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How Do We Pay for That?

Sustaining Community Prosecution on a Tight Budget

Written by

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Sustaining Community Prosecution on a Tight Budget

Introduction

Community prosecution calls upon prosecutors to think of themselves as problem-solvers—law enforcement officials who seek not only to hold offenders accountable but develop lasting solutions to public-safety problems.

The philosophy, which builds upon the 1980s innovation of community policing, has spread steadily. In the early 1990s, only a handful of jurisdictions had active community prosecution programs—Portland, Denver and the New York City borough of Brooklyn, among them. By 2004, however, the American Prosecutors Research Institute estimated that 55 percent of prosecutors' offices participated in initiatives that fit the community-prosecution model.¹

The growth in popularity of community prosecution can be explained by a number of factors, including the effective promotion of the philosophy by prominent prosecutors like Portland District Attorney Michael Schrank, who says community prosecution strikes at the core of “what D.A.’s are all about: ensuring public safety, which is about ensuring quality of life.”² Researchers as well as professional organizations, like the American Prosecutors Research Institute, have also promoted the approach.

But perhaps the biggest boost has come from the U.S. Department of Justice, which, through its Bureau of Justice Assistance, has awarded tens of millions of dollars in grants for planning, implementing and enhancing community prosecution programs around the country. Jurisdictions both large and small have used these grants to hire new prosecutors, open neighborhood offices, and develop non-traditional problem-solving strategies. Like all seed money, however, these grants were not intended to support community prosecution for the long term. Rather, they were awarded to spark innovation. Now as these grants expire, jurisdictions must decide how—or even if—they will allocate resources to sustain their programs. Although many offices have found community prosecution to be both effective and popular with their constituents, some are having trouble reconciling program costs with their bottom lines.

This white paper takes a look at how prosecutors' offices around the country are sustaining and expanding their community prosecution programs even as federal dollars earmarked for community prosecution grow scarce. It focuses largely on two strategies: in Part I, it examines adopting problem-solving strategies that don't necessarily require extra spending; and in Part II, it discusses finding new

resources from a range of sources, including government, foundations and community partners.

**PART I:
Low- or No-Cost
Strategies**

To pursue community prosecution without spending outside their regular budgets, offices need to think of community prosecution as a philosophy—a way of thinking about crime and safety—rather than a program with a required list of features like neighborhood offices or prosecutors without conventional caseloads. A prosecutor who doesn't actually prosecute cases in a courtroom may be something that few offices can afford, but all offices can afford prosecutors with a problem-solving orientation.

Prosecutors with a problem-solving orientation look not only at individual cases but also the big picture. They see patterns and identify factors that contribute to crime, and they work with partners to identify strategies to address those factors, thus dealing with crime at its source. Prosecutors with a problem-solving orientation also see the value of sharing information and brainstorming with partner agencies and organizations. And they try to find ways to reconfigure office resources to nurture a problem-solving environment.

Four Strategies

Four low-cost ways of enhancing an office's problem-solving capacities are discussed below. The four strategies are:

- Assigning cases differently (using geographic assignment and vertical prosecution);**
- Engaging in ongoing dialogue with the community;**
- Using the authority of the prosecutor's office as a catalyst for change; and**
- Using volunteers or community-service mandates.**

**Assigning Cases
Differently**

Geographic Assignment

When asked what are the least expensive but most productive steps an office can take in pursuit of community prosecution, prosecutors in offices with long-standing programs most often cited the value of assigning cases geographically. Among those who assign at least some cases geographically are prosecutors in Brooklyn, Washington D.C., and Minneapolis.

To be clear, assigning cases geographically is different from assigning a prosecutor to a neighborhood office. When a prosecutor works out of a neighborhood office, he or she is not necessarily handling traditional cases but rather spending the bulk of his or her time meeting with community stakeholders and devising non-traditional solutions to crime and safety problems. When a prosecutor is assigned cases on the basis of geography, on the other hand, he or she is still doing the conventional work of prosecutors (that is, prosecuting cases) but is handling cases from a specific and narrowly defined region within the jurisdiction.

Although there are sometimes obstacles to assigning cases in this way, it is possible in many instances to achieve geographic assignment without extra cost while real-

izing tremendous benefits. Prosecutors who work on cases from one specific neighborhood are in a position to build better cases because they have a better understanding of the community, they have personal connections with stakeholders who can provide them with useful background information and introduce them to witnesses, and they can identify patterns that can help them root out criminal organizations and pursue individualized problem-solving strategies.

In Washington D.C., long before the U.S Attorney's Office formally adopted community prosecution as a strategy—in fact, long before the term “community prosecution” had been coined—the office began assigning some prosecutors to cases based on geography. This strategy arose in the 1980s in response to the crack epidemic, which generated new kinds of highly complex and interrelated cases. Under the old system, cases involving members of the same gang or overlapping witnesses and victims were often assigned to different prosecutors. Under the new system, these types of interrelated cases all went to the same prosecutor, who was able to develop a more sophisticated understanding of drug-trafficking schemes, gang rivalries and the individual criminal personalities operating in a particular neighborhood. The assignment of cases by neighborhood worked so well that both the Violent Crimes and the Homicide sections permanently reorganized themselves along geographic lines.

In Minneapolis, the County Attorney's Office began experimenting with geographic assignment only after it launched its community prosecution program in two police precincts. But the office found the structure to be so effective and efficient that it eventually restructured its entire property team along geographic lines.

As Assistant Senior County Attorney Andy LeFevour explained, “We found that the two community prosecutors were getting cases to court quickly, getting stronger resolutions, more accountability and more positive feedback from victims and the community. There was more follow through and consistency in results, and our law enforcement agencies had a definite point of contact instead of calling into our helpline. We then ramped up the project to address our whole county.”

All property crimes are now assigned geographically to a team of eight prosecutors. The juvenile unit has also found that geographic assignment works well when it comes to some of the jurisdiction's larger and more troubled middle and high schools. “We're getting phenomenal feedback from the school districts regarding accountability, accessibility, communication,” said LeFevour, who heads the office's community prosecution program. “Some of these big schools are small towns with 3,000 kids on their campus.” LeFevour says a single attorney can get more consistent results than a never-ending rotation of prosecutors. “In the past, if you had 10 attorneys handling 10 cases out of the same school, the cases would have been handled 10 different ways.”

Vertical Prosecution

Vertical prosecution is another strategy used by many community prosecutors that doesn't necessarily cost extra money. In vertical prosecution, one prosecutor sticks with a case from arraignment or indictment to sentencing, without handing it off at

each stage to different prosecutors. Prosecutors in Washington D.C. began using vertical prosecution in the 1970s to deal with chronic offenders. The office found that this approach ensured that key information didn't get lost along the way, as it sometimes did when a case was passed among several prosecutors.

The Brooklyn District Attorney's Office combines both geographic assignment and vertical prosecution. District Attorney Charles Hynes divided his New York City borough of nearly 2.5 million people into five zones. Prosecutors assigned to each zone are expected to follow felony cases vertically—from grand jury presentation through sentencing. Vertical prosecution has several advantages, according to Anne Swern, Hynes's counsel. "Staff members have contact with the witnesses from the outset of the case, thus establishing a relationship that promotes greater confidence in the system; weaknesses are addressed early on; the need for additional investigation is recognized at an earlier stage and is undertaken, avoiding duplication of work done by another attorney; cases are better screened by an attorney who knows he or she is keeping the case; and it provides better leverage with plea bargaining when the attorney knows the details of the case from the outset," she said.

Maintaining a Dialogue with the Community

A mainstay of most community prosecution programs is ongoing communication among prosecutors and stakeholders. This can be achieved through various strategies, including prosecutors' attendance at community meetings and regular information-sharing with community leaders and neighborhood associations. It is through ongoing dialogue with the community that prosecutors learn about local residents' crime-fighting priorities and concerns, brainstorm solutions to local problems, recruit volunteers, identify community resources and build relationships necessary to engage in local problem-solving.

The good news is that attending community meetings and communicating with neighborhood leaders does not necessarily cost anything in financial terms. Yes, it takes time and manpower; but in an office where salaried prosecutors typically work outside a traditional 9 to 5 schedule, there is probably room in at least some prosecutors' schedules to attend community meetings now and then.

"In Brooklyn, we're not paid hourly, so going to a meeting one night a week and giving two or three hours of time above and beyond traditional work hours doesn't cost anything," said Assistant District Attorney Gerianne Abriano. "The culture in our office is you put in as many hours as you need to put in to get the job done. Our work week is probably 50 hours a week on average, and that's just the way it is."

Brooklyn District Attorney Charles Hynes doesn't require staff to attend community meetings, but he does require prosecutors to participate in Legal Lives, which sends assistant D.A.s into fifth-grade classrooms to teach about the law and the criminal justice system. All 400-plus prosecutors spend at least 45 minutes every other week in the classroom, an activity that not only serves to educate but also strengthen ties between the D.A.'s Office and the community. The program also capitalizes on the collaborative efforts of 300 teachers, plus attorneys, corporate volunteers and judges.

Of course, getting prosecutors to attend community meetings or be involved in non-traditional activities isn't always easy. As Assistant District Attorney Karen Hayter, director of the community prosecution program in Kalamazoo, Michigan, pointed out, "In most cases, you'd need to give prosecutors release time from work." Additionally, it might be hard to get many prosecutors excited about attending meetings in the community, especially prosecutors "who just want to try murder cases," Hayter said. "One would have to first convince office staff that their workload would not increase and that there would be a benefit to the office professionally to do it. People need to know that going to meetings and planting flowers [as part of a community beautification project] sometimes reduces murders."

Community prosecutors have found that ongoing dialogue with the community can positively impact all areas of their work. Not only does it provide prosecutors with a sense of local issues, resources and priorities, it also builds public confidence in the justice system. This confidence may prove essential when prosecutors rely on the public to serve as witnesses or to provide leads in investigations. It also makes it easier for community prosecutors to garner public support for new problem-solving initiatives.

D.A. as Convener

Community prosecutors have discovered that D.A.s can use their authority to bring other players to the table as collaborators. In this way, the D.A., with relatively minimal effort, can productively harness the energy of others and serve as a catalyst for solving problems.

In Denver, the D.A.'s Office played a leading role in the development of a community court by convening meetings, bringing partners together and providing technical assistance. Progress was slow at first, in part because no single agency could devote full-time resources to the planning effort.

The project gained momentum, however, when, at the collective urging of the district attorney, the city attorney and the Denver County Court, the City of Denver hired a full-time planner who explored creating a community court on the model first established in Midtown Manhattan. The idea was that the court would focus on the types of cases that most concerned the community and not only hold offenders accountable for their behavior but provide services to offenders to lessen the likelihood of re-offending.

The court, which opened in September 2003, is housed in a building that previously heard only traffic tickets and, once a week, environmental cases. "We kept pushing to look at the true community court model, and we facilitated grants and bringing people to the table. If there's one value we add to this process, we understand how to listen," said then-D.A. Bill Ritter.

Interestingly, the D.A.'s Office does not play a large role in court operations. That's because the court handles only low-level juvenile offenses, which fall under the jurisdiction of the Denver City Attorney's Office. Still, the D.A. supports the project because it addresses a community concern for which prosecutors are often held accountable by stakeholders. In addition, if successful, the community court may

help prevent juvenile offenders from graduating to adult crimes. The lesson is that a D.A.'s Office can support a problem-solving initiative while other partners—in this case the Denver City Attorney's Office and the Denver County Court—take responsibility for implementing the project over the long term.

Using Volunteers and Community Service Mandates

Volunteers are another potentially cost-effective way to boost community prosecution efforts. In Denver, the District Attorney's Office recruits, screens and trains volunteers to mete out sanctions for low-level offenses committed by juveniles. Although the boards are supervised by the D.A.'s Office, and thus require the support of a full-time employee, the capacity and effectiveness of the program is greatly magnified by its reliance on volunteers to participate in the actual boards. The Community Accountability Board program, which seeks to hold young people accountable while also connecting them with caring adults in the community, currently covers 17 Denver-area neighborhoods.

In Indianapolis, prosecutors use volunteers in their Red Zone Program, a diversion program for first-time offenders charged with patronizing a prostitute. The program offers participants a chance to avoid a conviction by participating in a full Saturday of activities. The activities include a neighborhood impact panel, in which area residents talk about the effects prostitution has on their community. "The panel is basically volunteers from the neighborhood who get to say things like, 'Hey, I live here. My kids have to deal with it. You're using our park where our kids play,'" said the Rev. Jay Height, who participated in the planning of the program.³ Volunteers also supervise offenders as they participate in community improvement projects.

Another example of volunteerism comes from Hawaii, where Maui County prosecutors rely on volunteers to staff the Kalama Park Action Team "at zero cost," said Jerrie Sheppard, a community prosecutor. Volunteers staff litter pick-ups, and local companies donate supplies. At one clean-up, a construction company donated manpower and equipment, including a front loader, a backhoe and a dump truck, to haul away six loads of discarded dredging.

The action team also started a citizens' patrol. "Patrol T-shirts were donated by a local resident, flashlights were donated by a shopping plaza in town, and a storage area for the gear was built by the property manager of a marketplace across the street from the park. Another businessman across from the park purchased walkie-talkies for us, and we will soon seek other sponsors to print more shirts because the [ones] we started with have all been distributed and more people are eager to participate," Sheppard reported. In addition, a construction company rebuilt damaged sections of a skateboard park which volunteers then painted with donated paint.

Community-service requirements are another possible resource. Offenders can fulfill community-service mandates by providing manpower for prosecutor-led initiatives. In Indianapolis, for instance, the Prosecutor's Office uses adult probationers to carry out its TAG, or Take Away Graffiti, program. The probationers, who have been assigned community service, paint over graffiti and gang symbols under the supervision of a probation officer.

Community service can be especially powerful when offenders work at or near the scene of their offending. In this way, offenders “pay back” the neighborhood for the harm caused by their offending. This can produce numerous benefits not just in the form of cleaner streets but in greater public support for problem-solving initiatives and the criminal justice system in general.

PART II: New Resources

One of community prosecution’s strengths is its flexibility; it is an open-ended philosophy that encourages prosecutors to tackle any and all public-safety problems that affect their communities. Community prosecutors can and should be just as flexible when they seek financial support. It makes sense, of course, to start with the **Bureau of Justice Assistance**, which operates several programs designed to support law enforcement and public-safety activities (see *Figure 1*).

But prosecutors should not confine themselves to grants geared exclusively to community prosecution, prosecution more generally or even the more broad category of public safety. Prosecutors can also pursue grants relating to education, drug treatment, housing—basically anything that might fit into a broad problem-solving strategy. Prosecutors, for example, might approach the **Department of Housing and Urban Development** for funding if their community prosecution program is trying to improve conditions in subsidized housing, or the **Department of Education** if prosecutors are developing programs in local schools.

Virtually every large federal agency awards grants. It would be impossible to list every funding option here—not only would the list be too long, it would also inevitably be out of date as soon as it was printed because grant programs are always in flux, with new programs being launched on a regular basis. Programs listed in *Figure 2* are just a sampling of agencies that award grants.

The most comprehensive resource for government grants is **Grants.gov** (<http://www.grants.gov>), which provides information about the federal government’s 26 grant-making agencies and the over 900 individual grant programs that award over \$350 billion in grants each year. The site also allows applicants to apply for select grants electronically.

In addition, prosecutors can stay on top of federal funding opportunities by signing up for the **Federal Grants Notification Service** at <http://www.grants.gov/ReceiveGrantOpportunityNotification>. The service provides regular notices of federal funding opportunities by selected agency or subject matter. Other good sources of general information regarding government funding opportunities include:

- Office of Justice Programs** (<http://www.ojp.usdoj.gov/fundopps.htm>)
- National Criminal Justice Reference Service** (<http://www.ncjrs.org/fedgrant.html>)
- Catalog of Federal Domestic Assistance** (<http://12.46.245.173/cfda/cfda.html>)
- U.S. Government’s Official Web Portal** (<http://www.FirstGov.gov>)
- National Criminal Justice Association** (http://www.ncja.org/web_resources.html)
- Join Together** (<http://www.jointogether.org/news/funding/>)

White House Office of Faith-based and Community Initiatives

(<http://www.whitehouse.gov/government/fbci/grants-catalog-index.html>)

Grants from State and Local Government Sources

Many formula grants from the Department of Justice are awarded directly to state governments, which then set priorities and allocate funds within that state. For more information on how a state intends to distribute formula grant funds, prosecutors need to contact their state's administering agency. To find the administering agency, visit <http://www.ojp.usdoj.gov/state.htm>. In addition, most states have departments of criminal justice that often award public-safety grants or can offer advice or guidance to prosecutors seeking additional funding. Some states also have clearinghouses that track state and local funding opportunities (see, for instance, the **Kansas Grants Clearinghouse** at <http://www.kansasgrants.org/> or the **Maryland State Clearinghouse for Intergovernmental Assistance** at http://www.mdp.state.md.us/CLHOUSE/grant_resource.htm).

Building the Budget

Grants are not the only way for prosecutors to build their budgets. Prosecutors have used a wide range of strategies. Here are three possible approaches:

- Expansion of the legislatively approved overall budget;**
- A community prosecution initiative that generates its own income; and**
- A special tax to support criminal justice initiatives.**

Expansion of the Legislatively Approved Budget

Ideally, a prosecutor's office will be able to make the case that a permanent line item for community prosecution programs is a worthwhile investment. The Prosecutor's Office in Kalamazoo has successfully worked with the Board of Commissioners to provide extra funding in the form of matching grants. To win the board's support, the Prosecutor's Office relied largely on statistics that showed community prosecutors were having a positive impact.

In Minnesota, the Hennepin County Prosecutor's Office successfully advocated to the state Legislature to continue the Auto Theft Prevention Program, which had been targeted for elimination. The program provides for projects related to auto-theft prevention and reduction. The Hennepin County Prosecutor's Office has used the money to dedicate prosecutors to auto-theft cases and provide training to police.

Initiatives that Generate Their Own Income

In Atlanta, the community prosecution unit's Neighborhood Fresh Start program uses Georgia's asset forfeiture law to take possession of crack houses. For the first project, the office used funds seized from criminal sources plus donated resources to pay off the mortgage and renovate a house it had seized. The current plan is to sell the house and generate enough money from the sale to invest in new projects.

In addition, the office recently helped establish a 501(c)(3) corporation—an independent non-profit designed to support Neighborhood Fresh Start. The organization will have its own board and, through its own fundraising efforts, support the rehabilitation of crack houses. The paperwork to create the 501(c)(3) was handled by Powell

Figure 1:

Bureau of Justice Assistance Grant Programs

Prosecutors can focus their search for funds on specific agencies. The most logical place for prosecutors to start looking is within the **BUREAU OF JUSTICE ASSISTANCE**, which operates several programs designed to support law enforcement and other public-safety activities. For a complete list of grant programs within BJA, visit <http://www.ojp.usdoj.gov/BJA/grant/>. The following is a list of resources available as of this writing. Note, however, that funding opportunities change on an almost yearly basis, depending on the federal budget. Check the web sites listed for the most current information.

The Bureau of Justice Assistance provides most of its money through formula programs, including the **JUSTICE ASSISTANCE GRANT PROGRAM** (<http://www.ojp.usdoj.gov/BJA/grant/jag.html>). JAG funds are awarded to state and local governments to support a broad range of activities to prevent and control crime and improve the criminal justice system. The Marion County (Indianapolis) Prosecutor's Office, for example, used a \$347,540 award to pay the salaries of community prosecutors and paralegals assigned to work in the Indianapolis Police Department's four district offices. The grant was administered by the Indiana Criminal Justice Institute.

The Bureau of Justice Assistance funds mental health courts, too, under the **MENTAL HEALTH COURTS PROGRAM** (<http://www.ojp.usdoj.gov/BJA/grant/mentalhealth.html> and <http://www.consensusproject.org/>). The Bureau, in coordination with the Substance Abuse and Mental Health Services Administration, funds projects that seek to mobilize communities to implement innovative, collaborative efforts that bring systemwide improvements to the way the needs of the adult and juvenile offenders with mental disabilities or illnesses are addressed.

The Bureau of Justice Assistance also leads the **SERIOUS AND VIOLENT OFFENDER REENTRY INITIATIVE** (<http://www.ojp.usdoj.gov/reentry/>), which is supported by the Department of Justice's Office of Justice Programs and the U.S. departments of Education, Health and Human Services, Housing and Urban Development, and Labor. The initiative provides funding to develop, implement, enhance and evaluate reentry strategies that improve community safety and reduce serious and violent crime. The initiative supports programs, using faith- and community-based organizations, that work with offenders returning to the community.

Drug courts, which rely on the support of prosecutors around the country, also receive funding from the Bureau of Justice Assistance. The **DRUG COURT DISCRETIONARY GRANT PROGRAM** (<http://www.ojp.usdoj.gov/BJA/grant/drugcourts.html>) provides financial and technical assistance to states, state courts, local courts, and units of government that effectively integrate substance abuse treatment, mandatory drug testing, sanctions and incentives and transitional services in a judicially supervised court setting. The program supports drug courts that work with nonviolent substance-abusing offenders adult, juvenile, family and tribal settings.

The Bureau disburses money under several other programs as well, including: the **BULLETPROOF VEST PARTNERSHIP** (<http://www.ojp.usdoj.gov/bvpbasi/bvpprogramresources.htm>), which provides grants to law enforcement officers, including prosecutors, to buy armored vests; and the **GANG RESISTANCE EDUCATION AND TRAINING PROGRAM** (<http://www.ojp.usdoj.gov/BJA/grant/great.html>), which supports a school-based, law enforcement, officer-instructed classroom curriculum designed to help students avoid delinquent behavior.

Goldstein Frazer Murphy LLP, an Atlanta law firm, which donated its time after hearing about the work the D.A.'s Office had done on the first Neighborhood Fresh Start crack house. "They committed \$50,000 in time and manpower to make Neighborhood Fresh Start, Inc. a reality," said Antoinette Williams, grants manager for the Fulton County D.A.'s Office.

Neighborhood Fresh Start is not the only 501(c)3 launched by a district attorney. One of the earliest non-profit corporations created by a district attorney is Urban Genesis, founded by Philadelphia D.A. Lynne Abraham in 1992. Although it is run out of her office, Urban Genesis has an independent board and does its own fundraising, often tapping local corporations for donations. The money raised supports programs like the D.A.'s Crime and Drug Free That's Me, which introduces 7th and 8th grade students to the criminal justice system. During the day-long program, 40 at-risk students get to role-play in a courtroom, learn about careers in criminal justice and get a tour of the courthouse, including the holding cells. "We deglamorize prison life," said Christopher B. Sample, the D.A.'s director of community and governmental relations. Approximately 400 kids drawn from 10 local schools participate in the program every year.

Urban Genesis also pays for the new assistant district attorneys' orientation program, which includes a bus tour of the city, a meeting with community leaders, a tour of a drug treatment program and an opportunity to observe an actual drug bust.

Abraham supports another non-profit, I LEAD, by serving as the chairwoman of its board. Urban Genesis gives roughly \$20,000 to \$25,000 a year in fellowships to I LEAD, which tries to make Philadelphia residents more effective community leaders by teaching them leadership skills and providing a crash course in government operations. The program, which was founded by a former assistant district attorney, helps "community-based leaders who did not know how to effectively engage in dialogue with their governmental counterparts... take back their own communities in a very positive way," Abraham told Congress in 2000.

Special Tax to Support Criminal Justice Initiatives

Jackson County (Kansas City), Missouri, took another approach to funding community prosecution: the Community Backed Anti-Drug Tax, otherwise known as COMBAT. COMBAT was passed by countywide referendum in 1989 and was approved again in 1995 and 2002. COMBAT is a 1/4-cent sales tax. From 1996 to 2004 it generated about \$167 million for police, prosecution, courts, corrections, drug treatment and drug-abuse prevention programs.

The Prosecutor's Office, which has received about 25 percent of the money over the years, helps determine how the funds are allocated. Among the programs it supports are the prosecutor's deferred-prosecution drug court program, the prosecutor's Drug Abatement Response Team (an inter-agency collaborative initiative that works to shut down drug houses) and six community prosecutors.

Fear of the growing crack-cocaine problem in the late 1980s helped generate support for the COMBAT tax initially. "The most powerful weapon in any arena is fear. There was fear in Kansas City about the gangs and crack cocaine. And the people that

Figure 2:

Other Federal Resources

Prosecutors can also visit the web sites of federal offices and agencies whose missions overlap with the prosecutors' areas of concern. Good places to start include:

The U.S. Justice Department's **COMMUNITY CAPACITY DEVELOPMENT OFFICE** (formerly the Executive Office for Weed and Seed), which works with local communities to design strategies for deterring crime, promoting economic growth and enhancing quality of life. (<http://www.ojp.usdoj.gov/ccdo/>).

The U.S. Justice Department's **OFFICE ON VIOLENCE AGAINST WOMEN**, which funds programs to improve the justice response to partner violence, sexual assault and stalking. Funding also includes money for supervised visitation centers. (<http://www.ojp.usdoj.gov/ovw/>).

The U.S. Justice Department's **OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION** (<http://www.ojjdp.ncjrs.org/funding/FundingList.asp>), which awards formula and block grants as well as discretionary grants to support a range of programming. In 2005, for instance, the agency plans to award funding for efforts by states and local jurisdictions to prohibit the sale of alcoholic beverages to minors, strengthen the juvenile justice system and support delinquency prevention and intervention efforts.

The U.S. **DEPARTMENT OF HOMELAND SECURITY** (<http://www.dhs.gov/dhspublic/display?theme=18&content=4206>), which provides information on homeland security and public safety grant opportunities offered across the federal government.

The U.S. Department of Education's **OFFICE OF SAFE AND DRUG-FREE SCHOOLS** (<http://www.ed.gov/about/offices/list/osdfs/index.html?src=oc>), which provides

grants for drug- and violence-prevention activities as well as citizenship and character education activities in elementary and secondary schools and institutions of higher education. The office also provides grants for establishing and operating programs designed to reduce recidivism through the development and improvement of life skills necessary for reintegration of adult prisoners into society and grants to establish a postsecondary education or postsecondary vocational training program for eligible incarcerated youth offenders.

The **SAFE SCHOOLS/HEALTHY STUDENTS INITIATIVE** (<http://www.sshs.samhsa.gov/>), a unique federal grant-making program designed to prevent violence and substance abuse among youth. The grant program is supported by three agencies—the U.S. Departments of Health and Human Services, Education, and Justice. Programs seeking funding must address the following six elements: a safe school environment; violence, alcohol and drug abuse prevention and early intervention programs; school and community mental health preventive and treatment intervention services; early childhood psychosocial and emotional development services; educational reform; and safe school policies.

The **DRUG-FREE COMMUNITIES SUPPORT PROGRAM** (<http://www.drugfreecommunities.samhsa.gov/>), which helps community-based coalitions prevent substance abuse among youth. Through grants of up to \$100,000, the program enables coalitions to strengthen their coordination and prevention efforts, encourage citizen participation and disseminate information about effective programs. The program is administered by the White House Office of National Drug Control Policy in partnership with the Substance Abuse and Mental Health Services Administration.

got COMBAT passed used that fear as a diving board,” said Claire McCaskill, the former prosecutor of Jackson County who was credited with helping launch one of the first drug treatment courts in the country. “They were visionary enough to see that if they were going to get more money to go after the folks that were causing violence in neighborhoods, they also needed to get money for jail and the court system and other parts of the problem.”

Public Relations

All the above strategies are founded on a bedrock of effective public relations. If prosecutors want the public (or its representatives) to invest in community prosecution, they need to make the case that it’s a worthwhile investment. That means not only selling the program to the neighborhood involved, but also selling the program more broadly—for instance, to all a county’s citizens (as in Jackson County, which required a countywide vote to approve the COMBAT tax) or to decision makers responsible for approving the prosecutor’s budget.

Toward that end, prosecutors in Kalamazoo, Michigan, regularly mail press releases about their programs, activities and achievements to all media outlets in the jurisdiction. “[Press outlets] are on speed dial on the fax machine,” Karen Hayter, director of Kalamazoo’s community prosecution unit, said. And the unit also publishes its own newsletter that it sends to over 1,500 people in the criminal justice community, including elected officials and police. The publicity generated “makes you a little more visible, gets you a little more support,” Hayter said.

Donations from Community Groups

Local partners, like neighborhood organizations and local government agencies, also support community prosecutors with both good ideas and tangible donations in the form of staff, office space, furniture, equipment, volunteers or even cash.

The Multnomah County (Portland, Oregon) District Attorney’s Office is credited with pioneering this approach. In 1990, a business group paid the salary of the office’s first community prosecutor and provided free office space in the assigned neighborhood. Fourteen years later, the group continues to provide \$75,000 per year toward the salary of the assigned deputy D.A.

“Free,” however, does not always mean “better.” Community prosecutors in one Atlanta neighborhood have found that a donated office on the sixth floor of a hospital isn’t meeting their needs because “no one knows we’re there,” said Assistant District Attorney Wanda Dallas, director of community prosecution in Fulton County (Atlanta, Ga.) “It’s defeating the purpose of community prosecution when people don’t know how to find us.” Dallas thinks it will ultimately prove more productive to move the office to a more accessible location, even if it means paying for it.

Building Relationships

In order to obtain local support, community prosecutors must build strong relationships with local partners. Of course, it can take years before relationships produce results. Such was the case with a crack house in Atlanta owned by the federal Department of Housing and Urban Development. Assistant District Attorney Wanda Dallas had been in regular contact with the agency for two and a half years before a

partnership opportunity arose in the form of the crack house. The D.A.'s Office didn't have to pursue forfeiture to seize the property, but instead worked out a mutually beneficial arrangement with HUD. HUD agreed to rent the house for a dollar a month and then sell it to the D.A.'s Office at a reduced price after a year. As part of its Neighborhood Fresh Start program, the D.A.'s office will renovate the house and eventually re-sell it, investing the profit in future renovations of other seized crack houses. "I maintained a dialogue with the [local HUD] board for two and a half years, and now they ... want to partner with us. Until now I didn't realize how that relationship would grow and develop," Dallas said.

It's important to note, however, that accepting money or other contributions from a partner organization brings with it certain responsibilities—and potential risks. When D.A. Michael Schrunk of Portland hired his first community prosecutor with money from a neighborhood business organization, a local newspaper called the prosecutor a "Hired Gun" in a front-page headline. Critics quoted in the article suggested that by accepting money from the business group, the D.A.'s Office was for sale, and that the rich could "buy" the prosecutor's services.

But instead of a backlash against the newly launched Neighborhood D.A. Program, county residents rallied behind it. "The result of the article was that Mike [Schrunk] got calls from a lot of different people saying, 'We want one, too.' It never had a dampening effect on the program. It actually served as a catalyst to make people aware of it," said Judy Phelan, Schrunk's staff assistant at the time.⁴

No Strings Attached

Nonetheless, the brief controversy underscores the need to ensure that the prosecutor's office in no way favors—or, just as importantly, in no way appears to favor—the group or organization making the donation. In the mid-1990s, before the Hennepin County Attorney's Office accepted a donation from the Target Foundation, it carefully researched how other offices had handled similar situations. "There were a few other jurisdictions that had done this before, and sometimes it wasn't managed well," says Assistant Senior County Attorney Andy LeFevour, who supervises the community prosecution and property crime teams.

LeFevour cited an example from another state in which money from a business association was earmarked for the elimination of drug houses in a way that benefited the association directly. "They were basically buying police services," LeFevour said.

To avoid a similar situation, the County Attorney's Office drew up what LeFevour called a "nice, tight agreement [with the Target Foundation] to make sure there were no strings attached." It also helped that the money was coming from the Target Corporation's not-for-profit foundation rather than its for-profit business.

This concern about impropriety, or its appearance, is less likely to arise when a prosecutor's office accepts a donation from another government agency. In Indianapolis, for instance, the Police Department provides free office space to community prosecutors and paralegals in four of its district headquarters. The donation strengthens a bond between prosecutors and police that improves both parties' effectiveness.

In Portland, the Neighborhood D.A. Unit’s one-million-dollar annual budget is funded through an array of sources, including the county and a federal block grant (see *Figure 3*). The police and the cities of Portland and Gresham provide office space and legal assistants, and the local public transportation agency pays the salary of a neighborhood D.A. who handles cases involving transit-related crime. There has been no criticism of the fact that the public transportation agency funds an A.D.A.’s working on its issues because the investment is for a goal embraced by the community: safer public transportation.

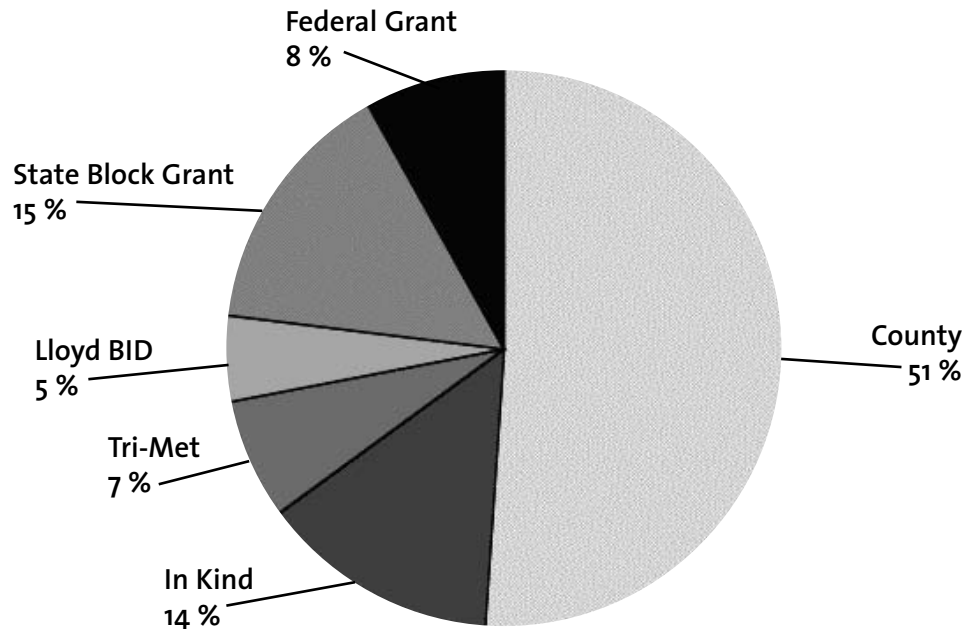


Figure 3: The Neighborhood D.A. Program in Portland is funded with money from Multnomah County, the City of Portland, federal grants, Tri-Met (the municipal corporation that provides public transportation for much of the three counties in the Portland metro area) and the Lloyd Business Improvement District (which serves the Lloyd neighborhood in downtown Portland).

Once the ethical issues are addressed, is there a downside to accepting donations from local sources? Not really, many prosecutors say, except that they require work—both to attract donations in the first place and to maintain. In many cases, the donations arise out of personal relationships, and those relationships need to be nurtured. In Portland, for instance, the head of the Neighborhood D.A. Unit must constantly reiterate the program’s value to funders. As conditions improve and faces change at the business association that helps underwrite the program, Wayne Pearson, the unit’s director, “has to constantly justify what he’s doing and explain how it used to be before there was a neighborhood D.A.,” said Judy Phelan, Schrunk’s former long-

time staff assistant. “You have to be constantly visible. You can’t stop going to those evening meetings. Sustaining community involvement is never easy.”⁵

But the fact that local donors demand a high level of accountability from prosecutors is not necessarily a bad thing. “When people contribute money, they demand certain things, particularly if it’s local,” Schrunk said. “If you get a federal grant, that’s great ... [but] you get more [community] participation if someone is donating office space to you. ... I think it’s healthy because you get more people vested.”⁶

Foundation Money

The relationship between the Target Foundation and the Hennepin County Attorney’s Office offers another model of creative funding. The County Attorney’s Office began its relationship with the foundation in 1996 after an article in *The New York Times* reported that the murder rate in Minneapolis had grown in recent years to be almost 70 percent higher than the rate in New York City (27.1 murders per 100,000 in Minneapolis in 1995 versus 16 per 100,000 in New York City). The article also described T-shirts that called Minneapolis “Murderapolis.”⁷

The negative national publicity inspired some of the city’s leading corporations, including Honeywell and Target, to found Minnesota HEALS (which stands for Hope, Education and Law and Safety). The partnership, which includes companies, law enforcement agencies and community groups, takes aim at violent crime and quality-of-life problems. It was through this partnership that local businesses learned that law enforcement agencies, like the County Attorney’s Office, wanted to explore creative strategies to combat crime; and it was also through this partnership that officials, like County Attorney Amy Klobuchar, realized that business leaders were willing to support innovation.

“She proposed the idea of the grant to focus on chronic property crime offenders and Target was intrigued by that,” LeFevour said. “One of their foundation’s missions is to support law enforcement efforts, and this idea qualified, and they awarded us the grant.” The grant pays the salary of an attorney and a paralegal who prosecute chronic property offenders exclusively. To avoid any appearance of impropriety, however, they don’t work on cases originating in Target stores, or, in fact, any stores, like Marshall Field’s, that fall under its corpo-

Finding Foundations

For information on foundations, the **PHILANTHROPIC NEWS DIGEST/FOUNDATION CENTER’s** web site, <http://fdncenter.org/pnd/rfp/index.jhtml>, is an excellent resource. While not free, the **FOUNDATION DIRECTORY** is also a useful resource and easy to navigate at <http://fconline.fdncenter.org>. The online directory links subscribers to as many as 78,000 foundations and grant makers. The subscription provides weekly information updates, discounts for multiple users and other benefits. **JOIN TOGETHER** also includes some information about foundation grants on its web site at <http://www.jointogether.org/sa/news/funding/>.

rate umbrella. Klobuchar’s office is in the process of applying for its fourth annual renewal of the grant.

To accommodate the Target Foundation’s understandable need for data about the program, Klobuchar’s office maintains a spreadsheet on every case, and then submits quarterly results—in aggregate form, with no specific case-identifying information—to the foundation. “As they get one report, they ask ‘Can you tell us next year this factor?’... The first year, we gave them seven columns of aggregate information and now we’re up to about 18,” LeFevour said. In addition, prosecutors are careful to set realistic goals, such as shorter case processing times and longer sentences.

Similarly, the Fulton County D.A.’s Office collects as much information about its programs as it can. “We don’t do anything without stats,” said grants manager Antoinette Williams. “Data collection was always a headache because we weren’t computer oriented and technological challenges contributed to the difficulties of data collection, but we have gotten much more advanced at how we collect and use data. ... We’ve also done a lot of videography and collected anecdotal statements from people who’ve participated in programs. We also have pictures that can speak to the before-and-after impacts of our work.”

Other Sources

In addition to foundations, D.A.s may be able to tap other pools of money earmarked for community improvement, public safety or law enforcement. Prosecutors, for example, may have access to assets obtained through civil forfeiture proceedings. How seized assets can be spent, however, varies from state to state. In Missouri, the

state constitution requires that all property seized by state law enforcement agencies be invested in public schools. Yet in many other states, the money can be re-invested in law enforcement activities or offender rehabilitation, such as drug treatment.

Prosecutors can also explore the use of special funds, such as those generated by Interest on Lawyers’ Trust Accounts (IOLTA) programs, which are funded by the interest earned on clients’ funds held by lawyers. All 50 states and the District of Columbia have IOLTA programs and most use the money to fund civil legal services for the poor as well as law-related education and administration of justice. IOLTA programs are administered by volunteer boards and, according to the American Bar Association, “address the most pressing and highest priority legal

Free Help from the Center for Court Innovation

The CENTER FOR COURT INNOVATION, under a grant from the Bureau of Justice Assistance, offers free technical assistance to prosecutors interested in creating or sustaining community prosecution programs. Assistance includes site visits to Center demonstration projects like the Red Hook Community Justice Center in Brooklyn, N.Y., as well as trainings, publications and curricula. For more information, call 212.373.1690 or visit the Center’s web site at <http://www.courtinnovation.org>.

problems facing their local communities.” IOLTA programs generated over \$148 million around the country in 2000. Visit <http://www.abanet.org/legalservices/iolta/home.html> for more information on IOLTA.

Managing Grants

Identifying, applying for and managing grants can be time consuming. Some large offices have full-time staff to handle the job, while other offices rely on individual prosecutors to coordinate their own fundraising.

While paying the salary of a grants manager is expensive, it can also pay off. Antoinette Williams, the grants administrator in the Fulton County District Attorney’s Office, is living proof. In 2005, Williams oversaw \$2.69 million in grant funding, a significant budget that helps support 13 separate programs covering a wide range of issues—everything from offender re-entry and child support to cold case investigations and truancy. The money comes from a healthy mix of sources, including federal, state and local government as well as foundations.

Ms. Williams uses several strategies to find new sources of money. She not only subscribes to services like the **Federal Grants Notification Service** (<http://www.grants.gov/ReceiveGrantOpportunityNotification>) that alert her to funding opportunities, but also networks regularly with local foundations and others in the non-profit world who know about upcoming solicitations. When the D.A.’s Office contemplates the launch of a new program, she actively researches funding opportunities related to that issue. Conversely, the availability of money for a particular problem may inspire the office to launch a new program.

Synergistic Investment

Prosecutors don’t have to focus on soliciting money for their own programs exclusively. They can also help other programs obtain money for public-safety or community-improvement programs, and, in that way, strengthen a partner whose work is vital to effective problem solving. In Minneapolis, for example, the Prosecutor’s Office has helped business associations apply to the Target Foundation for money to install video cameras in public areas. The video cameras allow businesses and the police to better monitor public spaces—a creative approach that may help to reduce crime and also help prosecutors build better cases. In North Minneapolis, the General Mills Foundation supports a number of initiatives, including the Hawthorne Huddle, now in its seventh year and the subject of a Harvard case study, that brings together community leaders, neighbors, teachers, police officers, clergy, prosecutors and others each month to discuss important community issues.

“The General Mills Foundation doesn’t give us the funds directly, but they’re making our job easier,” LeFevour said. He pointed out that city government also provides grants to community organizations. The money can be spent on “extras beyond regular city services,” like a new swing set for a playground or extra police patrols if there’s been a spike in crime, LeFevour said. Although the prosecutor’s office isn’t eligible to receive the money, community prosecutors can help local groups apply, and thus facilitate investments in neighborhoods that need help.

Prosecutors can also make a relatively small investment go a long way by helping partner organizations solve problems through trainings and specialized presentations. The Hennepin County Attorney's Office, for instance, has worked with the Hennepin County Medical Center to enhance emergency room procedures for victims of domestic violence. Specifically, prosecutors have helped the medical center provide appropriate training, establish goals and implement a protocol for emergency room social workers to write orders of protection and advocate for patients.

A Final Thought

Prosecutors can also avail themselves of help and support from nationally recognized experts in the field of community prosecution. The **Center for Court Innovation**, under a grant from the **Bureau of Justice Assistance**, offers free technical assistance to prosecutors interested in creating or sustaining community prosecution programs. The assistance available takes several forms. Prosecutors can, for example, visit the Center's demonstration projects to get a first-hand feel for community-based problem-solving initiatives in action. During site visits to projects like the Red Hook Community Justice Center in Brooklyn, N.Y., participants can get a tour of the facility, meet staff, discuss challenges with their peers and brainstorm solutions. The Center also offers trainings and free publications and curricula about problem solving and community prosecution. For more information, call the Center's Technical Assistance Department at 212.373.1690 or visit its web site at <http://www.courtinnovation.org>. The **American Prosecutors Research Institute** also offers technical assistance through its **National Center for Community Prosecution**. For more information, visit http://www.ndaa-apri.org/apri/programs/community_pros/cp_home.html.

Conclusion

Prosecutors, like most government employees, are grappling with tight budgets. In the face of fiscal constraints, they must find new funds, do more with less or cut spending. Unfortunately, new programs are often among the first to be cut.

Problem solving is, arguably, the most important tool in the community prosecutor's arsenal. Not only can it improve community conditions, but the same ingenuity can help solve the fiscal riddle of how to do more with less. In essence, funding is just one more problem to be solved.

In its simplest form, community prosecution is a mindset. A front-line prosecutor who spends most of his or her day in court practices community prosecution when he or she takes a minute to look at crime trends and gives some thought to how a government-community collaboration might stop crime at its source. A prosecutor who is assigned cases based on geography is practicing community prosecution when he or she uses knowledge of the neighborhood to build better cases or address problems globally. A prosecutor who uses attendance at community meetings to gain a better understanding of neighborhood concerns and improve public confidence in justice is also practicing community prosecution. What these approaches have in common is that they don't cost anything, but have the potential to reap huge dividends.

Those committed to a long-term investment in community prosecution have a good chance of realizing savings over time as problem-solving efforts lead to reductions in crime and safer, stronger neighborhoods. “If you nip trends in the bud and get aggressive and help shut down a crack house, you’re probably solving 10 other cases that were coming your way anyway,” said Andy LeFevour, director of community prosecution in Minneapolis.

Notes

1. M. Elaine Nugent et al, “The Changing Nature of Prosecution: Community Prosecution vs. Traditional Prosecution Approaches,” American Prosecutors Research Institute, February 2004.
2. Robert V. Wolf and John L. Worrall, “Lessons from the Field: Ten Community Prosecution Leadership Profiles,” American Prosecutors Research Institute & Center for Court Innovation, November 2004.
3. Id.
4. Id.
5. Id.
- 6 Id.
7. Dirk Johnson, “Nice City’s Nasty Distinction: Murders Soar in Minneapolis,” *The New York Times*, June 30, 1996.

Center for Court Innovation

The winner of an Innovations in American Government Award from the Ford Foundation and Harvard's John F. Kennedy School of Government, the Center for Court Innovation is a unique public-private partnership that promotes new thinking about how courts, prosecutors and other criminal justice agencies can aid victims, change the behavior of offenders and strengthen communities.

In New York, the Center functions as the State Court System's independent research and development arm, creating demonstration projects that test new approaches to problems that have resisted conventional solutions. The Center's problem-solving courts include the nation's first community court (Midtown Community Court), as well as drug courts, domestic violence courts, youth courts, mental health courts and others.

Beyond New York, the Center disseminates the lessons learned from its experiments, helping courts across the country and the world launch their own problem-solving innovations. The Center contributes to the international conversation about justice through a variety of written products, including books, journal articles and white papers like this one. The Center also provides hands-on technical assistance, advising court and criminal justice planners across the globe. Current areas of interest include problem-solving justice, community prosecution, court technology, drug treatment courts, domestic violence courts, mental health courts and research/evaluation.

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