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## THE 2<sup>ND</sup> ANNUAL WORKSHOP Convening of Prosecutor Research Collaborations

**The 2nd Annual Workshop Convening of Prosecutor-Researcher Collaborations** occurred in Santa Barbara, California on October 26<sup>th</sup> & 27<sup>th</sup> 2023. This event connected over 50 attendees representing over 20 agencies with a goal of generating fruitful knowledge and collaborative opportunities for prosecutors and researchers. Prosecutors, community stakeholders, and researchers shared real-life tangible examples and stories of lessons learned on 9 different topics ranging from violent crime to retail theft. These nine topics are listed below with their workshop discussions synthesized. Ultimately, these discussions, their policy implications, and overarching themes will be incorporated into a future report.



### GENERATING STATEWIDE DATA

The workshop began with a presentation on the ways data, especially statewide data, may provide helpful objective insights that serve both the needs of prosecutorial agencies and communities. For instance, many attendees shared examples of external pressures demanding adjustment to their agency procedures or time spent on a particular issue. However, without quality data tracking and interpretation, reporting on the existence, options, or outcomes for any efforts the agency implemented remained flawed if not impossible. Generating quality statewide data could potentially give power back to prosecutors to understand the needs of their clients more accurately, and to demonstrate the progress of their response.

Importantly, discussions pointed to several key questions that prosecutor agencies may benefit from considering before incorporating new data strategies into their agencies: (1) what ways could data affect the public understanding of what prosecutors do? (2) How could data assist in recruiting individuals and responding to staff shortages? (3) How could data illuminate the needs of prosecutors and their clients? Importantly, efforts to increase data transparency must also consider how published data could be misinterpreted by the public and/or bring about unintended consequences.



### BAIL

Presenters from politically and regionally different areas of the United States shared reflections on bail reform in their communities including zero bail initiatives and the incorporation of bail assessment tools. What emerged was a charged conversation on the vital need for data tracking so that patterns in bail use and outcomes in individuals may be assessed to assist with finding appropriate bail reform strategies. Two jurisdictions reported widely different outcomes from their zero bail initiatives highlighting the need for more research in this area.

Some tools affiliated with bail reform, like certain risk assessment tools, yielded reservation from workshop attendees. For instance, some attendees were critical of an assessment tools' inability to accurately assess the threat of an individual, especially toward the victim in a case. Similarly, attendees desired to have assessment tools that incorporated greater weight in prior failure to appears (FTAs) of individuals. A solution explored by the group was the idea that a third-party magistrate should be able weigh in on the individual characteristics of each case in addition to any bail reform criteria or assessments that may be used. This third party would then be able to weigh the policy or assessment tool recommendations against the individual characteristics of the case.



## DEFLECTION & DIVERSION PROGRAMS

Discussions on deflection and diversion programs emphasized how community collaborators are both necessary for the operation of these programs and strengthen the program's effectiveness through the integration of different expertise. For example, a presenter shared a story of how the emergency medical service (EMS) workers transporting an individual to multiple treatment facilities in one week were able to provide insight on utilization patterns. This type of information may help prosecutors point to the demand of services in their area, as well as where an extension in resources may be needed.

Part of achieving a strong cross-community collaboration in diversion and deflection programs requires understanding the different motivations behind these programs for stakeholders. For example, success for a diversion program is often significantly different than success for a judge. While diversion/deflection staff may celebrate a step toward harm reduction, success for a judge is the explicit absence of future courtroom appearances. Prosecutors may need to strike a balance between these priorities to achieve buy-in across community collaborators.



## FENTANYL AND SUBSTANCE-USE

Prosecutors overwhelmingly expressed their dismay related to sweeping rates of addiction and substance-use present in the various communities represented at the workshop. In tackling this topic, attendees deliberated on ways to enhance substance-use diversion programs and ways data could streamline prosecutor response. Specifically, attendees requested substance-use programs to include a greater focus on the individual and community impact. To achieve this, attendees suggested incorporating a mandated education component into these programs that would teach how substance-use and related activities, like fentanyl, harms individuals and communities. The inspiration for this idea came from driving under the influence (DUI) mandated educational courses that often include a micro and macro exploration of the impact of drunk driving. This conversation also included dialogue and debate on murder charges for fentanyl distributors.

Discussions also reviewed ways data could assist prosecutors in responding to clients with substance related charges. One way data may help achieve this is through pointing to the regional and demographic patterns in the clients these programs aim to serve. For instance, due to data tracking, one presenter was able to allocate more substance related resources to individuals in their early twenties when it was discovered that the bulk of their drug cases involved this demographic. Age and other demographic information could help determine the proper resource allocation needed to serve these clients.



## VIOLENT CRIME AND GUN VIOLENCE

Attempts to reduce violent crime, including gun violence, may be achieved through integrating preventative outreach measures, and by adjusting the typical criteria for diversion program enrollment. Preventative outreach measures were discussed such as targeting groups that are at risk for future contact with the criminal justice system and reducing this risk through connection to services or exposure to alternative non-crime related activities. Attendees identified two groups, youth (especially youth in foster-care) and victims of crime, that could greatly benefit from preventative outreach measures. One example provided of a preventative outreach measure for youth was an afterschool basketball program that targeted youth in foster-care.

Reduction in violent crime may also be achieved through modifying the typical enrollment criteria for diversion programs. One presenter shared how their community tackled high rates of recidivism amongst persons charged with low-level gun offenses by reevaluating their diversion program criteria to include these charges. By using an in-house data analyst, the agency was able to identify persons that had both received a low-level gun charge and had previously been a victim of gun violence, enabling the development of an effective diversion program that responded to their community's needs.



## TRAUMA RESPONSIVE DIVERSION

Discussion on trauma responsive diversion programs highlighted the necessity for these programs to be culturally specific, holistic, and offer community centered programming. In a trauma-responsive program designed for individuals that had been previously victimized by gun violence, the presenting agency designed a program to mirror the needs and cultural nuances of their cliental. They achieved this in part by prioritizing staffing the program with individuals that had similar lived experience as the clients they serve. Additionally, the program emphasized a holistic approach to diversion by including services that responded to their clients financial, mental, emotional, and social needs. In another program, an agency shared how achieving a trauma-responsive approach required the inclusion of Native American practices due to the large indigenous population they served. Some of these culturally specific practices incorporated sweat lodges and events with client grandmothers or elders.



## VICTIM SERVICES AND DOMESTIC VIOLENCE

Frequent interaction between prosecutors and victims of crime, including domestic violence victims, lead to discussion about how to modify and streamline these interactions. One way these conversations could be modified is by increasing the likelihood that victims engage in the assistance and services offered to them. Presenters emphasized that a victim's cooperation or willingness to accept a service is often greater when offered by someone that has experienced or can empathize with the victimization. This type of shared experience may be achieved through an on-staff victim advocate.

The incorporation of victim advocates into prosecutor agencies may also streamline prosecutor interactions with victims by creating the ability for prosecutors to conduct a single warm handoff. Victims may require multiple resources and benefit from additional check-ins, a need that would greatly add to the time demands of prosecutors. By situating a victim advocate into the prosecutor agency, a prosecutor could conduct one warm handoff to the advocate and then the advocate to remain attentive to the resource connection needs of the victim/survivor.



## RETAIL THEFT

The topic of retail theft began with a vivid presentation illustrating rates of commercial burglary and shoplifting in a western region of the United States. The following discussion was fueled by the resounding statistic that nearly a 30% increase in retail theft occurred in 2022 in certain parts of the country. In response, attendees explored how the severity of retail theft charges affect engagement in crime and the response by store owners and law enforcement. It was speculated that the possibility of a less severe charge, like a misdemeanor, may

lead to less prioritization in response by both law enforcement and store owners. For instance, due to the urgency of public safety, law enforcement may prioritize responding to violent calls, slowing down response rates to misdemeanors like shoplifting. This may be especially exaggerated in communities with policing shortages. Similarly, store owners may be less inclined to call 9-1-1 and press charges for an offense that they know will only be considered a low-level misdemeanor.

One solution is to shift policies on the credentials required to write a retail theft report. For example, in one community, designated retail employees were given the credentials to fill out a report that could be used by law enforcement in their processing of the crime. This solution greatly reduced the time required by law enforcement in their response and allowed shop owners to easily initiate a report without delay.



## PROSECUTOR WORKLOAD

The workshop ended with an interactive discussion on various challenges associated with prosecutorial workload including barriers to determining the appropriate number of assignments and cultivating a healthy work environment despite the demands of the job.

Attendees identified the absence of a concrete measurement for prosecutor workload as a major issue contributing to this problem. The industry simply does not possess a clear way to determine what is an “acceptable” or “standard” number of assignments that a prosecutor should be responsible for at any given time. Partly, the absence of this standard measurement tool is due to the boundless factors that can affect the amount of time and energy required by a case. Some of the factors that attendees explored included: location of crime, number of victims involved, the welfare of the client, and the number of charges associated with a case. Two tangible solutions to assisting with a healthy work environment despite the often-heavy workload were identified as: (1) move staff around to ensure no one is “stuck” in one role working the same type of cases for too long; (2) give staff the freedom to work remotely when being in the office is not necessary.

At the end of the two-day event, discussions wrapped with an acknowledgement for the often emotionally and physically taxing work of prosecutors and those who work closely alongside them, but a resounding dedication to finding ways to better our criminal justice system. We continue to cultivate these conversations to move the pendulum toward this balance and look forward to building on the knowledge shared at this event.



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