

Strengthen Community Responses and Minimize Criminal Justice Involvement

ESSENTIAL ELEMENT 4: Prosecution Alternatives

POLICY

Prosecutors' offices function as public safety agencies, and part of their core mission should involve reducing recidivism and its root causes. Identification of the historic drivers to criminality, including mental health and substance use disorders and the co-occurrence of these issues is critical, as is acknowledgement of poverty-related factors including housing and food insecurity, and the impact of trauma on parties in criminal cases.

Prosecutors must also understand that mental health and substance use disorders, and other needs should contribute to prosecutor decision-making, including filing and charging decisions, diversion, and sentencing recommendations. Collaboration with defense counsel is an important component to identifying appropriate solutions and treatment.

EVIDENCE-BASED PRACTICES

[Evidence-Based Decision Making: A Guide for Prosecutors](#) (National Institute of Corrections)

[Multistate Evaluation of Prosecutor-Led Diversion Programs](#)

GETTING STARTED

Self-Assessment: Prosecutors' offices should take a broad approach to self-assessments, seeking input from staff at all levels, including assistant prosecutors,

victim-witness advocates, and other office personnel. Consideration should be given to initiatives that are working well and those in which deficiencies can be identified.

Data: Prosecutors' offices should thoroughly examine their data to establish proven instances of reductions in recidivism. Offices that currently do not keep data, or face challenges in data collection and maintenance, should consider reevaluating policies to establish sound data practices.

Build Relationships: Prosecuting agencies should seek to build relationships with key stakeholders to ensure buy-in.

Training: Current training offerings should be assessed and new training opportunities should be explored to ensure that they touch upon the major drivers of crime and ways to decrease recidivism within vulnerable populations.

ROLES AND RESPONSIBILITIES

Leadership from prosecuting agencies will be instrumental in securing buy-in and cooperation for any changes implemented and should be included in communication about any changes to procedures.

Identifying all stakeholders and seeking the relevant input and buy-in can make or break rollout and implementation.

Listening sessions can assist with engaging stakeholders.

NEXT GENERATION

Innovation, Technology, New Practice

Prosecutors' offices should advocate for centralized databases. Information-sharing alleviates issues of fragmentation that exist between different counties or jurisdictions and can assist with streamlined case management and provision of appropriate services to criminal defendants as well as crime victims. Methods to streamline communications to crime victims should also be considered.

Institutionalization, Sustainability, Funding

- Promote ongoing communication and collaboration with justice partners, funders, and the public.
- Demonstrate benefits of rerouting individuals with behavioral health needs who are charged with low-level offenses or other non-serious crimes to supportive services and crisis intervention.
- Periodic reassessments of practices and procedures are critical to success.
- Prosecutors' offices should continually explore opportunities for funding, including grants.

RESOURCES

[Justice and Mental Health Collaboration Program](#) (The Council of State Governments Justice Center)

[Understanding and Managing Risks for People with Behavioral Health Needs: FAQs for Local Prosecutors](#) (The Council of State Governments Justice Center)

[Fair and Just Prosecution, Improving Justice System Responses to Individuals with Mental Illness](#) (Fair and Just Prosecution.org)

[Victims, Witnesses, and Defendants with Mental Illness or Intellectual and Developmental Disabilities: A Guide for Prosecutors](#) (Prosecutors' Center for Excellence, The Arc, NAMI)

[Prosecutors and Frequent Utilizers: How Can Prosecutors Better Address the Needs of People who Frequently Interact with the Criminal Justice and Other Social Systems?](#) (John J. Choi, et al.)

[The ABC's of SUDs \(Substance Use Disorders\) for Prosecutors](#) (Susan Broderick)

[Trauma Training for Criminal Justice Professionals](#) (SAMHSA's GAINS Center)

- Increase understanding and awareness of the impact of trauma
- Develop trauma-informed responses
- Provide strategies for developing and implementing trauma-informed policies

[Trauma Informed Prosecution Resource](#) (Institute for Innovation in Prosecution at John Jay College)

- Develops guidance for prosecutors to incorporate trauma-informed best practices into their work in order to serve crime survivors, witnesses, people accused of crimes, and all community members
- Gives prosecutors a basic understanding of trauma and how it affects their cases

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