



GREATER
BALTIMORE
COMMITTEE

**Report of the Ad Hoc Committee
on Best Practices for
the Baltimore City State's Attorney**

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PREFACE

On January 3, 2011, Gregg L. Bernstein, a Baltimore lawyer and former federal prosecutor, was sworn in as the State's Attorney for Baltimore City, marking the first change at the helm of that office in nearly sixteen years. While Mr. Bernstein must confront the same challenges as his predecessor, the State's Attorney's Office has an opportunity under new leadership to examine and evaluate its practices and procedures to ensure that it brings to bear the most current and effective approach to prosecuting crime in Baltimore. Moreover, the difficulties experienced by the Baltimore City State's Attorney's Office have been compounded by an often tense, if not hostile, relationship with its most important partner in the fight against crime, the Baltimore Police Department. Repairing that relationship and forging a true partnership in building strong, provable cases is essential for success.

To assist the State's Attorney in his transition, the Greater Baltimore Committee formed this Ad Hoc Committee to study and report on the "Best Practices" employed by the prosecutors' offices in several of the largest cities in the Northeast, and in other State's Attorneys' Offices across Maryland. Throughout November and December 2010, members of the Committee, occasionally with the State's Attorney-elect, conducted hours of interviews with senior members of these various offices to discern the most forward-thinking in the field of criminal justice.

Our inquiry focused on those areas we determined to be among the most pressing and fundamental to the effective transition and new administration of the Baltimore City State's Attorney's Office. These areas included the foundational structure of an effective large-city prosecutor's office, and how such an office will represent and be held accountable to the community it is charged to protect. The State's Attorney's counterparts in Manhattan, Brooklyn, Philadelphia and Washington D.C. confront many of the same issues in processing an extraordinary number of cases while managing a substantial office. Certain other challenges are unique to Maryland. For instance, all State's Attorneys' Offices in Maryland confront the logistical difficulties created by the number of jury trial prayers in District Court. The issue is magnified in Baltimore City due to the significant volume of cases. A comparative analysis of the practices in all those offices proves instructive in planning to meet common challenges. This Report is designed to draw on the lessons learned by those who dedicate their careers to improving our collective criminal justice system, and to provide a guide for the incoming State's Attorney for Baltimore City as he prepares to lead the office through a period of significant change.

We provide a series of recommendations to the Baltimore City State's Attorney that we believe will foster an effective and efficient approach to prosecuting crime in Baltimore. Some of our recommendations can be implemented in short order. Others, such as proposals for legislative action, can only be realized over a longer time horizon. But in the end, we share the goal of seeing the Baltimore City State's Attorney's Office thrive and become an office of national standing and reputation.

January 5, 2011

Charles N. Curlett, Jr.
Committee Chair

REPORT OF THE AD HOC COMMITTEE
ON BEST PRACTICES FOR
THE BALTIMORE CITY STATE'S ATTORNEY

1. Executive Summary

The Ad Hoc Committee on Best Practices for the Baltimore City State's Attorney (the "Committee") explored eleven broad areas, discussed in more detail below, that are essential to the strong foundation of any leading prosecutor's office. From those areas of inquiry, the Committee submits the following twenty recommendations to the Baltimore City State's Attorney to assist in the reform of that office. The rationale for these recommendations, and a fuller explanation of them, is provided in the following Report.

RECOMMENDATIONS

- 1) Restructure executive management to accommodate the appropriate range of responsibilities and necessary expertise needed for the effective operation of the Baltimore City State's Attorney's Office, including the hiring of a full time Director of Communications.
- 2) Explore alternative physical office arrangements to bring prosecutors closer together in a more efficient working environment.
- 3) Evaluate the hiring program. Recruit annual incoming classes of a size that correspond to annual office attrition. Recruit from area law schools, and implement an Honors Program to attract top law students.
- 4) Through an audit of the office and efficient use of resources, explore salary increases for Assistant State's Attorneys to attract and retain top attorneys.
- 5) Establish a program with local law firms that permits young attorneys to work at the State's Attorney's Office for specified terms.
- 6) Appoint a full time Director of Training who will develop and implement a comprehensive training program for prosecutors at all levels. Ensure training programs are qualified to meet CLE requirements, if necessary.
- 7) Establish an early case assessment bureau (ECAB), to be staffed by senior prosecutors and located within the State's Attorney's Office.
- 8) Design and implement protocols for the intake and charging of cases, requiring follow-up investigation by charging officers.
- 9) Establish formalized training programs for the Baltimore Police Department to ensure the highest standards in preparation of cases for prosecution and trial.

- 10) Establish a process requiring all citizens who file criminal complaints with court commissioners to be referred to the State's Attorney's Office for evaluation of the complaint prior to issuance of the charging papers.
- 11) Restructure the trial divisions in the office and implement a Community Prosecution model designed to advance proactive, intelligence-driven prosecution of cases and improved community interaction.
- 12) Establish a vertical prosecution model for virtually all cases handled by the office.
- 13) To alleviate congestion, assess the utilization of non-misdemeanor courtrooms to preside over misdemeanor trials.
- 14) Establish a coordinated strategy to eliminate the incentive for a defendant to pray a jury trial in the District Court simply to secure a more favorable plea offer.
- 15) Support legislation to decrease the maximum penalties for certain misdemeanors, thereby eliminating the right to a jury trial and resulting in a greater number of misdemeanor cases being resolved at the District Court level.
- 16) Review existing victim and witness services to ensure maximum protection of witnesses and holistic services to victims.
- 17) Work with other State's Attorneys' Offices and District Attorneys' Offices to obtain funding and vouchers from the federal government for housing and other services for intimidated witnesses.
- 18) Identify and establish performance measures for the State's Attorney's Office according to emerging national standards.
- 19) Conduct an audit of existing information technology capacity and make recommendations to develop the infrastructure necessary for effective case management and statistical tracking and measurements. Identify and secure external funding sources for information technology.
- 20) Establish a conviction integrity program to ensure overall integrity in all aspects of the work of the State's Attorney's Office, including managing allegations concerning police credibility, making determinations of disclosure obligations on a case-by-case basis, and investigating post conviction claims of innocence. Establish a new and cooperative process with the Baltimore Police Department to address claims of credibility concerning police officers.

2. Management

The immediate challenge for the incoming State's Attorney for Baltimore City will be to set a new tone, uniting over 200 prosecutors under his charge and challenging them to break free of the status quo to reinvigorate an office in a city burdened by a robust illegal drug trade and one of the highest homicide rates per capita in the nation. Providing strong leadership, an

effective working environment, and communicating his vision and record to the public will be instrumental to the success of the office.

2.1 Executive Staff

The tone of the office will be significantly influenced by its leadership. Prosecutors' offices have taken different approaches to establishing their leadership structure depending largely on the size and needs of the office. State's Attorneys in Maryland have traditionally named two "Deputies," who divide their responsibilities generally in terms of operations and administration. The responsibilities of the Deputies vary among the offices, but they tend to be divided into oversight of the Circuit Court and District Court. In smaller offices (between 30-70 prosecutors and a budget of less than \$10 million), the Deputies remain personally involved in making decisions regarding most major felonies, including all homicides. That hands-on approach, however, is impractical in larger offices.

Larger prosecutor's offices (employing hundreds of attorneys and managing budgets of tens of millions of dollars) require a more elaborate executive structure. In place of the title "Deputy" are titles indicative of rank and responsibility relating to job function. For example, in the New York County District Attorney's Office (Manhattan), the Executive Staff consists of: a Chief Assistant District Attorney who reports directly to the District Attorney; a General Counsel; and six Executive Assistant District Attorneys, who report to the Chief Assistant and are respectively responsible for the Trial Division, the Appeals Bureau, the Investigation Division, External Affairs, Crime Prevention Strategies, and Finance and Administration.

The senior team in the King's County District Attorney's Office (Brooklyn) includes: a Chief Assistant District Attorney responsible for day-to-day operations; a First Assistant District Attorney responsible for special projects and initiatives; Counsel to the District Attorney, responsible for legal issues and appeals; and a Confidential District Attorney responsible for crime prevention and community outreach. Philadelphia, by contrast, has a leaner Executive Staff with a First Assistant District Attorney to whom all of the five Division Deputies report.

2.2 Public Information

In the various Maryland State's Attorneys' Offices, public communication is handled by a press information officer (Anne Arundel and Howard Counties), or a Deputy State's Attorney, if not the State's Attorney. Offices in larger cities, with greater caseloads, higher incidences of violent crime and a larger public constituency, generally employ a more elaborate communications structure.

The Manhattan District Attorney's Office maintains an extensive communications office. The current Communications Director has significant experience in the field, having worked for ten years as a reporter before serving under two Governors of New York. The Division has eight staff members including the Director, a Deputy Director, three press officers and several interns. The Communications Director identified her priorities as developing and maintaining strong relationships with the press, staying abreast of cases, providing information electronically, demonstrating success in achieving identified goals, highlighting cases that illustrate office successes, and working to support the office's legislative priorities.

The Communications Division tracks all cases that have been mentioned in the news, as well as pending cases that are likely to attract media attention. The Division has a weekly staff meeting, and distributes reports to the press on current cases every Friday. Occasionally, the Division will schedule a press conference if warranted. The Division issues written statements on noteworthy cases (on average ten to twenty per month). The District Attorney has been the only office representative to appear in front of the cameras and, thus far, he has done so approximately twice a month. The District Attorney makes occasional radio and television appearances, particularly in instances where the office wants to publicize a particular issue. The District Attorney also regularly attends community meetings.

The Communications Director also works closely with the Director of Legislative Affairs, who is responsible for pursuing the office's legislative agenda. The office has a separate Community Affairs Division whose staff members regularly attend community meetings and deal with particular local media outlets. While the Directors for Communications and Community Affairs work closely together, maintaining separate Divisions allows the Communications Director to focus on long-term communications strategy and to maintain relationships with the press.

Recommendation

The Committee recommends expanding on the traditional two-deputy model employed by Maryland State's Attorneys' Offices. In the larger offices we surveyed, those whom the elected official intends to rely upon and work with most closely are in the executive management of the office. The structure of the executive staff will depend in substantial part on the final organizational structure of the office.

The effectiveness of any office depends, in large part, on the individuals' ability to work together in a physical space that allows for effective communication. This is especially true in prosecutors' offices where the sharing of information and strategies is critical to effective prosecution and convictions. Currently, the Baltimore City State's Attorney's Office is spread out in two courthouses over several floors, not including the divisions that work in Juvenile Court and the District Courts. The Committee recommends that the State's Attorney explore possible alternative office arrangements to bring prosecutors closer together in a more efficient working environment.

The Committee recommends that the Baltimore City State's Attorney hire a full-time Communications Director who, along with sufficient support staff, will serve two roles: first, to work closely with the State's Attorney to establish and maintain transparency and public accountability of the affairs of the Office, and to effectively communicate the vision and progress of the office; second, to serve as the front line for interaction and direct communication with community constituencies, which will allow the office to work with the Baltimore Police Department in responding to community needs and concerns.

3. Recruiting and Hiring

The State's Attorneys' Offices surveyed in Maryland generally do not engage in formal recruiting, preferring instead to hire former state judicial clerks or draw from the ranks of law

clerks who come to the offices during their law school tenure. Lateral recruiting at the senior level is rare. The smaller size of these offices makes such an approach possible. One noted benefit to this approach is that by the time a new full-time Assistant State's Attorney ("Assistant") joins an office, he or she already has spent two or three years in the office as a clerk, affording considerable practical experience and training in advance of appointment.

Larger offices in other cities, on the other hand, typically have formalized recruiting programs, with most hiring a new class of Assistants annually. The incoming class size generally corresponds to the rate of attrition experienced by the office, and is otherwise driven by office needs and budgetary constraints. This approach allows the office to implement formalized training programs on a class-by-class basis, beginning upon the arrival of new assistants and continuing over the years as they advance in seniority.

The United States Attorney's Office for the District of Columbia currently employs approximately 320 Assistant United States Attorneys ("AUSA"). With an annual attrition rate around ten percent, the office hires approximately thirty attorneys per year, which it staggers in three to four classes. (If the office makes an individual hire between classes, the new AUSA may be placed in the appellate or intake unit until a new class starts, allowing the AUSA to advance with a group.) New hires have at least one or two years of prior professional experience. While starting salaries are based on experience, annual increases are given in lock-step and attorneys can also earn merit raises. The office does little formal recruiting due to the volume of unsolicited resumes it receives, but does hire approximately 100 clerks per summer from area law schools.

The Brooklyn District Attorney's Office hires a new class of approximately 30 to 40 "rookies" each fall. All apply during their third year of law school, and approximately 60% of applicants have previously spent a summer internship with the office. Hiring is competitive, and the office accepts about 10% of the applicants.

The Manhattan District Attorney's Office has a highly-formalized recruiting and hiring process. The office hires approximately 50 to 60 new Assistant District Attorneys ("ADA" or "Assistant") each year. This number corresponds to the traditional rate of attrition in the office, although in recent years attrition has fallen to 20 to 30 Assistants per year, due in part to the weakening legal job market. Of the office's 520 attorneys, approximately 180 are within their first three years, with another third having spent more than 12 years in the office.

The office has established two "hiring boards," one for the summer program and one for permanent hires. The office recruits at public interest job fairs in New York, the District of Columbia and Philadelphia, and at local law schools. The office recently created an on-line application to interface directly with law schools to facilitate recruitment. Applicants for the summer program undergo one interview with the hiring board, which then makes a hiring recommendation to the Director of Legal Hiring. Summer interns often join the office upon completing law school, but must undergo the standard process for permanent hires.

For permanent positions, the office hires primarily third-year law students and occasional law clerks and lateral candidates. Applicants submit a resume, writing sample, transcript, and a list of references. The interview process typically begins with an on-campus interview. The

hiring board decides which candidates to pass on to the second interview before a three-person panel. The panel interview is intensive, and involves a number of hypothetical questions. The panel then prepares an evaluation of the candidate. If selected for a third-round interview, the candidate meets with an Executive Panel that includes the Chief of the Trial or Investigation Division and the Chief Assistant or General Counsel to the District Attorney. The Executive Panel then prepares a memorandum to the District Attorney with hiring recommendations. The District Attorney reviews the candidate's file and if he agrees, the candidate meets with him personally.

Recommendation

Every prosecutor's office must address its own needs and design its hiring program accordingly. Baltimore should be able to attract qualified and motivated candidates. An aspiring prosecutor who desires to gain experience trying criminal cases in the courtrooms of a large city will certainly find that opportunity in Baltimore. The State's Attorney's Office should emphasize that fact in its recruitment efforts. With a change in leadership that has pledged to modernize the office, including implementing a structured training program, cutting-edge strategies in community prosecution, and state-of-the-art technology, the Baltimore City State's Attorney's Office should have its choice of excellent candidates. It is imperative, therefore, that the office assess its hiring practices and implement a formal program that will draw the best possible candidates and vet them carefully. The office should also seek to maximize the number of hires, at the very least matching its levels of attrition. At most, the office should consider increasing the number of Assistants to the extent the budget will allow. To attract top candidates, the Committee recommends the following:

- Working closely with law schools – beginning at least in Maryland and the District of Columbia – and taking part in on-campus recruiting;
- If independent funding can be secured, introducing an Honors Program for summer interns aimed at securing top law students;
- Exploring salary increases for Assistant State's Attorneys;
- Engaging with large local law firms to create a program through which associates spend significant time in the State's Attorney's Office. The benefit to the firm is that the associates receive unparalleled courtroom experience; the benefit to the State's Attorney's Office is that top young lawyers cycle through the office at little or no cost to the office; and,
- Over time, refining the recruiting model to allow for an annual incoming "class" of rookies.

4. Training

All the prosecutors' offices surveyed recognize the importance of training, and all have implemented programs to produce the most highly qualified and effective lawyers who appear in

court. Certain smaller offices assign responsibility for training either to an executive staff member or to a senior prosecutor. Larger offices employ a dedicated director of training. Regardless of size, every training program should begin with certain basic components.

“The core curriculum is a review of the state and local laws that the attorneys will actually use on a daily basis. This training can become more comprehensive as the attorneys progress to more advanced assignments. For example, attorneys who will only handle misdemeanors for the next year need not learn the nuances of the defenses to certain murder charges. They should have a passing familiarity, however.”¹

In addition to statutory review, basic training should cover:

- Witness and victim relationships (both police and civilian)
- Investigating cases
- Drafting accusatory instruments
- Discovery practice in the jurisdiction
- Suppression issues and hearings
- Bench trials
- Jury trials
- Written work/legal memoranda²

4.1. Maryland State’s Attorneys’ Offices

In Anne Arundel County, internal training is largely supervised by one Assistant who is otherwise assigned to a trial unit, and whose case load has been reduced to accommodate this responsibility. The Assistant spends about three days per week in the District Court supervising junior Assistants. The Assistants themselves undergo one or two introductory training days when they join the Office, and are then sent to observe the District Court. Soon after, they are initially assigned one or two cases, then half a docket, and eventually a full docket. Assistants typically spend three years in District Court before moving up to Circuit Court. Before they are elevated full time to the Circuit Court, District Court Assistants rotate up to Circuit Court every two months to gain training and to have opportunities to try jury trials. Training is supplemented by regular distribution of summaries of recently-reported decisions from the appellate courts, and occasional staff meetings where recent legal developments are discussed.

Similarly, in Montgomery County, new hires begin in District Court and later move to the Juvenile Division and then typically on to a felony division. When Assistants start in District Court, they are paired with a more senior Assistant for six weeks and receive on-the-job training in criminal and traffic cases, gradually assuming more responsibility and ultimately fully handling the District Court docket. During the six weeks of training, the trainer observes Assistants in trial and offers feedback. When they move to the jury trial unit, typically a chief or deputy chief will second-chair their trials. There is no fixed schedule for promotion through the office – promotion is largely a function of attrition.

Montgomery County also holds an annual in-house two-day trial advocacy program for new hires. Mandatory training for the office is given in lecture format every other week, and

outside lawyers or judges occasionally conduct the training. While funding for external training is somewhat limited, the office sends Assistants to the National District Attorneys Association (“NDAA”) training programs as well as the Maryland State’s Attorneys’ Association (“MSAA”) conference. The office has begun to use webinars, which are an inexpensive and easy way to make training accessible to the entire office.

In Baltimore County, one Assistant, in addition to his usual role in a Circuit Court trial unit, is also the Training Director, responsible for supervising all training in the office. Assistants attend mandatory training sessions which take place from September through May each year in alternate weeks. Training sessions are presented by senior Assistant State’s Attorneys, as well as by experts from outside the office on topics such as parole and probation, sentencing guidelines, and Crawford and DNA evidence, among others. While much of the training is geared toward the Circuit Court, District Court Assistants attend as well.

Baltimore County Assistants also begin their careers in the District Court by spending six weeks working alongside a more senior attorney. After spending one year in District Court, Assistants are sent to the “Nunnery,” a training academy run by the MSAA. Senior Assistants are sent to Columbia, South Carolina for a full two-week training program at the NDAA, where the focus centers around trial preparation. By the time Assistants are sent to training in South Carolina, they have been assigned their first homicide or other serious felony case. They are expected to prepare that case in connection with the training they undergo through the program.

In Howard County, new hires are put through a four-week program beginning in the District Court. Training is overseen by the head of the District Court Division, and the new Assistants shadow a senior Assistant and are gradually given cases to try with supervision of that Assistant. Office-wide training takes place monthly, in-house, on current topics selected by a Deputy State’s Attorney. These lectures are conducted by both in-house and outside attorneys and experts. Like its Maryland counterparts, the office sends Assistants to attend training programs at the “Nunnery” or the NDAA in Columbia, South Carolina for the two-week trial course.

4.2. Major-City Offices

Prosecutors’ offices in the larger cities are responsible for training a significantly greater number of assistants than their smaller counterparts, and have designed more elaborate and structured training programs to meet that obligation. These programs take Assistants from the beginning of their careers through their progression to senior ranks within the office.

4.2.1. Training in the King’s County District Attorney’s Office

In Brooklyn, the training program for an incoming class begins with three weeks of exclusive training. The rookies are then assigned to either a zone trial unit (responsible for a specific geographic area in the borough, or “zone”) or a specialized misdemeanor unit (i.e. domestic violence), and begin “on the job” training. Each incoming Assistant is assigned a mentor within the office. The trial experience gained by first-year Assistants is generally limited to bench trials where a supervisor will second-chair the trial. Training also continues through

CLE lectures offered in the evenings. A new ADA is in court a minimum of twice a week and handles shifts in the office's intake unit, the Early Case Assessment Bureau (ECAB).

Trial advocacy training, a specialized in-house program, begins two months after the new class begins. Training sessions take place once per week over a 5-6 week period, typically in the evenings for two hours. The format varies from standard lectures to interactive exercises covering all aspects of trial advocacy.

The new Assistant spends twelve to eighteen months in Criminal Court handling misdemeanor cases. As Assistants prepare to leave Criminal Court and move to their next station, the Grand Jury, they undergo Grand Jury training four times per week for two weeks during the evening. After nine months presenting cases to the Grand Jury for indictment, they move on to a felony trial unit. After their first several weeks in a felony unit, they undergo a one-week trial advocacy "boot camp" that consists of morning lectures and afternoon mock trials that are videotaped and critiqued. (The office does not pair supervisors with their Assistants in training, to encourage the free flow of questions and criticism.) Training is conducted by senior staff in the office, as well as by office alumni and outside professionals, particularly for issues such as Brady obligations, fiduciary duties, ethics, and conflicts of interest. The Office of the Medical Examiner takes part in homicide and forensic training. While the office makes occasional use of outside training, it is minimal due to the comprehensive nature and high quality of its internal program.

4.2.2. Training in the Manhattan District Attorney's Office³

The New York County District Attorney's Office has had a formal in-house legal staff training program since 1978. In 1998, the office became one of the early Continuing Legal Education providers in the city. The office's major training programs are Orientation and Criminal Court Training, Trial Advocacy, Grand Jury and Supreme Court Training, and Homicide Training. Additionally, the Office offers extensive ongoing training that allows Assistant District Attorneys to remain abreast of changing legal matters and ethical obligations, and to develop expertise in particular areas. In 2008, the Legal Training Unit developed an electronic library which contains the most recent version of office manuals, professional obligation rules and practice pointers. ADAs can easily fulfill their New York State Continuing Legal Education requirements by attending the various in-house training programs. The Legal Training Unit also oversees the creation and updating of automated legal documents used by Assistants in their day-to-day practice.

1) Orientation and Criminal Court Training Program

All newly hired ADAs participate in Orientation and Criminal Court Training, which includes lectures, workshops, demonstrations, and tours, and covers such topics as New York Criminal Procedure law, New York Penal law, search and seizure law, suppression law, case assessment, drafting complaints, interviewing witnesses, arraignments, suppression hearings, and ethical considerations for prosecutors. The training is supported by the office's Introduction to ECAB and Arraignments Manual and the Criminal Court Crimes and Procedure Manual (Redbook) which outline all aspects of misdemeanor practice, and are updated annually. This six-week training program consists of four weeks of full-time training and two weeks of a

combination of full day and half day sessions. The various lectures offered include such topics as alternative sentencing, domestic violence, child abuse, official corruption, driving while intoxicated, prosecuting identity theft cases, motion practice and hate crimes.

2) *Trial Advocacy Program*

During the new Assistants' first year of practice, they attend the Trial Advocacy Program. This program begins with a lecture series on all phases of trial practice. Assistants then are assigned to small groups, each led by an experienced senior ADA. The participants prepare motions in limine, voir dire, openings, directs, crosses, and summations based on the case materials.

Expert trial attorneys both from within the office and from the Criminal Bar and Bench meet with the Assistants and critique their performances. The program culminates in a mock trial held in New York State Supreme Court, with a real judge and volunteer jurors and witnesses. The office's Trial Advocacy Manual, along with the Predicate Question Manual, serve as valuable resources for assistants on trial. The office is currently in the development phase of an advanced trial advocacy program for mid-level Assistants.

3) *Grand Jury and Supreme Court Training Program*

This program introduces second-year Criminal Court assistants to Supreme Court practice. Grand Jury training focuses on case assessment and investigation, evidence analysis, ethical considerations and all phases of Grand Jury and Supreme Court practice. It consists of lectures, demonstrations, and a series of workshops with individualized instruction. The Felony "ECAB" Manual, Grand Jury Manual and Grand Jury Charge Book are consolidated into one binder, which is updated annually and used extensively by all felony Assistants.

4) *Homicide Training*

Homicide Training is only offered to selected, experienced felony Assistants. The training instructs homicide assistants and cadets on the "Homicide Call" system, responding to the precinct and crime scene, sources of evidence and evidence collection, advanced forensic techniques, case analysis, working with the Medical Examiner's Office, and various relevant legal topics. A Homicide Call Manual, which is currently being updated by the office's most experienced homicide Assistants, provides guidance on various topics including taking statements from defendants, self-defense, recovering evidence, DNA, electronic evidence, the use of deadly physical force by police officers, and juvenile defendants.

5) *Specialized Training*

The various bureaus and specialized units conduct their own training. For example, the Appeals Bureau conducts training to enhance the writing and advocacy skills of its appellate lawyers. Their work is also enhanced by DANYlaw, an intranet system designed in conjunction with WestLaw, which contains all of the office's appellate briefs and First Department and Court of Appeals decisions. Assistants handling long term investigations, white-collar crime, DWI, identity theft, sex crimes and domestic violence attend regular in-house seminars on topics

related to their topic of concentration. The Special Litigation Bureau does Extradition training and has a manual on the subject. All new supervisors participate in Leadership Skills (Management) training to assist them in the transition to supervisor and familiarize them with the ethical obligations of supervisors and successful management tools. The Criminal Court Supervisor Manual and Leadership Skills Manual are distributed during this training. Coming soon will be an “ECAB” Supervisor Manual.

6) *Ongoing Training*

The office offers a series of training programs to Assistants throughout their careers. Weekly lectures address updates in the law, ethical and discovery obligations, conviction integrity, new forensic techniques, interpreting scientific evidence and testing, and advanced trial advocacy skills. The office offers advanced training programs on topics such as cyber-crime, seizing computerized evidence, search warrants, money laundering, OCCA, examining a DNA expert, and stock fraud. In addition to this in-house training, the office participates with the New York State Prosecutors Training Institute, and sends Assistants to various programs throughout the state. Finally, ADAs receive on-going, informal training and mentoring from their supervisors and more experienced peers.

Recommendation

For the Baltimore City State’s Attorney’s Office to establish itself as an office of national standing and reputation, it is imperative to implement a formal, rigorous and highly structured training program. This Committee recommends that the State’s Attorney recruit a full time Director of Training to develop and implement a program using some of the components described above. A comprehensive training program ensures that prosecutors meet the highest standards of professionalism in their practice. A superior level of competence in the performance of prosecutors’ duties will instill public trust and confidence in the office. Finally, once the office has established a reputation of excellence, the office will have an ever-increasing pool of talented young lawyers from which to recruit.

5. Charging

Charging decisions, typically made at the inception of a case, define the case, and can often shape its outcome. The decision even to charge a case, or a class of cases, can have a profound effect on the functioning of the office, and on the community’s perception of the office. At this early stage, the charging of a case requires the greatest coordination and cooperation between the prosecutor’s office and the police department. In sum, the charging process is critically important. A prosecutor’s office must have sound procedures for the intake and charging of cases, and a cooperative and effective relationship with the police department.

5.1. Charging in Philadelphia

Philadelphia’s newly-elected District Attorney confronted an inadequate and dysfunctional system for charging new cases. Far too much discretion was afforded to the police department in making charging decisions and to judges to sort out which charges were supported by the facts of the case. Safeguards also were lacking to ensure that the cases that were brought

were sufficiently prepared to proceed through the system. In conducting its own best practices study, Philadelphia looked to the charging model employed by the San Diego District Attorney's Office as a guide to improving its own system.

In San Diego, approximately 75% of the cases coming into the office pled guilty at or before their preliminary hearing date, a testament to the strength of the cases the office elected to prosecute. San Diego has established a specialized charging unit staffed exclusively by senior prosecutors. In addition, the office began employing a "beyond a reasonable doubt" standard in deciding even to charge a case. By contrast, in Philadelphia, when the new District Attorney was elected in 2009, 59% of all felonies were *dismissed* at the preliminary hearing, largely on procedural grounds. Determined to fix the problem, the District Attorney first moved the Charging Unit into the District Attorney's Office. He then transformed the Charging Unit from one staffed by paralegals and underperforming Assistants to an elite unit within the office, staffed by only senior, experienced Assistants. With this new system in place, stringent standards were imposed for the intake of cases.

The Charging Unit is led by a senior and highly respected prosecutor who has spent more than twenty years in the office. In establishing the unit, the Chief handpicked fifteen top prosecutors (up from five) and appointed one as Assistant Chief. The requirement to join the Charging Unit is now five years experience in a major trial unit. (The unit is also assisted by four paralegals.) The Charging Unit works in three shifts, around the clock, which are staffed based on the anticipated caseload. The supervisors work every day during the day. The Charging Unit is presently a one-year rotation. Consideration is also being given to closing the Charging Unit overnight (from 11:00 p.m. or midnight to 6:00 a.m.) as long as the time between arrest and arraignment remains within 24 hours. There are currently two arraignments per shift. Because the charging Assistants do not get cases until about 12 hours after arrest, police are required to answer their cell phones and leave their files accessible to supervisors for seven days post-arrest.

When an arrest is made the defendant is taken to one of the six police divisions, where the defendant is processed. Charging documents are then faxed to the District Attorney's Charging Unit. The Assistants in the Charging Unit are expected to interview the arresting officer over the phone to determine whether all requirements have been met according to a now-standardized intake checklist. The office exercises its authority to make all final charging decisions, for both on-view arrests and those proceeding from arrest warrants. The Charging Unit reviews all arrest warrants with the exception of the Homicide, Sex Offense and Economic Crime units, who conduct their own review. Detectives in Philadelphia complete the paperwork for all arrests and provide information to the Charging Unit through a computer system. When the information is received, the Charging Unit Assistant reviews the information and confers with the Detective on any follow-up that is required before a case can proceed. If the Charging Unit declines to prosecute a case, the Assistant alerts the Detective and his supervisor. If a case is returned to a Detective to do further investigation, his supervisor is notified.

Ultimately, the goal of the Charging Unit is for a case to be trial-ready, with discovery completed, when it emerges from the Charging Unit and is assigned to a trial unit. To accomplish this, cases can spend up to approximately one week in the Charging Unit as they are

prepared. Case preparation often continues even after the charging instrument is drafted and a bail hearing has occurred. The paralegals in the Charging Unit have a checklist so they can make sure that the police have made all required requests for evidence (e.g., 911 recordings, DNA analysis, latent fingerprints) and there is a checklist for the police to list all requests for evidence made with the date of the request.

Once the case is charged, a bail hearing is conducted by a magistrate judge at the Criminal Justice Center through closed circuit television (the defendant remains at the police division). For misdemeanors a trial date is set approximately twenty days out, and for felonies a preliminary hearing date is set ten to twenty-one days out. (Pennsylvania does not have indicting grand juries, so all felony indictments proceed by preliminary hearing.)

5.2. Charging in Manhattan

The Early Case Assessment Bureau (ECAB) lies at the heart of the Manhattan District Attorney's Office's vertical prosecution model. Virtually all cases originating with an arrest by the NYPD are brought in through ECAB. ECAB is staffed by members of one of the office's six Trial Bureaus, which rotate daily. An ECAB shift is led by a supervisor, who is a senior Assistant from the Trial Bureau on duty and who reviews incoming felony cases and assigns them to one of the felony Assistants on duty. The assignment is based on the seniority of the Assistant, the nature of the case, and an even case distribution among those working the ECAB shift. Once a felony case is assigned to an Assistant in ECAB, the case will be his or hers to prosecute until a disposition is reached.

When the NYPD makes an arrest, the defendant initially is brought to the arresting officer's local precinct, where the arrest is processed. At that time the officer sends all of the arrest paperwork via facsimile to ECAB, where the case is given to an Assistant who is on duty during that day's shift. How the case is processed depends on whether it is a misdemeanor or a felony.

Misdemeanor cases are processed by the administrative staff and given directly to the misdemeanor Assistant, who interviews the arresting officer, drafts the complaint and makes initial charging decisions. The ECAB supervisor is available to assist the misdemeanor Assistant as needed. Misdemeanor Assistants do not usually keep the cases they write up in ECAB. (Domestic violence cases are the exception, which are handled by specially-trained misdemeanor Assistants.) The cases are pooled following arraignment, and delivered to the Criminal Court Supervisor in the Trial Bureau who was on duty in ECAB when the cases came in. The Criminal Court Supervisor reviews all of the paperwork, and then assigns the cases to misdemeanor Assistants within the Trial Bureau. This step affords an opportunity for supervisory review at the inception of the case. When the case is assigned to the misdemeanor Assistant, the paperwork is accompanied by a memorandum from the Criminal Court Supervisor that includes direction on how to proceed with the case.

When a felony Assistant is assigned a case in ECAB, it is his or her responsibility to ensure that the police have completed all of the necessary work in connection with the arrest to file charges in court. The assistant completes a "DA Data Sheet" that includes all relevant case information, including names and information of witnesses, evidence obtained, and all officers

involved in the arrest. Once this information is all gathered, the Assistant drafts a criminal complaint to be filed in the Criminal Court at the defendant's arraignment. The Assistant also prepares a bail application for the court. If the Assistant desires to take a statement from the defendant during the intake process, the arresting officer will transport the defendant from the police precinct to ECAB, which is equipped to conduct video-taped statements. In either case, once the intake process is complete, the defendant is transported to Central Booking where he awaits arraignment before a Criminal Court judge.

A defendant charged with a felony at his Criminal Court arraignment who fails to post a bond will usually be presented to the Grand Jury for indictment within five or six days following arrest. To meet this deadline, felony Assistants contact the witnesses who will be required to testify before the grand jury. Assistants will frequently contact the witnesses directly from ECAB while the intake process is under way, or within the days immediately following the arrest and arraignment. In addition, all evidence necessary for the prosecution of the case is gathered immediately. Like its counterpart in Philadelphia, the intake process in ECAB ensures that cases are thoroughly vetted at their inception. An important benefit created by virtue of the vertical prosecution model employed in Manhattan is that the Assistants who are ultimately responsible for the case begin immediately to develop a relationship with the witnesses.

5.3. Charging in the District of Columbia

The United States Attorney's Office maintains a rigorous screening process. The office reviews all arrest charges and makes final charging decisions, including whether or not to proceed. Approximately 27% of arrests are not charged. For the cases that proceed, the office has implemented charging guidelines for all crimes.

At the time of arrest the police send the arrest paperwork to the intake office, which is located in the Superior Court, for all crimes that do not involve violence. For crimes of violence the arresting officer appears at the intake office and meets with the prosecutor. As of March 2011, all documents will be received electronically from the police, and complaints will be filed electronically with the court. After charging, cases are assigned to prosecutors who will handle the case to its conclusion. Defendants appear in court before a Magistrate Judge the day after they are arrested, where a bond determination is made and misdemeanors are arraigned. Plea offers are generally made for misdemeanors at arraignment and some discovery is provided at that time.

5.4. Charging in the Maryland State's Attorneys' Offices

The smaller size of the offices we surveyed in Maryland allows for a very different approach than those employed in major-city offices. Howard County's "Felony Review" process is a good example. Each week, the trial team Assistants and a Deputy State's Attorney meet with the police liaison to review all felony arrests, usually between fifteen and twenty, for the past week. Before the meeting the liaison officer will have reviewed the police reports and interviewed the arresting officers. At this meeting, cases are screened and final charging decisions are made. On the Friday following the Felony Review, the case is assigned to an Assistant who will be responsible for the case until its disposition. Cases are required to be presented to the Grand Jury within two weeks of assignment. This approach fosters a productive

and coordinated relationship with the police department, uniformity in charging decisions, appropriate delegation within the State's Attorney's Office, and responsiveness to the public.

In Anne Arundel County, one Assistant State's Attorney serves as the felony screener for all felony cases in the office. That Assistant determines whether the case should proceed as a felony or whether charges should be reduced and the case sent to District Court. The State's Attorney himself, or that Assistant, presents 90% of all felony cases to the Grand Jury, which meets only one day every other week. After indictment, the case is assigned to another Assistant, who is responsible for the case through disposition. The Assistant responsible for the case immediately sends a memorandum to his case manager detailing the various items he needs the manager to obtain, such as police reports, autopsy reports, and criminal records.

5.4.1. Citizen Complaints in Maryland

In Maryland, citizens have the right to appear before a commissioner and make an application for a criminal charge. Commissioners have the authority to determine probable cause for the issuance of charging documents. Historically, Maryland District Courts have experienced congestion due to excessive citizen criminal complaints, the vast majority of which are eventually determined to lack merit or are simply abandoned by the complainant. To alleviate this problem, the State's Attorneys' Offices in Montgomery County and Baltimore County have implemented procedures by which any citizen who appears before a commissioner is required to appear soon thereafter before a representative of the State's Attorney's Office (in Montgomery County within 72 hours). If the State's Attorney's Office authorizes the filing of criminal charges after meeting with the complainant, that authorization is conveyed to the commissioner. If the State's Attorney's Office declines to proceed, no charges are filed. Montgomery County and Baltimore County have reported marked success in both reducing the number of citizen complaints in court, and ensuring the quality of those cases that do proceed.

Recommendation

It is fundamentally important that the Baltimore City State's Attorney's Office ensure thorough investigation of cases at, and subsequent to, the time of arrest. The State's Attorney's Office will need to work closely with the Baltimore Police Department to establish protocols for early case assessment and to ensure that prosecutors and police officers alike are prepared to implement the new standards. We recommend that the State's Attorney's Office work with the Baltimore Police Department to improve charging decisions and procedures. Based on our observation of other offices, this effort should include:

- Locating the intake unit within the State's Attorney's Office;
- Assigning more-experienced prosecutors to make charging decisions;
- Implementing clear standards for the intake of cases;
- Requiring follow-up investigation by charging officers;

- Including case assessment and charging in the new training curriculum for the State’s Attorney’s Office; and,
- Providing training to the Baltimore Police Department on investigation and arrest procedures relevant to charging.

The Committee also recommends establishing a process requiring all citizens who bring complaints to a commissioner to be referred to the State’s Attorney’s Office for evaluation of the complaints before formal charges are issued.

6. Community Prosecution

The modern concept of community prosecution finds its origins in the United States Attorney’s Office for the District of Columbia. In the 1980s, in response to a crack cocaine epidemic that was generating complex and interrelated cases, the office began assigning cases to prosecutors based on geography.⁴ “Under the old system, cases involving members of the same gang or overlapping witnesses and victims were often assigned to different prosecutors.”⁵ Under the new system, however, “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.”⁶

As a result of the apparent success of this approach, in 1996 then-U.S. Attorney Eric Holder launched a community prosecution pilot program in the District of Columbia. The program initially focused on only one of the District’s seven police districts, which was subdivided according to patrol officers’ areas of responsibility. Prosecutors then became responsible for handling the serious cases from their assigned neighborhoods, and for developing relationships with stakeholders in the communities. Within three years, the program was declared a success. In 1999, Holder’s successor, Wilma A. Lewis, revamped the entire division into a coordinated and ambitious community prosecution model. The modern era of community prosecution was born.

Prosecutors in major cities have since embraced community prosecution as a new and effective approach to law enforcement. In fact, nearly half of all prosecutors’ offices surveyed by the American Prosecutors Research Institute in 2003 reported that they practice community prosecution in some form.⁷ While the model is implemented differently among various jurisdictions, six commonly-cited operational elements have emerged:

- A focus on problem-solving, public-safety, and quality-of-life issues;
- Inclusion of the community’s input into the criminal justice system, including the courtroom (e.g., admission of community impact statements to be considered at sentencing);
- Partnerships among the prosecutor, law enforcement, public and private agencies, and the community;

- Varied prevention, intervention, and enforcement methods (i.e., use of tools other than criminal prosecution to address problems);
- A clearly defined focus area, which has traditionally been defined as a targeted geographic area; and
- An integrated approach involving both reactive (e.g., prosecuting crimes identified by the police) and proactive strategies (e.g., anticipatory actions aimed at addressing problems at their root cause).⁸

The community prosecution model is based upon prosecutors' growing recognition of "the important position their Office can have in complementing police partnerships with the community in order to better address the needs of the community."⁹ Smaller prosecutors' offices are typically, by definition, engaging in community prosecution.

6.1. Community Prosecution in Maryland

Maryland prosecutors' offices are typically divided by District and Circuit Court, the functional equivalent of misdemeanor and felony courts in other jurisdictions. Within the Circuit Court, however, the division of felony prosecutors varies substantially among offices within Maryland. Traditionally, the division of felony prosecutors has been by type of crime, but prosecutor's offices have begun organizing all or some of their felony cases based on geography, offender characteristics or some combination of the two. Organization by geography is based on the assumption that crime is often specific to the communities in which it occurs, and that knowledge of the crime patterns within a community, and of the communities themselves, supports better prosecution outcomes. Organization by offender characteristics is based on the assumption that small numbers of offenders are committing the majority of the crimes in a jurisdiction and allows the office to devote greater resources to the prosecution of those individuals regardless of the type of crime with which they are charged.

The State's Attorneys' Offices in Anne Arundel County and Baltimore County are organized by type of crime. Anne Arundel County has an investigative unit and five trial teams in the Circuit Court: Sex Offense and Child Abuse, Violent Crimes, Narcotics Property Crimes, Misdemeanor Jury Trials, and Economic Crimes. Baltimore County similarly has specialized felony units including sex offense, domestic violence, narcotics, gangs and white collar crime. The Howard County State's Attorney's Office, with only 32 prosecutors and an average of fifteen to twenty felony arrests per week, engages in community prosecution by definition. Its Assistants are assigned to one of three divisions: Circuit Court, District Court or Juvenile.

Montgomery County has divided its Circuit Court geographically into two felony divisions. Each division ("Upcounty" and "Downcounty") handles all felonies within its section of the county, with the exception of domestic violence, juvenile cases, complex economic crimes, police-involved shootings and police integrity cases. Those cases are handled by specialized units. The Community Prosecution Division, through which its community prosecution model is implemented, is led by a chief and two Assistants, each of whom is responsible for one of the two geographically-based felony trial divisions. The Assistants in the

Community Prosecution Division are responsible for working with the local police departments, schools, churches, and other community groups within their jurisdiction to identify the predominant quality of life crime issues. They are present at police districts on a regular basis, and assist police with investigations, warrant preparation and roll call training. They also organize and participate in community projects. Significantly, Community Prosecution Assistants are not assigned cases as part of the standard intake of the office. Instead, they carry a case load at their own discretion which typically consists of a reduced number, usually ten to twenty, cases per year.

6.2. Community Prosecution in Major Cities

The current trend among major city offices incorporates the emerging standards and best practices of community prosecution. The manner in which elements of community prosecution have been implemented depends in part on whether, and to what extent, offices employ a vertical or horizontal model. Vertically structured offices, such as Manhattan, have established a community intelligence overlay to their traditional models. Offices that employ a primarily horizontal structure, such as Brooklyn and Philadelphia, have moved to a geographically-based community prosecution model, in which units assigned to geographic regions prosecute crimes within those regions. The Baltimore City State's Attorney's Office has traditionally employed a horizontal model, and dividing into community-based zones would be feasible under the current structure. There is a strong consensus, however, that the vertical management of cases achieves preferred outcomes. The challenge in Baltimore, therefore, is to move to a system of vertical case management, while incorporating the best of community prosecution.

6.2.1. Community Prosecution in the District of Columbia

The United States Attorney's Office for the District of Columbia functions as a traditional District Attorney's Office, prosecuting its cases in the Superior Court. That office, which as noted above invented modern community prosecution, structures its program as follows:

Throughout the U.S. Attorney's Office, Community Prosecution brings together geographically organized teams of Assistant United States Attorneys (AUSAs), Community Outreach Specialists and other support personnel who share responsibility for the prosecution of crimes committed within each of the seven Municipal Police Department (MPD) Districts. Senior AUSAs are assigned to each of the MPD Districts and share responsibility for screening all cases that arise within that District. Senior AUSAs are present at the police district stations on a regular basis and assist police with investigations, warrant preparation, and roll call training. They also attend community meetings and handle quality of life issues that arise within their particular Districts. In addition, AUSAs in other sections within the Office, including Homicide, Sex/Domestic Violence, Felony Major Crimes, and General Crimes are assigned to specific MPD Districts and are part of extended District teams. The familiarity of each team with its District makes the members better able to gather intelligence and determine the persons responsible for crimes in that area. Teams also connect with the community

within their assigned area in order to stay abreast of the problems occurring there and to better address concerns of the citizens.¹⁰

As practiced in the District of Columbia, community prosecution is not a supplement or alternative to the traditional work of prosecuting and convicting criminals. Instead, it allows prosecutors to gather better information about cases and see connections between crimes, thereby making it easier to build cases and obtain convictions. Staff at the U.S. Attorney's Office of the District of Columbia calls this phenomenon "smart prosecution."¹¹

6.2.2. Community Prosecution in Philadelphia

The Philadelphia District Attorney's Office formally rolled out its community prosecution model on November 1, 2010. Like its counterparts in other major cities, Philadelphia sought to be proactive in its approach to the prosecution of cases, rather than reactive to the arrests of individual criminal defendants. Under its traditional model, Assistants were failing to consider a defendant's specific impact on his community beyond his role in an individual criminal case and were not necessarily connected to the areas of the city where the crimes being prosecuted occurred. The office determined to integrate into the communities it serves.

In developing its new model, the office organized prosecutors according to six zones that correspond to the six Philadelphia police divisions. Each zone includes neighborhoods with varying degrees of criminal activity. Assistants become responsible for the prosecution of cases arising from them. The number of Assistants assigned to a particular zone is based primarily on case volume. Once a case is prepared upon intake by the centralized Charging Unit, it is assigned to the appropriate zone for prosecution. Cases are then prosecuted by Assistants within a zone, except for homicides, non-fatal shootings, certain robberies and burglaries, and economic and government fraud, which are vertically prosecuted. Generally, however, felonies are not assigned to a single prosecutor who will keep the case until the case has moved beyond a preliminary hearing. Beyond the handling of cases exclusively from a particular neighborhood, Assistants are expected to attend monthly police district community meetings. The office is also creating and maintaining new databases to allow Assistants to gather and share intelligence on individual defendants and to identify criminal networks.

To facilitate the management of cases, courtrooms corresponding to the zones were centralized in the municipal courthouse, thus centralizing preliminary hearings. While this consolidation has greatly simplified the processing of cases, and has tangibly reinforced the community prosecution model, implementing the change presented unique challenges. It was only successful once all affected constituencies – the judges, court officers, sheriffs, victim and witness groups, and the defense bar – were cooperative and supportive.

While Philadelphia's community prosecution model is linked to its horizontal prosecution structure, certain categories of cases are nevertheless handled vertically through specialized units of the office. These include cases involving family violence, sexual assault, non-fatal shootings and homicide. Such cases are given directly to a supervisor from the Charging Unit once processing is complete.

6.2.3. Community Prosecution in Brooklyn

The King's County District Attorney's Office is another example of an office employing a horizontal prosecution model that has embraced community prosecution. The office divides Brooklyn's twenty-three police precincts into five geographical zones. The trial units correspond with each zone and handle all misdemeanors and felonies within the zone, with the exception of certain types of crime handled by specialized, borough-wide units. This approach allows Trial Bureau Chiefs to establish on-going communications with precinct commanders and community precinct leaders.

The office's borough-wide specialized units handle prosecution of homicide, domestic violence, major narcotics, rackets (which includes, among others, civil rights, white collar, mortgage fraud, and RICO), gangs, and school-related crimes. The office also has a Grand Jury division that handles all indictments for the zones. Of the specialized units, only the homicide unit and, to a lesser extent, the domestic violence unit employ a vertical prosecution model.

6.2.4. Community Prosecution in Manhattan

The New York County District Attorney's Office employs a wholly-integrated vertical prosecution model with advanced use of technology in gathering community intelligence. Manhattan's community prosecution model is coordinated through its Crime Strategies Unit (CSU). The CSU has divided Manhattan into five geographic areas based on an index of city-wide criminal activity. Each area is assigned one full time Assistant, an analyst, an investigator and a community affairs liaison. The CSU Assistants are assigned for a two-year rotation.

The job of CSU Assistants is not to bring individual cases, but to provide intelligence to the entire office to guide investigations and prosecutions. For example, CSU will identify the top twenty people involved in criminal activity in an area. Those names will be tracked and cross-referenced with office prosecutions so appropriate plea guidelines for those individuals can be established. Each police precinct has a field intelligence officer who works for the NYPD Intelligence Division, and CSU Assistants work closely with those officers. Rather than simply accessing police department intelligence databases, CSU has created its own. Intelligence profiles are created for every person in the database and every hot spot has a "wiki" page. For instance, when the CSU and police identify a problem in an area such as car thefts or gang activity, they create arrest alerts for possible suspects. When an arrest is made, CSU is alerted and speaks to the charging Assistant. The arrest alert is also included in the packet of material sent to ECAB, which ensures that all relevant information is available to the assigned Assistant beginning at arraignment and continuing through the life of the case. Moreover, the database is not just available to the CSU Assistants; rather, everyone in the office has access to the database and can set up their own arrest alerts. Certain standard protocols have been implemented, for instance, all shooting victims and suspects are entered. CSU is actively working to expand its database beyond the borders of Manhattan to become a city-wide reference.

An additional benefit to this information-sharing system is that information related to parole warrants is now available at arraignment, which ensures that defendants will remain incarcerated regardless of bail status when appropriate. Further, the office is able to monitor reentry from prison into these communities. Given the established rates of recidivism, effective

monitoring of these individuals through parole improves the efficiency of any future prosecutions. The office has also implemented a program to listen to all recorded jail telephone calls as an intelligence gathering endeavor.

Thanks in large part to the Crime Strategies Unit, more investigation is now being done by the Trial Bureaus than ever before. The result is a concentrated focus on problematic areas within the city. The Trial Division has created a color-coded map of every “hot spot” in Manhattan and has assigned a team of Assistants within the Trial Bureaus to each of the thirty-five hot spots. The Assistants then work with the police assigned to those areas. Consistent with this focused approach, the office has access to asset forfeiture funds to fix “broken windows” in these neighborhoods, such as paying for playground equipment or crime cameras. When an identified offender is arrested in one of these “hot spots,” an arrest alert is generated for the assigned Assistant. Pre-written bail agreements containing all relevant information from the CSU database are generated for these offenders. The most problematic four hot spots are currently handled by a special unit called Violent Criminal Enterprises.

Recommendation

Recognizing the demonstrated effectiveness of community prosecution in many offices across the country, the Committee recommends that the Baltimore City State’s Attorney’s Office implement a community prosecution model. The design of the model will depend in part on the shift in the office from a horizontal prosecution model to a hybrid and, ultimately, predominantly vertical prosecution model. To begin, the State’s Attorney might consider establishing a Community Prosecution Unit, similar to those found in Montgomery County and Manhattan, that divides the city into zones and assigns to each zone Assistants who would be charged with gathering intelligence and maintaining community contacts. The Chief of the Community Prosecution Unit would be responsible for ensuring that the intelligence is meaningfully provided to the trial units to enhance the office’s prosecution strategy. However implemented, the essence of community prosecution – a proactive, intelligence-driven approach to prosecution – should become a central feature of the office.

7. Assignment

Prosecutors’ offices traditionally follow one of two established designs for the investigation and prosecution of cases: vertical prosecution and horizontal prosecution, and occasionally a hybrid of both. Traditionally, in a vertical model, one attorney handles a case from intake through disposition. This will include drafting the complaint, presenting the case to a grand jury or at a preliminary hearing, and, if necessary, trying the case. In a horizontal model, a specialized unit within the office will handle only that part of the prosecution to which it is assigned.¹² For example, the charging unit handles intake, the grand jury unit presents to the grand jury, and the trial unit tries the case. A case may finally be assigned to a specific attorney once it arrives in the trial unit (a vertical approach), but not always. In some offices, a case can rotate among attorneys within a trial unit each time the case is scheduled for trial (a horizontal approach).

An office also can elect to adopt elements of both models. In Anne Arundel County, for example, one senior prosecutor makes all felony charging decisions and presents most cases to

the grand jury. After indictment, the cases are vertically prosecuted – that is, handled by one assigned Assistant. Baltimore County follows a purely horizontal model with the exception of serious cases falling to one of the specialized bureaus. Brooklyn employs a horizontal model for all but homicide cases. Similarly, Philadelphia maintains a static Charging Unit that assigns cases to the appropriate trial bureau, which continues to handle them horizontally.

Under either model, attorneys progress through the following general areas of increasing responsibility: intake of cases and basic complaint investigation; district court or misdemeanor-level work; misdemeanor-level suppression hearings; misdemeanor trial work, first bench then jury trials under supervision; felony-level work; grand jury practice; felony suppression hearings; felony trials (often offices allow attorneys to “second seat” an experienced attorney for the first few trials.)¹³

Offices employing a horizontal model note the following benefits:

- Development of a strong working relationship with law enforcement, whose members come to know the attorneys assigned to various units. A discrete unit that handles only intake, for example, might allow for around-the-clock access.
- Attorneys practicing in one specialized niche will certainly hone their skills, and may reach a level of accomplishment more quickly.
- Supervisors of a narrow area may recognize a practice problem or criminal trend more quickly than if they had a broader area of supervision.¹⁴

From a career development standpoint, that narrow focus is also the disadvantage of horizontal prosecution. “When assigned to only one area of practice, young prosecutors tend to focus only on that area – and do not develop a more global view of prosecution until much later.”¹⁵ “Too much time in a limited assignment might impede the development of attorneys the office hopes will become general practitioners.”¹⁶

Offices that distinguish between misdemeanor and felony prosecutors can maintain a vertical model with respect to both classes of cases. As attorneys gain experience, they move from vertical misdemeanor practice to vertical felony practice. “The obvious benefit of vertical practice is that the same attorney assesses the case at intake with the understanding that he may take that case to trial. Ultimately a more thorough evaluation will result, with the attorney gathering valuable trial evidence from the outset.”¹⁷ Significantly, the assigned Assistant will initiate and maintain all contact with witnesses in the case. A good relationship between a prosecutor and his witnesses significantly increases the strength of a case overall, enhancing witness availability and cooperation with the prosecution.

The strength of the vertical model is underscored by the fact that the most serious crimes are vertically prosecuted by specialized units in all offices we surveyed, however dependent they are otherwise on a horizontal model. “The attorneys assigned to [specialized] units have demonstrated particular interest or skill handling, for example, homicide, child victims, sexual assault survivors, domestic violence, gang violence or organized crime/rackets.”¹⁸

For example, the advantage of vertical prosecution can be seen in homicide cases as conducted in Manhattan. The Manhattan office maintains a homicide “chart” by which one senior prosecutor and a more junior “cadet” are on duty each day for a 24-hour period. When a homicide occurs, the team on duty is notified immediately. The team typically responds to the scene of the crime, and then proceeds to the police precinct of arrest. If an arrest has not been made, the team will manage the early stages of the investigation working with Detectives at the precinct. The team can interview witnesses or surviving family members, and develop cooperators as appropriate. “The attorney who will ultimately take a murder case to trial has a unique viewpoint and is an invaluable asset to the police investigation: identifying evidence and establishing a relationship with prospective witnesses.”¹⁹ If an arrest has been made, the team can take a statement from the defendant, begin to prepare the criminal complaint and bail application, and line up witnesses and evidence for presentation to the grand jury.

The Manhattan District Attorney’s Office has traditionally been a strict adherent to the vertical model, where felony Assistants are responsible for their cases from intake forward, and misdemeanor Assistants are assigned their cases the day following intake after a supervisory review. Even that office, however, now plans a horizontal carve-out to its historically vertical structure. Approximately 8000 quality of life cases per year will soon be exempted from the traditional assignment model, where they would otherwise have been prosecuted vertically through the Criminal Court trial parts. Instead, these cases will be assigned to a special courtroom where they will be handled by the Assistant assigned to the part on the day of trial. To compel bench trials, rather than jury trials, prosecutors will reduce “A” misdemeanors, which afford a defendant a right to a jury trial, to “B” misdemeanors – punishable by a maximum of thirty days imprisonment – which do not. With the defendant and witnesses present, cases will either proceed with a bench trial or plead their first time up on the calendar. This will prevent substantial delays in the resolution of these cases, as well as congestion in the trial parts by these low-level cases. The potential benefit of relieving congestion in the trial courts may well outweigh the benefit of adhering strictly to a vertical model for these lowest level types of cases.

Recommendation

The Committee recommends that the Baltimore City State’s Attorney’s Office move to a vertical model, recognizing that significant logistical issues, including cooperation from the courts, may mandate a hybrid approach initially. To improve the intake process, the office might adopt Philadelphia’s model where senior prosecutors handle the charging decisions in a horizontal unit. From there, cases can be assigned to trial units, which can seek to prosecute cases vertically. The State’s Attorney should identify those specialized units currently employing a vertical model, and assess their usefulness in expanding the vertical model across the office. In homicide cases, the State’s Attorney should implement a policy requiring prosecutors’ involvement in the handling of cases immediately upon being informed of the occurrence of the crime. The State’s Attorney should work with the Baltimore Police Department to develop a protocol requiring immediate notification of the State’s Attorney’s Office and ensuring cooperation between the State’s Attorney’s Office and the Police Department in the investigation and charging of these cases.

8. District Court Management in Maryland

In Maryland, a defendant's right to a jury trial for certain misdemeanors charged in the District Court leads to congestion in the Circuit Courts because the District Courts do not hold jury trials.²⁰ Defendants charged with misdemeanors initially appear before a judge in the District Court. If the charge carries a maximum penalty in excess of ninety days incarceration, the defendant has the right to a jury trial in the Circuit Court. There is variation among jurisdictions in Maryland as to how soon the case is set for trial in Circuit Court. In Baltimore City, the case is scheduled in the Circuit Court the next day, while in Montgomery County the case goes to the Circuit Court the same day. In Montgomery County, if the case is not resolved that day either by plea, trial or dismissal, it is placed on the weekly Resolution Docket. The majority of cases on the Resolution Docket are pled out or dismissed on that date and only a very few are postponed. In Baltimore County the case is scheduled for a hearing in the Circuit Court three weeks from the date the defendant prayed the jury trial. At that time, the defendant is made an offer which is understood to be the most generous offer that will be available to the defendant. If the defendant does not plead guilty, the case is scheduled for trial and the offer is withdrawn. Approximately 65% of jury trial prayers are resolved at the hearing.

Success in managing the misdemeanor jury trial dockets can be achieved by effective communication to the benches of the District and Circuit Courts that the plea offer and sentencing recommendation made to defendants in the District Court is the most generous they will receive from the State's Attorney. As long as the bench supports the State's position, a defendant can expect that the terms of the plea that is offered will become more severe if he prays a jury trial. This policy, effectively implemented, eliminates any incentive for a defendant who understands he is likely to be convicted at trial to pray a jury trial simply in order to receive a more generous plea offer. This policy requires the cooperation of both prosecutors and judges in the both the District and Circuit Courts.

Many defendants in Baltimore City charged with a misdemeanor are on parole or probation to a judge in the Circuit Court and are therefore unwilling to take a plea in District Court that would expose them to a violation hearing. To fully alleviate the problem of congestion in the Circuit Court, this problem, too, must be addressed.

Recommendation

To reduce the number of jury trial prayers from the District Court, the Committee recommends that the Baltimore State's Attorney's Office establish a policy that will eliminate a defendant's incentive to pray a jury trial solely to secure a more favorable plea offer. The Committee recommends supporting legislation to provide for lesser charges for certain misdemeanors, reducing penalties to ninety days or less. This will afford prosecutors flexibility in charging and plea bargaining to eliminate the right to a jury trial, allowing increased dispositions in the District Court. The Committee recommends an assessment of the utilization of non-misdemeanor courtrooms with the goal of making them available for misdemeanor trials at any time they are open and available.

9. Victims and Witnesses

A robust Victim and Witness Unit is an essential component of an effective prosecutor's office. All of the offices we surveyed provide victim and witness services in one form or other.

9.1. Victim Services in Maryland

Even the smallest of the offices surveyed, the Howard County State's Attorney's Office, employs a full-time Victim and Witness coordinator, who is responsible for all witness summonses and coordination of trial and hearing dates. The Victim and Witness Coordinator also ensures that victims are informed of trial and sentencing dates and of their rights in connection with the proceedings.

The Victim and Witness Unit of the Baltimore County State's Attorney's Office has a staff of approximately ten people. It is their responsibility to issue subpoenas, call witnesses and ensure the organization and completeness of files. The office has assumed responsibility from the court for issuing witnesses subpoenas, which previously fell to the Clerk's Office. The problem, however, was that witness information could end up on the Maryland Judiciary Case Search and become publically available. The State's Attorney is now able to protect that confidential information.

The Baltimore County State's Attorney's Office also confronts witness intimidation issues with some frequency. Protective measures for witnesses are paid for through grants from the state, which are distributed in \$10,000 increments, and ran to approximately \$60,000 last year. The office will take responsibility to move witnesses into new homes, and to provide escorts to and from court. Their policy is to take action first and ask questions later when witness safety becomes an issue. The office maintains accounts at certain motels, and the police are authorized to incur expenses ahead of approval when necessary.

9.2. Victim Services in Philadelphia

The Philadelphia District Attorney maintains a significant office of Victim Services with 25 current staff members. Three serve in the domestic violence unit; six in the community prosecution zones; and six in the juvenile division. Since 2007, witness relocation has been a line item in the State budget and over the past four years has increased from \$250,000 to \$1.1 million; the Philadelphia District Attorney's Office receives approximately 75% of the funds. In addition, the City Council contributed \$200,000 this year for the first time. Federal funding is also available to pay for witness relocation.

The District Attorney's Office and the police department have established a protocol to ensure proper handling of any victim complaint alleging a threat to personal safety. When a victim first contacts the police asking for assistance, whoever answers the phone is required to alert a Lieutenant who then seeks approval of a Captain for referral to the District Attorney's Office. This system ensures that a lower-ranking officer or Sergeant cannot summarily dismiss an allegation of intimidation or threats. Upon notification by the police department, the Chief of the appropriate division within the District Attorney's Office alerts the Deputy District Attorney

and refers the matter to Victim Services. This reporting process ensures adequate threat assessment by the District Attorney's Office.

The District Attorney's Office handles all victim relocations whether the case is under investigation or charged. The office of Victim Services assists sixty to eighty families per year and spends approximately \$2,400 to \$3,000 per month on furnished housing. Each victim signs a Memorandum of Understanding with the office before they can accept relocation services. If state funds are used, the Attorney General must approve the relocation. The temporary relocation provides thirty days of hotel accommodations and an additional ninety days of furnished housing during which time the witness must actively seek their own new housing. They are required to identify twenty-five houses per week and visit at least five. If they are unemployed, they must apply to twenty-five jobs per week. When victims are permanently relocated, the office typically pays for four months rent in advance, and asks the victims to stay out of the area where the threat occurred for at least five years. The office has worked with the city housing agency in the past, but now works with HUD to obtain Section 8 vouchers directly.

9.3. Victim Services in Brooklyn

The Victim and Witness Unit of the King's County District Attorney's Office is led by a non-lawyer coordinator who supervise a staff of 25 social workers. Among them are dedicated domestic violence and sex crimes social workers. The Victim and Witness Unit is not responsible for witness notification; Assistants in charge of their own cases maintain personal contact with their witnesses.

The Victim and Witness Unit works closely with the New York City Family Justice Center, an initiative of the Mayor's Office to Combat Domestic Violence. The Center is designed to reduce "barriers faced by victims of domestic violence who are seeking help. This innovative program enables victims to meet with a prosecutor, speak with a trained counselor, and apply for housing and financial assistance in just one visit – all in their language while their children play safely in the next room. By providing services in one location with partnering City agencies and community providers, the Brooklyn, Queens and Bronx Centers are increasing the effectiveness of service delivery to break the cycle of violence."²¹

The Center maintains a children's program through Sanctuary for Families, a New York-based nonprofit dedicated to serving domestic violence victims, sex trafficking victims, and their children. Sanctuary has two children's counselors to provide individual and group counseling, as well as phone and family assessments. In addition, the Center's "assigned Domestic Violence Counsel works collaboratively with the other members of the Center to provide an array of comprehensive, efficient, and high-quality services to victims of domestic violence. Attorneys staff night court sessions in Family Court, assisting women seeking orders of protection, and continue to represent many of these clients with extensive child support, custody, and visitation matters. In addition, there is a full time Immigration Law attorney located at the Center serving a large number of immigrant domestic violence victims in Brooklyn."²²

9.4. Victim Services in Manhattan

“The Witness Aid Services Unit, also known as WASU, is a prosecutor-based victim/witness assistance program in the New York County District Attorney’s Office. WASU works collaboratively with assistant district attorneys to assist victims and enhance the prosecution of cases. The goals of the WASU program are to provide victims, witnesses, and their families with comprehensive social services, clinical counseling services, court-related services, and advocacy and support throughout the criminal justice process. WASU also ensures that victims receive essential court-related information and information with regard to their rights in the criminal justice system.”²³ “The unit assists victims in overcoming the emotional trauma resulting from victimization and facilitates cooperation in the prosecution of criminal cases.”²⁴

“The unit has a staff of 37, and is comprised of five departments. Spanish-speaking staff are available in each of the unit’s departments. Interpreters for other languages are also available. All services offered by the unit are free of charge.

The departments of the Witness Aid Services Unit are:

- Victim Assistance Center
- Social Services Department
- Counseling Department
- Notification Department
- Property Release Department

The Witness Aid Services Unit also provides information about Crime Victims’ Rights as well as Guidelines for Victims.”²⁵

Recommendation

The Baltimore City State’s Attorney’s Office should work cooperatively with the Baltimore Police Department to strengthen the protocols and programs to protect witnesses and to provide services to victims. The office should also work with other State’s Attorneys’ Offices and District Attorneys’ Offices to obtain funding and vouchers from the federal government for housing and other services for intimidated witnesses.

10. Performance Management

As community prosecution has evolved, so too has the importance of measuring performance through the collection and analysis of relevant data, and through consideration of merits-based dispositions. Today, leading prosecutors are working hand in hand to mutually define what constitutes success in the fight against crime. Success is measured by reducing crime in our cities overall, and by ensuring quality, fair, merits-based resolution of cases that are prosecuted. Significantly, the collection of data and statistical measurement of the functioning of the office allows executive management to set policy and improve logistics.

The Trial Division of the Manhattan District Attorney’s Office has spent considerable time developing data-tracking mechanisms to collect information that can be used to develop

office policy. The office now measures a wide array of its activity, including charging, types of cases, caseloads by Assistants and Bureaus, numbers of trials, court availability and trials by any given judge.

The Philadelphia District Attorney's Office has been studying a trend in high dismissal rates, particularly for violent crime. The office's mission has been to capture the necessary data to inform management policy, rather than managing by anecdote. Recent studies from the United Kingdom on attrition analysis have examined the criminal justice system as a whole from the commission of the crime to whom, if anyone, is held accountable. The analysis considers at what point cases fall out of the system and the reasons for dismissal. This type of analysis allows an office to achieve merits-based disposition, rather than focus exclusively on conviction rates or sentence length. Merits-based disposition would include, for example, diversion programs for drug offenders. While the final outcome of a case might be the dismissal of a drug charge, a defendant's successful completion of a treatment program is a victory, and should be counted as such.

Recommendation

The Committee recommends that the Baltimore City State's Attorney's Office assess its statistical data collection capabilities, and work to improve its information technology infrastructure to allow it to set and meet performance targets according to the emerging national standards.²⁶

11. Technology

A technology infrastructure sufficient to meet the demands of its professionals and to facilitate and support the work of the office is a modern necessity in any professional office, and not least in a major-city prosecutor's office. Virtually all prosecutors' offices struggle under budgetary constraints in providing technology to meet the needs of the office. The State's Attorneys' Offices in Maryland we surveyed obtain their funding from their local jurisdiction, with some assistance from the State. Nevertheless, Baltimore County, for example, cites its lack of an office-wide case management system as a significant problem, but a new system would be prohibitively expensive under the budget. Larger offices outside of Maryland with substantial budgets also face significant challenges in securing and maintaining funding and must look for other sources.

11.1. Technology in Brooklyn

The Brooklyn District Attorney's Office's technology department is led by an Assistant District Attorney with significant technology expertise and a thorough understanding of the demands of the office. The IT Unit has a staff of 17-18 people and is responsible for all database and case management systems running through over 1200 computer terminals. Beyond the technical day-to-day requirements related to the infrastructure, one of the primary responsibilities of the IT Chief is to locate and pursue sources of funding through the city government, grants, bond money and other sources. Overall, in setting priorities, the IT Chief must identify needs, develop a funding pipeline, and prioritize projects.

Brooklyn has its own case management system, which has been – and continues to be – designed, implemented and maintained by the IT Unit. The Chief has concluded that an off-the-shelf application that will serve all office needs simply does not exist. Moreover, off-the shelf software products can be prohibitively expensive. The benefits of an in-house IT department eliminates the need to call an outside service provider, which can be expensive. In designing an IT platform, it is important to consider “total cost of ownership,” because bills arrive annually from service providers. When building systems, an individual technician is specifically assigned for the task. Because there is no single program that will “do it all,” input is required from end users to ensure that custom programs are user-friendly and will meet the needs of the professionals. The question of access must also be considered. Ultimately, need establishes connectivity. The most significant cost lies in developing programs to meet the need.

With respect to hardware, the office purchases lines from the phone company to allow dedicated fax lines to ADA’s. One recurring problem with technology infrastructure involves slow connection speeds. Looking ahead, high-speed fiber optics will be required as T1 and T2 lines are old technology.

MS Outlook is the primary platform for office management. While the office has its own email database, it does not maintain a centralized document management system. Instead, the office runs a regular Windows network, and the various Divisions and Units are responsible for maintaining their own document archives on their hard drives. The office can search within that system, but it is up to the staff to organize their own documents.

The District Attorney’s Office also coordinates with the NYPD. Information received electronically from the NYPD comprises about 30-40% of the office’s electronically stored documents. The NYPD also provides access to 911 calls via a website; the calls are typically uploaded within 2 weeks of a request.

11.2. Technology in the District of Columbia

The USAO uses a case tracking system that they built themselves called “RCIS”. It pulls electronic entries from both the court and the police department. There are 3-4 dedicated IT applications staff members who build and maintain databases. They also use contractors funded on a project-by-project basis. RCIS can run searches based on many aspects of case information. It also has electronic case files and automatically sets up a file with standard sub-folders for new cases. Grand Jury transcripts automatically go into the electronic folders, as well as police reports and photos.

The RCIS system provides automated trial preparation for anything that can be standardized, such as letters and summonses, resulting in reduced administrative overhead. It also has a shared police contact list that can be updated and accessed by the police department at the office. In addition, line supervisors can use RCIS to manage their case loads. RCIS can also flag significant cases and generate statistical reports. Supervisors have to approve dismissals and note the reasons so RCIS can provide reports of reasons for dismissals.

Recommendation

The Committee recommends that the Baltimore City State's Attorney's Office first conduct an audit of existing IT capacity and infrastructure, and then consult with an outside vendor to the extent necessary to determine office needs with respect to Information Technology. The Committee recommends charging its IT Director with identifying and securing external funding sources.

12. Conviction Integrity

Every prosecutor's office faces challenges in certain cases that test the integrity of the criminal justice system itself - specifically cases involving the credibility of a police officer and post-conviction claims of innocence. The recently formed Conviction Integrity Unit of the Manhattan District Attorney's Office represents the most comprehensive approach to meeting these challenges we have seen.

The Conviction Integrity Program was created by the Manhattan District Attorney in March of 2010. The Program's mission is two-fold: to prevent wrongful convictions, and to address claims of innocence in post conviction relief. The Program has three components: a Conviction Integrity Chief, a Conviction Integrity Committee, and an outside advisory panel.

The Unit also is directly involved in handling police credibility issues. The Unit maintains a database of all credibility issues relating to police officers, and makes a determination on a case-by-case basis as to what disclosure, if any, is required in the context of a particular case. The Unit provides training for the police department to ensure excellence and integrity in their work. The Unit even hosts a mock trial program to teach police officers how to present testimony in court. The Unit is also generally responsible for establishing and standardizing office-wide best practices and ensuring their incorporation into the training program.

"The Conviction Integrity Committee is comprised of ten senior members of the District Attorney's staff, who review practices and policies related to training, case assessment, investigation, and disclosure obligations, with a focus on potential errors such as eyewitness misidentifications and false confessions. The Conviction Integrity Chief coordinates the activities of the Committee and leads all re-investigation of any cases that present a meaningful claim of actual innocence."²⁷

Recommendation

Recognizing the need to establish a new and cooperative process with the Baltimore Police Department to address claims of credibility concerning police officers, as well as to ensure overall integrity in all aspects of the State's Attorney's work, the Committee recommends the establishment of a unit to be charged with these areas of responsibility. One senior prosecutor could be charged with managing all allegations of police credibility, and other senior prosecutors from around the office could be assigned to a committee overseeing the reinvestigation of cases, and the development of best practices.

13. Conclusion

The incoming State's Attorney for Baltimore City has a unique opportunity as he begins his term to start the process of building an office of national standing and reputation. Baltimore's significant crime problem must be addressed. The economic vitality of the City and the welfare of its citizens depend upon it. It is the desire of the Committee that the State's Attorney seize this opportunity to institute meaningful change in creating a truly professional office. Young attorneys who wish to be in the courtroom, trying serious criminal cases, and effecting positive and meaningful change in the community they serve will be prepared to unite behind a new leader who is bold enough to challenge the status quo. The Committee hopes that the analysis and recommendations provided in this Report serve as a blueprint to achieve these goals.

¹ Managing Prosecutors, National College of District Attorneys 260 (Patti M. Sudendorf ed., 2007).

² *Id.*

³ This overview of the New York County District Attorney's Office Training Model was provided by its Director of Training.

⁴ Robert V. Wolf & John L. Worrall, PhD, Lessons from the Field, Ten Community Prosecution Leadership Profiles 69 (American Prosecutors Research Institute, Center for Court Innovation) (2004).

⁵ *Id.*

⁶ *Id.*

⁷ M. Elaine Nugent, What Does it Mean to Practice Community Prosecution? Organizational, Functional and Philosophical Changes 4 (American Prosecutors Research Institute) (2003).

⁸ M. Elaine Nugent, The Changing Nature of Prosecution, Community Prosecution vs. Traditional Prosecution Approaches 7 (American Prosecutors Research Institute) (2004).

⁹ http://www.justice.gov/usao/dc/Community_Prosecution/index.html

¹⁰ *Id.*

¹¹ Wolf & Worrall, *supra* n.4, at 72.

¹² See Managing Prosecutors, *supra* n. 1, at 261.

¹³ *Id.*

¹⁴ *Id.* at 262.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* at 263.

¹⁸ *Id.*

¹⁹ *Id.* at 264.

²⁰ Currently, there is a backlog of approximately 1400 misdemeanor cases in the Baltimore City Circuit Court. Based on our discussion with other jurisdictions in Maryland, this backlog is a problem unique to Baltimore City.

²¹ <http://www.nyc.gov/html/ocdv/html/fjc/fjc.shtml>

²² http://www.sanctuaryforfamilies.org/index.php?option=com_content&task=view&id=162&Itemid=186

²³ <http://manhattanda.org/organization/trial/>

²⁴ <http://www.manhattanda.org/victimservices/WASU/>

²⁵ <http://www.manhattanda.org/victimservices/WASU/>

²⁶ The Committee refers the State's Attorney's Office to the study released in July 2009 by the NDAA and the APRI, Exploring the Feasibility and Efficacy of Performance Measures in Prosecution and their Application to Community Prosecution.

²⁷ <http://manhattanda.org/organization/integrity/>