

VACA Launches Innovative Best Practices Program with Law School

by Deirdre Norman

In what may be the first collaboration of its kind in the country, the Virginia Association of Commonwealth's Attorneys (VACA) has joined with the University of Richmond School of Law to create a learning experience for third-year law students focused on the research and analysis of best practices issues in the commonwealth and across the country.

The Prosecution Project, as the partnership is called, begins in the spring semester of 2016, and is spearheaded by VACA's Committee on Justice and Professionalism and Professor John G. Douglass of the law school.

The Committee on Justice and Professionalism is co-chaired by two commonwealth's attorneys, Denise Lunsford, of Albemarle County, and Theo Stamos, of Arlington/Falls Church. For this initial program, the committee has outlined four major areas of best practice interest: special prosecution, drug prosecution strategies, use of police-worn cameras, and conviction integrity units.

According to Lunsford, "Unlike some third-year programs aimed at giving students practical courtroom experience, this project is specifically focused on best practices for prosecutors, and the research and analysis of what is going on across the commonwealth and in other states. Because no one has implemented this type of program for students, other states will be looking to us to see what comes out of this endeavor."

Lunsford believes that the public is often unaware of the many different factors that go into developing best practices—factors that include the differing policies of elected officials, the varying sizes of police forces and prosecutors' offices, and the types of crime most prevalent in particular communities. "There is a misconception that we as prosecutors are only focused on conviction rates," says Lunsford. "But we care about the system, the individuals involved in the system, and getting it right. Students will see first-hand the issues we face and the responsibilities we carry."

According to Douglass, "I've always applauded the efforts of the Committee on Justice and Professionalism, and I had an opportunity to develop a course for third-year students that will allow them to learn best practices directly from the members of the committee—experienced prosecutors like Denise and Theo, and (Commonwealth's Attorney) Mike Herring here in Richmond.

"My hope is that the students take away not only the value of these attorneys' knowledge, but the integrity of the process. The students will contribute their research and analysis and writing skills, and both sides will be extremely beneficial to each other."

Douglass adds, "These four areas of best practice are broad, but they are good starting points for our students. Obviously, we will not resolve any of these issues in a semester, but hopefully we are beginning a program here that builds on itself over time."

The initial class will include only eight students, each of whom have expressed an interest in careers as prosecutors, and some of whom have already had externships in prosecutors' offices.

Says Lunsford, "We will focus on best practices as they affect what we need to know as prosecutors, and analyze what is going on in the rest of the country and what is being written about in law review articles on issues ranging from discovery to internal affairs investigations."

Lunsford points out that each jurisdiction is unique—whereas Albemarle County has an open file policy on discovery, others do not. According to both Lunsford and Douglass, this project will allow the students to research and learn about the myriad factors affecting different prosecutorial jurisdictions, including body camera footage, internal affairs files, and wrongful conviction units, which may be far more easily implemented in large jurisdictions than in smaller ones.

"We try to make the best decisions for our community," Lunsford says. "And these students, whether they ultimately decide to practice as prosecutors or defense attorneys, will benefit from helping us explore these best practice processes and understanding why one jurisdiction may settle on a policy or practice that is different from that in a neighboring jurisdiction."