

Jackson County, Missouri
Smart Prosecution Initiative
Strategic Plan

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I. Targeted Problem

Kansas City's crime rates continue to rank among the worst of like-sized U.S. cities. In 2014, with the assistance of KC NoVA, an initiative to reduce crime, homicide rates had plunged by 21% to a 40-year low. Unfortunately, in 2015 homicide rates rebounded and the previous reduction in homicide rates was overshadowed by that year's surge in violent crime. One patrol district, East Patrol Division (EPD), has a homicide rate of 56.9 homicides per 100,000 residents. This is almost twice the city average and more than 10 times the national average. Not only does EPD contribute significantly to the city's high homicide rate, but in 2015, EPD had 969 aggravated assaults and 526 robberies. Given these high rates of violent crime, the Jackson County Prosecuting Attorney's Office (hereinafter, "JCPAO") must work with the Kansas City Police Department to find innovative ways to reduce crime, prevent victimization, and save lives without contributing to mass incarceration, particularly in EPD.

In its 2012 series on crime, *The Kansas City Star* reviewed city assault cases and found that six of every 10 shooting victims had chosen to *not* cooperate with police. Thus, many of the city's shooting cases could not be prosecuted successfully,¹ and a disproportionate number of those charged with violent crimes were placed on probation rather than being incarcerated.² JCPAO believes this can change with a shift to intelligence-driven prosecution. Data analytics, social-network analysis, and innovative prosecution approaches can be used to focus resources and build stronger cases in an effort to stem violent criminal activity in Jackson County.

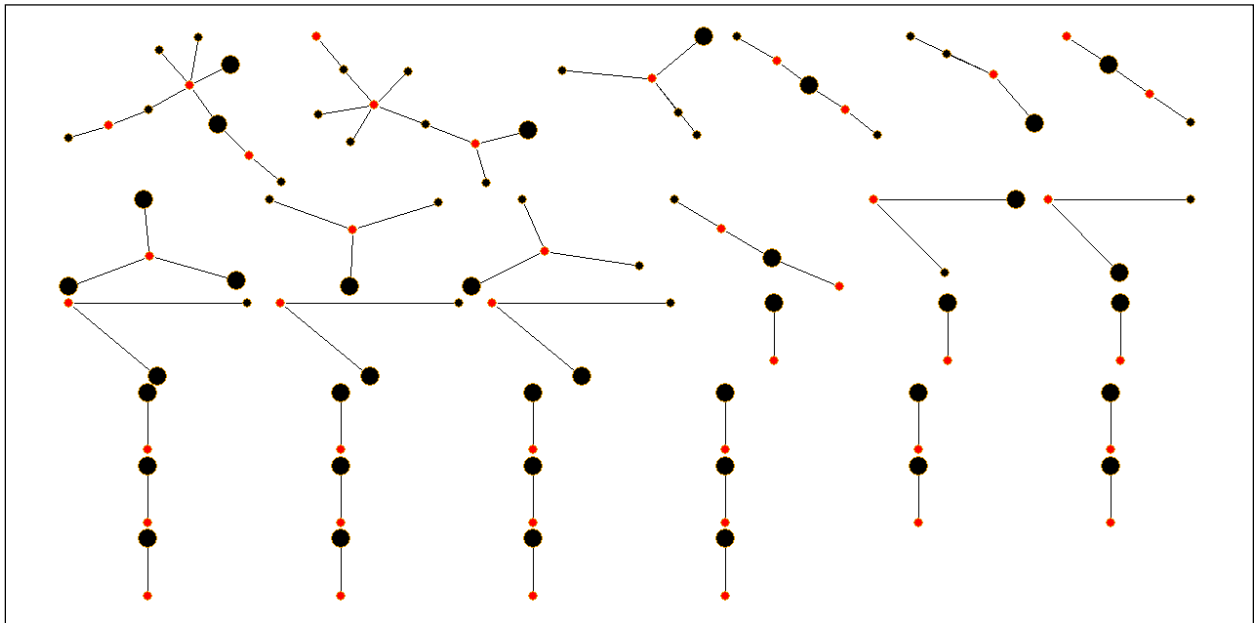
In particular, social-network analysis helps law enforcement understand the connectedness between individuals and groups of individuals, and can help illuminate why

¹ See <http://www.allgov.com/news/controversies/most-kansas-city-nonfatal-shooting-victims-refuse-to-cooperate-with-police-investigation?news=844582>.

² See <http://projects.kansascity.com/2014/manyprobations>.

cooperation rates might be so low among certain victims. To test the process of social network analysis using data available through the Jackson County Prosecutor's Office, an initial analysis was conducted. Data were pulled from all 2015 and 2016 referrals to the office. A two-mode network was created to identify all the cases connected through the people involved as defendants. Data from KCPD were used to identify the crimes that occurred in one of five identified hotspots of violent crime in EPD. Next, all the clusters of people and incidents that were connected to the hotspots were identified. Figure 1 shows a two mode network of 66 referred cases (Black) connected to 44 defendants (Red). The large dots show the incidents that occurred in the hotspots. These data show that there are some networks of offenders operating in the hotspots. These data, in part, will be used to inform prosecutors on prioritizing offenders. An additional network analysis will be conducted to identify the central victims during implementation.

Figure 1: Social network analysis of incidents and defendants connected to violent hot spots.



II. Why Geographic Prosecution?

Throughout the 20th century, prosecution tended to measure professional success, organizationally and individually, by "numbers of cases screened, pleas concluded, trials taking place, convictions obtained, and length of sentences."³ Small wonder, then, that prosecutors defined their missions and key responsibilities in terms of screening out weaker cases, obtaining guilty pleas, and taking cases with the greatest potential for long sentences (e.g., violent felonies) to trial,⁴ often excluding lesser crimes. Few thought about whether or not successes measured in those terms were having any impact on reduction of crime or neighborhood quality of life. Later in the century, however, a philosophical change began to emerge. Citizens were perceiving prosecutors' offices as irrelevant to reducing crime in their neighborhoods, especially in the most crime-ridden locales, and that realization seemed to spark a fresh look at the prosecutorial contribution to the criminal justice system.

An evolving geographic-based prosecution strategy, with a focus on distinct communities or neighborhoods, began to broaden the mission and awareness of prosecutors' offices to include prevention, reduction and management of crime, most often in partnership with police, other service providers and local community members. Organizationally, the trend tended to be decentralization of case management with a re-orientation towards community-level issues and litigation. Non-lawyer specialists were recruited to help with problem solving, and prosecutors collaborated more often with private citizens, other justice agencies, local governments, health and other service providers, businesses, and faith-based organizations. Together, they began to

³ Coles, Catherine, J.D., Ph.D. (April 2002). *Community Prosecution: District Attorneys, County Prosecutors and Attorneys General*, Working Paper #02-02-07. Program in Criminal Justice Policy and Management, Malcolm Weiner Center for Social Policy, John F. Kennedy School of Government, Harvard University, p. 3.

⁴ Ibid.

identify and assess problems, develop and implement strategies, and assess outcomes. Formal performance measures continued to track cases screened, pleas, trials and dispositions, but they also monitored the direct impact of prosecutors' actions on crime prevention and reduction, fear reduction, and quality of life.

A BJA document produced by the Association of Prosecuting Attorneys, *Implementing a Geographic Community-Based Prosecution Model in Philadelphia*, further explains geographical prosecution.⁵ The report describes another stalled criminal justice system that was seemingly incapable of affecting its city's violent crime rates, and the systemic shortcomings that were found and corrected there. It also cites impressive measurable outcomes that followed the transition to community-based prosecution: the reduction of dismissals in Municipal Court from 19% to 7%, for instance, or the 27% decline in the time taken to process a case through the system, and others. Perhaps equally noteworthy, the transition to community-based prosecution was described as "remarkably smooth," with all groups of stakeholders (ADAs, public defenders, judges, police officers and court staff) reported as "quickly acclimat[ing] to the new system" (2013, p. 16).⁶

Vertical Prosecution: "Backbone" of Geographic-based Prosecution

Vertical prosecution of serious violent crimes is a common tool in geographic-based prosecution; in fact, it is often referred to as the backbone of a sound geographic prosecution approach. Its opposite is the older, but commonly practiced horizontal (a.k.a. "assembly line") prosecution system in which, at various stages in the prosecutorial process, individual cases are

⁵ Williams, R. Seth, and Will Stewart. (2013). *Implementing a Geographic Community-Based Prosecution Model in Philadelphia*. Prosecutor's Report V. Association of Prosecuting Attorneys. WA DC, p. 16. (Online: <http://www.apainc.org/files/DDF/Philadelphia%20Implementation%20Guide.pdf>)

⁶ Ibid., p. 16.

handed from prosecutor to prosecutor. Each handoff is an opportunity for missteps and loss of information. Some of the troubling consequences include routine logistical and scheduling conflicts that generate continuances, under-informed and less invested prosecutors and poorly represented cases, loss of key witnesses (including victims) and opportunities to collect evidence, and—for all of those reasons and others—frequent and often inappropriate dismissals.⁷

One aim of geographic prosecution is to build better cases: vertical prosecution goes hand-in-hand with this objective. Single prosecutors or prosecution teams manage their cases from beginning to end. APAs specialize in particular communities, acquiring invaluable background knowledge and relationships that aid in successfully prosecuting criminals, but also in preventing some crime from ever happening. Among the documented advantages, prosecutors develop a more thorough understanding of their cases; their investment in successful outcomes increases, and productive working relationships with key colleagues develop and deepen with time. Importantly, victims and witnesses are more apt to cooperate and stay the course when they are able to build a trusting relationship with and rely upon one team for the duration of difficult cases. Vertical prosecution has already established a track record of improving case outcomes in career criminal, domestic violence, child abuse, and homicide cases.⁸ The following section will outline how we will use geographic, vertical prosecution while emphasizing the needs of witnesses and victims.

III. The Approach

JCPAO's project has two organizing principles. First, carefully selected focus areas or "hotspots," chosen for their criminal activity and neighborhood composition, and second, the

⁷ Ibid., p.5,

⁸ Ibid., pp. 6-7.

concept of geographic prosecution according to which designated attorneys handle only cases from the hotspot areas.

JCPAO worked with KCPD to designate five hotspots, each approximately one-half square mile, of violent crime in Kansas City's East Zone. The locations were chosen based on an initial list of 16 hotspots generated by KCPD data of violent calls for service and reports from 2015 and 2016. Both JCPAO and KCPD conducted site visits at each location. After verifying that each site was appropriate, the group then engaged in a randomization exercise with the research partners to determine which hotspots would get specific treatments from KCPD and JCPAO. From this process we selected five hotspots which would be the targets of the prosecution efforts, including geographic prosecution and the programing described below.

JCPAO is enhancing its prosecution efforts in the five hotspots. Two JCPAO prosecutors are assigned to the East Zone and will prosecute all violent crime, with the exception of sex crimes and domestic violence, arising in the hotspots. The prosecutors will use data to understand crime patterns in each hotspot, as well as engage with community members to gain knowledge of the make-up of the community and the particular issues that contribute to violent crime. This type of community involvement will enable prosecutors to bring stronger and smarter cases. Community knowledge and crime statistics will help law enforcement target those individuals at the center of criminal activity and to see the interconnectedness of cases and individuals, as opposed to traditional methods of looking at defendants and cases on a one-by-one basis.

The prosecutors will keep office hours at the East Patrol Campus to strengthen relationships with police officers. They will also handle cases vertically, as described in Section II. JCPAO will work with LERC to receive daily updates of crime in the hotspots. Paralegals at

JCPAO will match case referrals with the list of hotspot police reports generated by LERC, and take the matched case referrals to the East Zone prosecutors.

In addition to enhanced prosecution techniques, JCPAO will implement varied initiatives to address crime and engage the community.

Abandoned Housing Initiative

Abandoned houses and properties contribute to criminal activity. Recent studies have shown a link between ameliorating urban blight and lower gun violence rates.⁹ We have chosen hotspot #11 to focus our abandoned housing project and have selected one block – Denver Avenue between 23rd and 24th streets – to rehabilitate. This block was chosen because it contains at least five Kansas City Land Bank properties and many houses with citations for potential nuisance suits. The initiative will begin with a community clean-up on an abandoned lot anchoring the block. This lot has obscured the view from the street into three abandoned houses that are reportedly places of drug usage.

We will work with Legal Aid and private attorneys to initiate suits on other abandoned properties on the block in an effort to clear title. Once title is cleared, we will work with local rehabilitators to take possession of the house and make it habitable for a family.

Restorative Justice Diversion

The Center for Conflict Resolution (CCR) will select and train a Neighborhood Accountability Board to hear and resolve a limited number of property crime cases using restorative justice practices. These methods aim to facilitate communication between all stakeholders (the victim, offender, and the community), in a safe setting where the focus is on

⁹ See e.g., Charles C. Branas, et. al. “Urban Blight Remediation as a Cost-Beneficial Solution to Firearm Violence” AJPH December 2016, Vol. 106, No. 12.

repairing the harm caused by criminal behavior (Sherman & Strang, 2007).¹⁰ Restorative practices are increasingly being used in schools, children's services, communities and the criminal justice system with the goal of aiding people in recognizing that their activities affect others and that people are responsible for their choices and actions. Restorative practices enable people to reflect on how they interact with each other and consider how best to prevent harm and conflict (Braithwaite, 2007).¹¹

JCPAO will determine the criteria to enter the diversion program, which will include non-violent offenses, and/or no more than two felonies in the past ten years. JCPAO hopes to divert 5-10 cases per year from the hotspots. Suspects will enter the diversion program before the cases are charged and if the suspect completes the program as set forth by the Board, his or her case will not be filed in Jackson County. If the suspect is unable or unwilling to complete the program, his or her case will be charged and follow the normal course in the criminal justice system.

Victim Advocacy

JCPAO will hire one victim advocate dedicated to the five hotspots. The advocate will contact victims of violent crime, regardless of whether the case is investigated or charged. Victims will be contacted within 72 hours of the crime. If the crime is severe enough such that it affects the neighborhood, JCPAO will partner with a local organization to canvas the surrounding area and extend the JCPAO presence among all who might be experiencing trauma as a result of the crime. JCPAO will develop a set of protocols for the advocate to follow in the initial and subsequent contact with the victim, as well as provide all victims contacted with

¹⁰ Sherman LW & Strang H (2007) *Restorative Justice: The Evidence*. London: Smith Institute

¹¹ J. Braithwaite (2007) "Encourage restorative justice", *Criminology and Public Policy* 6(4) 689-696.

information on resources in the community. This requires JCPAO and the victim advocate to establish a list of available community resources that can be provided to victims. The protocols will require the advocate to detail the purpose of the call, which is not to take a statement from the victim, but rather to describe the role of the victim advocate, provide the victim with information of his or her rights, establish what his or her needs are and what resources are available to him or her in the community. Additionally, the protocols will require the advocate to document the following information:

- Date and time of the call,
- Name of person contacted,
- Description of victim's needs (e.g., medical, property damage, childcare, etc.),
- List of resources provided to victim (e.g., counseling services, Good Samaritan programs),
- Confirmation that victim advocate contact information was given to victim,
- Date and time of next scheduled call, and
- Confirmation that the victim was informed that either the advocate or a community entity will arrange to meet them at a neutral location (to avoid victim/witness intimidation) when possible and deliver a small gift from JCPAO.

The advocate will follow-up with the victim monthly to inquire whether needs have changed and to provide updates on the case. If the case proceeds to a trial division, the advocate will accompany the victim to all proceedings he or she wishes to attend. JCPAO will demonstrate that victim's needs are taken seriously by initiating these protocols and disseminating more concise and clear information to victims about the services available. This will potentially result in victims' increased engagement within the system.

Community Engagement

JCPAO seeks to engage the community and build bridges with key community stakeholders. To this end, JCPAO will share a community engagement coordinator with KCPD. The community engagement coordinator will meet with neighborhood associations to hear concerns and share progress on our initiatives. Additionally, the coordinator will be in charge of a social media campaign that highlights positive things the prosecutor's office is doing. This will include photos of JCPAO delivering gifts to victims and meeting with community members.

The coordinator will assist in putting together a briefing book for each hotspot. It will include demographic data, crime data, and community information such as key stake holders.

Partnerships/Collaborations

- KCPD received a SMART Policing Grant and is working in close collaboration with JCPAO. The hotspots were determined using KCPD data. KCPD and JCPAO are also sharing a community engagement coordinator, and will participate in events together.
- Legal Aid will assist in clearing title on abandoned properties and initiating nuisance suits.
- Our research partners at Fresno State are collecting data for evaluation and involved in discussions about implementation.
- Center for Conflict Resolution will run our diversion, described above.

Expected Results

We expect greater community engagement in the criminal justice system, i.e. more witness and victim participation and more calls for service. We expect lower recidivism rates

among those individuals who participate in the diversion. We expect an overall reduction in gun violence.

Our strategies are based on research and stated needs of the community. We believe that by using evidence-based approaches, we will lower violent crime. If successful, JCPAO hopes to expand the geographic prosecution model across the office. Moreover, if any of the individual programs yield success they will also be expanded to other locations in Jackson County and include more people.

How the Plan Has Changed

JCPAO has expanded its SMART Prosecution programs since its original grant proposal. While the analysis of criminal activity in the East Zone has not changed, JCPAO seeks to address drivers of such activity that were not initially contemplated. Accordingly, we added a program to address abandoned housing, a more robust victim advocacy approach, and a restorative justice diversion run by the Center for Conflict Resolution. These programs are described above.

IV. Evaluation Plan

The Research Partner (RP) will follow the action research model. The research partners are Dr. Andrew Fox and Dr. Chadley James, both Assistant Professors in the California State University-Fresno, Department of Criminology. They will perform the following:

- 1) Assisting with establishing protocols, specifically with victim assistance;
- 2) Assisting with the development of the Action Plan including strategies to address identified problems;

- 3) Assessing overall program implementation including plans for sustainability (process evaluation): and
- 4) Conducting an assessment of overall program impacts of targeted objectives (outcome evaluation).

Members of the research team will attend and participate in monthly management team meetings (via teleconference and in person when required), as well as review best practices and evidence-based research to aid project outcomes. The RP will also conduct the project evaluation.

The evaluation will address the following questions:

- 1) Are cases handled more efficiently with vertical prosecution?
- 2) Does geographic based prosecution increase the likelihood that victims will participate in the criminal justice process?
- 3) Does geographic, vertical prosecution contribute to violence reduction in target areas?

A number of strategies will be employed to evaluate the implementation of the geographic prosecution approach. First, case characteristics will be compared between the five target areas and five randomly selected control areas. All crimes in the treatment and control areas will be compared to identify the time it takes for cases to be referred to the office, the time until charging, and time until disposition. Additionally, case dispositions will be examined, including the percent of cases dismissed for lack of victim or witness participation. This will allow us to examine whether geographic, vertical prosecution had an impact on the quality of case and efficiency of case processing.

Second, the evaluation of the victim services program is meant to provide program administrators insight to the perception of their client, stakeholder and staff opinions on the performance of the program. A quantitative and qualitative approach will be used to assess the timing of contact and referrals/interagency issues, measurement of caseloads, assessment of record keeping procedures, assessment of victims, staff and community feedback, and evaluation of service proficiency and/or service redundancy. Conducting such an evaluation will provide insight into which practices best assist victim advocates in meeting the needs of victims, and if such a program increases victims participation in the criminal justice system.

Assessment of Impact

The start date has not been selected for implementation, however, once implementation commences, we will use both a qualitative and quantitative approach to measure activity in the areas. As outlined above, case characteristics will be compared between the treatment and control hot spots. To understand the before and after changes, a longitudinal analysis of violent crime will be examined to see if the intervention had any impact on the crime in the treatment hot spots.

VI. Other Materials

- a.** Research Partnership contract
- b.** Logic Model