



# WORKING TOGETHER:

Lessons for Prosecutors and Researchers  
from Four Smart Prosecution Sites

### Who is this brief for?

Prosecutors and researchers.

### What will prosecutors and researchers learn from this brief?

Readers will learn about successful prosecutor-researcher collaborations and get tips to improve the working relationships of prosecutors and researchers.

### How can researchers help prosecutors?

Researchers have become important partners in efforts to improve the justice system. By collecting and analyzing data, researchers provide credible answers to key questions, such as: where is crime occurring? What are the drivers of crime? Is a program or initiative meeting its goals? Where is an initiative falling short and what modifications might improve it? And ultimately, what lessons can an initiative—even a failed one—teach others?

### How was this brief developed?

The Bureau of Justice Assistance developed the Smart Prosecution Initiative to foster collaboration between researchers and prosecutors. The initiative (part of the bureau's Smart Suite of crime-fighting programs) pairs a researcher with a prosecutor's office to help them improve public safety through new evidence-based strategies and more effective use of data. This brief draws on the experiences of four Fiscal Year 2014 Smart Prosecution grantees, offering summaries of the programs' key features and preliminary results and concluding with tips to strengthen prosecutor-researcher collaborations.

## COOK COUNTY'S MISDEMEANOR DEFERRED PROSECUTION ENHANCEMENT PROGRAM

### **Problem: Overuse of jail**

With a population of 5.3 million residents, Cook County, which includes the City of Chicago, is the largest county in Illinois and the second-largest county in the United States. Cook County's jail holds about 9,000 people, making it the largest jail in the United States. Like many counties around the United States, Cook County wanted to reduce its jail population.

### **Response: Misdemeanor Deferred Prosecution Enhancement Program**

The response the State's Attorney's Office developed under the Smart Prosecution Initiative of the U.S. Department of Justice's Bureau of Justice Assistance—in collaboration with its research partner, the Center for Court Innovation—is the Misdemeanor Deferred Prosecution Enhancement Program, which diverts people from jail. As the word enhancement suggests, the program builds on an earlier program: the Misdemeanor Deferred Prosecution Program.

### **Key features:**

- Only individuals facing a non-violent misdemeanor charge who have never had a felony or violent misdemeanor conviction can participate. If the current case involves a victim, the victim must consent to the diversion from court.
- Diverts eligible individuals who have committed misdemeanor offenses from jail.
- Operates in one district (suburban) court and one branch (city) court.
- Holds individuals accountable by requiring them to participate in social services.
- Allows charges to be dismissed if participants fulfill their mandates.
- Uses the Criminal Court Assessment Tool, which screens for risk of re-offending.
- Individuals with low risk of reoffending receive an assessment for social service needs, like housing.
- Medium-risk individuals are assessed for social service needs and required to perform 10 hours of community service.
- High-risk individuals receive a social services assessment and a mandate to participate in a 10-hour cognitive behavioral class to address criminogenic thinking.

### **What is the Criminal Court Assessment Tool?**

The tool was designed by the Center for Court Innovation. It is based on risk-needs-responsivity theory, which posits that for a response to be effective it needs to match the person's risk of re-offending—thus those at high risk of re-offending should receive a higher intensity intervention while those at low risk should receive a low-level intervention. In addition, the intervention needs to target what are known as the "Central Eight" risk/need factors<sup>1</sup> and employ a cognitive-behavioral approach tailored, if possible, to the specific learning style and attributes of the individual.

The assessment tool's 26 questions take about 10 to 15 minutes to complete. An additional five minutes are needed to calculate the score, which indicates whether the individual has a low, medium, or high risk of recidivism and identifies important criminogenic needs such as substance use disorder or housing instability.

### **Challenges:**

- *Initial skepticism:* Some anticipated that many individuals charged with misdemeanors would find traditional sentences—time already served in jail or fines—less onerous than alternative programming. But preliminary focus groups conducted as part of the program's evaluation suggest that many participants believe the program allows them a second chance by avoiding conviction and the consequences that might follow.

- *Resources:* The new assessment tool takes longer to administer than an older tool (up to 15 or so minutes for the new Criminal Court Assessment Tool compared to 10 minutes for the older one).

### **What are researchers studying?**

Researchers are collecting data, interviews and information from focus groups to study the efficacy of the program. They are comparing outcomes (including subsequent justice-involvement and compliance with the program) for three groups:

- a control group of non-violent misdemeanor offenders who went through the traditional court process;
- non-violent misdemeanor offenders with behavioral health issues who were diverted from court into the original Misdemeanor Deferred Prosecution Program and received an intervention; and
- non-violent misdemeanor offenders diverted from court into the enhanced program who received an intervention or alternative sanction based on the results of their risk assessment.

### **When are outcomes expected?**

Research results are scheduled for release in the fall of 2017.

## **LOS ANGELES' PROJECT INTERCEPT**

### **Problem: High number of first-time non-violent low-level misdemeanors**

Forty percent of the Los Angeles Superior Court's cases—approximately 120,000—are misdemeanors. The high caseload imposed an excessive burden on both the court system (in terms of time and cost) and those who were convicted (in terms of collateral consequences).

### **Response: Project INTERCEPT**

The Smart Prosecution grant has allowed the office to create Project INTERCEPT, which expands the previously existing Neighborhood Justice Program into two high-crime neighborhoods—South Los Angeles and Hollywood—and uses an evidence-based risk and needs assessment tool to widen the pool of participants who are eligible for diversion.

### **Key features:**

- Diverts low-level misdemeanor cases at the pre-filing stage.
- Neighborhood Justice Panels are staffed by trained community volunteers.
- Uses restorative principles with the aim of repairing harm done to victims and communities while supporting rehabilitation and minimizing collateral consequences.
- Uses a screening and assessment tool to link participants to interventions that are designed to have long-term impact on that person's thinking and behavior.

### **Challenges**

- *Educating law enforcement:* Police in South Los Angeles were initially not referring many cases to Project INTERCEPT. This was at least partly due to the officers' focus on violent crimes, even though the neighborhood also had high rates of the low-level crime that Project INTERCEPT was designed to address. Things changed when the assistant city attorney assigned to South Los Angeles educated police officers about how the project works and its benefits.
- *Tracking recidivism data:* Researchers need to overcome hurdles to obtain and analyze the data. Police, prosecutors, and the court use different databases, making it hard to track data for individuals.

### **What are researchers studying?**

The research partner, Justice and Security Strategies, is conducting a process and impact evaluation of Project INTERCEPT, focusing on the two Neighborhood Justice Panel pilot sites in South Los Angeles and Hollywood.

For the process evaluation, researchers are conducting interviews, reviews of pertinent documents, observations, and statistical analyses of Los Angeles City Attorney's offender and client-based data.

For the impact evaluation, the researchers are examining whether Project INTERCEPT had an effect on client behavior, recidivism, crime rates, and on the City Attorney's Office.

### **What are outcomes so far?**

Preliminary results suggest that participants in Project INTERCEPT have a recidivism rate that is almost half of the citywide rate.

## **HARRIS COUNTY'S SAFE COURT**

### **Problem: 'Exploiters' are coercing individuals into prostitution**

According to a 2009 report from the Texas State Legislature, the Harris County region is the largest international center for human trafficking. In addition, the Harris County District Attorney's Office discovered that many individuals being arrested for prostitution in the county were being threatened or coerced by "exploiters"—men who purchase sex or exercise control over prostitutes as pimps.

### **Response: SAFE Court**

With the support of a Smart Prosecution grant, the Harris County District Attorney's Office—working with the County Courts at Law in Harris County, the Probation Department, researchers, and collaborating agencies such as the Children's Assessment Center and the Houston Area Women's Center—

created SAFE Court, which holds those charged with prostitution accountable but also provides support and offers the opportunity to avoid a criminal record and stay out of the justice system.

### **Key Features:**

- Modeled after the Harris County Growing Independent and Restoring Lives—GIRLS—Court, a specialized juvenile court for girls under 17 who have been trafficked or who are at risk of being trafficked.
- Participants can have their case dismissed and sealed if they complete a program of social services that offers help securing shelter and trauma-informed care.
- Operates as a program of the District Attorney's Office, in partnership with the defense bar and probation.
- A Criminal Court judge presides over the court.
- Community-based organizations such as the Houston Area Women's Center and The Bridge offer services for participants.
- Law enforcement helps flag potentially eligible cases.
- To be eligible, an individual must be between 17 and 25 years old, be engaged in prostitution and facing a misdemeanor prostitution charge, lack a human trafficking defense, and be deemed "high risk" under the Texas Risk Assessment System. Individuals with a past violent felony conviction are ineligible for SAFE Court.
- Participants receive a 12-month probation sentence, which includes individualized social service programming, such as drug treatment, trauma-informed care, or parenting training; holding a job or attending school; and regularly reporting to court and a SAFE Court probation officer from the Harris County Probation Department.

### ***SAFE Court Represents dramatic shift in approach to prostitution***

Programs like SAFE Court and GIRLS Court represent a dramatic shift in the way prosecutors in Texas address prostitution. In the past, buyers, sellers, and traffickers were all charged with moral turpitude and the brunt of enforcement tended to fall on the sellers. But as society and the justice system have come to see the sellers more as victims than as perpetrators—and the Texas legislature helped things along by making human trafficking a defense for victims of human trafficking charged with prostitution—police and prosecutors have invested more resources in targeting buyers and traffickers.

### **Challenges**

- *Number of clients:* More people proved eligible for the program than planners expected. The Harris County District Attorney's Office planned for about 20 participants in the first year but ended up with 73 who were eligible. In the end, SAFE Court could accommodate only 44 participants (those assessed as moderate-to-high risk) in its first year. To accommodate the remainder (those assessed as low risk), the Harris County District Attorney created a 12-month pre-trial diversion track that includes services and community (as opposed to court) supervision.
- *Consistent administration of assessments:* There have been challenges ensuring that the screening to determine eligibility is administered consistently. This has been difficult because of staff turnover.
- *Rapport with defendants:* Prosecutors had not been used to speaking with defendants. They need to have empathy and understanding to build trust. In surveys, participants said that they feel most connected to the prosecutor who introduced them to SAFE Court; as a result, the D.A.'s office has tried to reduce turnover, fearing that if a prosecutor is transferred to another unit, the participant's sense of connection may diminish. The purpose of building a rapport isn't just to improve outcomes for SAFE Court but to gain insight into the issue of prostitution so prosecutors can respond more effectively.

### ***What are researchers studying?***

The research partner, Dr. Lisa Muftić, associate professor of criminal justice and criminology at Sam Houston State University, is working on an impact evaluation by collecting and analyzing data, reporting on the structural and procedural aspects of SAFE Court, and assessing factors that impact SAFE Court outcomes.

### ***What are outcomes so far?***

Of the 44 participants accepted initially into SAFE Court in the first year, 61 percent were still in the program after 12 months, 7 percent graduated, 7 percent left due to mental health concerns, and 32 percent warranted or had their probation revoked.

Results for the second year and the final program evaluation are expected to be completed by September 2017.

## SAN FRANCISCO'S CRIME STRATEGIES UNIT

### ***Problem: Lack of resources to analyze data, making it hard to develop preventive, problem-solving strategies***

Traditionally, the San Francisco District Attorney's Office often operated primarily as a reactive force. Prosecutors would wait for law enforcement to bring in individual cases and respond to those cases one by one. They lacked the resources to analyze data about the cases they were handling, and lacked access to data from other agencies like the police department. This limited prosecutors' ability to map out the connections between cases and identify patterns and major crime drivers, and thus made it difficult for the District Attorney's Office to develop proactive strategies for solving problems in the community.

### ***Response: San Francisco Crime Strategies Unit***

#### ***Key features:***

- Prosecutors are embedded in the city's five districts, enabling them to build relationships with local stakeholders and develop a deep knowledge base about the communities they serve and the unique public safety challenges these communities face.
- Data is analyzed to create a macro picture of crime trends, hot spots, crime drivers, and criminal networks.
- Data analysis with forensic information and prosecutor know-how is used to develop complex cases and strategies that address the root causes of criminal activity, as well as to support law enforcement investigations.
- Unit consists of five neighborhood prosecutors, five data analysts, and two investigators.
- Neighborhood prosecutors have offices at the city's 10 district police stations, where they spend most of their time.
- Prosecutors meet frequently with residents, merchant and community-based groups, and clergy, and attend monthly Community Police Advisory Board meetings—open to the public—that are hosted by district police captains.
- Crime Strategies Unit analysis team is split between strategic and tactical analysts. Strategic analysts draw upon the Crime Strategies Unit's vast library of cross-agency datasets, including all case bookings and filings, all police reports, information from jail calls, and qualitative data, such as names of individuals suspected of gang activity, that neighborhood prosecutors collect through their ties in the community. Tactical analysts take this information to the operational level, developing a detailed picture of criminal activity and a precise understanding of the individuals engaged in that activity.

### ***Challenges***

- ***Obtaining data:*** Information in San Francisco has traditionally been siloed among agencies. Some agencies use older data collection software in which fields aren't uniform across systems and information might be mislabeled. To address these issues, the process of solidifying and expanding information-sharing procedures and developing methods to "clean" the data are ongoing.
- ***Staff changes:*** As in many prosecutors' offices, staff often rotates to new assignments. This can sometimes delay problem-solving initiatives as newly assigned prosecutors have to get up to speed.

### ***What are researchers studying?***

The research partner, Craig Uchida of Justice and Security Strategies, assists the Crime Strategies Unit with data collection from external sources and examining and validating appropriate databases. Uchida and his colleagues help the unit look at data to identify hot spot locations and the drivers of crime and then develop specific interventions.

### ***What has the researcher-prosecutor collaboration achieved so far?***

Specific initiatives that have emerged out of the Crime Strategies Unit include:

- Vertical prosecution and grand jury indictments of serial crime drivers.
- Focusing attention and resources for the prosecution of repeat offenders.
- Development of major investigations involving prolific criminal street gangs; extensive narcotics operations; and large-scale commercial burglary rings, among others.
- Comprehensive cell phone forensic analytics for major investigations and prosecutions of serious crimes, including homicides.
- Development of a citywide security camera interactive map.
- Compilation of a human trafficker database of more than 500 suspected or known traffickers.

The process evaluation and final results of the initiative are expected to be available after June 2017.

## WORKING TOGETHER: LESSONS

### ***1. Collaborate without surrendering autonomy or individual perspectives***

Researchers and prosecutors have different skills, goals and outlooks. But that doesn't mean that they can't reach a meeting of the minds around a particular initiative. In all four Smart Prosecution sites, researchers played crucial roles in identifying the crime problem, shaping the programming, creating practical tools for prosecutors to carry out their work, and developing data for both practical problem solving and to analyze results. The prosecutorial leadership in the sites acknowledged that they could remain independent in their interests while finding a way to collaborate through the practitioner-researcher partnership.

### ***2. Foster buy-in from the top down***

For researchers to succeed, they need buy-in from the top—but they also need buy-in from the front-line staff. To foster acceptance, it helps to explain the scientific and theoretical basis underlying the research. For example, a researcher could explain risk assessment and its foundation in over 400 studies to establish legitimacy and clear up misconceptions surrounding the topic. The researcher should also provide a space for questions and debate for both leadership and front-line staff about any new practices applied.

### ***3. Understand the limitations of the available data at the outset***

Justice system databases are not designed with researchers in mind. This means that at the beginning of a collaboration, the research partners need to look at the available databases and figure out how (or if) they can adapt the information to their needs.

For instance, prosecutors and researchers alike might be interested in knowing how socio-economic characteristics like employment status, race and criminal history affect outcomes, but databases may not have uniform fields that capture this information, making the answers hard to obtain. It's also not unusual for justice data systems to be antiquated—sometimes as old as 20 to 25 years—and therefore it might be difficult to extract a good data set. Computer programmers can sometimes “clean” older data by making terms consistent across systems. And with careful planning and collaboration, researchers and justice practitioners can adopt uniform protocols so that information collected by multiple agencies going forward is consistent and compatible.

### ***4. Explain needs upfront***

Criminal justice practitioners are sometimes reluctant to share certain categories of data so it's important

for researchers to explain at the outset what kind of information they need and why it's important.

At the same time, researchers need to recognize that practitioners' concerns about sharing data are valid. For instance, practitioners might be worried about protecting client confidentiality. Researchers therefore need to have protocols in place to protect confidentiality and explain to practitioners what the protocols are and how they are enforced.

In addition, a researcher's needs frequently go beyond data. For instance, a researcher may also want to conduct interviews and focus groups and therefore seek access to program participants, staff, and community partners. Researchers may also need space to conduct interviews in private. Researchers should be transparent in explaining the purpose of these interviews and how the information obtained will be used, as well as addressing any concerns.

### ***5. Don't be afraid to ask questions***

Successful research-practitioner partnerships rely on open communication. This includes a willingness to ask questions to ensure mutual understanding. Since researchers and prosecutors use different vocabulary to carry out their work, sometimes a question can be as simple as asking what a particular term means. Monthly calls and email communication, can provide a forum to share project updates as well as resolve any questions or concerns.

### ***6. Write down responsibilities and expectations***

Researchers provide written descriptions of their research projects to staff and program participants. Such descriptions usually include the origin of the project, funding sources, and explain the methodology. They also explain how researchers will maintain participants' confidentiality and/or anonymity. In addition, practitioners and researchers often create a written agreement that spells out individual responsibilities and describes what the researcher's final product will be.

Researchers and practitioners need to make sure their expectations match. For instance, to measure recidivism, researchers need to track individuals over an extended period, typically three years, but practitioners often want fast results. It's important to have clarity from the beginning about when certain data and analysis will be available in order to have realistic expectations.

### ***7. Share preliminary results as soon as possible***

In several of the Smart Prosecution sites, researchers have provided ongoing feedback and results to inform the work. But even in instances where results will come

later—usually in a final report after the two-year grant period has expired—researchers should be as expeditious as possible in sharing outcomes.

For example, researchers could present findings to practitioners and other stakeholders on a periodic basis detailing current data and analysis. This would enable the team to understand the data and make necessary program adjustments. Preliminary results can also help promote buy-in from partners.

### **8. Engage in on-site observations and face-to-face communication whenever possible**

Depending on the distance between the offices of the practitioner and the researcher, frequent on-site observations and face-to-face meetings may not be easy. But they do add to mutual understanding, building trust, and strengthening the practitioner-researcher relationship.

### **9. Be open minded**

This applies to both researcher and practitioner. The researcher needs to accept that rigid research models don't always work in the real world. As for the practitioner, they need to be prepared for results that

don't necessarily fit their pre-conceived notions. For instance, some practitioners may say "they know a high risk individual when they see one." But research shows that discretionary assumptions about risk are less correct than the results of an evidence-based risk assessment. Establishing transparency and communication about real world limitations versus ideal research practices can go a long way towards establishing trust between researchers and practitioners.

### **10. Have patience**

Criminal justice practitioners are usually enthusiastic when they first meet the researcher who is going to evaluate their work. That's often because they believe their program is working, and they want evidence to support it. But they need to know that researchers are objective and that they're going to report outcomes, even if they contradict the practitioners' perceptions. It's key to remember that making adjustments to the program based on research outcomes will only benefit the program in the long run. Working with an independent research partner in making improvements is a show of strength and sustainability, and something funders and other stakeholders greatly value.

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<sup>1</sup> According to "Evidence-Based Strategies for Working with Offenders," research indicates that there are a group of eight criminogenic risk/need factors, known as the "Central Eight," which are strongly associated with recidivism. The first four are the most predictive of recidivism. They are (1) a history of criminal behavior, (2) an anti-social personality, (3) criminal thinking patterns, and (4) frequent interaction with anti-social peers. Less important but also influential are the next four factors: (5) unmarried or otherwise experiencing family instability, (6) unemployed/unemployable, (7) not involved in pro-social leisure activities (i.e., prone to "hanging out" or "trouble"), and (8) substance abuse. See <http://www.courtinnovation.org/sites/default/files/documents/Evid%20Based%20Strategies.pdf>.