

The PROSECUTOR *Feature*

Community Prosecution

*By Eric H. Holder, Jr., Deputy Attorney General,
U.S. Department of Justice*

CRIME IS AT ITS LOWEST LEVEL in a generation. Although at times it may seem that federal law enforcement agencies and initiatives get much of the public attention, we in the Department of Justice and in the Clinton-Gore Administration are acutely aware that you, local prosecutors, deserve much of the credit for bringing crime rates down to these historic lows, and for making our streets and neighborhoods safer for everyone. In light of this, rather than seeking to federalize more cases or types of crimes, we have been and continue to be committed to providing you with the additional resources that you need—and the additional freedom to tailor the use of these resources to the unique needs of your community—to continue to build upon your successes. I am pleased to inform you that success is in sight. President Clinton and Vice President Gore have proposed a budget that would provide you with the funds to hire 1,400 new local prosecutors in *each* of the next five years.

This “Community and Local Prosecutor Assistance Program” will provide funding assistance for you in three areas: First, we will make discretionary grants—directly to you—to hire 400 new community prosecutors in each of the next five years. That’s a total of 2,000 new community prosecutors. Second, we will make discretionary grants—directly to you—to hire 1,000 new prosecutors in each of the next five years to handle firearms violence-related cases. That’s a total of 5,000 new local prosecutors. Third, we will make discretionary grants—directly to local law enforcement agencies—to hire as many as 400 criminal investigators in each of the next five years to work in your community prosecution programs. That’s a total of as many as 2,000 new officers. These funds to hire new prosecutors will be given directly to you and not to other government agencies. That means that you won’t have to worry about the “trickle down effect” with these funds, and you will retain the authority to determine how best to use these new prosecutors to create or support your community prosecution and gun initiatives.

As many of you know, before I became deputy attorney general, I served as the United States attorney for the District of Columbia. The U.S. attorney’s office in Washington, DC is unique: we prosecute crimes both in federal court and in local court—everything from shoplifting to espionage. As a local prosecutor, I realized that I could be far more effective in addressing the crime problem if I deployed some of my attorneys into the community where they could develop special relationships with members of the police department, businesses, non-profit organizations, educational institutions, the faith community and, of course, the citizens themselves. In doing so, I found that we were better able to respond to the community’s needs and—as a consequence—the police district in which we pioneered this program leapt from the second-most crime-ridden to the second-safest.

Many localities have already implemented community prosecution programs. Bill Ritter in Denver, Barbara LaWall in Pima County, Arizona, Gil Garcetti in Los Angeles, Doug Gansler in Montgomery County, Maryland, Mike Schrunk in Portland, Oregon, and many others have devoted resources to this bold endeavor. Like them, I have a vision for how community prosecution can work to further reduce crime in America. Although every community is unique and programs must be tailored to fit your own needs, prosecutors who have implemented community prosecution will tell you that there are common themes of what works. I would like to share some of these with you.

The concept of community prosecution is quite simple. It merely recognizes that crime reduction must be built on true partnerships. Just as police officers no longer simply make arrests, prosecutors should not simply try cases. Rather, they should become problem solvers who are looking to improve the quality of life for the communities they serve. Community prosecution is not just a new program, it is a

(Continued on page 32)

Community Prosecution

(Continued from page 31)

new strategy, a better way we—as prosecutors—can do our job. By working directly with the community and learning its problems and concerns and by becoming team players with other law enforcement agencies, prosecutors will be able to respond more effectively to the criminal justice problems in our neighborhoods.

How this is accomplished very much depends on a particular jurisdiction. But, there are several key components. First, prosecutors and their assistants should leave their offices and get into the community. As Washington, DC's local prosecutor, I attended community meetings and learned firsthand that citizens thought of prosecutors as strangers. My first directive to my community prosecutors was to go out to the neighborhood meetings, to get to know the people personally and, perhaps more importantly, let the people get to know them.

Next, prosecutors who work in community prosecution assignments must be ready, willing and able to be proactive in law enforcement, to address problems, even small ones, so they don't become too big to handle effectively. Prosecutors cannot afford to overlook the small cases, for these are the cases that matter most to the community. The offenders in the "small" cases may be tomorrow's violent felons.

Establishing partnerships with the community and law enforcement as well as strong and real working relationships with other public and private agencies, is a key element to a successful community prosecution approach. By understanding the true problems in the community, you will also be forming relationships that will result in increased cooperation and involvement in fighting crime by members of the community, including as witnesses in court. Working more closely with the police will enhance police officers' interest and ability to engage in their own problem-solving within the neighborhoods where they work, and will result in them bringing in better cases for prosecution. In Washington, DC, our community prosecutors make regular appearances at police roll calls, discussing new criminal cases and providing advice on how to handle particular investigations. Police commanders and prosecuting attorneys meet on a regular basis to discuss crime trends and to develop strategies for the future.

Working more closely with the citizens and police in particular neighborhoods also enhances the prosecutor's ability to convict the repeat offender. There are many instances in which the same person or persons are responsible for a number of criminal offenses or acts of violence, often within the same geographic area. These acts can lead to subsequent acts of violence by members of rival gangs who respond with more violence. Under a case processing approach to prosecution, the realization that crimes are geographically based or otherwise connected is all too often overlooked. Valuable information or connections between incidents or the persons involved can go unnoticed for long periods of time, or

never discovered at all. This occurs because cases within the prosecutor's office are assigned to different investigators and different attorneys, often in different sections or units within the office.

In my office, we assigned prosecutors by neighborhood rather than continuing to assign cases on a random, or reactive, basis. We found that we were better able to channel the intelligence and to make some of the connections between our investigations and the persons involved. The line attorneys also developed a better working relationship with the police since they were working with the same officers on a regular basis over a long period of time. Each attorney would handle a range of cases arising in his or her geographic area, from drug arrests and investigations to robberies, burglaries and murders. In most cases, the assigned prosecutor was responsible for handling the cases vertically, that is, from arrest through final disposition. Even misdemeanor arrests, for small drug offenses, unlawful entry, or other minor offenses, were handled by the neighborhood prosecutor initially. This was done to determine if the defendant was a "major player" in the area. If he had a conviction for a seemingly minor offense, it got him off the street and increased the willingness to move forward and offer evidence of his involvement in more serious crimes. Prosecuting "smarter" is one of the goals of community prosecution, and assigning line attorneys by neighborhood takes a big step in that direction.

I am confident that these and other approaches to community prosecution can be tailored to benefit many other communities across the country. This is especially true in light of the prospect for increased funding. I encourage you to develop a program that will work for you. And, in this regard, I would like to commend the National District Attorneys Association (NDAA) and its American Prosecutors Research Institute (APRI) under the stewardship of Stu Van Meveren and Newman Flanagan, for all they are doing to develop a best practices approach in which local prosecutors provide technical assistance to other local prosecutors. I am particularly pleased that the U.S. Department of Justice is able to provide the funding for NDAA and APRI to engage in this effort.

Now is not the time to rest on our laurels. Rather, we should take this opportunity to be innovative and to use our limited resources wisely. Moreover, we should begin to do a better job of informing the public and Congress about what an excellent job our 26,000 local prosecutors do. You make all of us safer. I urge every one of you to join me in making certain that at this historic juncture, we obtain from Congress the resources we need to end the culture of violence once and for all.

Let me end by thanking each of you and your assistants and your staffs for being the foundation of the partnership that has brought crime down and has saved so many lives. We must do all we can to insure that this partnership endures.

UNITED STATES DEPARTMENT OF JUSTICE

Office of Nicholas M. Gess
Associate Deputy Attorney General

950 Pennsylvania Avenue, N.W.
Room 4220
Washington, DC 20530
Telephone: (202) 514-0835



TO:

LEANNE

OFFICE NUMBER:

456-7028

FAX NUMBER:

FROM:

Nicholas M. Gess

DATE/TIME:

NUMBER OF PAGES INCLUDING THIS SHEET:

TELEPHONE NUMBER OF PERSON TO CONTACT UPON RECEIPT:

* * * FAX NUMBER: (202) 514-9368 PHONE NUMBER 202-514-0835 * * *

REMARKS:

Comments Pro 2 - This is paper
I did over the weekend.

N. G.

COMMUNITY PROSECUTION

Community prosecution is strategic prosecution. The typical prosecutor's office makes thousands of decisions each year on which cases to drop, investigate further, plea bargain, or take to the jury. Most offices are overwhelmed with massive case loads, and they have precious little time to get the information they need from the community. The addition of a community prosecutor to the office creates a two-way flow of information that typically has two results: better community assistance in convicting the worst offenders, and more prosecutions involving crimes which were previously dismissed as "low level" but which turn out to be the stepping stones to major prosecutions.

Community prosecutors learn how the community operates, they use all legal tools to attack crime problems, they adopt zero tolerance for crime and they leverage the limited resources of the prosecutor's office.

At the same time, our Administration's Community-Oriented Policing Services (COPS) program has funded over 100,000 new police officers. Of these, over 60,000 -- approximately 50,000 new officers and 10,000 existing officers redeployed -- are already "out on the street." Those new officers have created a demand for prosecutors to handle the additional caseload. By pairing community police officers with community prosecutors, our Administration can reduce crime even further than it has one over the past eight years.

That is why our Administration has funded community prosecution. Last year, it funded a pilot program with \$5 million. This year, funding was doubled to \$10 million. The results have been so successful that the Justice Department is prepared to take this program nationwide and the President's budget request seeks a five-fold increase to \$50 million for the coming year -- enough money to fund 400 prosecutors. But, this cannot continue to be effective as a year-to-year program. Long-term funding will build public confidence in their local prosecutors. The proposal to seek \$1.5 billion over the next 10 years -- enough money to fund 10,000 new community prosecutors nationwide -- will provide a significant improvement in the current ratio of prosecutors to police. Once this program is complete, there will be one community prosecutor for every 15 community police officers, a ratio which will enhance public safety and confidence. This program will reserve 25% of its funding for smaller communities and tribal jurisdictions in recognition of the fact that no place is immune to crime.

Community prosecutors are part of an "early warning system" which can alert prosecutors to new community-wide problems before they overwhelm the police and justice systems. The close ties that the prosecutor's office develops with the community help in preventing and prosecuting crime. For example, when an offense is committed, a community prosecutor will already know who is in the gangs, how the drug and gun traffickers have divided up their territories and who is in conflict with whom. This knowledge gives investigators a head start in reducing violent crime related to guns, gangs and drugs.

In South Tucson, Arizona, Pima County District Attorney Barbara LaWall has assigned community prosecutors to work from a community center which provides a safe haven for young

people after school and which provides job skills training so that residents of the community can move from welfare to work in an area which has a high demand for hi-tech skills. Those same young people are spending time doing their homework, having some fun and learning new skills during the very after hour schools when they are most at risk for joining gangs, committing violent crimes and becoming involved in illegal drugs. As the prosecutors interact with the young people and their friends and relatives, they develop relationships which carry over into the criminal justice system. When a crime occurs, the prosecutor is more likely to be able to convince an eyewitness to testify; is more likely to know who can get a former gang member to cooperate and - even more important - who can tell a young person skating on the edge of gang membership that he is about to make an unwise decision.

In Oakland, California, the City Attorney is concentrating on ridding neighborhoods of illegal drugs. Community prosecutors learned that drug traffickers were hiding those drugs in abandoned cars left parked on the street. Originally a nuisance offense, the City Prosecutor was able to rid the neighborhood of an easy place to stash drugs by enforcing local ordinances against abandoned junk cars. Without the intelligence information, nobody would ever have realized that one way to interdict drug flow was to enforce a simple local ordinance.

In Washington, DC, where the United States Attorney is also the local prosecutor, Deputy Attorney General Eric Holder started a community prosecution program in one high-crime police precinct. After just two years, that police precinct moved from being the second most crime-ridden precinct in our Nation's capital to its second safest. Based on those results, the United States Attorney has expanded community prosecution citywide.

In Lowell, Massachusetts, a community prosecutor in the juvenile division convenes weekly meetings with the principal of the local high school, juvenile probation and parole officers, and the police gang unit. He also maintains contact with the juvenile drug program leaders and with juvenile offenders. As a result, because the community is sharing information and keeping tabs on them, juvenile offenders have done a better job of sticking to the terms of their probation and - when they do not - probation revocation is a swift and certain thing.

In Indianapolis, Indiana, prosecutors were placed in four police districts to work with citizens' groups and police officers on drug markets, domestic violence and disorder crimes. As a result, community groups are now helping to identify crime "hot spots" and observing key cases as they move through the court process; police investigations are more thorough and the central prosecutor's office is making more informed decision about who to charge and with what crimes. The program is so popular with the public, that it has been expanded to serve the entire county.

In Portland, Oregon, the district attorney has assigned a "Neighborhood DA" to each of several communities. These prosecutors work closely with neighborhood groups to solve problems identified by the community. They organize citizen patrols, draft trespass ordinances to keep drug dealers away from the community; train landlords to identify and screen out drug dealers; work with housing inspectors to target properties used for drug dealing and work with other public and private agencies to clean up crime-ridden areas.

In Montgomery County, Maryland, State's Attorney Doug Gansler has assigned every one of his prosecutors to a community, becoming the first prosecutor to implement community prosecution office-wide. The police, the community and local businesses all know who "their" prosecutor is and who will follow their case from start to finish.

In Los Angeles County, California, District Attorney Gil Garcetti has moved prosecutors into a community center in Whittier, California. Police and prosecutors determined that some local public housing was being used to harbor criminals and that hard-working low-income residents were either moving out or living in fear. By enforcing simple housing code violations, the criminal elements were moved out and the housing is once again safe from gang and drug activity. The children living in that housing will not grow up in an environment of fear where drug use is an everyday happening.

Community prosecution benefits all communities. It works in large, medium and small cities as well as suburban and rural communities as well. It also transcends economic boundaries and works in high and income neighborhoods just as well.

FSP_CP_07152000 V2.0
FSP_CP_07152000 V2.0 WORD
07152000-1515