectives focused on solving the crime, and I focused on gathering the ingredients, like witness testimony, that would increase the likelihood of conviction.”

He also expanded the detectives’ tool kit. For instance, he introduced them to the utility of investigative subpoenas, which Jansen could quickly have authorized by a judge granting him the ability to question potential witnesses under oath. “It was a prosecutorial strategy, a unique tool now available to law enforcement. It gave witnesses a much greater incentive to tell the truth because with it, a prosecutor could put them under oath, in essence, saying ‘If you lie to me, it’s a felony and we may charge you with perjury,’” Jansen said.

Regular contact with the community proved to be another strength. “People saw me in the neighborhood all the time and after four or five months, they began to trust me,” Jansen said. “And the more people in the neighborhood I met, the easier it was for me to build relationships with useful sources.” In this way, the community prosecution principle of “community involvement” was translated into practical intelligence that helped investigators solve crimes and build better cases.

Follow-through at sentencing was also important. Jansen and his colleagues pursued stiff sentences for those charged with gun crimes. “I think there’s a perception that community prosecution has to be warm and fuzzy. People don’t realize you can use it to solve violent crime very effectively. In violent felonies, we wanted jail time. I never considered giving a shooter leniency,” he said.

The 11th Precinct initiative served as a model, guiding the other three community prosecutors as they addressed non-fatal shootings in their districts. In the end, the community prosecutors had a significant impact. Previously, investigators around the city had identified shooters in under 20 percent of cases, but after only a year, the four community prosecutors helped raise the rate of success. After the program started in the 11th Precinct, for example, police began to identify shooters in about 68 percent of cases.

After the initial community prosecution pilot, the Wayne County Prosecutor's office expanded the coverage of the community prosecution program from four to eight of the city's 13 precincts. And just six months after the program's expansion, the number of homicides in those eight precincts dropped by 35 percent compared to a seven percent drop in the five precincts without community prosecutors.⁶

Having successfully helped reduce the number of non-fatal shootings plaguing Detroit, community prosecutors in Wayne County now focus on other violent crimes, said James D. Gonzales, chief of the Special Operations Division. He said that under Prosecuting Attorney Kym L. Worthy the office's five community prosecutors handle "everything," including car jacking, armed robbery, home invasions, and even homicide.

According to Gonzales, community prosecutors in Wayne County bring three strengths to their work: geographic focus, which allows

⁶ Ronald J. Hansen and Norman Sinclair, "Crime drop energizes Detroit neighborhood; Prosecutors, police in 10th Precinct team up to solve cases," *The Detroit News*, May 12, 2003.

the prosecutors to develop close working relationships with police officers, community members, and neighborhood resources; vertical prosecution, which allows them to follow a case from its inception; and legal expertise, which they provide to police officers on a regular basis, improving communication and the strength of cases.

Washington D.C.

Ever since then-U.S. Attorney Eric H. Holder, Jr. introduced community prosecution to the U.S. Attorney's Office in Washington, D.C. in the mid-1990s, the office has used the strategy as a tool for building stronger cases by collecting better information.

Today, the 45-lawyer unit that handles the most serious local crimes (except for homicide, which has its own unit) applies two strategies long associated with community prosecution: geographic assignment and vertical case assignment. This unit—known as the Felony Major Crimes Section—is divided into seven teams that correspond to the seven police districts in the District of Columbia. Each team has a paralegal (known as a “community outreach specialist”), a community prosecutor, and several line prosecutors.

While the community outreach specialists and community prosecutors focus on some of the duties customarily associated with community prosecution, such as attending community meetings and responding to quality-of-life complaints, they also provide crucial support to line prosecutors, who handle the bulk of cases, including everything from robberies and carjackings to shootings and other serious assaults.

Each team meets regularly to discuss cases and share information. By specializing in a single district, team members become familiar with all of the key players, allowing them to easily “put two and two together,” according to Assistant U.S. Attorney Jeff Ragsdale, chief of the Felony Major Crimes Section. The community prosecutors play a special role by working one week in the district stationhouse (where they build one-on-one relationships with police officers and the community) and one week in the main office, where they screen new cases from their districts, using their knowledge of the community to make intelligent charging decisions.

“The community prosecutors take a grass-roots approach. They have more intimate contact with police and the community, attending civic meetings and police roll calls, which allows them to serve as conduits of information,” Ragsdale says. “They’ll call the chief district prosecutors about the cases they’re screening, giving them leads and crucial background information.”

Interestingly, the position of community prosecutor has, over time, attracted more seasoned employees, Ragsdale said. “It used to be that our community prosecutors were less experienced; maybe they’d been in the office two to four years. But now most are veteran prosecutors, and, in fact, some were homicide prosecutors with 10-plus years’ experience who wanted to do something different.” Thus it is not just their knowledge of the neighborhood but their long experience handling serious cases that helps make community prosecutors such an invaluable part of each division’s team, Ragsdale said.

The Felony Major Crimes Section is also responsible for presenting cases to the grand jury. Although this is a time-consuming responsibility, it allows the attorneys under Ragsdale to follow cases vertically—individual attorneys stay with a case from indictment to final disposition. This strategy ensures that information doesn't get lost, as sometimes happens when cases are handed off from one attorney to another as they pass through the court system.

Multnomah County (Portland), Oregon

Multnomah County District Attorney Michael Schrunk believes that prosecutors who deploy the problem-solving techniques of community prosecution need to integrate them with conventional approaches.

“We have a lot of people come visit us wanting to talk about community courts and community prosecution and some of the other progressive stuff we've been able to do. And I tell them okay, but TCB. Take care of business. You've got to prosecute the murders, rapes, and armed robberies, and you've got to do them successfully, because if you start letting those slide or they get out of hand it's going to depreciate everything else,” Schrunk said. “If you start with the quality-of-life crimes but you always take care of the hard crimes, things are going to work out. So when crimes spike or there are different crimes in different areas, you can deploy resources where needed.”

Schrunk launched his community prosecution initiative—what he calls the Neighborhood District Attorney Program—in 1990. It currently has seven full-time prosecutors, and while they place a

strong emphasis on solving quality-of-life problems such as speeding, public urination, and minor drug sales, they also address serious crime. For example, they developed a multi-pronged effort to respond to gang-related crime, including shootings and drug dealing.

Among the strategies community prosecutors in Portland have deployed against gangs are:⁷

- ***Destabilizing a gang’s headquarters or base of operations.***

Community prosecutors help landlords and police exclude gang members from specific locations. At one apartment complex in Portland, a community prosecutor helped the landlord give police officers the authority to exclude people from the common areas, such as the playgrounds, sidewalks, and recreation rooms. The prosecutor drafted the necessary lease addendums and exclusion criteria (listing prohibited behavior—everything from littering to gun possession—that are grounds for exclusion) and the notice of exclusion (telling a person they’ve been excluded from the property for anywhere from a year to permanently).

- ***Removing gangs from public spaces.***

Community prosecutors in Portland sought to eradicate drug locations, which are not only hot spots for illegal drugs but places where gang members assault and shoot each other, often injuring innocent bystanders. One way prosecutors did this was by creating “drug-free zones.” If someone was arrested for a drug offense

⁷ For more on how community prosecutors in Portland have dealt with gangs, see James F. Hayden, “Community Prosecution Techniques to Reduce Drug-Related Gang Activity,” American Prosecutors Research Institute, 2007, available at http://www.ndaa.org/pdf/pub_cp_techniques_reduce.pdf.

within the zone, the arresting officer issued a 90-day notice of exclusion. If the person entered the zone within 90 days, he or she was subject to arrest for criminal trespass. If that person was subsequently convicted of a drug offense, the exclusion was extended for an additional year.

While drug-free zones are not without their critics, particularly among civil libertarians, there is evidence from Portland that this strategy can make a difference. The establishment of a drug-free zone in one neighborhood led to a 42 percent reduction in crime, including homicide, robbery, aggravated assault, larceny, simple assault, weapons offenses, and drug crimes.⁸ In another neighborhood, the creation of a drug-free zone correlated to a drop in serious crime that was six times faster than in the rest of the city.

- ***Targeting drug houses.***

Gangs often staff drug houses in shifts. Any individual dealer is highly replaceable. “If a location has multiple apartments or multiple residents, prosecuting one person doesn’t solve the problem because someone else just comes there to sell the drugs. Similarly, landlords who are interested only in obtaining rental income often allow tenants to continue renting from them even though the tenant has been busted for drugs,” said Jim Hayden, a neighborhood prosecutor in Portland.⁹

To tackle this problem, neighborhood prosecutors have developed a number of approaches. For instance, they’ve developed partnerships with building inspectors and code enforcement officers.

⁸ For *Id.* at 12, citing Portland Police Data Systems.

⁹ Wolf and Worrall, *supra* note 1.

Neighborhood prosecutors also developed “community search warrants”—warrants that relied on neighbors’ observations of suspicious activity (such as people coming in and out of a house at all hours of the day and night) supported by two or three hours of observation by police. A community search warrant can sometimes take only a day or two to obtain, whereas in the past the process had been far more labor intensive, requiring police to conduct undercover buys over months and sometimes years.

After an arrest, the police and neighborhood D.A. contact the landlord to explain that the property is in danger of being boarded up by the city if problems persist. Community search warrants have resulted in the closing of drug houses about 85 percent of the time in Portland.¹⁰

Palm Beach County, Florida

In Palm Beach County, Florida, three of the six community prosecutors in the State Attorney’s Office focus on serious crime, particularly gang-related violence.

“We felt that there was a need to pay special attention to violent crimes, especially in the 18-to-30 category, where a lot of gang-related violence happens,” said Community Prosecutor Uriel Neto, adding that in 2007, approximately half the county’s violent crime was gang related.

In the course of their work, the three prosecutors have handled everything from homicides and robberies to aggravated assaults and

¹⁰ Hayden, *supra* note 6, at 18.

firearm-related offenses. While they still use the techniques of what might be called a “classic” community prosecutor—such as attending civic meetings and even going door-to-door to introduce themselves—they also work side-by-side with police by participating in crime-scene investigations and issuing search and arrest warrants. Being at the crime scene provides an immediacy that a traditional homicide prosecutor can’t offer, Neto said. “We’ll get called to do the walk-through of the crime scene. That allows us to assist in the issuance of search warrants or arrest warrants in real time so the police don’t have to wait 72 hours or over weekend to get the warrants done. The community prosecutor’s being on the scene from the get-go helps make the case stronger.”

The three “violent crimes” community prosecutors also participate in the Violent Crimes Task Force, which brings together the county’s law enforcement agencies to share information. Police representatives on the task force—who come from different towns in Palm Beach County—are cross-sworn, allowing them to participate in investigations countywide; thus, if a murder in one town is connected to a gang in another, the countywide task force provides a forum for efficient and rapid information sharing.

In addition, Palm Beach County’s community prosecutors have lower caseloads, allowing them to handle more complex and time-intensive cases, such as those involving racketeering charges. The office decided that community prosecutors—because they had developed solid collaborative relationships with both the police and the community—were ideally suited to tackle cases that were inherently hard to solve, like complex gang cases or crimes involving new immigrants. In fact, one of the three “violent crimes”

community prosecutors specializes in working with Guatemalan and Haitian immigrants, who are frequently targeted by gangs.

“The gang members are banking on the fact we won’t be able to find the victims after the police initially speak with them because they’re undocumented or because they’re afraid of how police behave because of negative experiences they’ve had in their own countries,” Neto said. The community prosecutor has been able to assuage community members’ fears by distributing translated literature, setting up a booth at cultural festivals, and educating police about laws that allow immigrants who help solve crimes to obtain legal status.

A community prosecutor also helped police respond to a violent break-in and rape in the Dunbar Village apartment complex in West Palm Beach. The community prosecutor worked closely with police to deploy all legal means—including search warrants and grand jury subpoenas—to unravel the relationships of the gang members who perpetrated the crime. But she also earned the community’s good will by not only keeping them updated about the progress of the case but helping to organize a fundraiser to support the victims.

Milwaukee, Wisconsin

When Milwaukee’s Community Prosecution Unit was formed in 2000, it focused on low-level or non-violent offending, targeting such behavior as property-related nuisance problems and prostitution. But its focus changed when an assistant district attorney was transferred from the office’s gun unit to the community prosecu-

tion unit. That prosecutor, Jeffrey Altenburg, brought with him strategies for identifying and prosecuting serious and violent criminals.

The gun unit targeted the county's worst offenders, guided, in part, by the fact that a small percentage of offenders were responsible for a disproportionate amount of gun crime. As a community prosecutor, Altenburg adapted that approach: he and his colleagues sought to identify offenders who were early in their criminal careers but, based on various sources of intelligence, were likely to become major players.

The community prosecutors invited agents from the Department of Corrections to work alongside them in their neighborhood offices, which were located in police stationhouses and community-based organizations. Together, prosecutors, police, and corrections agents swiftly identified the biggest potential troublemakers through information sharing, consent searches (known as “knock and talks”), more frequent visits to parolees' homes, and other strategies.

“The idea in the gun unit was that if you can identify, prosecute, and effectively sentence the worst offenders, you can cut significantly into criminal activity,” Altenburg said. “I thought, why couldn't community prosecutors use the same tools to identify people before they get into big trouble? Couldn't you use some of the same indicators and attempt to deal with them in alternative ways to keep them from committing violent crimes or get them off the street before they commit violent crimes?”

The initiative, dubbed the Major Violator Program, proved so successful that John Chisholm, the former chief of the gun unit, made

community prosecution an important part of his campaign when he ran successfully for district attorney in 2006. When he took office, Chisholm restructured the office, combining the county-wide misdemeanor and felony units and then carving them into five geographically assigned teams. The idea was the same that has motivated district attorneys around the country to experiment with geographic assignment: solve crimes and improve case outcomes by giving prosecutors a better grasp of the cases, offenders, and intelligence coming from a particular neighborhood.

The court system underwent a similar restructuring so that cases from each of the five districts are now handled in their own separate misdemeanor or felony courts by a permanently assigned judge. “Now when an offense occurs in a particular district, the police are going to know which team of assistant district attorneys will be handling it—that never changes—and ultimately which judges are going to be handling those cases as well. It makes the courts and the D.A.’s Office much more accountable to the neighborhoods, as well as much more knowledgeable about the neighborhoods they’re handling the cases for,” Altenburg said.

Chisholm also merged the drug and gun units into the Violent Crime Unit; initially, he tried to assign its prosecutors geographically but, due to budget constraints, couldn’t carry out the plan. Still, the Violent Crimes Unit works closely with community prosecutors, who assist in investigations of serious and violent crimes in their neighborhoods. In essence, the community prosecution unit provides “big picture” information that would not normally be available to prosecutors in the downtown office, Altenburg said.

KEY INGREDIENTS FOR ADDRESSING SERIOUS CRIME

Community prosecution is defined by several principles, including community involvement, problem solving, and partnership. Although every community prosecution initiative is different, many have found success targeting serious crimes by realizing these principles through a number of strategies, including: geographic assignment, vertical prosecution, specialization, immediacy, and task forces.

Geographic Assignment: Many community prosecutors have found that by immersing themselves in a particular neighborhood—its people, problems, and resources—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 “hot spots.”

The U.S. Attorney’s Office in Washington, D.C., for example, began assigning cases geographically even before then-U.S. Attorney Eric Holder formally introduced community prosecution in 1996, and today much of the office, including the Felony Major Crimes Section, is divided into geographic zones. In Brooklyn, New York, District Attorney Charles J. Hynes organized many of the more than 400 prosecutors in his office into five zones and persuaded court officials to reorganize the courtrooms according to the same geographic areas. His goal was to make the borough’s unwieldy size, nearly 2.5 million people concentrated in about 72 square miles, more manageable.

One of the most pronounced advantages of this arrangement is

that prosecutors develop closer ties to the police officers assigned to the same zones. “Police officers from a single precinct or neighborhood come to an assistant district attorney’s office on several cases at a time,” said First Assistant District Attorney Anne Swern, “and the bureau chiefs in each zone have much closer working relationships with the brass from four to six precincts instead of all 23 precincts in Brooklyn. Additional investigatory work can also be easily accomplished with calls to the local police precinct because requests for additional work are not made by anonymous staff without an understanding of resources or priorities, but instead by those who have a relationship with and detailed knowledge of the issues facing the precinct and its commander.”¹¹

Vertical Prosecution: Another advantage of geographic assignment is that it makes it easier for prosecutors to follow cases vertically—from initial investigation through arraignment, sentencing, and even re-entry. Vertical prosecution has several advantages, according to Anne Swern, of Brooklyn. “Staff members have contact with the witnesses from the outset of the case, thus establishing a relationship which promotes greater confidence in the system; weaknesses are addressed early on; the need for additional investigation is recognized at an earlier stage and is undertaken, avoiding duplication of work done by another attorney; cases are better screened by an attorney who knows he or she is keeping the case; and it provides better leverage with plea bargaining when the attorney knows the details of the case from the outset,” she said.

Palm Beach County State Attorney Michael F. McAuliffe plans to

¹¹ *Id*

use vertical prosecution widely throughout his office. “With vertical prosecution, the prosecutor has a greater personal investment in the case and knows from the get-go what the case’s strengths and weaknesses are,” said Uriel Neto, of Palm Beach County. Wayne County Prosecuting Attorney Kym L. Worthy’s office also relies on vertical prosecution beyond her team of community prosecutors. “Vertical prosecution is a technique the entire office appreciates and emphasizes,” said supervising attorney James Gonzales.

Specialization: Some community prosecutors specialize in a specific category of crime. In Palm Beach County, one prosecutor focuses on homicides, another on robberies, and a third on aggravated assaults and firearm- or gang-related offenses. And all three focus on crimes involving perpetrators and victims who are largely between the ages of 18 and 30.

The idea behind specialization is similar to the one underlying geographic assignment: prosecutors gain knowledge and experience that can translate into better case outcomes. In New Castle County, for example, Delaware Attorney General Beau Biden—who built his 2006 election campaign around the theme of community prosecution—assigned 37 community prosecutors in the summer of 2008 to six geographic areas. Most of the attorneys focus on a specific type of offending; thus each area has a community prosecutor who specializes in drug crimes, misdemeanor crimes, domestic violence, juvenile crimes, and violent crimes. The teams “work hand-in-glove with local police to identify hot zones of criminal activity and the most violent and repeat offenders, and we target them with prosecutors who specialize in those crimes,” Biden said.

Immediacy: By working more closely with police, community prosecutors ensure a strong case is built right from the start. This close relationship is fostered in many jurisdictions by prosecutors having offices in police stationhouses, as is the case in Indianapolis and Milwaukee (a newspaper commentator in Milwaukee called this “putting law and order in the same office”);¹² or being on call 24/7 to answer officers’ questions, as is the case in Palm Beach County, where prosecutors assist in issuing search and arrest warrants “in real time,” as Assistant State Attorney Uriel Neto puts it, rather than taking many hours or days. Community prosecutors also communicate regularly with officers at roll calls and offer trainings in evidence-gathering, stop-and-frisks, and other techniques to build solid cases. “The police are appreciative of having a prosecutor right there in terms of getting search warrants and getting questions answered right away. It’s like having their own personal lawyer,” said James Gonzales, of Wayne County, Michigan.

Task Forces: Community prosecutors recognize that they don’t operate in a vacuum. One common tool that takes advantage of the interlocking network of agencies and departments that make up the justice system is task forces. Task forces bring together law enforcement and other partners to share information, strategies and resources. In Indianapolis and Palm Beach County, for example, community prosecutors participate regularly in task force meetings where law enforcement agencies discuss a wide range of serious and violent offenses, sharing knowledge they’ve gleaned from their community contacts.

¹² Patrick McIlheran, “Tide starts to turn, one tip at a time,” *Milwaukee Journal Sentinel*, April 4, 2007.

CONCLUSION

While community prosecution emerged as a response to low-level crime, it has evolved over time into a weapon against more serious offenses.

The contributions of community prosecutors in the fight against serious and violent crime are many, starting with their efforts to address crime at its earliest stages. Consistent with the “broken windows” theory, community prosecutors tackle lower-level offenses with the express purpose of preventing higher-level crime down the road.

And when more serious crime does occur, community prosecutors are uniquely situated to address it. Community prosecutors are likely to have greater knowledge than their colleagues of local criminal networks and potential witnesses; they often specialize in prosecuting certain types of serious crime; and they frequently prosecute cases vertically, participating from the crime scene investigation through final disposition—all of which adds up to cases that are solved faster and are stronger from the start.

Community prosecutors also work closely with law enforcement and other agencies, breaking down barriers that allow them to share information and connect the dots; this is especially helpful when dealing with complex criminal enterprises such as gangs.

James Gonzales of Detroit noted “the uniquely close relationship that exists between our community prosecutors, law enforcement, and community residents allows our community prosecutors to

take a proactive approach to violent crime, as well as the more traditional re-active response.” Similarly, Jeff Ragsdale of Washington, D.C., calls the community prosecutors on his staff “conduits of information,” who, because of their intimate knowledge of the community, are better able to target suspects, gather evidence, and close cases with satisfactory results.

“We don’t have the luxury of going into a neighborhood that doesn’t have serious violent crime,” says Mary Clare Molidor, deputy chief of the Los Angeles City Attorney’s Criminal and Special Litigation Branch, which includes the Neighborhood Prosecutor Program. “Good community prosecution has to come in from both ends of the spectrum. You cannot keep a blind eye to more extreme offenses.”

In Los Angeles, community prosecutors partnered with federal law enforcement agencies to target several gang and high-crime neighborhoods. After two years, there were significant reductions in violent crimes, including a 56 percent decrease in a neighborhood controlled by one gang,¹³ and a 53 percent in a neighborhood controlled by another.¹⁴ Revitalization efforts in the second neighborhood earned it recognition in 2008 as one of the “Neighborhoods of the Year” by the non-profit organization Neighborhoods USA.¹⁵

¹³ Patrick McIlheran, Part One crime decreased 55.8 percent in the neighborhood associated with the Avenues gang from 2004 to 2009. *Source:* Los Angeles Police Department, Northeast Area Crime Analysis Detail Unit.

¹⁴ Part One crime decreased 53.39 percent in the Ghost Town area of the Wilmington neighborhood when comparing the six-month period February 1, 2007 to July 31, 2007 with the next six-month period, August 1, 2007 to January 31, 2008. *Source:* Los Angeles Police Department, Harbor Division Crime Analysis Detail Unit.

¹⁵ See “Cruces Project” at <http://www.nusa.org/notyfinal2008.htm>.

WHAT IS COMMUNITY PROSECUTION?

Results like these are the best evidence that community prosecutors, while proving the value of new tools in the fight against crime, are at the bottom doing what prosecutors have always done: punishing wrongdoers and reducing crime with the ultimate goal of improving safety for everyone.



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