

# LEX QUOD ORDO

ASSOCIATION OF PROSECUTING ATTORNEYS QUARTERLY NEWSLETTER | FALL 2011 VOLUME II ISSUE III

WELCOME TO THE THIRD EDITION OF VOLUME II OF LEX QUOD ORDO (LAW AND ORDER), THE ASSOCIATION OF PROSECUTING ATTORNEYS' (APA) QUARTERLY NEWSLETTER DEDICATED TO THE FIELD OF COMMUNITY PROSECUTION (CP). AS THE HOLIDAYS APPROACH AND 2011 COMES TO A CLOSE, I WANT TO REFLECT ON THE MANY ACCOMPLISHMENTS AND SUCCESSES THAT HAVE TAKEN PLACE IN THE PAST YEAR.

IN RECENT NEWS, THE ASSOCIATION OF PROSECUTING ATTORNEYS (APA), IN PARTNERSHIP WITH THE U.S. DEPARTMENT OF JUSTICE'S BUREAU OF JUSTICE ASSISTANCE (BJA) AND THE CENTER FOR COURT INNOVATION (CCI), HOSTED THE *INNOVATIONS IN CRIMINAL JUSTICE SUMMIT* ON SEPTEMBER 28TH-30TH IN CHICAGO, IL. THIS CONFERENCE WAS A GREAT SUCCESS IN BRINGING TOGETHER PROSECUTORS AND A VARIETY OF CRIMINAL JUSTICE PRACTITIONERS FROM ACROSS THE COUNTRY. THE SUMMIT HIGHLIGHTED 10 INNOVATIVE CRIMINAL JUSTICE PRACTICES FOCUSING ON PROBATIONARY STRATEGIES, COMMUNITY AND INTELLIGENCE-LED PROSECUTION PROGRAMS, POLICING PRACTICES, JUDICIAL PROCEDURES, REENTRY, MENTAL HEALTH COURTS, HOLISTIC DEFENSE, HOMICIDE REVIEW COMMISSIONS AND ADDRESSING CHRONIC OFFENDERS.

THE CONFERENCE INCLUDED FIVE PLENARY "COMMON THEMES" PANEL DISCUSSIONS, A "LEADERSHIP" PANEL DISCUSSION WITH PHILADELPHIA DISTRICT ATTORNEY SETH WILLIAMS AND MILWAUKEE DISTRICT ATTORNEY JOHN CHISHOLM AND TWO CP PROGRAMS WERE HIGHLIGHTED DURING THE SUMMIT. FOR A MORE COMPLETE REVIEW OF THE MINNEAPOLIS' DOWNTOWN 100 AND THE ROCKLAND INTELLIGENCE-LED APPROACH TO PUBLIC SAFETY THROUGH COMMUNITY POLICING, COMMUNITY PROSECUTION AND COMMUNITY PARTNERSHIPS (IL3CP) PROGRAMS FEATURED AT THE SUMMIT, PLEASE SEE PAGES 3-4.

IN OTHER TRAINING NEWS, APA HOSTED THREE REGIONAL COMMUNITY PROSECUTION TRAININGS IN THE PAST FEW MONTHS. THE *SOUTHERN REGIONAL COMMUNITY PROSECUTION SUMMIT* WAS HELD IN ATLANTA, GA ON SEPTEMBER 9TH AND HOSTED BY THE *FULTON COUNTY DISTRICT ATTORNEY'S OFFICE*, THIS REGIONAL TRAINING FOCUSED ON THE DEVELOPMENT OF BETTER REGIONAL PARTNERSHIPS AND CRIME PREVENTION PRIORITIES. ADDITIONALLY, APA CONVENED A *NORTHWESTERN REGIONAL COMMUNITY PROSECUTION TRAINING* IN PORTLAND, OR ON SEPTEMBER 15TH, HOSTED BY THE



MULTNOMAH COUNTY DISTRICT ATTORNEY'S OFFICE. THIS TRAINING INCLUDED REPRESENTATIVES FROM THE CLACKAMAS COUNTY DISTRICT ATTORNEY'S OFFICE, THE MULTNOMAH COUNTY DISTRICT ATTORNEY'S OFFICE AND THE SAN FRANCISCO DISTRICT ATTORNEY'S OFFICE. FINALLY, A *MID-ATLANTIC REGIONAL COMMUNITY PROSECUTION TRAINING* WAS HOSTED AT APA HEADQUARTERS ON SEPTEMBER 19TH. ATTENDING JURISDICTIONS INCLUDED THE PRINCE GEORGE COUNTY STATE'S ATTORNEY'S OFFICE, THE U.S. DISTRICT ATTORNEY'S OFFICE FOR DC, AND THE BALTIMORE CITY STATE'S ATTORNEY'S OFFICE. WE HOPE THAT THESE REGIONAL TRAININGS HAVE BEEN SUCCESSFUL AT DEVELOPING COOPERATIVE REGIONAL PARTNERSHIPS AND CRIME PREVENTION EFFORTS. APA HOPES TO CONTINUE TO HOST MORE OF THESE REGIONAL TRAININGS IN THE UPCOMING YEAR.



PICTURED (LEFT TO RIGHT): APA PREISIDENT DAVID LABAHN, PHILADELPHIA DISTRICT ATTORNEY SETH WILLIAMS, APA VICE-PRESIDENT STEVEN JANSEN AND MILWAUKEE DISTRICT ATTORNEY JOHN CHISHOLM AT THE *INNOVATIONS IN CRIMINAL JUSTICE SUMMIT*.

ON OCTOBER 14TH-15TH THE SECOND INNOVATIVE PROSECUTOR ROUNDTABLE WAS HELD AT THE KINGS COUNTY DISTRICT ATTORNEY'S OFFICE IN BROOKLYN, NY. THIS ROUNDTABLE BROUGHT TOGETHER A VARIETY OF EXPERIENCED PROSECUTORS FROM ACROSS THE COUNTRY TO DISCUSS AND IDENTIFY THE INNOVATIVE PROSECUTORIAL PRACTICES WHICH ARE SHOWING PROMISING RESULTS OR POSITIVE COST-BENEFIT ANALYSES AND TO DEVELOP A COMPREHENSIVE PROSECUTORIAL GUIDE ON INNOVATIVE POLICIES AND PRACTICES. THE TWO-DAY MEETING ALSO INCLUDED A TOUR OF THE REDHOOK COMMUNITY JUSTICE CENTER AND THE KINGS COUNTY FAMILY JUSTICE CENTER. WE ARE GREATLY APPRECIATIVE OF KINGS COUNTY DISTRICT ATTORNEY CHARLES "JOE" HYNES FOR HOSTING THIS EVENT AND WE HOPE TO UTILIZE THIS MEETING TO DEVELOP NEW IDEAS AND ENHANCE OUR TECHNICAL ASSISTANCE TO OUR NATION'S PROSECUTORS.

LASTLY, APA'S "FINAL FRIDAYS" WEBINAR SERIES WRAPPED UP FOR 2011 THIS MONTH WITH A PRESENTATION BY LENORE ANDERSON, CHIEF OF THE ALTERNATIVE PROGRAMS DIVISION IN THE SAN FRANCISCO DISTRICT ATTORNEY'S OFFICE, AND BRETT TAYLOR, DEPUTY DIRECTOR OF TECHNICAL ASSISTANCE WITH THE CENTER FOR COURT INNOVATION, ON COMMUNITY JUSTICE PANELS AND THE SAN FRANCISCO DISTRICT ATTORNEY'S NEIGHBORHOOD COURTS.



PICTURED: KINGS COUNTY DISTRICT ATTORNEY JOE HYNES WITH PARTICIPANTS AT THE SECOND INNOVATIVE PROSECUTOR ROUNDTABLE

WEBINAR ATTENDEES LEARNED HOW COMMUNITY JUSTICE PANELS WORK WITH COMMUNITY OR NEIGHBORHOOD PROSECUTION, THE TYPICAL STAGES OF A COMMUNITY JUSTICE PANEL PROCESS, RECOMMENDED CRIMES OR CITATIONS A PANEL SHOULD ADDRESS AND THE ROLES OF A PANEL PROSECUTOR AND ADJUDICATOR. APA IS CURRENTLY PLANNING 2012'S "FINAL FRIDAYS" SCHEDULE WITH POSSIBLE TOPICS INCLUDING FLASH MOBS, AND A FOLLOW UP TO MENTAL HEALTH AND CRIMINAL JUSTICE ISSUES. IF YOU WOULD LIKE TO SEE A PARTICULAR CRIMINAL JUSTICE ISSUE COVERED ON AN UPCOMING WEBINAR, PLEASE CONTACT APA PRESIDENT DAVID LABAHN AT DAVID.LABAHN@APAINC.ORG

WE WOULD LIKE TO THANK AND RECOGNIZE ALL WHO CONTRIBUTED TO THIS NEWSLETTER. AS ALWAYS, WE ENCOURAGE YOU TO REACH OUT TO US AT OUR WEBSITE [WWW.APAINC.ORG](http://WWW.APAINC.ORG), CONNECT WITH US ON OUR FACEBOOK FAN PAGE AND FOLLOW US ON TWITTER. PLEASE FEEL FREE TO CONTACT ME AT [ROBERT.HOOD@APAINC.ORG](mailto:ROBERT.HOOD@APAINC.ORG) IF YOU NEED ASSISTANCE, HAVE QUESTIONS, OR SUGGESTIONS FOR FUTURE ISSUES, TRAININGS AND PUBLICATIONS.

-ROBERT HOOD, APA  
DIRECTOR, COMMUNITY PROSECUTION & VIOLENT CRIME DIVISION



PICTURED: SECOND INNOVATIVE PROSECUTOR ROUNDTABLE PARTICIPANTS AT THE KINGS COUNTY DISTRICT ATTORNEY'S OFFICE IN BROOKLYN, NY.

# ROCKLAND COUNTY IL<sub>3</sub>CP

The Rockland County (IL<sub>3</sub>CP) program is more than a community prosecution program or initiative; it is a whole-office policy implemented by Rockland County District Attorney Thomas Zugibe. The Rockland County District Attorney's Office (RCDAO) has been practicing IL<sub>3</sub>CP since 2008. The entire staff of the RCDAO has fully embraced in the community prosecution philosophy.

The initial implementation of community prosecution, as well as its basic structure, did not require additional staff or funding. Every attorney, including the District Attorney, has integrated this approach into every aspect of his or her duties. The foundation for Community Prosecution is built on an established organizational structure within the RCDAO that focuses on integrating Assistant District Attorneys (ADAs) with law enforcement and community residents. ADAs are assigned to specific Towns or Villages and work primarily out of the local police agency(s) in addition to working at the Main Office and the courtroom. ADAs also attend local community meetings, whether formal or informal, to develop relationships with residents to help identify local concerns. ADAs are responsible for following all cases from their assigned jurisdictions through vertical prosecution.

Working directly with community groups and individuals is a primary responsibility for the ADAs assigned to the local jurisdictions. ADAs, along with Criminal Investigators, attend local meetings that include Collaboratives, business associations, civic associations, neighborhood watch groups, co-op/condo boards, school districts, religious communities, and other community groups. Through these formal and informal interactions, relationships are built and the perceived safety of the community is raised. It is through this close working relationship with the police and the community that ADA's gain valuable knowledge. They, in conjunction with law enforcement and the community, analyze problems and formulate solutions that will make the community safer. In addition to vigorous prosecutions, solutions to specific issues often take more non-traditional responses,

i.e. mediation or civil action, as opposed to solely focusing on prosecution.



Pictured: Assistant District Attorney Kristen Conklin leads the Rockland County IL<sub>3</sub>CP program breakout session.

RCDAO's IL<sub>3</sub>CP also includes weekly meetings between DA Zugibe and the designated CP areas to discuss "compstat" style statistics and issues within the particular area to identify crime issues, trends, and top offenders that deserve focus from RCDAO. IL<sub>3</sub>CP has also utilized the Rockland County Intelligence Center (RCIC), which houses a county-wide intelligence database of criminal justice information. The CODE 6 program is the feature of IL<sub>3</sub>CP aimed at repeat offenders. RCDAO's IL<sub>3</sub>CP has also developed or been a part of other key office initiatives, such as a Special Victims Center, Special Investigations Unit, Rockland County Drug Task Force, High School Intervention and Diversion Program, Youth Police Initiative, Road to Recovery/Drug Treatment Alternative to Prison, Drug Market Intervention (DMI), Underage Drinking/Drugging Diversion program, Veterans Alternative to Incarceration and Misdemeanor Intervention Program.

To request an implementation guide for IL<sub>3</sub>CP, please contact [Kelsey.Doty@APAInc.org](mailto:Kelsey.Doty@APAInc.org) or for more information on IL<sub>3</sub>CP please contact Rockland County Assistant District Attorney, Kristen Conklin at [ConklinK@co.rockland.ny.us](mailto:ConklinK@co.rockland.ny.us).

## MINNEAPOLIS DOWNTOWN 100

The Downtown 100 initiative, started in April 2010, seeks to improve the safety of Downtown Minneapolis through a holistic, team-based prosecution approach for the most chronic livability property and drug crime offenders in the Downtown area. The Minneapolis Downtown Improvement District (DID) has committed a second year of funding for the Initiative through 2012. The initiative involves collaboration between the DID, the Minneapolis Police Department, Minneapolis City Attorney's Office, SafeZone, the Hennepin County Attorney's Office, St. Stephen's Human Services, Hennepin County Community Corrections, the Salvation Army, 1st Precinct neighborhood associations, and other community and business stakeholders. The initiative has resulted in a significant reduction in recidivism by the Downtown 100 offenders, along with the provision of housing and treatment services for the offenders who are in need of such assistance.

The creation of a Downtown 100 Strategic Team was essential to the program's success and is the foundation for the program's design. The team members are all co-located in the precinct's police house. Prosecutors on the Downtown 100 team function with vertical case management and are dedicated to particular offenders. Cross-deputization has been an effective tool to keep this form of case management.

Downtown 100 holds a weekly Criminal Justice Partners Strategic Meeting with police, community prosecutors, probation, homeless/mental health outreach workers, a community coordinator, shelter representatives and the director of SafeZone to identify the top offenders and discuss each offender's crime pattern and social service needs.

Partnerships with St. Stephen's and other service providers are essential in this aspect of the program for help



Pictured: The Downtown 100 team presents their program during a breakout session at the Innovations Summit.

in identifying homeless offenders, finding housing and identifying other needs for mental health services, chemical health services, home furnishings, groceries and emotional support.

Key tools utilized by Downtown 100 include "active" probation and comprehensive conditions, geographic restrictions, contempt of court, arrest and detention orders, trespassing violations and a Trespassing Enhancement List, housing subsidies, chronic offender warrant alert notification, community impact statements, on-demand rapid assessments for chemical health and specialty courts.

To request an implementation guide for the Downtown 100 program, please contact [Kelsey.Doty@APAINc.org](mailto:Kelsey.Doty@APAINc.org), or for more information on the Downtown 100 program, please contact Minneapolis Assistant City Attorney/Downtown 100 Team Leader, Lois Regnier Conroy at [Lois.conroy@ci.minneapolis.mn.us](mailto:Lois.conroy@ci.minneapolis.mn.us).

# COMMUNITY CORNER

## THE RAPID INTERVENTION COMMUNITY COURT

BY: STATE'S ATTORNEY THOMAS DONOVAN  
CHITTENDEN COUNTY, VERMONT

With a recidivism rate of over 50% and a Department of Corrections' that is the second fastest growing budget item in our State, Vermont prosecutors have been encouraged to develop creative non-traditional solutions in our fight against crime. Emphasis has been placed on cost effective strategies that reduce recidivism. Founded on the belief that public safety can be enhanced by addressing the root causes of low level criminal behavior, the Rapid Intervention Community Court (RICC), a treatment oriented pre-charge program, has successfully diverted almost 400 cases from the Chittenden County criminal docket in its first year. RICC targets low-level non-violent offenders who commit crimes driven by a readily identifiable social issue, such as substance abuse or mental illness. The majority of cases referred to RICC are flagged by police officers who have contact with the individual offender, and cited into court within 72 hours of police contact. The remaining cases are referred by prosecutors, public defenders, the private defense bar, and occasionally, by social service providers in the community. The types of cases that are typically referred include, but are not limited to, retail theft, petty larceny, disorderly conduct and unlawful mischief.

The addition of a community coordinator to the prosecutors' office has been critical to the success of the project. The Community Coordinator is the link between the service providers and the accused. When a referral is made to RICC, the Community Coordinator screens the case, performs a risk assessment, and determines whether there is a social service provider in the community that can help address the unmet need(s) of the offender. The offender is then matched to the appropriate social service provider, and referred for an assessment and ongoing treatment, as well as reparative services where appropriate. RICC is a voluntary program thereby protecting the due process rights of the accused.



Pictured: Chittenden County State's Attorney Thomas Donovan explains the RICC program at the Innovations in Criminal Justice Summit.

If an offender successfully completes his or her treatment contract, the criminal case is never arraigned. Offenders are generally followed for a period of ninety days, though in some cases, this time frame may be extended to six months, or until treatment is considered complete. Compliance checks are completed by the Community Coordinator. Failure of the contract results in resumed prosecution.

In its pilot year, RICC received 562 referrals and accepted 428 cases into the program. Of those cases that were accepted, 339 cases were dismissed or closed prior to arraignment because the offender successfully completed his or her program contract, demonstrating a 79% success rate. State's Attorney TJ Donovan stated "RICC is an example of an innovative approach that can potentially save money and enhance public safety. We look forward to obtaining more data as this project continues." For more information on this program please contact Chittenden County State's Attorney Thomas Donovan at [Thomas.Donovan@state.vt.us](mailto:Thomas.Donovan@state.vt.us).

"COMMUNITY CORNER" HIGHLIGHTS PROGRAMS DESIGNED TO CONNECT PROSECUTORS' OFFICES WITH THEIR COMMUNITIES AND ENHANCES COMMUNITY RELATIONS. IF YOU WOULD LIKE TO BE FEATURED IN FUTURE ISSUES, PLEASE CONTACT GENA GONZALES AT [GENA.GONZALES@APAINC.ORG](mailto:GENA.GONZALES@APAINC.ORG).



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**MISSION**

SUPPORT AND ENHANCE THE EFFECTIVENESS OF PROSECUTORS IN THEIR EFFORTS TO CREATE SAFER COMMUNITIES.

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# UPCOMING EVENTS & ANNOUNCEMENTS

## SAVE THE DATE

THE ASSOCIATION OF PROSECUTING ATTORNEYS INVITES YOU TO JOIN US THIS DECEMBER FOR A SPECIAL WEBINAR OPPORTUNITY:

### FLASH MOBS

TENTATIVELY SCHEDULED FOR  
DECEMBER 2011

PLEASE CONTINUE TO CHECK WWW.APAINC.ORG FOR MORE INFORMATION AND REGISTRATION.

AS WE PLAN THE 2012 "FINAL FRIDAYS" WEBINAR SERIES PLEASE CONTACT DAVID.LABAHN@APAINC.ORG WITH ANY IDEAS OR SUGGESTIONS.



INTERESTED IN FUTURE NEWSLETTER CONTRIBUTIONS OR WANT TO HELP HIGHLIGHT AN INNOVATIVE PROGRAM? PLEASE CONTACT GENA GONZALES AT GENA.GONZALES@APAINC.ORG.

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