



California's Prosecutors - Innovative Programs -

National Prosecutors' Consortium



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The Evolving Role of the Prosecutor

Over the last forty years, there has been a dramatic transformation and expansion of prosecutors' mission, to not only vigorously prosecute criminal cases, but also to engage in crime prevention, problem solving and community partnerships. Prosecutors' fundamental goal is to protect the community and ensure justice when enforcing the law. Traditionally, a prosecutor's role was a limited and relatively passive one - to evaluate and prosecute arrests made by the police.¹ That role has expanded and evolved significantly. The shift is driven by the need for more complex solutions that not only seek positive outcomes for victims, but also strive for long-term solutions for preventing crime and assisting those who are entangled in the criminal justice system.

Prosecutors are uniquely situated to be effective in carrying out these new initiatives. They play a pivotal role in the criminal justice system, making decisions and exercising discretion about whether to prosecute, whom to prosecute, and how to prosecute. Also, as leaders in law enforcement, prosecutors can work with the police and other partners to improve community relationships and to build trust in the criminal justice system.



1. Catherine M. Coles, *Evolving Strategies in 20th- Century American Prosecution*, in *THE CHANGING ROLE OF THE AMERICAN PROSECUTOR, 182-187* (John L. Worrall & M. Elaine Nugent-Borakov, eds., 2008).

The National Prosecutors' Consortium

The National Prosecutors' Consortium (NPC) project is designed to collect information on innovative programs employed by prosecutor offices, to assist prosecutors in developing and deploy-

ing new programs, and to expand their research capabilities. The main areas of focus are the prevention of violent crime, community engagement, and encouraging victim/witness cooperation.

Many of the nation's prosecutors relish the opportunities presented by their expanded roles in the criminal justice system and have adopted innovative programs. However, the nature of their new initiatives is impacted by the size and resources of the organization. A large office with plentiful resources can implement multiple forward-thinking initiatives that impact a large segment of their population. Conversely, a smaller jurisdiction may only have the capacity to develop a smaller, yet still meaningful initiative.

Innovative programs described in this paper are newly developed initiatives undertaken by an office in keeping with its unique resources and the needs of its community. Ideas for new programs are freely shared amongst prosecutors and can nevertheless be innovative when they are introduced, implemented and customized to suit the needs of a particular office. For instance, a program that would be considered innovative in a smaller office, may be more common-place in a larger office. We seek to highlight those offices that are embracing their new role by working within their capacity to bring effective and proactive programs to their communities.



Innovative Programs - Examples

To demonstrate the variety of innovative programs initiated in California, four offices are highlighted: San Diego, the largest of the group with over three million residents; Alameda and Sacramento Counties, each with just over 1.5 million residents; and Yolo County, the smallest with approximately 220,000 residents.

San Diego created and implemented a Law Enforcement Strangulation Protocol to better educate first responders on responding to strangulations and improving outcomes for survivors. Alameda implements Justice Restoration to improve outcomes for youth on felony probation. Sacramento developed an app that connects youth in the community to local services they are seeking. Yolo runs a neighborhood court and a mental health court to provide alternatives and more tailored resources to offenders that would otherwise end up in the criminal justice system.

San Diego County District Attorney's Office

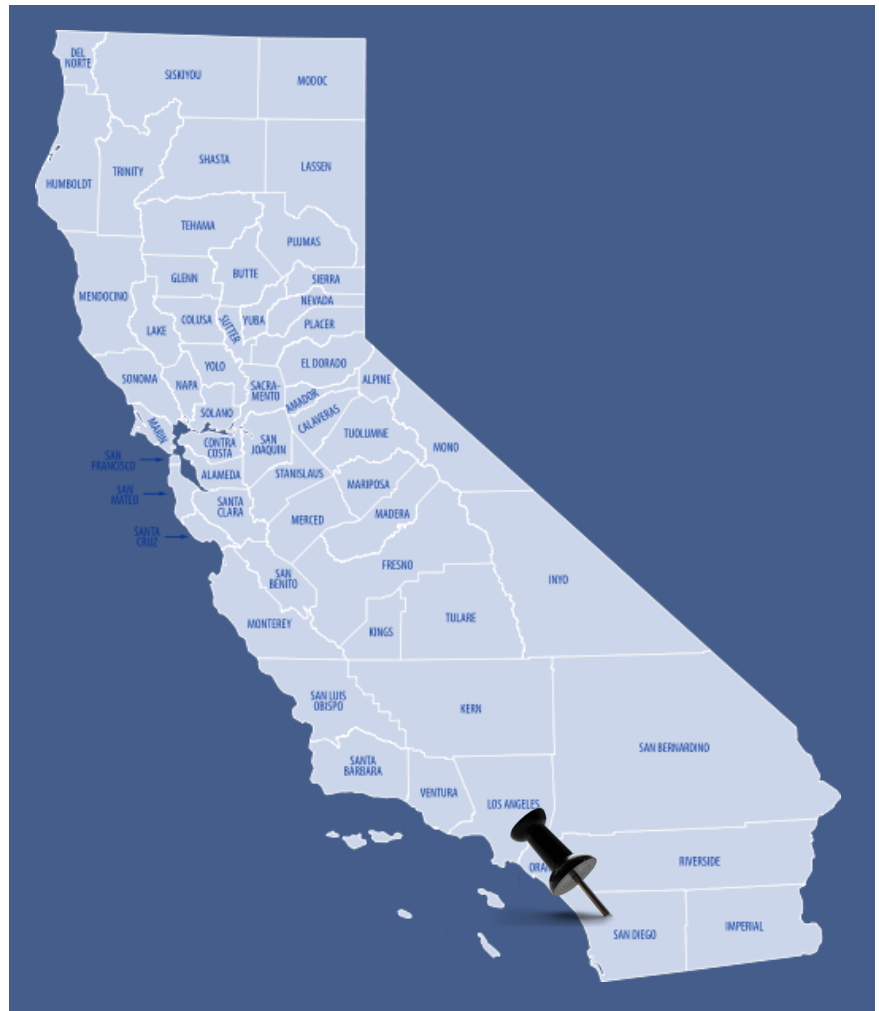
Population: 3,343,364

Number of Prosecutors: 324 full-time prosecutors, 28 part-time prosecutors

Law Enforcement Strangulation Protocol

Collaborative Approach to Investigating and Prosecuting Strangulation Cases

Strangulation is an important indicator for future lethal domestic violence. Today's non-lethal strangulation can be tomorrow's homicide, and victims are often unknowingly close to death. During strangulation, external pressure put on the neck can result in a lack of oxygen to the brain. Loss of consciousness may result, and if continued, ultimately death. Female survivors of non-fatal strangulation are six times more likely to become a victim of attempted homicide and more than seven times more likely to become a victim of homicide. Over the last 22 years, 13% of the Domestic Violence homicides in San Diego County have been the result of strangulation or suffocation, and strangulation accounts for about 10% of all violent deaths in the U.S.



With an average of over 17,000 domestic violence incidents in San Diego County, District Attorney Summer Stephan and the San Diego County District Attorney's Office (SDDA) have developed a coordinated strategy for prosecuting Domestic Violence. The Office began by delving into their internal crime data to see where a difference could be made. Noticeably, few strangulation cases were being submitted to the SDDA, and even if the cases were being filed, they were rarely

filed as felonies. The office took a closer look at how the cases should be handled from beginning to end.

The SDDA convened a meeting with law enforcement partners to discuss how to improve the detection and documentation of strangulation. The group, which included the District Attorney, the county's twelve police chiefs, the Sheriff and the City Attorney, met for eight months. Ultimately, the group endorsed protocols to guide the identification of strangulation and enhance evidence collection at all phases of a case.

The new protocols touch all phases of a case. From dispatch, to first responder, to investigating detective, to prosecutor – the group collectively committed to looking at these cases differently. Dispatchers and 911 operators are encouraged to ask callers whether, during the incident, anything went around or against their neck, and are trained to dispatch emergency medical aid if warranted. First responding officers ask questions about non-visible symptoms such as raspy voice or difficulty swallowing because often, strangulation leaves no outward visible signs or symptoms. First responders and detectives complete a domestic violence supplemental form with questions related to strangulation and also complete a strangulation documentation form when the victim indicates evidence of strangulation.

Follow-up investigators take photographs and, when possible, have the victim demonstrate the strangulation on a mannequin in order to better understand the incident. To preserve the evidence of strangulation, the SDDA utilized grant funds to provide every law enforcement agency with cameras and a training video on how to best capture and document strangulation-related injuries. At the charging stage, law enforcement officers submit cases of strangulation to the SDDA for felony review, instead of misdemeanor review.



The SDDA collaborates with the Medical Examiner's Office physicians and other medical professionals in the community to provide expert testimony about strangulation. This testimony is sought at both the preliminary hearing and in jury trials to prove necessary elements required by the state Penal Code sections for proof of more serious crimes.

With funding from San Diego County, forensic nurses conduct Domestic Assault Forensic Examinations (DAFE) for domestic violence victims who have been strangled. At any time, law enforcement can request a DAFE in serious cases and trained forensic nurses will travel anywhere needed including a hospital emergency room to perform the exam. During this examination, nurses obtain the victim's medical history, document what occurred during the incident, photograph any injuries, and complete a head to toe medical examination. With the consent of the victim, the DAFE is submitted with the law enforcement package to the prosecutor for review. Over 300 of these exams have been conducted to date.

Cases with a DAFE submitted are 40% more likely to be filed by the SDDA and for strangulation cases submitted with a DAFE, the felony-issuing rate is 97% as compared to 81% when not submitted with a DAFE. Overall, the SDDA has more than tripled its yearly felony strangulation prosecutions and has seen a 225% increase in the monthly felony strangulation filing rate since implementation of the protocol.

Domestic Violence Prevention and Awareness

For Domestic Violence Awareness month, the SDDA is jointly sponsoring a "DV Health CARES" campaign designed to spread awareness and encourage the screening for and reporting of non-lethal strangulation. Physicians and other public health professionals are partners in this initiative. Recently, the county Health and Human Services department released a [health advisory "alert"](#) describing the dangers and potential lethality of strangulation. Medical professionals countywide will be distributed a "CARES kits" which encourages and trains medical workers to "C"onduct screening, "A"ssess for signs and symptoms of strangulation, "R"eport suspicious injuries to law enforcement, "E"valuate a patient via forensic examination, and provide a "S"afety plan that connects the patient to resources. The kits include medical protocols, information about strangulation documentation, and resources for patients.

The SDDA's enhanced and coordinated community response to strangulation cases has significantly enhanced its goal of protecting domestic violence victims and preventing future harm.

Alameda County District Attorney's Office

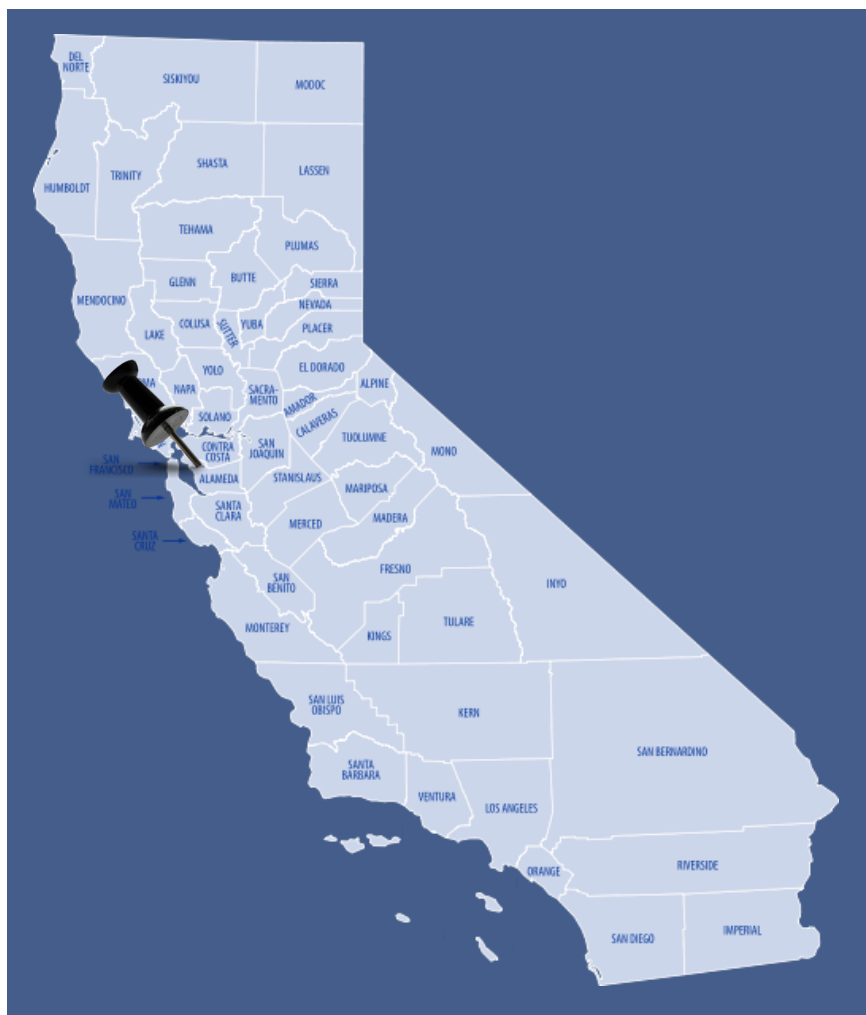
Population: 1.6 million

Number of Prosecutors: 155 full-time prosecutors, 10 part-time prosecutors

Justice Restoration Project

In September 2017, the Alameda County District Attorney's Office developed and spearheaded the Justice Restoration Project in collaboration with the County Administrator's Office, the Sheriff's Office, the Harvard Kennedy School Government Performance Lab, and Building Opportunities for Self-Sufficiency (BOSS), among other county partners and community-based organizations. The program is a Pay For Success Project, with seed funding awarded by the Board of State and Community Corrections through a competitive grant program.

Pay For Success is a fiscal partnership between a government agency, in this case Alameda County, under the leadership of the District Attorney's Office, and private or foundation funders. Funders include Alameda County and the Board of State and Community Corrections (BSCC), pursuant to California Assembly Bill 1837. Additionally, transaction-structuring support comes from the California Pay for Success Initiative, administered by Nonprofit Finance Fund and funded by The James Irvine Foundation, and an award to Nonprofit Finance Fund funded through 2014 appropriations from the Social Innovation Fund Pay for Success Transaction Structuring Competition.



The guiding principles of the Justice Restoration Project focus on successful outcomes for young adults who are on felony probation or who have been charged with certain felony crimes. Not only does the project focus on reducing and eliminating recidivism, but also on providing the resources and processes for individuals to build bright futures. The Justice Restoration Project targets young adults ages 18-24 who are evaluated by WestEd, an independent research and assessment organization.

The project enables Alameda County to create and implement a new model for addressing community safety by breaking the cycle of crime and incarceration with intensive services that include individualized coaching and intensive case management. It moves away from the process of repeatedly jailing low-level offenders without providing necessary services to fix the root issues. The project served 29 young adults in its pilot phase, and after January 2018, began serving an additional 150 young adults.

La Familia Counseling Services is a key partner in the project. They are a community-based organization that supports young adults returning to their neighborhoods in Alameda County through their Individualized Coaching Model. Participants are paired for 18 months with La Familia coaches who have similar life experiences, and who can provide dedicated engagement and mentorship. Coaches coordinate with trained professionals to streamline access to an array of services that is otherwise challenging for participants to navigate without support.



According to District Attorney Nancy O'Malley, "This project provides a pathway for a better life. Under the leadership of the District Attorney's Office, we are changing the paradigm from simply supervision-based probation, to building outcomes of success. We understand that recidivism is a problem that affects communities throughout the county, the state, and the nation."

The program is currently undergoing independent assessment by WestEd, a nonprofit organization that provides research, development, and other services to help achieve equity and promote learning for people of all ages. WestEd is conducting a two year, randomized control trial that will be completed in 2019. Preliminary results have been positive, as there was a reduction in the number of re-arrests for program participants due to any new felony or misdemeanor arrest as compared to a similar group not participating in the program.

Sacramento County District Attorney's Office

Population: 1.5 million

Number of Prosecutors: 170 full-time prosecutors, 3 part-time prosecutor

Youth & Community Connect (YCC) App

The District Attorney's Office, in partnership with Always Knocking, Inc., La Familia Counseling Center, Inc. and Brother to Brother, hosts a collaborative youth resource phone app called Youth & Community Connect (YCC). The app is endorsed by Blue Shield of California, Big Brothers Big Sisters of the Greater Sacramento Area, Sac Connect, Asian Resources, Inc., City of Refuge, Chicks in Crisis, the City of Sacramento's Office of Violence Prevention and the Summer @ City Hall (S@CH) program, among others.

The app is the first of its kind specifically dedicated to youth and their families, linking them directly to resources and youth services in Sacramento County. The breadth of resources and services available reflect the high level of community participation in the effort. Community and faith-based organizations, schools, as well as city, county, and other government agencies all provide services and resources.





The app's features include:

- Four easy ways members of the community can find helpful organizations and resources. They can search by organization name, type of resource, criminal justice specific programs, and by zip code.
- A detailed page listing for each organization including a description of the organization and contact information.
- Easy-to-find information with programs and services categorized by specific needs and linked directly to the organization's website.
- A direct pathway to youth criminal justice programs.

Law enforcement agencies including the Sacramento Sheriff's Office, Sacramento Police Department, and Sacramento Probation Department also have the app on their work-issued phones.

Obtaining the app is simple. Individuals can download it from sacyouthconnect.org free of charge. Organizations within Sacramento County can register to be included in the app at agency.sacyouthconnect.org. Participating nonprofit organizations are required to be a 501(c)(3) and have insurance.

According to District Attorney Anne Marie Schubert, "This new app will make it easier for youth and their families to access the resources and services available to them in Sacramento County. I believe if we connect with our youth through outreach, education and intervention, we create a stronger and healthier community for everyone."

Yolo County District Attorney's Office

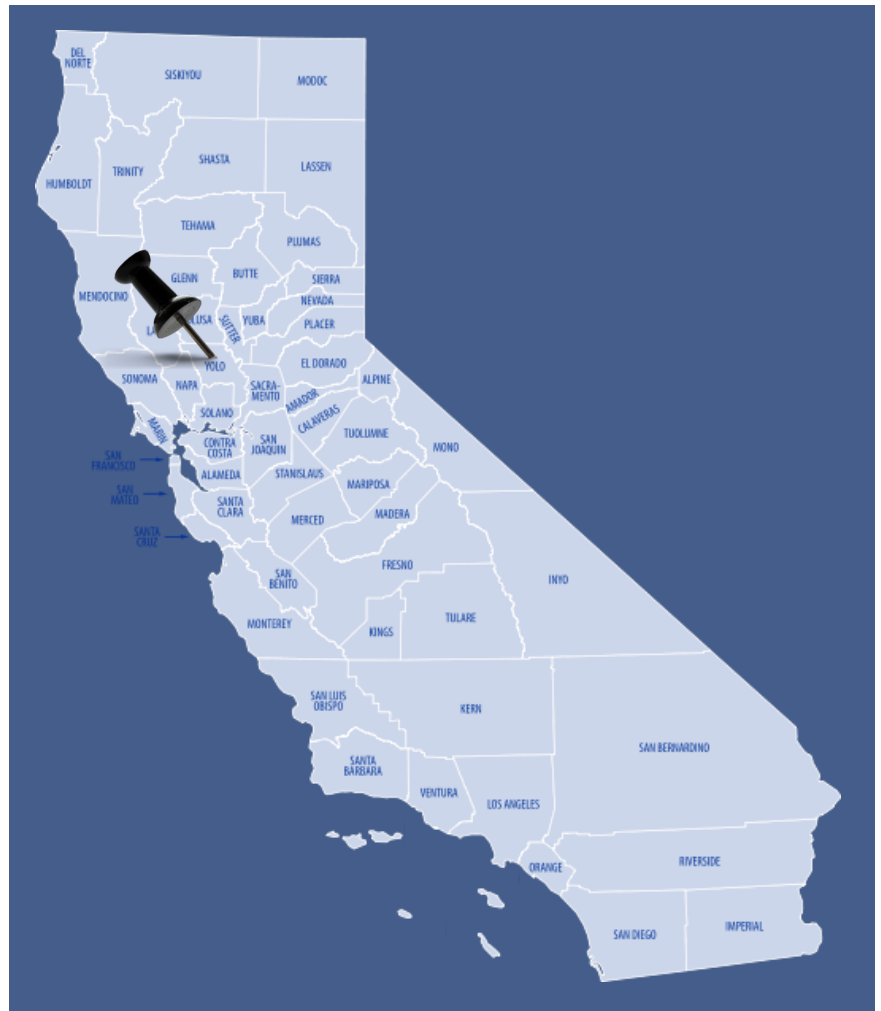
Population: 220,408

Number of Prosecutors: 42 full-time prosecutors

Neighborhood Court

Yolo County's Neighborhood Court program was inspired by a similar restorative justice approach in the San Francisco District Attorney's Office. Using the San Francisco program as a blueprint, the Yolo County District Attorney's Office worked with community members who had direct experience in restorative practices to develop the program's signature three-step mediation process. This involved citizens meeting with offenders and victims, resolving certain criminal charges outside of the traditional court system, and allowing low-level adult offenders to be redirected out of the criminal courts and into a community-based process. This innovative approach was one of the first of its kind in California.

One aspect of the Neighborhood Court process that contributes significantly to its success is the promise of confidentiality. Nothing expressed to any program staff members can be used against offenders in the event that they fail to complete Neighborhood Court, at which point the District Attorney's Office proceeds with traditional prosecution. This creates an atmosphere that establishes connections between the offenders, the community participants, and the victims who choose to partici-



pate. In fact, as part of the program’s eligibility criteria, an offender must be willing to take responsibility for the conduct for which he or she was cited.

During the facilitated conference, the participant gives an account of the events that led up to the crime they committed. The panelists then (1) ask questions of the participant to understand the circumstances around the crime; (2) work with the participant to identify harms experienced as a result of the crime; and (3) decide together with the participant the necessary steps for reconciliation, and discuss future intentions on how to avoid repeating the behavior. Volunteers receive redacted versions of the police reports to reference during the discussion.



The restorative justice system coexists with the traditional justice system, relying on the authority of the courts to incentivize participation in Neighborhood Court. Similarly, the restorative justice system also frees up time and energy previously spent on prosecuting these offenses to focus on more serious crimes and improve outcomes. These two systems, ideally, not only can coexist, but have the potential to strengthen one another.

Evolution and Expansion

In the years since its inception, Neighborhood Court has continued to grow and evolve. In 2015, the District Attorney's Office received a federal Justice Assistance Grant (JAG), providing the additional staffing necessary to expand the Neighborhood Court program countywide. Neighborhood Court originally began as a first-time offender program, but the revised eligibility criteria through the JAG grant allowed any offender with no misdemeanor convictions in the past five years and no felony convictions on record to participate. Over time, this eligibility has continued to expand as the program's outcomes have reinforced the effectiveness of this approach.

Neighborhood Court receives support from over 200 trained volunteers throughout Yolo County, with six entry-level training opportunities held every year. Recruitment is continuous, with staff participating in over 40 community outreach events annually and maintaining an active social media presence. Neighborhood Court receives substantial support from the UC Davis student population, with active recruitment of students to serve as program volunteers and interns.

Throughout the program's five-and-a-half-year lifespan, Neighborhood Court has developed a wide variety of community partnerships that have expanded the scope of programming available for participants. These partners include the Yolo County Health and Human Services Agency; Empower Yolo, a domestic violence center/family resource center; the National Alliance on Mental Illness; Mothers Against Drunk Driving; the Center for Intervention based in Solano County; All Leaders Must Serve, a local mentorship program for transition-aged youth; the Yolo County Office of Education and adult schools throughout the county; local libraries; CommuniCare, a federally qualified health center; United Way; the Yolo County Children's Alliance; the Yolo Food Bank; and organizations serving the homeless, such as Fourth and Hope and Davis Community Meals.

Program staff maintain a comprehensive "Menu of Options" to assist volunteers in the agreement crafting process. This list contains 125 distinct resources and assignments categorized by potential needs, including resources for employment, substance misuse, education, behavioral health, and various economic issues.

Program Impact

Due to the success of the program, the Yolo County District Attorney's Office gradually expanded into diversion of more serious misdemeanors and, as of August 2018, nonviolent felony

-level charges. Neighborhood Court has accepted referrals for felony grand theft, vandalism, and welfare fraud charges. Diversion also has been offered as part of a plea deal for a combination DUI/resisting arrest charge, where the resisting arrest charge was dismissed after participation in Neighborhood Court and the defendant pled guilty to the DUI charge.

In 2017, the Neighborhood Court was nominated for the National Criminal Justice Association's Outstanding Criminal Justice Program Award.

Program Outcomes

Since the program began in 2013, Yolo County's Neighborhood Court has resolved over 1,500 cases, and 92.7% of program participants have successfully completed their agreements, a substantially high completion rate. An internal [study](#), designed by the program's independent evaluator and conducted in 2017, found that only 4.8% of Neighborhood Court's misdemeanor-level participants were re-arrested within the first year post-completion. As of 2017, the program's caseload was 90% misdemeanors, compared to 42% during the program's infancy. As the program has shifted towards a caseload that is primarily misdemeanor-level charges, [detailed analyses](#) of the program's outcomes have proven the effectiveness of the restorative justice approach.

Mental Health Court (MHC)

In 2013, the District Attorney's Office played an instrumental role in starting the Mental Health Court (MHC) program—a strategic program designed to effectively address the increasing number of seriously mentally ill defendants cycling through local courts and jails. Since the program's inception, Yolo County prosecutors have focused additional attention on defendants who commit crimes as a result of serious mental illness, ultimately benefitting both the community and the offender. Through the program, participants receive community treatment services with the aim of increasing the participant's insight into their mental illness, reducing recidivism, and enhancing public safety.

MHC relies on a number of key partners that include the Yolo County Superior Court, Probation Department, Health and Human Services Agency, the Public Defender, and the District Attorney. The program lasts a minimum of 18-months and is a collaborative court-based treatment and monitoring system for adult offenders with serious mental illnesses. It serves up to 15 Yolo County residents at any given time who suffer from serious mental illnesses and who are charged with misdemeanor or felony offenses. Yolo County is in the process of expanding the number of par-

participants with additional grant funding. The program focuses on four goals: improving treatment engagement, reducing recidivism, reducing jail bed days, and decreasing local and state hospital bed stays.

Program participants progress through four phases: orientation and treatment plan development, early recovery, active recovery, and sustained recovery. Progression through the four phases includes increasing days of sobriety, writing a reflective essay at the completion of each phase, and consistently participating in treatment. The last phase of the program is unique—it is a restorative justice component where participants spend four to six weeks recounting their crime and the circumstances that led to the crime. The participant acknowledges the person they harmed through the crime and how they were harmed. Lastly, the participant addresses the question of what needs to be done to make things right.



A results-based assessment conducted during fiscal year 2017-2018 showed significant accomplishments. During the 12-month period after enrolling in Mental Health Court, participants had a 96% decrease in jail bed stays, a 100% decrease in local hospital bed stays and a 100% decrease in state hospital bed stays. During the 12-month period after leaving Mental Health Court, participants had a 96% decrease in jail bed stays, a 67% decrease in local hospital bed stays, and a 100% decrease in state hospital bed stays.

