



The Problem-Solving Prosecutor: Modern Variations on the Crime Strategies Unit



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INTRODUCTION

Intelligence-Driven Prosecution: A New Mindset

The role of the prosecutor is evolving faster than ever. Traditionally, the prosecutor's role begins after law enforcement makes an arrest and ends once the defendant is held accountable. Today, prosecutors are expanding on that traditional role by adopting the mindset of problem solvers for their communities.

Intelligence-driven prosecution, a framework developed by the New York County District Attorney's Office (DANY) in 2010, captures the new problem-solving mindset.¹ The goal of intelligence-driven prosecution is to holistically improve public safety rather than just to prove individual cases.² This approach calls for the prosecutor to collaborate with law enforcement and community partners, understand crime trends, gather information on individuals driving crime, and make decisions that are informed by relevant context beyond the elements of the cases they are prosecuting.

As a corollary of knowing which individuals are driving crime trends, an intelligence-driven office knows which individuals are not driving crime trends. Thus, an intelligence-driven office can confidently determine that many individuals are not priority defendants, and therefore can be treated less harshly and more therapeutically. This allows for a targeted approach to prosecution, which can positively impact the relationship between prosecutors and communities where crime is prevalent.

This paper illustrates the expanding role of the prosecutor.

Modern prosecutors no longer simply react to arrests, but instead they engage with their communities, learn about crime trends, and ask broader questions about how to improve public safety in a manner that is effective and fair.

¹ See [Appendix - Additional Resources](#) for presentation on Intelligence-Driven Prosecution and Crime Strategies Units.

² See Andrew Warshawer. *La persecución penal inteligente y la Unidad de Estrategias Penales: el modelo de Nueva York [Intelligence-Driven Prosecution and the Crime Strategies Unit: The New York Model]*, 23 SISTEMAS JUDICIALES 104, 05/2020. English version on file with PCE and available by request.

Modern prosecutors are problem solvers, and intelligence-driven prosecution contributes to that role.

Crime Strategies Units

A Crime Strategies Unit (CSU) is the vehicle for implementing intelligence-driven prosecution.

A CSU collects data and intelligence on crime trends and individuals driving crime, analyzes the information, forms partnerships with related agencies and gathers input from the community on public safety issues.

This work informs prosecutorial decisions, improves the flow of information into the prosecutor office, and provides support for individual prosecutions and investigations. As explained further in this paper, prosecutors that do not have the resources for a separate CSU, can develop processes within their office that provide the benefits of a CSU.

The first CSU was formed by DANY in 2010 and has served as an influential example around the country.³ Prosecutors have benefited from countless mentoring sessions by DANY and intelligence-driven prosecution conferences that DANY has held annually since 2015. As a result, many prosecutor offices have formed CSUs over the past decade. The CSU concept has evolved and improved, and CSUs have been customized based on the needs and available resources of each community.

This paper is guided by the experience of people working in CSUs. Prosecutors' Center for Excellence (PCE) began by studying the DANY CSU, and then studied CSUs in prosecutor offices across the country, including both large and small offices. PCE interviewed a total of thirteen prosecutor offices. PCE primarily interviewed prosecutors leading CSUs, but also interviewed crime analysts and investigators working in CSUs. PCE learned how each CSU has evolved and discovered many variations among CSUs.

The goal of this paper is to provide guidance to prosecutors who wish to de-

³ See Jennifer A. Tallon et al., *The Intelligence-Driven Prosecution Model: A Case Study in the New York County District Attorney's Office*, CENTER FOR COURT INNOVATION, 09/2016, [HTTP://WWW.COURTINNOVATION.ORG/SITES/DEFAULT/FILES/DOCUMENTS/IDPM_RESEARCH_REPORT_FINAL.PDF](http://www.courtinnovation.org/sites/default/files/documents/idpm_research_report_final.pdf) (last visited 08/28/2020) (describing DANY's CSU in detail).

velop or enhance intelligence-driven prosecution through a CSU, or to adopt some elements of the CSU concept. This paper distills the elements of a CSU and explains how they can be implemented in prosecutor offices of all sizes. These elements do not necessarily require creating a CSU as a distinct unit in the prosecutor office; smaller offices can have success in implementing these elements through changes in process.

EXECUTIVE SUMMARY

The following is an executive summary of this paper’s guidance on developing or enhancing intelligence-driven prosecution through a CSU, or through processes that accomplish goals similar to those of a CSU.⁴ The full paper includes a deeper discussion of the various issues to be considered by prosecutors, as well as examples from prosecutor offices of various sizes.

Definition of a CSU

A Crime Strategies Unit (CSU) is the vehicle for implementing intelligence-driven prosecution. A CSU collects data and intelligence on crime trends and individuals driving crime, analyzes the information, forms partnerships with related agencies, and gathers input from the community on public safety issues. This work informs prosecutorial decisions ranging from crime initiatives to alternative sentencing, improves the flow of information into the prosecutor office, and provides support for individual prosecutions and investigations. Prosecutors that do not have the resources for a separate CSU, can develop processes within their office that provide the benefits of a CSU.



Staffing

There is no single model for staffing a CSU. The only generally applicable principle is that the CSU should include at least one prosecutor and at least

⁴ The considerations provided in this report were gathered from existing research as cited in the report, as well as from interviews with eighteen conviction review experts from prosecutor offices in small-, medium-, and large-sized jurisdictions.

one crime analyst. Many CSUs also include investigators and paralegals, and some recruit interns. There is significant variation in how many individuals are included in each role, whether they are committed to the CSU on a full-time or part-time basis, and the extent to which the CSU's work blends in with other initiatives of the office.

Elements of a CSU

The central element of a CSU is building strong partnerships. These partnerships are with law enforcement, the community, and prosecutors in its own office. The partnerships are foundational because they enable success in the other possible elements of a CSU. They also require no funding and can be accomplished by an office of any size. This central element is discussed in the Building Foundational Partnerships section.



There are three other elements of a CSU, each discussed separately in a section of the paper: Gathering Data and Intelligence, Guiding Prosecutorial Decisions, and Supporting Prosecutions and Investigations. These elements depend on the core element of having strong foundational partnerships. Depending on resources, prosecutors can focus on all three elements equally or they can focus on some more than others.

This paper outlines the various tasks the CSU can adopt within these elements. Some tasks build on others, while some tasks are independent. Each can provide significant benefits, but some also introduce legal, ethical, and technological considerations.

The following is a summary of the elements of a CSU.

Building Foundational Partnerships

The CSU builds and maintains strong partnerships with law enforcement, with the community, and within the prosecutor office itself. In creating these partnerships, the goal is to develop collaboration, trust, and willingness to share information. This is the first step in creating a CSU.

Gathering Data and Intelligence

Once trust and partnerships are established, the CSU can gather reliable information from law enforcement, the community, and prosecutors by:

- Exchanging information through collaboration with law enforcement and other partner agencies.
- Automating the flow of data into the prosecutor office, including crime and arrest data.
- Organizing data and intelligence stored at the prosecutor office, subject to legal, ethical, and practical considerations, to enhance decision making.

Guiding Prosecutorial Decisions

The CSU informs the office's focus and the prioritization of individual prosecutions by:

- Analyzing crime trends to identify public safety problems of greatest importance to the community and to guide office initiatives.
- Studying individuals connected to crime trends and advising on appropriate treatment of defendants.
- Maintaining an arrest alert system that provides real-time information to assist with prosecutorial decisions.

Supporting Prosecutions and Investigations

The CSU provides assistance to prosecutors and law enforcement on specific cases and investigations. The CSU can assist by:

- Supporting individual prosecutions by supplying context, evidence, contacts, and data analysis.
- Supporting law enforcement by collaborating on investigations, providing technical assistance, and sharing intelligence.

DEVELOPING A CSU FOR AN OFFICE OF ANY SIZE

The CSU concept can be implemented in a prosecutor office of any size, even with limited resources. In the framework this paper describes, a prosecutor office has flexibility in choosing which elements to adopt and how far to go within each element. There is low-hanging fruit for any office.

Although this paper uses the convention of referring to the CSU as a distinct unit, the CSU can also be a set of processes run by lawyers and staff who also have other unrelated duties. A CSU is most likely to be a distinct unit in a large- or mid-sized office, but the concepts described here can take various forms.

Depending on how the CSU is customized, it may be appropriate to name it something other than a CSU to clarify its focus. For example, the Delaware Department of Justice (DDOJ) has a Violent Crime Enterprises Unit, which can be thought of as a CSU but has been named to reflect its focus on violent crime.⁵

Another example is the Crime Strategies and Community Partnerships Unit of the Office of the DeKalb County District Attorney, which is named to reflect that, in addition to focusing on the elements of a CSU, it also focuses on community partnerships.⁶ A unit that focuses solely on gathering data and intelligence, and not the other elements of a CSU, could be called the Data and Intelligence Unit. Regardless of the name, such units include one or more of the elements of a CSU.

Staffing

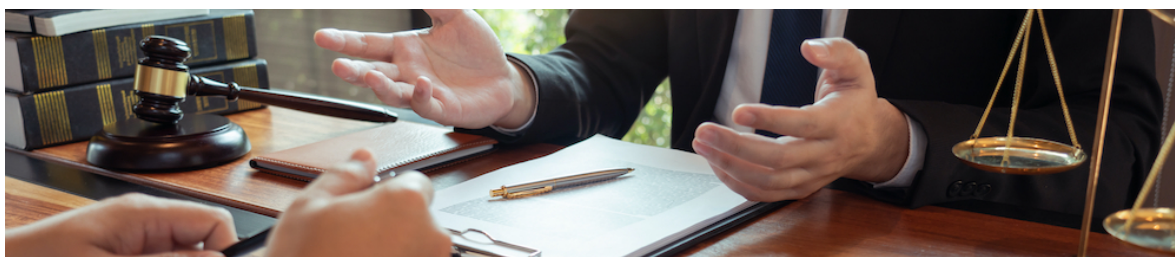
There is no single model for staffing a CSU, and the only generally applicable principle is that the CSU should include a prosecutor and a crime analyst.

⁵ Video interview with Jamie McCloskey (Deputy Attorney General & Head of Violent Crime Enterprise Unit), Delaware Attorney General's Office, Delaware (08/12/2020). Notes on file with PCE.

⁶ Video interview with Sonja Brown (Deputy Chief Assistant District Attorney & Director of Community Affairs), Office of the DeKalb County District Attorney, Georgia (07/07/2020). Notes on file with PCE.

Many CSUs also include investigators and paralegals, and some recruit interns. There is significant variation in how many individuals are included in each role, whether they are committed to the CSU on a full-time or part-time basis, and the extent to which the CSU's work blends in with other initiatives of the office.

Prosecutors



It is essential for there to be at least one prosecutor in the CSU. This prosecutor should be a trusted and experienced member of the office who can speak credibly as a liaison to law enforcement, the community, and other prosecutors within the office. A prosecutor should also understand the flow of data into the office and within the office, which will undoubtedly evolve over time, and provide guidance on legal questions, such as what intelligence should be stored in light of the applicable legal requirements. The prosecutor's involvement can be a part-time commitment.

Some CSUs are staffed with multiple prosecutors who all have their own caseloads and report to the prosecutor leading the CSU. Such prosecutors may be assigned cases by geographic areas or by types of crime. Staffing multiple prosecutors to the CSU provides certain advantages, as it enables the CSU to prosecute certain high priority cases on its own and to adapt quickly in response to crime trends. On the other hand, a CSU following this staffing model must take care not to allow individual casework to detract from other CSU duties.

Prosecutor Focused Model

Shelby County District Attorney General's Office (Memphis), TN
Population: 935,700; Number of Prosecutors: 112

The Shelby County (Memphis) CSU includes fourteen prosecutors who are embedded in the CSU while also handling their own caseloads, which focus on violent crime.⁷ It also includes two city attor-

⁷ The information in this section is based on a video interview with Paul Hagerman (Assistant District Attor-

neys who handle civil injunctions, gang injunctions, and blight related cases. Each of the fourteen prosecutors takes part in a taskforce based around a crime problem and attends regular meetings with law enforcement partners working on that problem. For example, one prosecutor is part of a multi-agency gang unit that reviews gang lists and tracks the most active shooters. Having many prosecutors who are staffed to the CSU and closely connected to law enforcement partners allows the CSU to be highly flexible in responding to current crime problems.

Geographic Assignment of Prosecutors

*Cook County State's Attorney's Office (Chicago), IL
Population: 5,211,000; Number of Prosecutors: 900*

The Cook County (Chicago) Gun Crime Strategies Unit includes nine prosecutors who are assigned to six geographic districts, all of which are areas with high levels of violent crime.⁸ CSU prosecutors spend significant amounts of time in the districts to which they are assigned. They gain deep knowledge of the crime problem in their districts, collaborate with local law enforcement partners, and interact with community members. CSU prosecutors vertically prosecute individuals who are identified as driving violent crime within their districts, even though the office normally does not do vertical prosecution.

Crime Analysts

Crime analysts hired by the prosecutor office are a critical part of a CSU, and most CSUs have at least one crime analyst at the center of their day-to-day operations. Crime analysts have a wide range of possible responsibilities within the CSU, so it is important for a job posting to clarify the type of analyst needed. Although some CSUs have crime analysts specialize in certain

ney & Chief of Crime Strategies & Narcotics Unit), Shelby County District Attorney General's Office, Tennessee (06/24/2020). Notes on file with PCE.

⁸ The information in this section is based on a video interview with Ethan Holland (Assistant State's Attorney & Supervisor of Gun Crime Strategies Unit & Violent Crimes Investigations Unit), Cook County State's Attorney's Office, Illinois (07/27/2020). Notes on file with PCE.

areas, it is common for these responsibilities to blend together, with the crime analyst becoming a jack-of-all-trades.

The following are common responsibilities of crime analysts working in CSUs:

- Managing the flow of data into the office and within the office.
- Managing a repository of intelligence.
- Analyzing data and intelligence to identify crime patterns and criminal networks.
- Summarizing crime patterns through statistics, maps, and timelines.
- Gathering evidence in support of prosecutions. For example, this may consist of reviewing social media posts and doing cell phone analysis in connection with specific cases.
- Preparing presentations that summarize information for trial, for other external audiences, or for audiences within the office.
- Collaborating with law enforcement to gather evidence as part of investigations, especially in areas where specialized knowledge of technology is required, such as social media analysis. Crime analysts doing this function as 21st century detectives.

21st Century Detectives

Bronx County District Attorney's Office, NY

Population: 1,432,000; Number of Prosecutors: 500

The Bronx Crime Strategies Bureau has crime analysts who are knowledgeable about local gangs and persons of interest.⁹ They are experienced at doing social media investigations, listening to jail calls, and analyzing cell phone data. Their investigations yield both general information about crime trends and specific evidence for prosecutions. These analysts work with local detectives under the supervision of their area-assigned line prosecutors, sharing information and assisting in investigations.

In hiring crime analysts, the most important criterion is to find technology-savvy individuals who are eager to work on new technical challenges.

⁹ The information in this section is based on a video interview with Vladimir Kocheulov (Assistant District Attorney & Chief of Crime Strategies Bureau) and Theresa Ramos (Principal Intelligence Analyst), Bronx County District Attorney's Office, New York (06/12/2020). Notes on file with PCE.

The following are professional backgrounds to consider:

- Paralegals who develop expertise in data collection and social media research.
- Former police department or military analysts.
- College graduates who either have studied a relevant field, such as criminology or data analysis, or have demonstrated technical aptitude.
- The National Guard sometimes assigns crime analysts to prosecutor offices from its Counterdrug Task Force (CDTF).¹⁰

The CSU should invest in training crime analysts. Even experienced crime analysts need to continually update their skills in order to stay abreast of technological change. Fortunately, there are many free training resources available. The following have proven useful to CSU crime analysts:

- The Bureau of Justice Assistance has published an Analyst Professional Development Road Map, a path for training and career development.¹¹
- The Bureau of Justice Assistance also provides a Crime Analysis Toolkit.¹²
- The National White Collar Crime Center offers online training on technology topics.¹³
- The International Association of Crime Analysts offers training and publications, and also hosts conferences.¹⁴

Offices that do not have the resources to hire a crime analyst can fill this role by training other staff, such as investigators, paralegals, or interns. They can also recruit assistance from crime analysts working for law enforcement partners.

¹⁰ National Guard, *National Guard Counterdrug Program*, [https://www.nationalguard.mil/portals/31/resources/fact%20sheets/counterdrug%20fact%20sheet%20\(dec.%202017\).pdf](https://www.nationalguard.mil/portals/31/resources/fact%20sheets/counterdrug%20fact%20sheet%20(dec.%202017).pdf) (last visited 09/06/2020). See also Nadine Wiley De Moura, *National Guard Counterdrug Program Celebrates 30 Years*, U.S. ARMY, 08/21/2019, https://www.army.mil/article/226032/national_guard_counterdrug_program_celebrates_30_years (last visited 09/06/2020).

¹¹ National Public Safety Partnership, *Analyst Professional Development Road Map, Version 2.0*, <https://www.nationalpublicsafetypartnership.org/clearinghouse/resource/845> (last visited 08/28/2020).

¹² Bureau of Justice Assistance, U.S. Department of Justice, *Analysis Toolkit*, <https://www.it.ojp.gov/cat/> (last visited 08/28/2020).

¹³ National White Collar Crime Center, *About Us*, <https://www.nw3c.org/> (last visited 08/28/2020).

¹⁴ International Association of Crime Analysts, *About the IACA*, <https://iaca.net/about-the-iaca/> (last visited 08/28/2020).

Investigators

Some CSUs include investigators, who are usually current or former police officers. Unsurprisingly, investigators often excel at fostering close relationships between the CSU and police partners. They are also valuable assets within the prosecutor office, as they can assist with gathering evidence in support of prosecutions.

There is often no clear dividing line between the role of an investigator and the role of a crime analyst. Investigators who are technology-savvy may perform some of the responsibilities of crime analysts, and some crime analysts cross over into doing investigative work.

Liaison with the Police

Pima County Attorney's Office (Tucson), AZ

Population: 1,040,000; Number of Prosecutors: 67

At the Pima County (Tucson) Attorney's Office, the CSU includes an analyst who previously worked for the Tucson police department.¹⁵ This analyst's established credibility with the police department, as well as his knowledge of the police department's processes and case management systems, helped the CSU establish a close working relationship with the police department and assists the CSU in working with police data. This analyst also has a robust understanding of local crime issues and individuals driving crime trends.

Paralegals and Interns

Paralegals support crime analysts, investigators, and prosecutors by assisting with miscellaneous tasks. These tasks may include data entry, listening to inmate phone calls, reviewing video footage, and preparing presentations for trial. The role of a paralegal can overlap with the role of a crime analyst. Many CSUs also establish programs for students at local colleges to intern in the CSUs, and they perform similar tasks to paralegals.

¹⁵ The information in this section is based on a video interview with Mark Hotchkiss (Deputy County Attorney & Trial Team Supervisor), Sean Rambaran (Criminal Intelligence Analyst), and Daniel South (Deputy County Attorney & Chief of Community Protection Bureau), Pima County Attorney's Office, Arizona (06/23/2020). Notes on file with PCE.

Student Interns

East Baton Rouge District Attorney's Office, LA

Population: 450,000; Number of Prosecutors: 54

At the East Baton Rouge District Attorney's Office, the CSU recruits between eight and ten undergraduate Sociology students from Louisiana State University as interns each semester.¹⁶ These students primarily assist with reviewing jail calls. Some students who show significant aptitude are also tasked with finding effective ways to organize and track unstructured information.

¹⁶ The information in this section is based on a video interview with Hillar Moore (District Attorney), Steve Danielson (Assistant District Attorney & Head of Crime Strategies Unit), and Jonathon Daily (Grants Manager), East Baton Rouge District Attorney's Office, Louisiana (06/22/2020). Notes on file with PCE.

BUILDING FOUNDATIONAL PARTNERSHIPS



The success of a CSU depends on collaboration and dialogue with key stakeholders.

The CSU must build and maintain strong partnerships with law enforcement, the community, and prosecutors within its own office.

These partnerships are a foundation for success in the three other elements of a CSU discussed in this paper. As the CSU develops, it may also achieve significant benefits by expanding its partnerships to other groups such as social service providers, schools, hospitals, and elected officials.

The very existence of a CSU often provides a center of gravity within the prosecutor office that fosters fruitful communication, both outside the office and inside the office. In its outward role, a prosecutor office can be a convener and problem solver to bring together stakeholders to work on public safety issues in a coordinated way. In its inward facing role within the prosecutor office, the CSU can foster a deeper understanding of public safety issues, community concerns, and individual defendants who are driving crime.

Relationship with Law Enforcement

Prosecutor offices cannot operate effectively in an institutional silo. Having a close and collaborative relationship with law enforcement requires significant investment. It is often necessary for the CSU's leadership to physically visit relevant police units, such as real time crime centers or gang units, to open channels of communication and begin collaboration on public safety issues. These initial visits may need to be repeated whenever a new commanding officer arrives.

In jurisdictions with many police departments, the CSU is especially valuable as a connector between them. CSUs working with many police departments that operate across wide geographic areas and a variety of communities often provide significant value by coordinating police department activity, ensuring that police departments are aware of common crime trends, and identifying parallel investigations of other departments.¹⁷ A minority of prosecutor offices interact with only one centralized police department, such as the New York Police Department, but they may nonetheless have a similar role as a connector between precincts within the police department.

¹⁷ See *infra* Offering Technical Support to Police.

Surveying Crime

The first step towards forming a CSU is to complete a survey of crime in the prosecutor's jurisdiction. Since the goal of a CSU is to focus prosecutorial resources on improving public safety, it is important to begin with a strong understanding of crime priorities. Even when prosecutors already have deep knowledge of local crime, completing a survey provides a more systematic and comprehensive view of the problem, and can build consensus around the strategic focus of the office. Completing a survey also serves to develop relationships and trust with law enforcement.

The survey should identify trends along three dimensions: the *types* of crimes taking place in the community, the *geographic distribution* of the crimes, and the *individuals* who are responsible for driving crime trends. Law enforcement and other government agencies are the primary source of information regarding these trends, but community organizations may offer valuable insight as well. The following are methods to consider for gathering information as part of the survey:

- Obtaining police crime data.
- Attending police meetings.
- Obtaining statewide crime data.
- Mining existing data from within the prosecutor office.
- Obtaining corrections data from jails and prisons.
- Obtaining data from other government agencies, such as public health agencies and medical examiner's offices.

Survey of Local Crime Trends

New York County District Attorney's Office (Manhattan), NY

Population: 1,630,000; Number of Prosecutors: 525

When the New York County (Manhattan) District Attorney's Office created a CSU in 2010, an extensive survey was conducted to gather information about the people, places, and problems driving crime in specific neighborhoods.¹⁸ For each of Manhattan's 22 police precincts, the prosecutor office met with police officers who were

¹⁸ The information in this section is based on Manhattan District Attorney's Office, *An Implementation Guide on Intelligence-Driven Prosecution*, 5-6, 03/2017. Document on file with PCE. Similar surveys are done by the East Baton Rouge District Attorney's Office's CSU.

most familiar with crime issues. The police provided a list of what it considered the 25 top offenders in the precinct, along with explanations of why each person was on the list. The CSU then prepared briefing books that summarized the crime problems in each precinct. Each briefing book included analyses of shootings, homicides, hotspots, and active gangs, as well as concerns about crime reported by the community. The process of preparing these briefing books was found to be valuable both for focusing subsequent prosecution efforts and for building lasting relationships with police partners in each precinct. The survey also yielded insights about overall crime trends, revealing that the major public safety problem confronting Manhattan in 2010 was gun violence driven by feuding gangs, based mainly in and around public housing developments.

Studying Non-Fatal Shootings

Jackson County Prosecutor's Office (Kansas City), MO
Population: 700,000; Number of Prosecutors: 70

The most acute crime problem in Kansas City, Missouri is gun violence. To inform the office's strategy on how to reduce the violence, the CSU tracks all non-fatal shootings where a "bullet hit skin" using data supplied by the Kansas City Police Department during a weekly shooting-review call. This data allows the CSU to study various aspects of the violence, including who gets shot, where they get shot, the time of the shooting, distance from the victim's home, hospitals that treat the victims, weapon used, clearance rates, and charging rate. The CSU also reviews crime trends over time and compares Kansas City non-fatal shooting clearance rates to rates in other cities.¹⁹ See [*Appendix - Additional Resources*](#) for presentation on 2020 Gun Violence to Date.

¹⁹ The information in this section is based on video interviews with Prosecuting Attorney Jean Peters Baker, (11/05/2020) and CSU Chief Kate Brubacher (11/13/2020), both from the Jackson County Prosecutor's Office, Missouri. Notes on file with PCE.

Relationship with the Community

Building trust and opening lines of communication with the community is essential to ensuring public safety. Although it is common to refer to the “community” as if it is a singular entity, it may be more accurate to think in terms of multiple communities or neighborhoods within the jurisdiction. The CSU should identify these communities and maintain appropriate relationships with each of them. One way to identify these communities is to ask people in the jurisdiction what community they are part of and where it extends geographically.



A CSU must be highly attuned to input from the community, while also acting as a voice for the prosecutor office.

This relationship involves regular meetings with community groups to discuss public safety issues, partnering with community-based organizations and local leaders on crime prevention initiatives, and convening relevant stakeholders around public safety problems in need of attention. The CSU can also educate the community about public safety issues. Depending on the size of the office, this work can be done in a variety of ways and might be done outside of the CSU. Large offices typically have a community outreach unit, while in the smallest offices this work may be done by the elected prosecutor.

Community Partnership Unit

*New York County District Attorney's Office (Manhattan), NY
Population: 1,630,000; Number of Prosecutors: 525*

The New York County (Manhattan) District Attorney's Community Partnership Unit is made up of community outreach professionals. This unit maintains a constant presence in neighborhoods across Manhattan, educating and engaging with community members

and community-based organizations.²⁰ The unit offers an array of events and programming tailored to the diverse neighborhoods it serves. The unit’s work is not related to specific investigations, but rather it provides an avenue for the community to raise public safety issues with the prosecutor office. If the community voices a concern about a crime problem, the unit shares this information with the CSU, which in turn will coordinate a response with law enforcement. For example, in one case, the Community Partnership Unit learned of safety issues at a community center. The CSU notified the police, which deployed an officer to investigate. The CSU assisted by analyzing surveillance videos, reviewing social media, and studying prior police reports in order to identify suspects. The information gathered was also useful in informing decisions about the appropriate disposition for those eventually arrested for the crimes.

Prosecutors Helping to Empower Their Communities

Delaware Attorney General’s Office

Population: 957,000; Number of Prosecutors: 110

The Delaware Department of Justice (DDOJ), which handles the state’s prosecutions, organizes “community empowerment walks” as one way to engage with its communities.²¹ These walks are led by the office’s Community Partnership Unit, and they convene officials from a range of government agencies, including the Department of Health & Human Services and the local police department. These public servants walk through neighborhoods and speak with citizens about their lives and problems they are facing. They gather feedback about what their agencies can do to make people feel safer and more secure. When they learn about problems, they suggest services or resources that their offices provide or that are otherwise available.

20 The information in this section is based on a video interview with David O’Keefe (Former Deputy Chief of Trial Division), New York County District Attorney’s Office, New York (09/24/2020). Notes on file with PCE.

21 The information in this section is based on video interviews with Allison Abessinio (Deputy Attorney General & Head of Community Engagement Unit) (07/21/2020) and Corie Priest (Community Engagement Specialist) (08/04/2020), Delaware Attorney General’s Office, Delaware. Notes on file with PCE.

Merging Crime Strategies and Community Partnerships

Office of the DeKalb County District Attorney, GA

Population: 700,000; Number of Prosecutors: 75

The Office of the DeKalb County District Attorney has a Crime Strategies and Community Partnerships Unit.²² This unit fulfills many responsibilities that are typical for a CSU: it focuses on reducing violent crime and increasing public safety by gathering data and intelligence, analyzing crime trends, tracking information about individuals driving crime, and supporting prosecutions of individuals driving crime. It is staffed by a Deputy Chief Assistant District Attorney who leads the unit, three full-time prosecutors who have their responsibilities divided by geographic precincts, and a crime analyst. The prosecutors spend part of their time in offices located in their police precincts and have caseloads assigned based on their geographic areas. Each of them is also responsible for building community partnerships in that area and gathering data and intelligence about its crime issues. In addition, this unit works on expanding community outreach and enhancing community partnerships, which has led to various joint community-based efforts. For example, this unit partnered with the Juvenile Court division and other county agencies to sponsor a week-long camp during spring break of 2018.

Community Partners and Hotspots

Many prosecutor offices partner with community-based organizations that actively intervene in violence hotspots. As one type of intervention, such organizations often organize forums for recently released offenders or at-risk youth, where ex-offenders and law enforcement officers discuss violence in the community, share encouraging stories, and provide practical advice. Cure Violence and Project Safe Neighborhoods are two examples of such organizations that operate at the national level,²³ and there are also many organizations that are active at the state and local level.

22 The information in this section is based on a video interview with Sonja Brown (Deputy Chief Assistant District Attorney & Director of Community Affairs), Office of the DeKalb County District Attorney, Georgia (07/07/2020). Notes on file with PCE.

23 Cure Violence, *What We Do*, [HTTPS://CVG.ORG/WHAT-WE-DO/](https://cvg.org/what-we-do/) (last visited 09/06/2020); U.S. Department of Justice, *Project Safe Neighborhoods*, [HTTPS://WWW.JUSTICE.GOV/PSN](https://www.justice.gov/psn) (last visited 09/06/2020).

The CSU is a natural partner to these organizations, as they share a common goal of reducing violence. The CSU often has the most complete picture of which violence hotspots are most in need of intervention. Additionally, the CSU can help in providing referrals to government agencies that offer employment opportunities, counseling, and healthcare, all of which can help address the root causes of the violence.

Data-driven Community Partnerships

King County Prosecuting Attorney's Office (Seattle), WA

Population: 2,200,000; Number of Prosecutors: 250

The King County (Seattle) Prosecuting Attorney's Office has a CSU with a focus on preventing and addressing firearm violence.²⁴ In furtherance of this goal, the CSU employs strategic partnerships with local organizations, including the youth empowerment organization CHOOSE 180. The CSU collaborates with CHOOSE 180 by sharing some of its data on shootings, including identities of people who may be at risk of future violence. These are often young people in the community. The CSU then works with CHOOSE 180 to decide which individuals are candidates for interventions that are designed to keep them away from situations that could bring them into contact with guns or other dangers.

Convening Stakeholder Groups

Bronx County District Attorney's Office, NY

Population: 1,432,000; Number of Prosecutors: 500

The Bronx Crime Strategies Bureau brings community stakeholders together to discuss specific crime hotspots and create taskforces to address them.²⁵ This has led to a variety of interventions that are led by the community but based on data and analysis done by the Crime Strategies Bureau. Examples of such interventions include a 300-person march and a community fair, both in high violence neighborhoods.

²⁴ The information in this section is based on a video interview with Karissa Taylor (Senior Deputy Prosecuting Attorney), King County Prosecuting Attorney's Office, Washington (07/30/2020). Notes on file with PCE.

²⁵ The information in this section is based on an email from Kerry Chicon (Assistant District Attorney & Division Chief, Strategic Enforcement & Intergovernmental Relations), Bronx County District Attorney's Office, New York (08/25/2020). Email on file with PCE.

CSU Project in a Specific Neighborhood

New York County District Attorney's Office (Manhattan), NY

Population: 1,630,000; Number of Prosecutors: 525

The New York County (Manhattan) District Attorney's Office CSU organized an intervention in a specific high crime neighborhood.²⁶ It formed a community stakeholder group that opened after-school programs. The CSU also worked with community partners to organize events focused on anti-gun violence and engagement with formerly incarcerated people reentering the community.

Relationship within the Prosecutor Office

Although a CSU focuses many of its efforts on outward collaboration with law enforcement and community partners, it must not neglect the relationships within its own office. CSUs can encounter initial resistance within the prosecutor office. Some prosecutors may be skeptical of the concept of intelligence-driven prosecution, preferring the traditional approach of focusing only on individual cases rather than studying the defendants and how they fit into the community. Other prosecutors may question why the CSU is diverting resources away from working on busy caseloads.

However, the benefits of a CSU cannot be realized without buy-in from line prosecutors who need to make informed charging and disposition decisions based on how defendants impact public safety. Providing context and promoting a deeper understanding of public safety issues also allows the prosecutor office as a whole to contribute to solving root cause problems that drive crime trends.²⁷

²⁶ The information in this section is based on an email from Kerry Chicon (Assistant District Attorney & Division Chief, Strategic Enforcement & Intergovernmental Relations), Bronx County District Attorney's Office, New York. Email on file with PCE. (08/25/2020).

²⁷ For example, DANY continues to contribute to root cause interventions that support the community through its Criminal Justice Investment Initiative. See Cyrus R. Vance, Jr., Manhattan District Attorney, *Community Reinvestment*, THE AMSTERDAM NEWS, 07/09/2020, [HTTP://AMSTERDAMNEWS.COM/NEWS/2020/JUL/09/COMMUNITY-RE-INVESTMENT/](http://amsterdamnews.com/news/2020/jul/09/community-re-investment/) (last visited 08/28/2020). Such actions illustrate the practical consideration that by supporting a flourishing community through root-cause interventions, a prosecutor office can reduce crime and thus promote public safety.

The most important way for the CSU to gain buy-in from prosecutors is to “give a little to get a little.”²⁸ A CSU can win over prosecutors who are unfamiliar with the concept of intelligence-driven prosecution by offering tangible services that help them with their cases.²⁹ In offering such services, however, a CSU should also be mindful of the time that such activities can take away from the other elements of its mission.

The CSU can also promote the idea that prosecutors are active partners in crime reduction. Communicating crime reduction goals and reports of progress towards those goals is an important way to establish this mindset. If a prosecutor is assigned a case with a defendant that the CSU has identified as a priority for public safety, the CSU can proactively reach out to the prosecutor to provide context and supply information about the defendant, which both improves the case and reinforces the goal of crime reduction.

Daily Crime Reports to Supervisors

Bronx County District Attorney’s Office, NY

Population: 1,432,000; Number of Prosecutors: 500

The Bronx Crime Strategies Bureau sends daily crime reports to about 100 supervisors, providing information about the most violent crimes charged by the office in the past 24 hours.³⁰ Once a week, this communication includes a police “CompStat” report that displays violent crime rates in comparison to past years and other New York City boroughs. See [*Appendix - Additional Resources*](#) for Daily Briefing for District Attorney and Supervisors.

Other Partnerships

As the CSU coordinates solutions to address more complex public safety

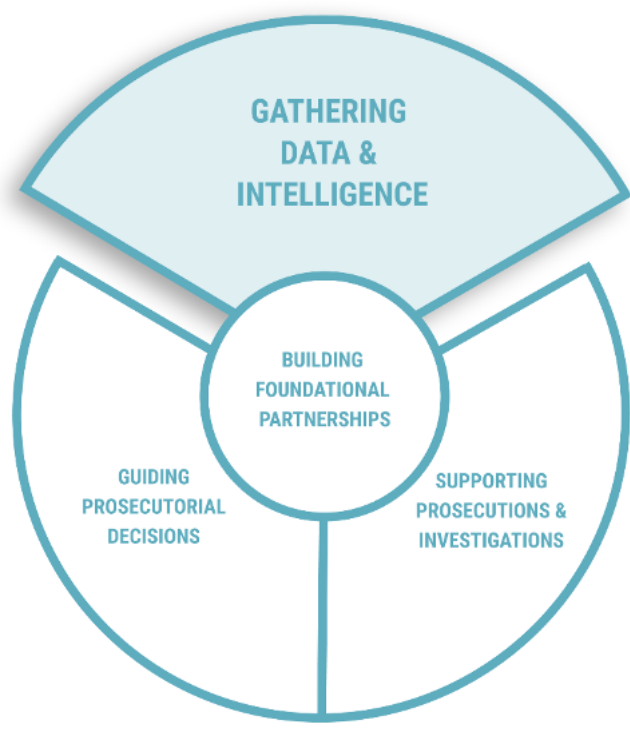
28 The phrase “give a little to get a little” is borrowed from the chief of the Bronx Crime Strategies Bureau, who says this principle has been crucial for winning over prosecutors who were skeptical of intelligence-driven prosecution when the CSU was first created in 2016. Video interview with Vladimir Kocheulov (Assistant District Attorney & Chief of Crime Strategies Bureau) and Theresa Ramos (Principal Intelligence Analyst), Bronx District Attorney’s Office, New York (06/12/2020). Notes on file with PCE.

29 For examples of such services within the prosecutor office, see *infra* Supporting Prosecutions.

30 The information in this section is based on an email from Kerry Chicon (Assistant District Attorney & Division Chief, Strategic Enforcement & Intergovernmental Relations), Bronx County District Attorney’s Office, New York (08/25/2020). Email on file with PCE.

problems, it may find other partners that are also valuable to engage with. These partners can include a jurisdiction's mayoral office on public safety and state-level public safety agencies. The CSU may also engage with other entities in the criminal justice system, including corrections and parole officials, federal prosecutors, and prosecutors in neighboring jurisdictions. Another set of partners to consider are public health agencies, medical examiner's offices, private healthcare organizations, schools, universities, and social service agencies.

GATHERING DATA AND INTELLIGENCE



The collection, analysis, and organization of data and intelligence is a basic function of law enforcement. The CSU can serve as the entry point for this information to flow into the prosecutor office and can combine it with information learned from the community.



As it develops its procedures, the CSU should resolve some fundamental questions: what information is needed, how will it be used, and should it be stored in the prosecutor's office? Resolving these questions requires considering legal and ethical issues that may be raised by the collection of data and intelligence. It is also important to assess whether resources are wasted if the CSU merely gathers information, generates reports, and stores information in a way that duplicates work already performed by the police or others.

The touchstone for resolving these questions is that the work of the CSU should always be focused on a prosecutorial purpose. Though duplicating law enforcement work can squander precious resources, there are situations in which it is useful for the CSU to collect and analyze law enforcement data. In some instances, police departments do not have the skills or resources to analyze their data. In other instances, the CSU can coordinate data across police departments, revealing trends that cannot be seen by a single department.³¹ Through a close collaboration with its partners, a CSU will learn how it can most efficiently assist law enforcement and the community, while also supporting the prosecutorial function.

Collaboration with Law Enforcement

The first step towards enhancing the flow of information is simply to communicate effectively with law enforcement. As discussed earlier, this can begin with doing a survey of crime with law enforcement to gather data on crime trends, locations, and individuals driving crime.³² The flow of information should be real-time and collaborative. This will develop strong foundational partnerships with law enforcement.

³¹ See *infra* Coordinating Investigations.

³² See *supra* Surveying Crime.

Using Partners' Data

*Shelby County District Attorney General's Office (Memphis), TN
Population: 936,000; Number of Prosecutors: 112*

The Shelby County (Memphis) CSU makes significant use of data and intelligence it obtains from partner agencies.³³ The CSU generally does not store data and intelligence in the prosecutor office, but rather is kept updated on data and intelligence through daily communication with partner agencies. The CSU also does not have its own crime analyst, but it recruits help from crime analysts who work for the Memphis Police Department and the Shelby County Multi-Agency Gang Unit. As a result of constant collaboration with partner agencies, the CSU has a deep understanding of the data and intelligence it receives. Multiple prosecutors staffed to the CSU attend regular meetings with the police based around crime problems. For example, the CSU receives a list of priority offenders from the Memphis Police Department, but they are so deeply involved in discussing the criteria used to create the list that they consider it to be “our own list.”

Inter-Agency Meetings

Participating in regular inter-agency meetings is an important part of sharing information. Many CSUs find that in-person meetings foster a team culture and create important personal connections, which naturally leads to more collaboration and exchange of information between agencies. In some jurisdictions, there are existing inter-agency meetings that the CSU can attend. In other jurisdictions, the CSU may need to take the lead in setting these meetings up. Many CSUs find that information exchange is a two-way street: the more information the CSU shares, the more it is likely to receive.

³³ The information in this section is based on a video interview with Paul Hagerman (Assistant District Attorney & Chief of Crime Strategies & Narcotics Unit), Shelby County District Attorney General's Office, Tennessee (06/24/2020). Notes on file with PCE.

Prosecutor Meetings with Partner Agencies

Santa Clara County District Attorney's Office, CA

Population: 1,938,000; Number of Prosecutors: 200

The head of the Santa Clara County CSU hosts inter-agency meetings that have significantly increased collaboration and communication between agencies.³⁴ A meeting focused on exchanging intelligence takes place every two weeks, and each of these meetings highlights a particular theme related to current crime problems. The meeting begins with a presentation of trends and statistics, followed by a review of important crimes being investigated and a time for attendees to share and solicit information. The head of the CSU says, “we solve a case every time we have a meeting.” Informal conversations that take place after the meeting ends are as valuable as the meeting itself, as they allow people to make crucial connections with colleagues in other agencies. In addition to this meeting, a meeting focused on burglaries takes place once a month and a meeting focused on guns takes place once a week.

Using Technology to Share Data and Intelligence

Using staff to manually enter data for the CSU is time consuming and expensive. Thus, it is important to explore ways that data can be shared electronically. For example, it may be valuable for the CSU to have access to police record management systems. This enables the CSU to look up certain simple questions on its own, without the delay involved in requesting information from the police. Since access to record management systems can raise legal and ethical considerations, it is a good practice for the prosecutor office to define what information can be accessed and who is allowed access. One common limitation is for the access to be restricted to cases that are being prosecuted.

³⁴ The information in this section is based on a video interview with Marisa McKeown (Supervising Deputy District Attorney), Santa Clara County District Attorney's Office, California (08/06/2020). Notes on file with PCE.

Crime Analyst Liaison with the Police

Pima County Attorney's Office (Tucson), AZ

Population: 1,040,000; Number of Prosecutors: 67

At the Pima County (Tucson) Attorney's Office, the CSU has an analyst who previously worked for the Tucson police department.³⁵ Given this analyst's established credibility with the police department, as well as his knowledge of the police department's processes and software, it was a natural step for him to be given access to the police department's record management systems. This access has helped the CSU establish a closer working relationship with the police department.

Technology provides other tools to make communication more efficient. Some CSUs distribute email bulletins within the prosecutor office or to law enforcement partners. The Cuyahoga County (Cleveland) District Attorney's Office has used Microsoft Teams in order to provide a shared space for inter-agency collaboration on investigations, using the software's features for group communication and the exchange of investigative files.³⁶ During the COVID-19 pandemic, many CSUs have replaced in-person meetings with remote meetings, using software such as Zoom and WebEx. Although remote meetings cannot replace the after-meeting conversations and personal connections that in-person meetings create, they are not without their own advantages, and they often achieve better attendance.

Weekly Arraignment Summaries

Santa Clara District Attorney's Office, CA

Population: 1,938,000; Number of Prosecutors: 200

The Santa Clara County CSU sends weekly emails summarizing selected felony arraignments to its law enforcement partners.³⁷ For each arraigned defendant, this email includes their photo, name,

³⁵ The information in this section is based on a video interview with Mark Hotchkiss (Deputy County Attorney & Trial Team Supervisor), Sean Rambaran, (Criminal Intelligence Analyst), and Daniel South (Deputy County Attorney & Chief of Community Protection Bureau), Pima County Attorney's Office, Arizona (06/23/2020). Notes on file with PCE.

³⁶ Video interview with Eleina Thomas (Supervisor of Crime Strategies Unit), Cuyahoga County Prosecutor's Office, Ohio (07/06/2020). Notes on file with PCE.

³⁷ The information in this section is based on a video interview with Marisa McKeown (Supervising Deputy District Attorney), Santa Clara County District Attorney's Office, California (08/06/2020). Notes on file with PCE.

date of birth, and a summary of the incident they were charged for. The email requests that recipients who have information regarding a defendant in the list reach out to the CSU, and responses from law enforcement often yield valuable information.

Organizing Data

After obtaining information, some CSUs store it within the prosecutor office. This enables the CSU to analyze it at will, identify gaps in the information, and gain a jurisdiction-wide view of crime issues. Prosecutor offices that serve multiple police jurisdictions tend to benefit from the CSU aggregating information and providing crime analysis to police departments.

This paper makes a distinction between data, which consists of discrete pieces of information that fit into consistent tabular formats,³⁸ and intelligence, which tends to consist of information about defendants obtained from multiple sources, such as oral street information. Thus understood, data is more manageable than intelligence because it is easier to manage, analyze, and retrieve. The main challenge with intelligence, as defined here, is to determine its reliability and to organize it so it can be retrieved when needed.

Types of Data

The following types of data are commonly collected and sometimes stored by CSUs:

- **Arrest data from law enforcement:** Arrest data is an important starting point for understanding crime statistics and analyzing crime trends. Also, if a person of interest to the prosecutor office is arrested, notifying the assigned prosecutor can allow the prosecutor to respond quickly and appropriately.³⁹
- **Jail and prison data:** In many jurisdictions, jail and prison data is used to supplement arrest data from law enforcement. This data may be delayed and may have gaps, but it can still be of significant value.

³⁸ Specifically, “data” is assumed to have the following characteristics. First, it is stored in fields that can only take on certain values. For example, a field may be limited to numbers, categories, or strings of text of limited length. Second, each field has a definition, such as a string of text representing a person’s name. Third, the fields are organized in a relational fashion, with each field corresponding to a specific entry (row) and definition (column).

³⁹ See *infra* Arrest Alerts.

- **Data from the prosecutor office:** The prosecutor office itself, through its case management system, is a valuable source of data on cases and dispositions.
- **Overdose data:** Some prosecutor offices receive information about where overdoses occur and what drugs are involved.
- **NIBIN:** National Integrated Ballistic Information Network (NIBIN) information can connect firearms to crime scenes. This can create evidence for prosecutions and inform investigations. Some prosecutor offices have found that NIBIN work can be rolled into the responsibilities of the CSU.⁴⁰

Technology for Organizing Data

For many CSUs, the most significant challenge involved in organizing data is combining data from various sources, which may have data stored in different formats and may have gaps in their data. For each source, it is important to begin with a technical assessment of the data's format, the completeness of the data, and possible methods for it to be shared with the prosecutor office. To be useful, the data must be imported into a reasonably consistent format in the prosecutor office. The process of sending and receiving the data should be automated as much as possible. For some CSUs, overcoming these challenges may require the work of a software developer.

The technology used to store the data within the prosecutor office should be proportionate to the amount and complexity of data. There is often nothing wrong with using Excel, but Excel may not meet the needs of CSUs that store large amounts of data, have complicated processes for importing data, or have complex ways of using the data. These CSUs should consider employing a database platform to ensure robustness and good performance.

Organizing Intelligence

Street-level intelligence can provide significant value to the prosecutors by enabling them to more deeply understand how a defendant is connected to crime.⁴¹ However, there are challenges with determining its reliability. As a

40 Examples include the East Baton Rouge District Attorney's Office and the Cuyahoga County Prosecutor's Office. Video interview with Hillar Moore (District Attorney), Steve Danielson (Assistant District Attorney & Head of Crime Strategies Unit), and Jonathon Daily (Grants Manager), East Baton Rouge District Attorney's Office, Louisiana (06/22/2020); video interview with Eleina Thomas (Supervisor of Crime Strategies Unit), Cuyahoga County Prosecutor's Office, Ohio (07/06/2020). Notes on file with PCE.

41 In discussing intelligence, we are referring to descriptive information that does not meet the definition of data adopted in this paper. See discussion *supra* Organizing Data. In essence, intelligence is information that cannot

result, many CSUs do not store intelligence at all and instead rely on communication with partner agencies for updates on intelligence.

There are important legal and ethical considerations involved in storing intelligence at a prosecutor office. An analysis of the legal considerations is beyond the scope of this paper, but we briefly summarize two considerations that CSUs should be aware of, *Brady/Giglio* and 28 C.F.R. § 23. There may be other laws to consider, including local and state laws.

Types of Intelligence

The following types of intelligence are commonly reviewed and sometimes stored by CSUs:



- **Law enforcement:** Insights from police officers and detectives about crime trends and individuals through their investigations.
- **Confidential informants and co-defendants:** Insider information from confidential informants and co-defendants about people and groups driving crime trends.
- **Past prosecutions:** Specific intelligence about crimes and individuals gathered in the course of investigating and prosecuting cases.
- **Community members:** Information from community members about crime problems or individuals committing crimes in their areas.
- **Other:** Intelligence about criminal activity gathered from social media searches and jail calls.

Brady/Giglio Considerations

As is well known to prosecutors, in *Brady v. Maryland* the Supreme Court determined that prosecutors must disclose to the defense any exculpatory evidence that is material to guilt or punishment.⁴² *Giglio v. United States* expand-

be stored in tables, typically consisting of descriptions of individuals, groups or incidents that are connected to criminal activity. It is important to note that legal definitions of intelligence vary, and they may differ from this definition.

⁴² *Brady v. Maryland*, 373 U.S. 83, 87 (1963). See also *United States v. Bagley*, 473 U.S. 667, 674-675 (1985) (holding that exculpatory evidence is considered material when there is a reasonable probability that the trial outcome would have been different had it been disclosed).

ed the *Brady* requirement to include evidence that can call into question the credibility of prosecution witnesses.⁴³ Finally, in *Kyles v. Whitley* the Court found that even when the prosecution is not actually aware of exculpatory or impeaching evidence, such information is still imputed to the prosecution if it is known by the police or by others acting on behalf of the government.⁴⁴ Statutes governing discovery can add additional requirements.

Understanding the obligations imposed by discovery statutes and the *Brady/Giglio* line of cases is significant for a CSU in its assessment of what intelligence to store and how. This can be a complex analysis and thus it is particularly important to have a prosecutor reviewing these issues. This task should not be left to a crime analyst or investigator. A full discussion of discovery and *Brady/Giglio* may vary from state to state and is beyond the scope of this paper.

28 C.F.R. § 23 Considerations

The federal Criminal Intelligence Systems Operating Policies statute, 28 C.F.R. § 23, sets forth guidelines for law enforcement agencies with respect to the entry and maintenance of information in federally funded multi-jurisdictional criminal intelligence systems.⁴⁵ It is not clear whether the statute applies to information that is typically organized by a CSU.

The statute defines “intelligence” as information that is “relevant to the identification of and the criminal activity engaged in by an individual who or organization which is reasonably suspected of involvement in criminal activity” and that “meets criminal intelligence system submission criteria.”⁴⁶ 28 C.F.R. § 23 requires that “intelligence” only be collected and maintained where there is a “reasonable suspicion” that the individual to whom the intelligence pertains is engaged in criminal activity *and* where the intelligence is relevant to that criminal activity.⁴⁷ The statute also lays out protocols for the dissemination of that intelligence and requires agencies to develop sufficient administrative, technical, and physical safeguards so as to prevent improper dissemination, which involves maintaining an accurate written record of in-

⁴³ *Giglio v. United States*, 405 U.S. 150, 154-155 (1972).

⁴⁴ *Kyles v. Whitley*, 514 U.S. 419, 437-438 (1995).

⁴⁵ 28 C.F.R. § 23 (1993).

⁴⁶ 28 C.F.R. 23.3(b)(3) (1993).

⁴⁷ 28 C.F.R. § 23.20(a) (1993).

telligence.⁴⁸ It requires that procedures must be implemented to ensure that any intelligence retained is both relevant and important, and periodic reviews must be conducted in furtherance of this requirement.⁴⁹

The statute may not apply to the acquisition of, or access to, fact-based information that is *later* analyzed to produce “intelligence.” Also, the definition of “intelligence” in 28 C.F.R. § 23 differs from the use of the term “intelligence” in this article, which here refers to descriptive information as opposed to data. More colloquially, “intelligence” can be synonymous with “knowledge” which, by itself, is unlikely to be subject to the statute. Nonetheless, it may be useful to reference this statute to inform the prosecutor office’s guiding principles for the collection, maintenance, and dissemination of information.

For each law related to intelligence, it is important to consider what falls under the term “intelligence” for the purposes of that law.

Suggested Principles for Organizing Intelligence

This article does not provide advice about how to organize intelligence, but rather cautions prosecutors to consider these issues in the context of their local laws and regulations. Nonetheless, the following possible practices regarding stored intelligence are offered as suggestions to consider:

- Provide oversight by a prosecutor of intelligence added to the repository.
- Restrict the ability to add intelligence to the repository to a limited number of individuals. In some offices, this may be only one or two members of the CSU.
- Only store intelligence in the repository if it meets a pre-determined standard of reliability.
- Ensure that all intelligence stored in the repository has a documented source.
- Include fields to document the names of people associated with the case, date of the crime, location of the crime, investigating officer, and arrest number. Linkages based on these fields can improve the ability to find the information at a later time.
- Provide the ability to conduct text-based searches.

48 28 C.F.R. § 23.20(e)-(g) (1993).

49 28 C.F.R. § 23.20(h) (1993). While not discussed in the text, prosecutor offices that have access to Criminal Justice Information Services (CJIS) data must also be compliant with FBI rules and policies for private or sensitive information. See Criminal Justice Information Services Overview, [HTTPS://WWW.FBI.GOV/SERVICES/CJIS](https://www.fbi.gov/services/cjis) (last visited 08/13/2020).

The following scenarios illustrate the challenges associated with organizing intelligence:

- John Doe is the defendant in two criminal trials at different times. Unless the information is linked by defendant name or a fingerprint-based identifier, the relationship between the two cases may not be known.
- John Doe is the victim in one trial and the suspect in another trial. Intelligence from the first trial may be useful in the second trial, but this may only be uncovered if the cases are linked.
- The repository contains intelligence that John Doe committed a murder. Two years later, Richard Roe is charged with committing the same murder. This information may only be uncovered if the cases are linked by event.

Technology for Organizing Intelligence

Storing intelligence in individual documents can be a viable solution for some offices but tends to become cumbersome for larger amounts of intelligence. Such documents can be given a degree of organization by putting them in a folder structure, which may include subfolders based on defendants and case numbers. However, it may still be difficult to keep documents up to date and maintain all the necessary linkages between them. Using a document management system such as SharePoint can be a modest improvement over using a network folder. This can allow for features such as text-based searchability, while still running into challenges related to keeping documents up to date and maintaining linkages.

To support larger intelligence repositories, the CSU can consider creating a wiki, which stores intelligence in a format similar to Wikipedia. There are a variety of free, open-source wiki software packages available. A wiki has several useful features:

- Presenting information in a consistent web-based format that is easier to navigate than browsing through files.
- Associating information in an unlimited number of ways, as each entry can have links to other entries and be part of multiple categories.
- Providing built-in text-based search capabilities.
- Providing a framework for managing access and edit permissions.
- Tracking when edits are made and who makes them.

GUIDING PROSECUTORIAL DECISIONS



The CSU can guide prosecutorial decisions in two ways. First, it can analyze crime trends in order to identify the public safety issues of greatest importance to the community, which allows the chief prosecutor to develop office initiatives and priorities. Second, it can provide information regarding specific individuals, which assists prosecutors in making decisions about how to charge defendants and whether to pursue alternative treatment. The CSU can maintain an arrest alert system to ensure that such information about individuals is acted on when arrests are made.

Analyzing Crime Trends

Data and intelligence can be used to identify crime trends and draw conclusions about what public safety issues are most important and actionable for the prosecutor office. The CSU can do this analysis on its own, using the data and intelligence it gathers, but it is more productive to do the analysis in collaboration with law enforcement partners. This analysis of data can guide the chief prosecutor in setting office priorities and developing initiatives, which then informs the decisions made by individual prosecutors.

Identifying Crime Hotspots Across Jurisdictions

King County Prosecuting Attorney's Office (Seattle), WA

Population: 2,200,000; Number of Prosecutors: 250

At the King County (Seattle) Prosecuting Attorney's Office, the CSU gathers and analyzes data regarding firearm violence.⁵⁰ Before the CSU was created, the community had no central repository of information regarding firearm violence that included incidents that did not lead to arrests, which meant that the community was unable to measure the extent of the problem. Although some partner law enforcement agencies have their own analysts, these analysts have limited ability to see trends across multiple police jurisdictions. Moreover, many of the hotspots happen to be in "jurisdictional corners" where three or more law enforcement jurisdictions come together. On a daily basis, the CSU collects data regarding every crime involving a gun from fifteen of the largest law enforcement agencies. The CSU analyzes the data, identifying hotspots and trends, and shares its findings with the community, with law enforcement agencies, and within the prosecutor office.

⁵⁰ The information in this section is based on a video interview with Karissa Taylor (Senior Deputy Prosecuting Attorney), King County Prosecuting Attorney's Office, Washington (07/30/2020). Notes on file with PCE.

Timelines

A good starting point for analyzing a crime problem is to create a timeline of major incidents of crime. This should not include all crime in the jurisdiction, but rather should be limited to specific crime problems of interest to the CSU. Many CSUs limit their analysis to violent crime. Some limit their analysis even more narrowly, for example by focusing only on incidents of firearm violence. To provide appropriate context for the problem, it is important for this timeline to include all major incidents, regardless of whether there is an arrest, an identified suspect, or even an identified victim.

Crime Timelines

*New York County District Attorney's Office (Manhattan), NY
Population: 1,630,000; Number of Prosecutors: 525*

At the New York County (Manhattan) District Attorney's Office, the CSU maintains violence timelines for areas that have patterns of violence.⁵¹ These timelines are focused either on geographic areas (such as a specific precincts, neighborhoods, or housing developments) or groups committing violence (such as specific gangs). For each event, the timeline includes the date, the time, the location, a brief synopsis of what happened, and details regarding the individuals believed to be involved, including suspects, defendants, victims, and witnesses. The facts provided about individuals include name, state ID, date of birth, age at the time of incident, and any gang affiliations. When there is an open case associated with the violence, the prosecutor's name and the docket or indictment number is listed. The timeline includes both reported and unreported events. For example, a report of a shots-fired incident that was not substantiated on the scene by law enforcement but was later verified on social media or in a debriefing could be included in a violence timeline. These timelines are helpful for understanding the history of violence in an area, educating law enforcement and prosecutors as to the significance of a defendant or gang, and determining investigative strategies. See [*Appendix - Additional Resources*](#) for a Violence Timeline for homicides, non-fatal shootings and shots fired with a map.

⁵¹ Manhattan District Attorney's Office, *An Implementation Guide on Intelligence-Driven Prosecution*, 10-11, 03/2017. Document on file with PCE.

Crime Mapping

Maps are an effective tool for visually displaying a specific pattern of violence and are often compiled by law enforcement. For a CSU, maps can accompany timelines, with maps serving to “zoom in” on specific trends while timelines provide greater detail and include more events than are shown on maps. For example, a map can provide an overview of crime during a specific year, a recent increase in crime, or a decrease in crime following a successful investigation or law enforcement strategy. Thus, there are often multiple maps that accompany one timeline. These timelines and maps assist with identifying public safety priorities.

Crime Mapping

New York County District Attorney’s Office (Manhattan), NY

Population: 1,630,000; Number of Prosecutors: 525

The New York County (Manhattan) District Attorney’s Office CSU maintains crime maps corresponding to its crime timelines.⁵² The maps are created using Esri’s ArcGIS and Adobe Photoshop. Pinpoints on the maps are color-coded based on types of violence: red represents homicides, green represents shootings, and yellow represents shots fired. The colors and styles are consistent in all maps created by the CSU. Although the CSU only focuses on violent crime, the same mapping technique has also been used elsewhere in the office to analyze narcotics sales, larceny offenses, and street scams.

Information About Individuals

Data and intelligence can yield important insights about individuals, which can lead to better prosecutorial decisions and strategies. In their inception, CSUs focused on enhancing prosecutions against individuals who were driving crime, but they have increasingly relied on information about individuals to decide when to offer alternative sentencing, diversion, or other less punitive outcomes. Rather than simply asking if a crime can be proven, prosecutors now have the tools to approach a case holistically and ask what outcome

⁵² Manhattan District Attorney’s Office, *An Implementation Guide on Intelligence-Driven Prosecution*, 11, 03/2017. Document on file with PCE.

is best for public safety. This person-centric approach is part of the CSU mindset that is transforming the approach of modern prosecutors.

Studying Individuals Driving Crime

Tracking information about individuals who are driving crime trends can guide prosecutorial decisions regarding those individuals. For example, a CSU can do a full “work-up” on such individuals, so that it is ready when that person is arrested and must be evaluated by the prosecutor office. This type of information can be useful to a line prosecutor in several ways: it may have evidentiary value, it can inform a sentencing recommendation, it can encourage a plea offer, or it can demonstrate the need for treatment.

The source and reliability of information about individuals should be vetted by a CSU prosecutor. Needless to say, the use of unreliable information for these purposes can raise ethical concerns.

Subject Data Worksheet

Bronx County District Attorney’s Office, NY

Population: 1,432,000; Number of Prosecutors: 500

The Bronx Crime Strategies Bureau creates documents called subject data worksheets, which summarize key information about individuals driving crime trends.⁵³ Each subject data worksheet includes a photo, demographic information, criminal history, and a list of associates. It also includes screenshots of social media posts that show gang affiliation or are relevant to criminal activity. See [*Appendix - Additional Resources*](#) for sample Subject Data Worksheet.

Sentencing Decisions

The prosecutor office may conclude that certain defendants are drivers of crime trends, and it may choose to focus on these defendants in light of their impact on public safety. An office following this approach continues to rely on the sound judgement of prosecutors in making charging decisions, but the CSU informs the prosecutor’s decision with relevant context about the

⁵³ The information in this section is based on an email from Kerry Chicon (Assistant District Attorney & Division Chief, Strategic Enforcement & Intergovernmental Relations), Bronx County District Attorney’s Office, New York (08/14/2020). Email on file with PCE.

defendant and the crime. The CSU can perform this role proactively during a pre-arrest investigation and can advise a prosecutor about a defendant after an arrest. When the CSU does not have information about a defendant, it can use its contacts and experience to obtain needed information for the prosecutor assigned to the case.

Priority Offenders

Fourteenth Circuit Solicitor's Office, SC

Population: 286,000; Number of Prosecutors: 23

The South Carolina Fourteenth Circuit Solicitor's Office conducts an analysis to identify its priority offenders. It has stopped plea negotiations for these offenders, pursuing the same sentence regardless of whether the defendant pleads guilty or goes to trial.⁵⁴ The sentence is determined based on the level of risk to public safety that the prosecutor believes is associated with the defendant.

The prosecutor office may also pursue alternative sentencing for defendants who are not drivers of crime trends. This should be seen as a corollary to bringing elevated charges against priority defendants: if the prosecutor office concludes that a small number of individuals are driving crime trends, that implies that a large number of other individuals are unlikely to be driving crime trends. As CSUs have evolved, they have increasingly taken on the role of evaluating defendants for alternative sentencing, diversion, and other forms of leniency.

Community Perspectives for Alternative Sentencing

Delaware Attorney General's Office

Population: 957,000; Number of Prosecutors: 110

The Delaware Attorney General's Office has a community liaison specialist who provides a valuable perspective for prosecutorial decisions.⁵⁵ This individual was formerly incarcerated. He has deep knowledge of the community, the criminal justice system, social

⁵⁴ The information in this section is based on a video interview with Duffie Stone (Solicitor), Fourteenth Circuit Solicitor's Office, South Carolina (07/08/2020). Notes on file with PCE.

⁵⁵ The information in this section is based on a video interview with Corie Priest (Community Engagement Specialist), Delaware Attorney General's Office, Delaware (08/04/2020). Notes on file with PCE.

services programs, and treatment programs for substance abuse and mental health. Prosecutors can reach out to him when considering alternative treatment for a defendant. He assists by providing recommendations for effective alternative treatments.

Arrest Alerts

Sending alerts when certain individuals are arrested enables the prosecutor office to act on the information it has about those individuals at the inception of the criminal case. After all, knowing which individuals are driving crime trends is of little value if that knowledge is not brought to the forefront at the time those individuals are arrested. Though close to real-time arrest alerts are ideal, it is not always possible. Nevertheless, it is helpful for prosecutors to be notified as soon as possible when a person of interest is arrested.

A prosecutor should be involved in setting up an arrest alert system, as legal considerations may apply to the information known about a defendant that gives rise to their inclusion in the arrest alert system.⁵⁶ For example, what standards should be set for when an individual is added to the alert system and what should be done with the alert once it is received by the prosecutor.

A fully automated and properly maintained arrest alert system can save personnel costs associated with manual reviews of new arrests. However, in offices without an arrest alert system, a similar result can be achieved through daily review of all incoming arrests by a designated staff member. For example, the South Carolina Fourteenth Circuit Solicitor's Office sends out a daily booking report to its prosecutors and law enforcement partners throughout the circuit, and this report uses color-coding to indicate defendants who have been identified as repeat offenders.⁵⁷

⁵⁶ See *infra* Brady/Giglio Considerations and 28 C.F.R. § 23 Considerations.

⁵⁷ Video interview with Duffie Stone (Solicitor), Fourteenth Circuit Solicitor's Office, South Carolina (07/08/2020). Notes on file with PCE.

Timely Arrest Alerts

*New York County District Attorney's Office (Manhattan), NY
Population: 1,630,000; Number of Prosecutors: 525*

In the New York County (Manhattan) District Attorney's Office their intake unit (Early Case Assessment Bureau) receives an updated data feed of all of the arrests hours after individual arrestees are fingerprinted. The Arrest Alert system is created from that feed. When arrests occur, they are automatically compared with the arrest alerts tables in the Crime Strategies Unit's system. If there is a match between the two, the program is coded to automatically send an email to the subscribers of that particular arrest alert.⁵⁸

An alert is generally sent out soon after the arrest of the individual in the arrest alert system.⁵⁹ Since prosecutors in New York County draft the criminal charges within hours of the arrest, the alert provides valuable information for charging and bail decisions.

As the arrest alert program grew, the office upgraded to a larger and modern server to accommodate the growing arrest alert system. Also, all prosecutors were given smart phones which allowed them to receive arrest alerts at any time of the day. See [Appendix - Additional Resources](#) for sample arrest alert email notification.

Alert Categories

There are many categories of individuals that may be tracked through an arrest alert system. Only some of these categories imply that the individual may be driving crime trends. The following are common categories of arrest alerts:

- Individuals identified as driving crime trends based on their commission of past crimes or other credible evidence.

⁵⁸ For a detailed explanation of how DANY has implemented arrest alerts, including how it maintains categories of alerts and the content of its alerts, see Manhattan District Attorney's Office, *An Implementation Guide on Intelligence-Driven Prosecution*, 22-30, 03/2017. Document on file with PCE.

⁵⁹ Manhattan District Attorney's Office, *An Implementation Guide on Intelligence-Driven Prosecution*, 7, 03/2017. Document on file with PCE.

- Subjects of prior investigations who are wanted on other charges.
- Chronic low-level offenders.
- Absconded defendants.
- Individuals identified as formerly driving crime trends who have now been released and are reentering the community.
- Anyone arrested with an illegal gun.
- Missing witnesses needed for prosecutions.

Ideally, an arrest alert received by a prosecutor should include the category or reason for adding individual into the arrest alert system, as well as information about who made the request, when it was made, and who to contact for more information.

Enhanced Sentencing Alerts

Pima County Attorney's Office (Tucson), AZ

Population: 1,040,000; Number of Prosecutors: 67

In Arizona, a person found guilty of a misdemeanor domestic violence charge for the third time in a seven-year period can be charged with a felony.⁶⁰ As a result of this law, the Pima County (Tucson) CSU adds people to the arrest alert system for domestic violence charges to ensure that it will know when an incident of domestic violence is the third such incident.

Technology

Setting up an arrest alert system requires an intermediate technology skillset and is feasible for small prosecutor offices without a dedicated IT staff. The following is a summary of key considerations.⁶¹



⁶⁰ The information in this section is based on a video interview with Mark Hotchkiss (Deputy County Attorney & Trial Team Supervisor), Sean Rambaran (Criminal Intelligence Analyst), and Daniel South (Deputy County Attorney & Chief of Community Protection Bureau), Pima County Attorney's Office, Arizona (06/23/2020). Notes on file with PCE.

⁶¹ For a step-by-step guide, see Bureau of Justice Assistance, U.S. Department of Justice, *Steps for Developing Technology for an Arrest Alert System*, [HTTP://WWW.CREATINGARRESTALERT.COM/STEPS-FOR-DEVELOPING-THE-TECHNOLOGY](http://www.creatingarrestalert.com/steps-for-developing-the-technology) (last visited 11/06/2020) and see Manhattan District Attorney's Office, *An Implementation Guide on Intelligence-Driven Prosecution*, 22-30, 03/2017. Document on file with PCE.

Data Assessment: A first step in developing an arrest alert system is an evaluation by prosecutors and information technology experts of what data is collected about arrests, how it is collected and by whom. If the prosecutor office wishes to administer the arrest alert system, the relevant data will have to flow into the prosecutor office.

Setting Up Arrest Alert Tables: The next step, which is at the center of the arrest alert system, is to create a table that lists individuals who will trigger alerts when they are arrested. For each individual, basic information for identifying that person should be in the table. At a minimum, the table should also include who is requesting the alert and why.

When the prosecutor office is electronically notified of an arrest, the data about the arrested person should be compared against the arrest alert system tables. Matching by name is often not accurate enough, as alternative spellings can cause alerts to be missed and similarly named individuals can trigger incorrect alerts. If possible, the matching should be based upon a fingerprint-based identifier number, or at least the date of birth. If there is a match, an arrest alert should be sent to the appropriate people, preferably through an automated email notification.

When an arrest alert system is created, the arrest alert tables can include:

Information about the individual being tracked:

- Name
- Date of birth
- State ID number, especially one that is based on a fingerprint identification
- FBI number
- Driver's license number
- Social security number
- Aliases

Information about who requested the alert and why:

- The person requesting the alert.
- The reason or category of why the individual is in the arrest alert system.
- When the arrest alert was requested.
- Who to contact for further information.
- Whether the alert is active or inactive.

Receiving an Arrest Alert: When a prosecutor receives an arrest alert, it should contain enough information for the prosecutor to understand why the alert was entered into the system. It is not uncommon for arrest alerts to be triggered years after the alert was requested or be triggered for minor offenses committed by individuals who are considered violent crime drivers. Thus, the arrest alert notification received by the prosecutor can include:

- The name and identifier of the person who has been arrested.
- The arrest charge and the name and agency of the arresting officer.
- The reason the person was placed in the arrest alert system.
- The people being alerted.
- How to gain further information about the person arrested.
- Guidance on what to do given the new arrest.
- When the alert is set to expire, if applicable.

Maintenance

Maintaining an arrest alert system is an ongoing task. Arrest alert systems grow quickly, and with the passage of time they tend to include people who should no longer be on the list. Prosecutors who have signed up for many alerts can receive a barrage of alerts on many minor matters. This leads to the problem of alert fatigue: if there are too many alerts, or if many alerts are based on stale data, recipients will inevitably become desensitized to them.

These challenges need to be carefully considered from the outset. The CSU should maintain standards for when alerts should be added to the system, while also allowing flexibility for prosecutors to request additions to the arrest alert system on an ad hoc basis. There must also be processes for deactivating alerts once they become stale. Many small and mid-sized prosecutor offices can have a member of the CSU deactivate alerts in a manual fashion. At larger offices, it may be more effective to have arrest alerts deactivated by default once a certain amount of time has passed, while allowing a member of the CSU to override this feature when necessary.

SUPPORTING PROSECUTIONS AND INVESTIGATIONS



CSUs can also support individual prosecutions and law enforcement investigations. A CSU has relationships, skills, and resources that enable it to provide valuable assistance. This is an excellent way to gain trust and develop partnerships that are needed for a successful CSU.

Supporting Prosecutions

The best way to demonstrate the value of the CSU and integrate it into the prosecutor office is for the CSU to help line prosecutors with their cases. The following are examples of areas in which CSUs are can be especially helpful to prosecutors.

Information Requests and Leveraging CSU Relationships

A CSU can assist prosecutors by providing context about a defendant or neighborhood. The CSU can also recruit additional assistance from law enforcement by using its relationships to call attention to an important prosecution, and the CSU can use its contacts obtain information that was otherwise unavailable to the line-prosecutor. In some cases, the CSU staff will analyze information, do social media searches, and listen to jail calls, all in furtherance of a specific prosecution.

Menu of Services

*Maricopa County Attorney's Office (Phoenix), AZ
Population: 4,500,000; Number of Prosecutors: 260*

At the Maricopa County (Phoenix) Attorney's Office, the CSU has evolved into the Crime Analysis Research Unit, which focuses primarily on developing subject matter experts who support prosecutors.⁶² The unit proactively communicates to prosecutors the types of services it provides and encourages prosecutors to reach out when they need information or assistance. As part of this communication, it distributes a simple two-page "menu" that explains the services the unit can offer. The menu lists the databases the unit has access to, its research capabilities, software it can use, and various groups it has connections with. See [Appendix - Additional Resources](#) for Crime Analysis and Research Unit flyer for prosecutors outlining the services offered by the unit.

⁶² The information in this section is based on a zoom interview with Brian Novotny (Crime Analyst & Crime Analysis & Research Unit Supervisor), Maricopa County Attorney's Office, Arizona (07/20/2020). Notes on file with PCE.

Central Access Point for Information

New York County District Attorney's Office (Manhattan), NY

Population: 1,630,000; Number of Prosecutors: 525

At the New York County (Manhattan) District Attorney's Office, prosecutors use a centralized portal called DANY 311 to request information from the CSU.⁶³ This portal allows the CSU to track the frequency of various types of requests, which in turn informs the CSU about the types of intelligence gathering most needed by prosecutors. The CSU provides information from internal sources and its external network of contacts. The requests often include questions such as the following: "who is my defendant or witness?"; "what can you tell me about this address?"; "what do you know about this gang?"; "do you have a contact at the Transit Authority?"; "do we know of any surveillance cameras at this particular location?"

Organizing Evidence for Trial

With the growing volume and complexity of digital evidence, organizing digital evidence and preparing it for trial is increasingly a challenge for prosecutors. The CSU can provide technology-savvy analysts, paralegals, or interns to assist prosecutors with digital evidence. They can offer a variety of services including downloading and analyzing digital evidence, keeping track of relevant evidence, and incorporating evidence into presentations for trial.

Keeping a Log of Evidence

Delaware Attorney General's Office

Population: 957,000; Number of Prosecutors: 110

At the Delaware Attorney General's Office, the Violent Criminal Enterprises Unit performs some of the functions of a CSU.⁶⁴ This unit helps prosecutors with the organization of digital evidence. To prevent prosecutors from being overwhelmed with the volume of digital evidence, the unit has developed a proactive approach to-

⁶³ Manhattan District Attorney's Office, *An Implementation Guide on Intelligence-Driven Prosecution*, 18, 03/2017. Document on file with PCE.

⁶⁴ The information in this section is based on a video interview with Jamie McCloskey (Deputy Attorney General & Head of Violent Crime Enterprise Unit), Delaware Attorney General's Office, Delaware (08/12/2020). Notes on file with PCE.

wards organizing digital evidence. It encourages detectives and prosecutors to keep a log of the evidence that is most useful for the prosecution, and to update it on a daily basis. This log makes clear which pieces of evidence support which charges and informs how the evidence is organized as it is being collected. Maintaining this kind of log ultimately simplifies the task of preparing evidence for trial.

Social Media Analysis

Social media investigations are extremely valuable in producing evidence for prosecutions. Any CSU that is focused on understanding crime trends and people associated with crime trends is likely to have crime analysts who often do social media investigations. These skills are highly valued by prosecutors. CSUs that do not have crime analysts with experience in social media investigations may have success in filling this void by hiring college-aged interns, many of whom are technology-savvy and understand social media. Such interns are especially effective when paired with seasoned investigators who have knowledge of crime patterns in the area.

Inmate Phone Calls

Recordings of inmate phone calls from jails are a valuable source of evidence for prosecutions. Although listening to such calls can be an extremely time-consuming task, some CSUs have used crime analysts, investigators, paralegals, or interns to listen to hours of inmate phone calls relevant to prosecutions. The CSU can also help prosecutors by organizing recordings of inmate phone calls or otherwise simplifying the workflows involved in listening to inmate phone calls.

Inmate Phone Calls: Simplifying Workflows

*New York County District Attorney's Office (Manhattan), NY
Population: 1,630,000; Number of Prosecutors: 525*

At the New York County (Manhattan) District Attorney's Office, the CSU worked with their IT Department to develop a tool that organizes inmate phone calls and simplifies the experience of listening to calls, writing summaries of calls, and flagging calls for further review.⁶⁵ The tool allows for analysis of inmate phone calls based on

⁶⁵ The information in this section is based on an email from David O'Keefe (Former Deputy Chief of Trial Divi-

numbers called, inmate callers, and dates and times of calls. The calls can be filtered by date, time, person called, language spoken, duration, proximity to nearest court date, and whether the call was already listened to or not. See [*Appendix - Additional Resources*](#) for presentation on Recorded Jail Call Review and Analysis Tool.

Video Evidence and Surveillance Cameras

Video evidence is a complex type of digital evidence. One challenge in working with video evidence is that videos come in a variety of file formats, some of which are proprietary, and simply getting them into an accessible form can require a significant amount of work. For some prosecutions, it is also necessary to download incriminating videos from social media websites before they are taken down. In preparation for trial, videos also need to be edited to show the relevant scenes and organized into presentations. The CSU can assist with these tasks.



CSUs can also proactively assist prosecutions by creating maps of surveillance cameras in the community. Cameras can be included in such maps without the prosecutor office having direct access to the cameras or obtaining footage ahead of time. Rather, these maps simply identify surveillance cameras that may have captured footage useful to a prosecution. Most private cameras delete footage after 5 to 30 days, so identifying working cameras in the community and providing contact information to retrieve the footage through cooperation or subpoena can result in valuable evidence that would otherwise be lost. Creating a map of surveillance cameras can also be an opportunity for the prosecutor office to engage with members of the community. The process of documenting each surveillance camera should be kept very simple in order to lower barriers to participation.

sion), New York County District Attorney's Office, New York (09/17/2020). Email on file with PCE.

Community Assisted Mapping System

Bronx County District Attorney's Office, NY

Population: 1,432,000; Number of Prosecutors: 500

The Bronx Community Assisted Mapping System (BronxCAMS) is a map of surveillance cameras that is created in part through members of the community documenting where they have surveillance cameras.⁶⁶ A letter is sent to members of the community, explaining that camera footage is useful for improving public safety and that such footage can help prove both guilt and innocence. Community members with cameras are asked to fill out a form to document the locations of their cameras, how long they store the footage, and points of contact the prosecutor office can reach out to. This is combined with information gathered by the office's video technicians whenever they retrieve camera footage. Together, this information is used to create an interactive map of camera locations around the Bronx that is available on the office's intranet and which provides both the location of the cameras and contact or subpoena information. When a crime is committed and a camera's footage may be useful, the prosecutor office knows where the cameras are and how to request a copy of the footage. See [*Appendix - Additional Resources*](#) for letter to the community about surveillance cameras.

Supporting Law Enforcement Investigations

Prosecutor offices are increasingly recognizing the value of supporting law enforcement investigations before an arrest is made, and this is often another role of the CSU. Supporting law enforcement investigations furthers the prosecutor's understanding of defendants and guides law enforcement toward developing a viable case. The CSU can also provide assistance by performing crime analysis and coordinating investigations that span multiple police jurisdictions, as well as by providing technical assistance.

Collaborating on Investigations

Many CSUs work hand-in-hand with law enforcement on important investiga-

⁶⁶ The information in this section is based on an email from Kerry Chicon (Assistant District Attorney & Division Chief, Strategic Enforcement & Intergovernmental Relations), Bronx County District Attorney's Office, New York (08/25/2020). Email on file with PCE.

tions.⁶⁷ Prosecutors and crime analysts in the CSU may be familiar with the individuals driving crime trends and can offer valuable assistance to law enforcement. Given that the CSU is part of the prosecutor office, it also offers valuable insight into how to conduct investigations so as to yield stronger cases that will be accepted by the prosecutor.

Cold Case Project

*Shelby County District Attorney General's Office (Memphis), TN
Population: 935,700; Number of Prosecutors: 112*

The Shelby County (Memphis) CSU includes fourteen prosecutors who are embedded in the CSU while also supporting their own caseloads.⁶⁸ In the spring of 2020, while the prosecutors were working remotely due to the COVID-19 pandemic, the CSU organized a project to assist the police department in reviewing homicide cases. The prosecutors reviewed 167 cases, organizing them and attaching memos to each case. 48 of these cases were ready for follow-up after this review.

Coordinating Investigations

If the prosecutor office spans many police jurisdictions, it may be valuable for the CSU to assist with coordinating police investigations. The CSU can do this by aggregating data and intelligence across jurisdictions, identifying priorities, and bringing together the relevant police departments to enhance investigations.

⁶⁷ Examples include the Shelby County District Attorney General's Office and the Delaware Attorney General's Office. Video interview with Paul Hagerman (Assistant District Attorney & Chief of Crime Strategies & Narcotics Unit), Shelby County District Attorney General's Office, Tennessee (06/24/2020); video interview with Dan Masi (Intelligence Analyst), Delaware Attorney General's Office, Delaware (08/05/2020). Notes on file with PCE.

⁶⁸ The information in this section is based on a video interview with Paul Hagerman (Assistant District Attorney & Chief of Crime Strategies & Narcotics Unit), Shelby County District Attorney General's Office, Tennessee (06/24/2020). Notes on file with PCE.

Coordinating Police Investigations

Cuyahoga County Prosecutor's Office (Cleveland), OH

Population: 1,235,000; Number of Prosecutors: 220

The Cuyahoga County Prosecutor's Office works with 56 police departments and over 100 total law enforcement entities that submit cases.⁶⁹ Cleveland is within this office's jurisdiction and accounts for approximately half its caseload. The CSU serves as a crime analysis unit for law enforcement, reviewing gun crimes and violent offenses every day and doing high-level analysis to determine which areas require the most attention. Since individuals who commit crimes often move between police jurisdictions, it can be challenging for individual police departments to collect evidence and develop cases. Thus, the CSU also plays an important role in bringing police departments together to collaborate on important investigations and coordinating the investigations. See [Appendix - Additional Resources](#) for a CSU PowerPoint on robberies.

Offering Technical Support to Police

A CSU can also provide technical support to law enforcement agencies that may not have the technology needed to complete investigations that involve complex digital evidence.

Technical Support for Police

Fourteenth Circuit Solicitor's Office, SC

Population: 286,000; Number of Prosecutors: 23

The South Carolina Fourteenth Circuit Solicitor's Office describes its unit as an "intelligence-led prosecution unit" rather than a CSU.⁷⁰ This reflects the fact that the main goal of the unit is to keep up with the ways in which criminals use modern technology. Assisting law enforcement with their technology needs is a core focus of the unit, along with preparing cases for trial after the arrest is made. This

⁶⁹ The information in this section is based on a video interview with Eleina Thomas (Supervisor of Crime Strategies Unit), Cuyahoga County Prosecutor's Office, Ohio (07/06/2020). Notes on file with PCE.

⁷⁰ The information in this section is based on a video interview with Duffie Stone (Solicitor), Fourteenth Circuit Solicitor's Office, South Carolina (07/08/2020). Notes on file with PCE.

prosecutor office works with 21 police departments, which have varying levels of resources. The intelligence-led prosecution unit offers technological assistance to police departments by downloading data from cell phones, collecting information from the state fusion center, analyzing social media activity, and even providing a drone for obtaining crime scene photos. The unit's relationship with law enforcement is also enhanced by the fact that it includes four certified law enforcement officers, two of whom are in analyst roles and two of whom are in investigator roles.

CONCLUSION

Intelligence-driven prosecution and CSUs represent a new mindset for prosecutors, one that focuses deeply on people, communities, and problem solving. Though there is significant variation among CSUs, the elements of CSUs have unifying features: partnerships, data collection, and a broader view that goes beyond an individual case. A CSU gives prosecutors the tools to look at public safety holistically and to understand those who drive crime and those who do not. The information gathered by a CSU will spearhead efforts that will reduce crime, guide alternative approaches to incarceration and enhance public safety.

It is encouraging to note that prosecutors are embracing the elements of a CSU at an increasing rate. This will accelerate experimentation and improvements that can benefit the profession as a whole. As the concepts of intelligence-driven prosecution are incorporated into daily practice, modern prosecutors will take the lead as informed problem solvers and will effectively fulfill their mission to improve public safety, prevent crime, and enhance community trust.

APPENDIX

ADDITIONAL RESOURCES

The redacted materials linked below as well as additional CSU resources can be found on PCE's website: <https://pceinc.org/issues/crime-strategies-unit/>

Presentation on 2020 Gun Violence to Date [click here](#)

Jackson County Prosecutor's Office (Kansas City), MO

Daily Briefing for District Attorney and Supervisors [click here](#)

Bronx County District Attorney's Office, NY

Violence Timeline [click here](#)

New York County District Attorney's Office (Manhattan), NY

Subject Data Worksheet [click here](#)

Bronx County District Attorney's Office, NY

Sample Arrest Alert Email Notification [click here](#)

New York County District Attorney's Office (Manhattan), NY

Crime Analysis and Research Unit Flyer [click here](#)

Maricopa County Attorney's Office (Phoenix), AZ

Recorded Jail Call Review and Analysis Tool [click here](#)

New York County District Attorney's Office (Manhattan), NY

Letter to the Community About Surveillance Cameras [click here](#)

Bronx County District Attorney's Office, NY

CSU PowerPoint on Robberies [click here](#)

Cuyahoga County Office of the Prosecuting Attorney (Cleveland), OH

Intelligence-Driven Prosecution and Crime Strategies Units PowerPoint [click here](#)

New York County District Attorney's Office (Manhattan), NY