



FAIR AND JUST PROSECUTION

Promoting justice through leadership and innovation

ISSUES AT A GLANCE

Building Community Trust Key Principles and Promising Practices in Community Prosecution and Engagement

Fair and Just Prosecution (FJP) brings together recently elected district attorneys¹ as part of a network of like-minded leaders committed to change and innovation. FJP hopes to enable a new generation of prosecutive leaders to learn from best practices, respected experts, and innovative approaches aimed at promoting a justice system grounded in fairness, equity, compassion, and fiscal responsibility. In furtherance of those efforts, FJP's "Issues at a Glance" briefs provide district attorneys with information and insights about a variety of critical and timely topics. These papers give an overview of the issue, key background information, ideas on where and how this issue arises, and specific recommendations to consider. They are intended to be succinct and to provide district attorneys with enough information to evaluate whether they want to pursue further action within their office. For each topic, Fair and Just Prosecution has additional supporting materials, including model policies and guidelines, key academic papers, and other research. If your office wants to learn more about this topic, we encourage you to contact us.

SUMMARY

This is one of a series of FJP's "Issues at a Glance" briefs addressing strategies for building community trust. This brief highlights key principles and important considerations for developing community engagement and outreach — practices that are often referred to as "community prosecution" — and is intended to provide a starting point for district attorneys seeking to build out or enhance community engagement models.

Trust between the community and the prosecutor's office is essential to maintain the office's legitimacy and credibility. One strategy many DAs have embraced as a mechanism to fortify relations and bonds of trust with their community is the development of "community prosecution" programs (sometimes known by other names such as "neighborhood prosecution," "community-based prosecution," "community-oriented prosecution," etc.)² Community prosecution models prioritize *strengthening links to the community, promoting partnerships,* and encouraging the development of *problem-solving strategies* to enhance public health and safety.³

¹ The term "district attorney" or "DA" is used generally to refer to any chief local prosecutor, including State's Attorneys, prosecuting attorneys, etc.

² For the purposes of this brief, the label "community prosecution" is used, but community prosecution has gained a broader meaning, as discussed in this issue brief, that extends far beyond the notion of traditional prosecution. Indeed, offices may want to consider revisiting the use of the "community prosecution" label and instead using terms that better fit the nature of this work. Other terms might include "Neighborhood Assistant District Attorneys ("ADAs")" or "Community Outreach/Engagement ADAs" or "Community Fortification Work" — all terms which aren't predicated on the notion of traditional prosecution as the exclusive priority of the office's work with the community.

³ *Key Principles of Community Prosecution*, National District Attorneys Association and National Center for Community Prosecution, (2009), available at: www.ndaa.org/pdf/final_key_principles_updated_jan_2009.pdf.

Though they may look different in different jurisdictions, community prosecution programs take into consideration the unique history, needs, and resources of particular neighborhoods to help address community problems and concerns.

BACKGROUND AND DISCUSSION

The Need for Prosecutors to Engage with Communities

Community members who feel connected to law enforcement and other justice system entities are more likely to perceive that they are engaged partners in, and drivers of, criminal justice decisions. Every community contact gives prosecutors an opportunity to build public confidence in the justice system.⁴ That confidence means members of the public are more likely to report crimes and to cooperate as witnesses.⁵ Whether or not there are specifically-designated “community prosecutors” within the office, district attorneys can and should engage in proactive and sustained community outreach designed to promote safer and healthier communities, rather than only reactively prosecuting crimes.

According to the most recent federal government survey — conducted over a decade ago — at least two-thirds of all prosecutors’ offices in the country engage in some form of community prosecution, and the practice is almost ubiquitous in jurisdictions with populations over one million.⁶

At its core, community prosecution aims for a responsive and problem-solving approach by increasing community engagement, partnering with other government agencies and local organizations, and using strategies beyond criminal prosecution to address community-identified priorities and concerns.⁷ Additionally, focusing prosecutors on particular geographic areas provides opportunities to be more familiar with local dynamics; to improve relationships with potential victims, witnesses, community members, and local police officers; and to signal that more attention is being paid to local priorities for crime prevention.⁸

⁴ Lauren-Brooke Eisen, Nicole Fortier, and Inimai Chettiar, *Federal Prosecution for the 21st Century*, Brennan Center for Justice, (2014), at 39, available at: www.brennancenter.org/sites/default/files/analysis/Federal_Prosecution_For_21st_Century.pdf; Jake Horowitz, *Making Every Encounter Count: Building Trust and Confidence in the Police*, *National Institute of Justice Journal* 256, (2007), at 8, available at: www.ncjrs.gov/pdffiles1/nij/jr000256c.pdf.

⁵ Tyler, T.R. & J. Jackson, *Popular Legitimacy and the Exercise of Legal Authority: Motivating Compliance, Cooperation and Engagement*, *Psychology, Public Policy and Law* 20 (2014), 78–95.

⁶ That figure is almost certainly higher today. Steven W. Perry, *Prosecutors in State Courts*, 2005, Department of Justice (2006), at 9.

⁷ See Robert V. Wolf, *Community Prosecution*, in Kenneth J. Peak, ed., *Encyclopedia of Community Policing and Problem Solving* (2013).

⁸ John S. Goldkamp, Cheryl Irons-Guynn, and Doris Weiland, *Community Prosecution Strategies*, Bureau of Justice Assistance (2003), at 6.

“Community members should be able to see the tangible impact of the justice system on their streets and to participate more deeply in shaping criminal justice solutions.”

— LOS ANGELES CITY ATTORNEY MIKE FEUER

Although preliminary, studies of community prosecution programs to date have found important positive results including reductions in overall crime and reductions in particular types of crime such as aggravated assault and burglary.⁹ In one study of the community prosecution program in Chicago, researchers found that the benefits of community prosecution accrued almost immediately, suggesting that when prosecutors increase their knowledge of community problems, they can quickly address the issues presented.¹⁰

RECOMMENDATIONS

While community engagement is not always prioritized by a prosecutor's office, this outreach is a vital part of building trust and improving the perceived legitimacy of the office's criminal justice work. Below is a sample of simple strategies a district attorney's office can employ to better engage the community in its work.

1. **Conduct a "listening tour" and/or survey to assess the community's perceptions of public safety and the district attorney's office.** Use the outreach also to collect ideas for how the office could better partner with community members and leaders to solve local problems.
2. **Ensure that both the elected district attorney and line attorneys meet members of the community in positive contexts** and proactively create opportunities for these contacts (for example, on a regular basis or door-knocking after particular incidents, attending or hosting community meetings and events, or performing voluntary service).
3. **Have staff from the district attorney's office work with the community on local and neighborhood priorities and needs they identify** that help promote both safe and healthy communities — for example (as seen in the Los Angeles City Attorney's community justice work¹¹) helping with safe passages to school, graffiti abatement, fixing broken street lights, and other quality of life issues and concerns identified by the community.
4. **Think strategically about ways to effectively engage with the community after high profile or emotionally charged incidents.** When hosting or attending community meetings or events after a concerning incident, consider using a neutral moderator, engaging and involving faith-based leaders, and/or bringing additional staff members to speak individually to vocal or particularly troubled community members.
5. **Engage community leaders, either informally or through formal Community Councils,** to ensure that the mission of the district attorney's office is understood and to brainstorm collaborative strategies to address community problems.
6. **Integrate victim perspectives, priorities and supports into the office's work.** A trauma-informed approach to victims and witnesses should also be reflected in contacts with the community. Ensure equal services and treatment, and respect, for all victims.

⁹ See, e.g., Thomas J. Miles, *Does the "Community Prosecution" Strategy Reduce Crime? A Test of Chicago's Experience*, *American Law and Economics Review* 16 (2014), at 117–143, 126, available at: <https://academic.oup.com/aler/article/16/1/117/135028>. There are relatively few studies of community prosecution programs, but those that have been published have been positive.

¹⁰ *Id.*

¹¹ This and other models are described in more detail in an accompanying FJP issue brief, available at: <https://fairandjustprosecution.org/resources/issues-at-a-glance-briefs/>.

7. **Consider opportunities for the district attorney’s office to use restorative justice more widely**, especially to better serve victims. See “[Building Community Trust: Restorative Justice Strategies, Principles and Promising Practices.](#)”
8. **Ensure that staff throughout the office who intersect with members of the public are trained in procedural justice principles and practices.** See “[Building Community Trust: Procedural Justice—Enhancing the Legitimacy of the Justice System.](#)”
9. **Develop performance metrics that acknowledge and value this work.**

RESOURCES

■ Rachel Porter, *Choosing Performance Indicators for Your Community Prosecution Initiative*, Association of Prosecuting Attorneys, (2011), available at: www.prosecutingattorneys.org/wp-content/uploads/Choosing-Performance-Indicators-final1.pdf.

■ Thomas J. Miles, *Does the ‘Community Prosecution’ Strategy Reduce Crime? A Test of Chicago’s Experience*, *Am. Law Econ Rev* 16 (1) (2004), available at: <https://academic.oup.com/aler/article/16/1/117/135028>.

Be sure to check with the FJP website at fairandjustprosecution.org for other “Issues at a Glance” briefs on topics relating to improving community trust, including “[Promoting Transparency and Fairness Through Open and Early Discovery Practices,](#)” and “[Procedural Justice: Enhancing the Legitimacy of the Justice System.](#)”

FOR MORE INFORMATION: Contact FJP at info@fairandjustprosecution.org

