

# COMMUNITY PROSECUTION

## A Guide for Prosecutors

Prepared by

American Prosecutors Research Institute's  
Criminal Prosecution Division

*The research and technical assistance affiliate of the*

National District Attorneys Association

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## **COMMUNITY PROSECUTION ISSUE PACKAGE**

### **INTRODUCTION**

Drugs and drug-related crime have served as catalysts to criminal justice innovations and other comprehensive strategies in response to the violence, addiction, and burgeoning caseloads that threaten communities and overwhelm criminal justice systems throughout the county. Multi-jurisdictional task forces, drug courts, community coalitions, law enforcement sweeps diversion to treatment, nuisance abatement, community policing, community prosecution, and expedited case management are just some of the many innovative strategies and programs being implemented in local jurisdictions.

Prosecutors must become more creative and innovative in designing strategies and approaches within their office, working with their communities, and forging partnerships with other agencies and organizations. Hence, the prosecutor, as problem-solver and institution builder is manifested clearly in the concept of community prosecution. APRI defines community prosecution as a philosophy, as well as a strategy, involving prosecutors focusing their resources in response to the needs of specific communities.

Community prosecution was initiated in many jurisdictions as a response to the drug crisis. Like no other issue, the drug epidemic has caused neighborhood organizations and community groups to assemble for crime prevention and community enforcement to take back their streets from drug dealers. Through the use of community prosecution, prosecutors as resourceful institution builders and problem solvers, have tapped into this energy and enthusiasm to strengthen the investigation and prosecution of crime and improve the quality of life of their jurisdictions' neighborhoods.

The community prosecution approach is proactive and views community residents and law enforcement as partners in maintaining public safety. Community prosecution has derived some of its basic elements from community policing (i.e. directly engaging with community residents; responding proactively to crime; increasing accountability to the public; and decentralizing operations).

In community prosecution, assistant district attorneys or prosecutors are assigned cases from a specific geographical area, such as a neighborhood or police district. In many jurisdictions cases are vertically prosecuted—one prosecutor handles the case from arrest to disposition. In other

jurisdictions, cases are screened and defendants are indicted before cases are assigned to the community prosecutor. Community prosecutors become familiar with neighborhood residents; attend community meetings; give presentations at schools and civic group meetings; educate citizens on how to provide information and what kinds of information is helpful to law enforcement; explain state laws and criminal procedures; and encourage community involvement in enforcement. By becoming familiar with neighborhood problems, the prosecutor can present to the judge information on the impact of criminal activity on the community where an incident occurred. This facilitates more informed judicial decisions

The common denominator of all community prosecution programs is that prosecutors operate in response to community needs. Problems can be identified through analyzing crime patterns and socioeconomic data, as well as by attending community meetings and listening to concerns of citizens. Once problems are identified, resources are allocated accordingly.

Community  
Prosecution:  
Concept Paper

## COMMUNITY PROSECUTION PROGRAMS CONCEPT PAPER

Recently, prosecutors' offices throughout the country have implemented innovative anti-drug abuse programs. The emergence of these programs demonstrates that community prosecution is an important concept.

In September 1993, the American Prosecutors Research Institute (APRI), with funding from the Bureau of Justice Assistance (BJA), U.S. Department of Justice, convened a focus group to clearly define the concept of community prosecution. The group defined community prosecution, identified its critical elements, discussed issues that prosecutors should consider when implementing its strategies and determined its relationship to community policing. In February 1995, again with funding from BJA, APRI convened a second community prosecution focus group to refine the earlier definition and critical elements and to discuss issues of which prosecutors should be aware. Both focus groups consisted of prosecutors involved in community prosecution and other allied professionals with expertise on the subject. While perspective varied between jurisdiction, the following final definition was formulated in February 1995: *Community prosecution focuses on targeted areas and involves a long-term, proactive partnership among the prosecutor's office, law enforcement, the community and public and private organizations, whereby the authority of the prosecutor's office is used to solve problems, improve public safety and enhance the quality of life in the community.* It involves combining the efforts of the prosecutor and the community to identify community problems and prevent crime.

In community prosecution, prosecutors focus their resources on the needs of the community. This is in contrast to prosecutor's traditional approach, which assesses individual cases on criteria such as "the strength of the evidence, the heinousness of the act itself, and the depravity or future dangerousness of the defendant."<sup>1</sup> In addition to prioritizing serious offense, community prosecution addresses less serious crimes that threaten the local communities with the deterioration of the quality of life. For example, loitering or car vandalizing pale when compared to rape or murder. However, they are disruptive to the residents. These offenses tend to displace the small business in the area, as customers are afraid to patronize certain establishments. Needless to say, merchant flight negatively affects the quality of life in that community.

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<sup>1</sup> Tumin, Zach, Findings and Discoveries of the Harvard University Executive Session for State and Local Prosecutors, (1986-1990), unpublished.

For prosecutors to serve as effective community leaders, they must realize that their decision-making authority may extend beyond individual cases, making positive changes for entire communities. Drugs and violent crime wreak havoc on communities and their institutions (e.g. families, schools, parks, businesses, housing complexes, religious groups and transportation systems). Under the constant pressures of these forces, institutions systematically erode. Prosecutors, as community leaders, seek to direct criminal justice resources, to protect institutions from criminal disruption and to restore civic order.<sup>1</sup>

Among other things, the drug epidemic has galvanized neighborhood organizations and community groups to “take back their streets.” Through community prosecution, prosecutors utilize the energy of residents, hoping to enhance public safety.

The following are elements critical to the success of any community prosecution program:

1. **A Proactive Orientation**

A community prosecution strategy must enforce and prevent crime. With the assistance of the residents, prosecutors target offenses that are of concern to that community. Rather than wait for the crime to occur, prosecutors work with the target community to prevent the crime. This often is accomplished through vertical prosecution

2. **Involves Problem Solving, Public Safety and Quality of Life**

Through interagency cooperation, a community prosecution program focuses both on crime control and on improving the quality of life in communities. Such improvements include physical renovations or vastly needed social and educational services.

3. **Prosecutors Interact Directly with the Communities that They Serve, Developing Mechanisms for Community Feedback and Methods of Incorporating the Community’s Input into the Courtroom**

A prosecutor interacts directly with the community through various activities and meetings. Often, prosecutors are assigned exclusively to handle cases from one area, thus acquainting themselves with community residents. Through this involvement, prosecutors can convey to the residents their strategies to combat crime, while the residents can provide intelligence to assist in their investigations and prosecutions. For further assistance in the prosecution of

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<sup>1</sup> *Ibid.*

crime, prosecutors should utilize the input of the community in the courtroom (e.g. neighborhood impact statements demonstrate the impact of the crime on the particular geographic area in which it occurred).

**4. Partnerships with Law Enforcement, Other Private and Public Agencies and the Community**

Formally or informally, prosecutors may join police departments, neighborhood organizations, local businesses, churches, schools and others in assessing problems, developing and implementing cooperative strategies and identifying and obtaining resources. Residents are encouraged to take responsibility for their communities.

**5. Long-Term Strategy**

For community prosecution to achieve successful results, and to establish credibility among community residents, community prosecution must be viewed as a long-term strategy. The residents must see a firm commitment through adequate funding and from the dedication of the staff of the prosecutor's office.

**6. Commitment of the Policy Makers**

As with all new programs, community prosecution needs the support and commitment of policy makers. The policy makers must demonstrate this commitment through adequate funding and staffing and have access to appropriate facilities and other resources.

**7. Incorporation of Varied Enforcement Methods**

Creative law enforcement methods (e.g., civil sanctions and nuisance abatement) normally are not employed by prosecutors. Prosecutors, along with the other agencies involved in the community prosecution program, must identify various strategies to maintain strict enforcement of the law.

**8. Evaluation**

Evaluation of a program is necessary to determine if the activities or strategies: 1) are being implemented properly, 2) are achieving desired effects and 3) need to be changed. Various forms of evaluation must be administered frequently and regularly.

**9. Targeted Area Must be Clearly Defined**

The prosecutor and the community must decide what area(s) to target, keeping in mind that

the area must have some chance of success. Specifically, they must determine whether efforts will be targeted within a square mile area, a housing development or police district.

Local Intensive  
Narcotics  
Enforcement  
(L.I.N.E.)

*Philadelphia,  
Pennsylvania*

## **LOCAL INTENSIVE NARCOTICS ENFORCEMENT (LINE)**

**Lynne M. Abraham  
Philadelphia County District Attorney  
Philadelphia, Pennsylvania**

### **Background**

Philadelphia, which has a population of approximately 1.6 million, is served by a district attorney's office with 530 employees, including 260 attorneys. Narcotics cases comprise 25-30 percent of the office's caseload, which necessitated the establishment of a centralized narcotics division and asset forfeiture unit in 1991.<sup>1</sup>

Throughout Philadelphia, community anti-drug groups have mobilized to help law-abiding citizens reclaim their streets from drug dealers. Law enforcement works with many of these anti-drug groups to identify and remove drug dealers from the streets. These efforts resulted in a significant increase in drug-related arrests in the late 1980s. Within just six years, the number of felony drug cases prosecuted in Philadelphia for sale or distribution of controlled substances increased eighteen times (from 292 cases in 1984 to 5,438 cases in 1990).<sup>2</sup> The streets of Philadelphia have been extremely hard hit by an increasing volume of drug traffic and drug-related violence. Law enforcement officials recognize that while not everyone in inner city neighborhoods is involved in the drug trade, everyone surely is affected by it. Public policy responses were needed to help the city's residents battle the drug dealers, providing a safe place to live and raise their families.

The District Attorney's Office responded with a number of prosecution-oriented programs, including: the Violent Traffickers Program (VTP), a coordinated local/federal task force focused on street-level narcotics organizations; Federal Alternatives to State Trials (FAST), whereby selected

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1. Interview with Albert Toczydlowski, LINE Project Director, Philadelphia District Attorney's Office, March 12, 1992.
  2. Local Intensive Narcotics Enforcement (LINE) Pennsylvania State Police subgrant application (90-DS-02-3760B). Continuation application, 1992.

local cases are transferred to federal jurisdiction to take advantage of tough federal career criminal and firearms laws; and Local Intensive Narcotics Enforcement (LINE), a high-impact enforcement campaign focusing intense prosecution efforts on a single police district. The LINE program is highlighted in this program brief, since it is a community-based enforcement program with strong prosecutorial leadership.

As in many cities, Philadelphia's overburdened criminal justice system lacks the resources to keep pace with escalating drug arrests. This often results in drug offenders being released back into the community, shortly after arrest. This revolving door is caused by a combination of factors, including overcrowded detention facilities, emergency bail programs, jammed court dockets, and prison population caps. LINE is a creative solution to the revolving door of the criminal justice system, which leverages limited resources to fight the war on drugs—one neighborhood at a time. LINE is a neighborhood prosecutor program that forges partnerships with police, probation, and community anti-drug groups in an attempt to reclaim the city—street-by-street and block-by-block.

### **Program Design and Scope**

The LINE program was designed as a concentrated prosecution effort, focusing on drug trafficking in a small geographic area. The effort includes vertical prosecution, in both state and federal courts, of all drug arrests in a selected police district. The program also enlists the support of community residents, to insure that public control of the neighborhoods is regained and maintained. The four components of LINE are vertical prosecution, federal cooperation, asset forfeiture and eviction, and community involvement.<sup>1</sup>

#### Vertical Prosecution

Vertical prosecution provides consistency in case processing, with one assistant district attorney assigned to each case from intake to disposition. Over the past thirteen years, the Philadelphia District Attorney's Office successfully has institutionalized vertical prosecution techniques for targeted offender groups, such as adult career criminals and chronic juvenile offenders. In response to the prosecutor's efforts, the police department and juvenile court probation department similarly target adult and juvenile repeat offenders.<sup>2</sup>

1. Local Intensive Narcotics Enforcement (LINE) Pennsylvania State Police subgrant application. Initial application, 1991.
2. *Ibid.*, pp. 4-6.

In the LINE program, all adult and juvenile drug arrests in the selected police district are targeted geographically for vertical prosecution. Narcotics cases from each sector in the district are assigned to an experienced assistant district attorney who handles the case from arrest to sentencing.

### Federal Cooperation

LINE works in cooperation with the Federal Alternatives to State Trials (FAST) program to expedite the prosecution of the most serious accused drug dealers. Philadelphia instituted the FAST program in 1990, to identify, investigate, and select qualified drug trafficking cases for transfer from the state system to the federal system. The district attorney's office uses offense and offender-based criteria to select the cases in which federal prosecution would have the greatest impact.<sup>1</sup>

Transfer from local to federal jurisdiction can increase the likelihood of pretrial detention, enhance protection from witness intimidation, accelerate case processing under federal speedy trial rules, and lengthen sentences. The threat of incarceration in the federal system also can assist prosecutors by encouraging cooperation and early pleas from drug suspects.<sup>2</sup>

The LINE and FAST programs both operate within the Philadelphia District Attorney's Narcotics Division. While LINE is geographically targeted to a specific police district, FAST takes cases from all over the city. Those LINE cases that involve repeat offenders or use of firearms are often prosecuted through the FAST program.

### Forfeiture and Eviction Operations

In addition to arrest and prosecution, the LINE team also focuses on forfeiture and nuisance abatement. Drive-up drug markets are targeted with "fishnet" operations, to seize and forfeit the vehicles of drug buyers. Crack houses are forfeited, and some are donated for community use. The city's office of Licensing and Inspection (L&I) works with LINE to investigate and seal drug houses. The unit employs a local contractor to seal buildings immediately after arrests are made.

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1. *Ibid.*, pp. 6-8.

2. Zucchini, David. November 8, 1990. "D.A.'s Aid to Press U.S. Drug Cases." *The Philadelphia Inquirer*.

When drug sellers are tenants rather than owners, leases are forfeited, and the dealers are evicted.<sup>1</sup>

Philadelphia has a state legislative grant that funds a citywide abatement program to help citizens close nuisance bars in their neighborhoods. Originally recruited as a community volunteer, the civil attorney operating the nuisance bar abatement program has been deputized as a special prosecutor. He has worked with the state Liquor Control Board (LCB) and LINE staff to target various establishments in the Eighteenth District.<sup>2</sup>

### Community Involvement

Prosecutors assigned to specific neighborhoods actively participate in meetings with local anti-drug groups to listen to their drug and crime control complaints, to educate them about the LINE program and other drug enforcement activities, and to gather information and intelligence on pending narcotics cases. LINE prosecutors also work with community residents to clean up the neighborhoods and seal drug houses. Prosecutors utilize information from community volunteers to enhance LINE cases, and they encourage neighborhood residents to attend court proceedings and provide testimony for bail hearings, trials, and sentencing. Community volunteers also distribute "wanted" posters for LINE fugitives.<sup>3</sup>

### **Program Implementation**

LINE was originally funded by the Pennsylvania State Police, as a one-year pilot program of intensive narcotics enforcement in a single Philadelphia police district. The Philadelphia County District Attorney's Office developed a grant proposal, based on the four components outlined above, and requested funding for a project director, six assistant district attorneys, five detectives, and support staff. The Pennsylvania State Police awarded the initial grant for the LINE program to the Philadelphia District Attorney's Office in July 1991. In 1992, the grant was renewed for another year to continue through June 1993. The continuation grant increased resources for investigative staff "to insure that street pressure is maintained on traffickers within the district." The new grant also concentrated efforts on properties that are raided in drug trafficking cases. Some of these

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1. LINE 1991 sub grant application, p. 9.
  2. O'Donnel, Robert W. 1992. Citizen's Guide to Combatting Nuisance Bars. Speaker of the Pennsylvania House of Representatives.
  3. LINE 1991 sub grant application, pp. 9-11.

properties are forfeited under the Philadelphia Drug Forfeiture Act and sold or transferred to local community groups. Many of the properties used as drug houses are vacant and in disrepair and may be in violation of city sanitation codes.

When LINE program funding initially was awarded, the first implementation task was to select a police district for intensive narcotics enforcement. Implementation planning was resource-driven, with primary consideration given to the number of cases the project staff could process according to program guidelines. The project director determined that the target neighborhood should generate approximately 1,200 cases per year, based on a calculation that each attorney could handle approximately 200 cases, using the intensive vertical prosecution model. The police department provided arrest data for every district in the city for the preceding two years. The Eighteenth Police District was selected for intensive narcotics enforcement for several reasons: it produced an average of 1,200 narcotics cases per year; it had a serious, yet controllable, drug problem; it was a manageable geographic area; and most important, it contained nineteen active neighborhood anti-drug groups that were willing to provide support for LINE activities.

After the district was selected, arrest records were further broken down by sector, in order to assign LINE prosecutors to six specific neighborhoods. The Philadelphia Police Department has implemented community policing citywide, with patrol officers assigned to work with citizens within specific police districts and smaller sectors to solve problems and prevent crime. Likewise, LINE assigned experienced prosecutors to each of the six neighborhood areas within the Eighteenth Police District to work closely with police and community groups. Prosecutors often ride along with police officers and attend anti-drug group meetings to share information, recruit community volunteers, and tell them about the twenty-four hour drug hotline. With this regular contact, the police and prosecutors are available to respond quickly to simple but nagging neighborhood problems, such as towing abandoned vehicles and fixing street lights, as well as to more serious complaints about criminal activity, which can be referred for further investigation.

LINE investigative staff are crucial to the effective operation of the program. One of the five detectives works days to review incoming cases, handle fugitive warrants, and process parole/probation violations. The other four detectives work nights, out on the streets of the Eighteenth District, with four specially assigned police investigators. The LINE team conducts surveillance activities, initiates undercover buys, drafts and executes search warrants, makes arrests, and seizes assets. All LINE detectives have been certified to conduct electronic surveillance by the Pennsylvania State Police. Detective use forfeited vehicles for their operations and have purchased

surveillance equipment with asset forfeiture proceeds. Most important, LINE operations have the full cooperation of the police captain in the Eighteenth District, with backup provided by uniformed patrol units.

As the central case charging agency for the entire city, the district attorney's office receives copies of every criminal case on the day following the arrest. All arrest reports include a control number listing the police district of occurrence, so that the law clerk in the charging unit can identify and pull LINE cases. The LINE unit has a computer software package containing all addresses in the district, which is used to assign cases to the appropriate neighborhood prosecutor. Drug Market Analysis (DMA) software also is used to support LINE operations.

Within twenty-four hours of arrest, copies of all Eighteenth District drug arrest paperwork is in the hands of the assigned prosecutor. LINE prosecutors handle all narcotics cases originating in their assigned area, from intake to disposition. The prosecutors' firsthand knowledge of the community provides better management of victim and witness information to build stronger cases. LINE prosecutors also are able to present the judge with an accurate depiction of how a defendant's drug offense has affected the neighborhood.

Vertical prosecution for both adult and juvenile cases insures that each case is handled by the same attorney throughout the criminal court process. Competing court calendars keep LINE prosecutors busy at the courthouse, running from preliminary hearings to juvenile court to felony list rooms. While approximately 80 percent of all cases in Philadelphia are pled, the district attorney's "no charge bargaining" policy results in a significant number of cases that go to trial. Some defendants waive their right to a jury trial in the felony waivers program. Others are processed by the major trial program, with cases assigned to various tracks, based on an expedited case management model. The court has cooperated with the program by limiting the number of courtrooms in which LINE cases are scheduled. The Court of Common Pleas has instituted a system to list all LINE waiver trial cases in a single courtroom, in order to facilitate vertical prosecution. All LINE preliminary hearings are listed in one municipal court division courtroom. In addition, an expedited system for probation violations has been set up for juvenile LINE defendants.<sup>1</sup>

Fugitive apprehension is another area targeted by the LINE program. The failure to appear

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1. *Ibid.*, p. 5.

rate in Philadelphia is extremely high, resulting in more than 40,000 outstanding bench warrants in the city. A warrant book, containing photos of all fugitives, is maintained by the LINE unit in the Eighteenth District operations room. Using information provided by community police officers and neighborhood volunteers, the LINE detectives, together with probation and parole officers, conduct monthly sweeps of the district, to apprehend fugitives. LINE volunteers help draw attention to the program by circulating "wanted" posters for narcotics fugitives in the area. LINE staff also post these flyers at the site of drug raids.<sup>1</sup>

The program teams vertical prosecution with aggressive probation and parole revocation efforts for LINE cases. As a result, LINE prosecutors work closely with county probation officers in the Intensive Drug Unit to insure that probation and parole violation detainees immediately are lodged and hearings promptly are scheduled for cases from the Eighteenth District. State probation and parole offices provide the district attorney's office with a book of pictures and monthly printouts of offenders under their supervision in the district. When a LINE defendant is placed on probation, LINE prosecutors insist on specific conditions including a "stay-away" order from the area of drug activity. An information sheet, with the defendant's photo and conditions of probation, is sent to the police district operations room. Officers who recognize a violation notify the assigned prosecutor, who then initiates a probation violation—usually recommending jail time for the offender.

Community support is an indispensable ingredient in LINE. The police captain has organized several meetings for all anti-drug groups and concerned citizens of the Eighteenth District. In the initial meeting, the captain introduced the LINE program and explained its enforcement and prosecution procedures. He announced the availability of a twenty-four hour hotline for citizens to provide anonymous drug and crime information to authorities. He also encouraged citizens to become part of the LINE volunteer network by filling out a form with their name, address, phone number, and areas of interest. Periodic meetings with the community are now held to update the citizens on the progress of LINE.

In addition to the large, district wide meetings, police and prosecutors meet regularly with anti-drug groups in each sector. As a result, more than 300 citizens have volunteered to assist the prosecutors by providing information on cases, attending court hearings for cases from the neighborhood, locating fugitives, and helping seal buildings used in drug trafficking. Volunteer

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1. LINE 1991 subgrant application, pp. 9-11.

information is maintained in a computerized database for LINE investigators and prosecutors. When a complaint on a crack house is received, LINE detectives contact volunteers in that sector to confirm the complaint and bolster probable cause. The LINE unit also maintains the twenty-four hour telephone hotline for Eighteenth District residents to report narcotics tips. In addition to information on LINE cases, the hotline also receives information about all types of crimes from across the city. Anonymous callers provide much of the information-- those who do leave their name and number receive a thank you and follow-up contact from project staff.

LINE also has incorporated local schools into the program. Prosecutors have spoken at some district schools to introduce and explain the LINE program. Prosecutors also are available to speak to students and teachers about drug prevention and other narcotics and law-related issues. In return, the school district has supported LINE by providing surveillance assistance.<sup>1</sup>

### **Resources**

The District Attorney's Office received an initial grant of \$500,000 for LINE from the Pennsylvania State Police, for a period of one year beginning in October 1991. The State Police administers federal criminal justice block grant funds through the Pennsylvania Commission on Crime and Delinquency, Drug Control Systems Improvement (DCSI) administration. In 1992, the district attorney's office received an additional \$665,000 to continue the program in the same district for another year. The program budget is completely dedicated to staff salaries and benefits. The district attorney's office provides 50 percent matching funds and all operational costs.

The original LINE proposal was developed under the leadership of former Philadelphia District Attorney Ronald Castille. His successor, District Attorney Lynne M. Abraham, has championed the program through top-notch staffing and dedicated support. Staff resources have been an important factor in the success of LINE. The LINE project director is a seasoned trial attorney who has been with the district attorney's office for 13 years. He also supervises the FAST program and other drug prosecution projects.

The District Attorney allowed the project director to handpick the six assistants for assignment to the LINE unit. According to the project director, a good LINE prosecutor is first, an effective trial attorney and also detail-oriented, aggressive, and hardworking. He or she must to be

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1. Toczydlowski interview.

willing to work all day in the courtroom, meet with neighborhood anti-drug groups, and work on the streets at night with the detectives in his or her sector. The program attracted the interest of a number of experienced trial attorneys, some of whom even stepped down from supervisory positions in other units to become part of the LINE team. Prosecutors indicate that the satisfaction of actually seeing the program's impact on improving the quality of life in a neighborhood enticed them to join the LINE unit.

The single most important factor in implementing the intensive narcotic enforcement effort is the District Attorney's Office establishing the program as a *priority*. While LINE cases are not processed differentially in the court system, the assignment of experienced prosecutors causes judges to take notice. Even in the early stages of case processing, such as preliminary hearings, where less experienced attorneys usually are assigned, the veteran prosecutors ensure that LINE cases are handled quickly, effectively, and professionally.<sup>1</sup>

### **Effect of the Program**

Prison and jail overcrowding continues to be a serious criminal justice problem in Pennsylvania. The LINE program cannot claim to incarcerate street-level drug offenders for any longer than before the program. However, police and prosecutors are arresting more people from the target neighborhoods, building better cases, and obtaining more convictions. Defendants from the Eighteenth District who fail to appear in court are more likely to be apprehended. Those drug offenders who repeatedly victimize the Eighteenth District are being arrested, rearrested, convicted, and re-convicted, until they qualify for prosecution under tough federal career criminal statutes. The most serious cases, and those involving firearms, are prosecuted under the enhanced penalties of federal statutes for maximum impact. Forfeiture and eviction programs have helped clear out and clean up the neighborhoods, while community anti-drug groups are reclaiming the streets.

"According to police and community members, LINE is working," says the project director. "We have established the perception among the Eighteenth District's law-abiding citizens that we can take back their neighborhoods by working together." The LINE unit prepares quarterly grant reports that document statistics on arrests, convictions, dispositions, and fugitive warrants. Program statistics for the first year of LINE operations, October 1991 through October 1992, showed a total of 901 arrests, with a conviction rate of 97 percent. Thirteen of these cases were

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1. *Ibid.*

prosecuted at the federal level under the FAST program, which indicates that a vast majority of LINE cases are street-level drug sales and possession offenses that are prosecuted at the local level. Most impressive is a fugitive rate of only 25 percent for LINE cases, as compared to the 71 percent fugitive rate for all other drug cases in the system.<sup>1</sup>

Program planners expected a sharp rise in activity followed by a drop, as chronic, repeat offenders stopped returning to the neighborhood upon arrest and release. The project director reports that drug activity and arrests have not leveled off as anticipated. However, with the addition of more police officers and expansion of the program underway, more arrests will occur. Several community groups and police departments requested the district attorney's office to implement a LINE program in their respective areas.<sup>2</sup>

A more practical evaluative consideration than arrest rates, says the LINE project director, is whether the quality of life in the neighborhood has improved. Anecdotal information suggests that community residents are responsive and supportive of the effort. For example, residents on a street where the LINE unit raided and sealed a house used in drug sales, reported that soon after, the robberies and burglaries in the neighborhood stopped. They said that they no longer found crack vials on the sidewalk or smashed car windows in the morning.<sup>3</sup> In fact, the LINE Unit actually received thank you notes from neighborhood residents for closing down notorious drug houses.

LINE also has established effective cooperation with the local media. *The West Side Weekly*, a community newspaper, regularly publishes articles about the operations and successes of the LINE program in closing down crack houses and nuisance bars. The LINE Unit also subscribes to *The Westside Weekly*, so personnel are informed about community events and neighborhood news. *The Westside Weekly* publishes a list of all drug arrests in the district and the names of those defendants who failed to appear in court in a "most wanted" list. As a result, neighbors have offered leads to the locations of some fugitives, while others actually have turned themselves in after seeing their names in print.<sup>4</sup>

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1. *Ibid.*

2. *Ibid.*

3. "Taking Their Block Back." September 25, 1992. *The Philadelphia Daily News*.

4. Toczydowski interview.

The following quote is from a letter to the editor of *The Westside Weekly*:

MMAD (Mad Mothers Against Drugs) has nothing but praise for a group of officers from the DA's LINE (Local Intensive Narcotics Enforcement) unit which has done excellent work in closing a crack house...With the help of the 18th District and the LINE unit, we will be safe in our neighborhoods.<sup>1</sup>

With LINE targeting and removing drug dealers from the streets, neighborhood-based revitalization efforts flourished in the Eighteenth District. For example, some anti-drug groups patrol neighborhoods in bright-colored stadium jackets and construction hard hats. In other neighborhoods, community members maintain evening vigils on street corners known as "hotspots" for drug trafficking. Law enforcement officials and community residents are working together to revitalize the neighborhood, renovate former crack houses, clean up playgrounds, and encourage local businesses to move into the area.

### **Conclusion**

The LINE program is a high-impact enforcement campaign focusing intense prosecution efforts in a single police district. Control over public spaces in the district is essential to the law-abiding community. For this reason, it is important for the community component of the program to be strong. Once enforcement efforts have reclaimed the public spaces of the targeted district, the community groups must take control of the areas and administer appropriate program resources to protect against the reentry of the drug trade. The intensive enforcement efforts can then move on to attack another targeted district.

The LINE model can be replicated in police districts in other cities in other states, as well. The key components of LINE are vertical prosecution, interagency cooperation, and active community involvement. First, there must be a means for vertical prosecution within the district attorney's office. LINE is aided by the fact that there is only one police department in its jurisdiction. The district attorney's office approves arrests from all law enforcement agencies in Philadelphia and charges all criminal cases.

Next, the prosecutor must have the cooperation and support of other key agencies,

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1. "In Praise of LINE Program." May 14-20, 1992. *The Westside Weekly*.

specifically, police, the courts, and the county probation and parole. The project director should be a career prosecutor who is able to communicate well and work with the community and other agencies. Other existing programs, such as Philadelphia's FAST, can be integrated into program planning, to augment the local intensive narcotics enforcement efforts. State drug laws, asset forfeiture provisions, and civil abatement statutes also are valuable tools that are critical to the operation of the program.

Special attention also should be given to the geographic and housing patterns of the city, as well as the personalities and attitudes of the residents. "Philadelphia is a city of established neighborhoods that can be taken back from the drug dealers, block by block," said the LINE project director. "This program might not work someplace where residents are transient and don't have a stake in the neighborhood. You have got to have homeowners who care about the condition of their neighborhood and the value of their homes."<sup>1</sup>

Practical, case processing-based planning is crucial to the success of an intensive narcotics prosecution program. Criteria for selecting an area to target enforcement must include a realistic caseload; a serious, documented drug problem; a manageable geographic size; and indigenous community support. "These people need hope," said the project director, "and this program can give them hope for the future of their neighborhood."<sup>2</sup>

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1. Toczydowski interview.

2. *Ibid.*

# Kings County Community Prosecution

*Brooklyn, New York*

## **KINGS COUNTY COMMUNITY PROSECUTION<sup>1</sup>**

**Charles J. Hynes  
Kings County District Attorney  
Brooklyn, New York**

When Charles "Joe" Hynes took office as district attorney in January 1990, the population of Brooklyn was 2.4 million people. During the preceding year, 821 people were murdered; 129 children were shot and 47 died. The borough exhibited all the characteristics of a community besieged by the social problems of the 1980s: burgeoning drug use, increasing street violence, disarray in community institutions, and the deterioration of infrastructure and community organization.

The New York City Police Department implemented a community policing program in which officers are assigned to particular precincts. They are expected to become familiar with community leaders, institutions, and organizations by attending meetings, "walking the beat," and participating in community activities and problem solving. Community policing has been a national trend that is paying off in increased awareness of criminal activity at the neighborhood level, improved police/community relations, and an enhanced sense of public safety among community residents.

District Attorney Hynes developed a community prosecution program to complement New York's community policing program and to enhance the quality of cases presented to the prosecutor by law enforcement investigators. In implementing community prosecution full scale, Hynes' office used the experiences of several projects his office had already implemented to respond to community concerns, including Operation Four Corners and a burglary task force. In Operation Four Corners, resources were concentrated in four precincts to target street robberies over a five-month period. Four precincts were chosen to adjust for any displacement effect of crime. (A sweep of one geographic area will cause crime to increase in the adjacent areas.) The offenders arrested in the operation were adjudicated swiftly and indicted within seventy-two

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1. This program brief was based on interviews with Charles J. Hynes, Kings County District Attorney, and Jay M. Cohen, Deputy District Attorney, unpublished program materials, and a presentation by Charles J. Hynes at the National District Attorneys Association Summer Conference, Panel: Responding to The Drug Problem Through Community-Based Initiatives, July 22, 1992, Amelia Island, Florida.

hours. Assistant district attorneys responded quickly to crime scenes and precincts to question defendants and witnesses and gather evidence. The operation resulted in a decrease of street robberies by 8 to 30 percent, depending on the precinct. Experiences from a burglary task force indicated that identifying and targeting career burglars could significantly reduce the incidence of burglary.

Prosecution staff spent about a year collecting data depicting the demographic makeup of the borough, including ethnic and racial composition, and analyzing crime trends by neighborhood, particularly patterns of drug-related and other serious crimes. Based on this analysis, the borough's twenty-three police precincts were divided into five zones. The zones were configured to achieve approximate parity in population, number of felony indictments, number of serious crimes, volume of drug distribution crime, and ethnic diversity.

As part of the planning process, district attorney staff met with judges of the state supreme court (felony jurisdiction in New York State) and the Legal Aid Society (public defenders) and members of the private bar. The district attorney convinced the judges to assign cases to thirty-five courtrooms which parallel prosecution zones. Cases originating in a particular zone are investigated by police in the local precinct. After screening and indictment from the grand jury, cases are prosecuted by assistant district attorneys assigned to the zone and adjudicated in courts that handle cases from the particular zone.

Although Legal Aid lawyers do not handle cases on a zone basis, they were consulted during the planning stages of the project, and accommodations were made to address their concerns regarding part (court) coverage. Also as a result of Legal Aid's involvement, one zone was reconfigured to address public defenders' concerns about the racial mix of people arrested in that particular zone. This change resulted in one zone consisting of two noncontiguous areas.

Not all cases are handled by the zone prosecution units or the supreme court parts. Approximately 85 percent of all felony cases are assigned to zone prosecution units. The remaining 15 percent—high profile cases, sex crimes, organized crime, economic crimes, and major offenses—are handled borough-wide by specialized units in the prosecutor's office and designated court parts.

Zone prosecution went into effect on September 1, 1991. At that time, 5,200 pending cases were conferenced and disposed of or were reassigned to the zone parts. Assistant district

attorneys were assigned to one of five zone units. Each unit consists of twenty to twenty-five assistant district attorneys, including four or five senior attorneys. Members of the district attorney's investigative staff also were reassigned to zone units. Each zone unit is administered by a chief and two deputy chiefs. All zone units are housed in the district attorney's central office in downtown Brooklyn. The Supreme Court hears all felony cases and is located nearby.

District attorney staff looked into the possibility of establishing unit offices within each geographic zone, but have determined that it is fiscally impossible. Prosecutors still would have to travel to the supreme court on a daily basis. The use of video technology is being investigated as a way of eliminating some travel from the central office to precinct offices for investigative conferences.

Administrative staff of the district attorney report that the reorganization met with little resistance from the assistant district attorneys. Efforts were made to assign prosecutors to the zones of their choice. Working with a consistent group of police and prosecutors has resulted in a feeling of *esprit de corps*. The chief and the deputy chiefs concentrate on increasing the office's involvement with the community. At the beginning of the program, the assistant district attorneys met with precinct captains and with community leaders in their assigned zones. These contacts have resulted in an increased willingness by community residents to assist police and prosecutors in identifying and locating victims and witnesses and has enabled prosecutors to identify and address specific crime patterns and problems in individual communities. Each zone has developed special programs to target problem locations in the community.

Experience with the Community Prosecution Program has shown that assistant district attorneys tend to go to the crime scene more frequently than in the past. Because each unit concentrates on a particular geographic area, the assistant district attorneys have more control over prosecution, and the court calendar can be managed more efficiently by working with judges handling cases on a zone basis.

Based on the success of the zone prosecution program for felony offenses, District Attorney Hynes expanded the program in one of the zones to handle misdemeanor offenses as well. These offenses represent a constant assault on the quality of life in the neighborhoods. Vigorous prosecution of low-level offenses would convince community residents that law enforcement officials are serious about improving the conditions of their neighborhoods.

For the concept of community prosecution to be effective, assistant district attorneys must spend time becoming involved in community activities and organizations. This involvement is in addition to their current responsibilities of preparing and trying cases.

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Milwaukee  
Metropolitan Drug  
Enforcement Group:

Community Drug  
Prevention Program

*Milwaukee, Wisconsin*

## **MILWAUKEE METROPOLITAN DRUG ENFORCEMENT GROUP: COMMUNITY DRUG PREVENTION PROGRAM<sup>1</sup>**

**E. Michael McCann  
Milwaukee County District Attorney  
Milwaukee, Wisconsin**

The Community Drug Prevention Program is a component of the Milwaukee Metropolitan Drug Enforcement Group, a multi-jurisdictional narcotics task force led by the district attorney. The program provides drug education, prevention, and victim services, in coordination with the enforcement and prosecution activities of the task force, in order to empower the community and to ameliorate the impact of drug trafficking on neighborhoods. The program is based on the premise that drug offenses are not victimless crimes—every resident of a neighborhood where drug trafficking occurs is victimized. Community Relations Coordinators build on the strength of informed citizens and organized community groups to fight drug use, distribution, and their associated crimes and violence. Community Drug Prevention activities include COURTMIND, Drug Alert publications, and Neighborhood Impact Statements.<sup>2</sup>

COURTMIND is an education and prevention effort to teach the public about the criminal justice system, particularly courts and drug-case processing. It is anticipated that with education and familiarity, citizens will become more interested in participating in the criminal justice process as anti-drug abuse advocates for their communities. The program consists of lectures, group discussions, small group activities using mock cases, and court observation. Milwaukee has a Speedy Trial Program with two felony courtrooms dedicated to drug cases which are used regularly for the court observation portion of COURTMIND. The presiding judge, bailiff, and other courtroom "players" often take time to address COURTMIND participants and to answer their questions. The participants also are informed about narcotics investigation techniques, prosecution

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<sup>1</sup> This program brief is based on interviews with Paulette Bangura, Community Relations Coordinator; the Honorable Janine Geske, Presiding Judge, Milwaukee County Drug Court; Mary Ann Onorato, Community Relations Coordinator; and Thomas Schneider, Deputy District Attorney; and a presentation by E. Michael McCann, Milwaukee County District Attorney at the National District Attorneys Association Summer Conference, Panel: Responding to the Drug Problem Through Community-Based Initiatives, July 22, 1992, Amelia Island, Florida.

<sup>2</sup> Interview with Thomas Schneider, Deputy District Attorney, Milwaukee County.

procedures, criminal case processing, and community resources available to them. COURTMIND originally was developed for community groups and now has been expanded for school groups of all ages.<sup>1</sup>

The Community Drug Prevention Program regularly publishes *Drug Alert News*, which is distributed to citizens through community organizations. The newsletter reports on anti-drug abuse activities of various community groups and law enforcement and provides general information on the dangers of drug use and abuse. The program also publishes and distributes the *Drug Alert Guide to Neighborhood Drug Prevention*, which outlines common indicators of residential drug trafficking and resources for community responses, such as the Communities Against Pushers (CAP) hotline, Community Hot Spotting cards, Suspected Drug House reports, and the City of Milwaukee's Drug Abatement Team. Milwaukee used examples from prosecutors' efforts in Detroit and Kansas City to develop their Drug Alert materials. Drug Alert Flyers are brightly colored posters that proclaim, "Someone in our neighborhood was arrested for dealing drugs...Be informed! Be involved!" The flyers are circulated among community groups to inform citizens about the legal status of drug cases originating from their neighborhoods. Drug Alert Flyers contain drug case file numbers and the Community Drug Prevention Program phone number, so that concerned citizens may call for more information about the cases, such as the charges filed, the scheduled court date, and the presiding judge. The Flyers were developed to encourage community members to attend court hearings and to contact judges about specific drug cases. Aspects of Milwaukee's community crime prevention strategy have been replicated by prosecutors' offices in Philadelphia and Oklahoma City.

In addition, the district attorney's office's victim/witness services and the police department's drug abatement team prepare neighborhood impact statements for drug court judges to use in sentencing decisions. For years, victims of other crimes have been allowed to testify at the sentencing of their transgressors in an attempt to affect the sentence. Until now, drug offenses were considered victimless, and the court never heard from those affected by the crime. Neighborhood Impact Statements provide judges with information about how drug trafficking has affected the quality of life for law-abiding citizens and families in the neighborhood. Citizens may provide information anonymously, which will be incorporated into the Neighborhood Impact Statement, or they may be asked to testify in sentencing hearings.<sup>2</sup> Through COURTMIND and Drug Alert

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<sup>1</sup> Interview with Paulette Bangura, Community Relations Coordinator, June 9, 1992.

<sup>2</sup> Doege, David. May 21, 1992. "Impact on neighborhoods being noted in drug cases," *Milwaukee*

Flyers, citizens are better informed and more inclined to get involved in the court process and submit Neighborhood Impact Statements.

A related community drug prevention tool used by judges in Milwaukee is ordering convicted drug offenders to pay restitution to community groups associated with the neighborhood where the offense was committed. In Wisconsin, forfeiture proceedings rarely are initiated if seized assets are worth less than \$2,000. If cash was seized in the arrest of a drug offender, a drug court judge often orders that a comparable amount be paid as restitution to neighborhood organizations as part of a defendant's disposition.<sup>1</sup> It is important for judges to be aware of active community groups, DARE programs, and other credible drug prevention organizations, in order for this technique to be effective and to make appropriate restitution orders.<sup>2</sup>

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*Sentinel.*

<sup>1</sup> Interview with the Honorable Janine Geske, Judge, Milwaukee County Drug Court.

<sup>2</sup> Interview with Mary Ann Onorato, Community Relations Coordinator, Milwaukee County.

# Jackson County Comprehensive Anti- Drug Strategy

*Kansas City, Missouri*

## JACKSON COUNTY COMPREHENSIVE ANTI-DRUG STRATEGY

**Claire C. McCaskill**  
**Jackson County Prosecuting Attorney**  
**Kansas City, Missouri**

**Willis L. Toney**  
**Chief Drug Prosecutor**  
**Jackson County Assistant Prosecuting Attorney**

In the early 1990s, Jackson County, Missouri's drug problem was assessed as an epidemic.<sup>1</sup> Crack cocaine, cocaine powder, heroin, marijuana, methamphetamine, and the illegal use of pharmaceutical drugs were cited as contributing to 60 to 80 percent of all crime within the county.<sup>2</sup>

In response to this epidemic, Albert Riederer, the former prosecuting attorney, led a campaign to pass a countywide sales tax that provides funding for a comprehensive anti-drug strategy in Jackson County.<sup>3</sup> Tax monies, totaling approximately \$15 million per year, finance a collaborative plan which addresses all aspect of the local drug problem, including investigation prosecution, incarceration, treatment, judicial processing for both adults and juveniles and community crime prevention. By legislative formula, COMBAT (Community Backed Anti-Drug Tax) funds are dispersed as follows: 50% goes to the Office of the Prosecuting Attorney for enforcement, prosecution, drug prevention and deferred prosecution programs; 50% goes to the Jackson County Fiscal Commission for residential and outpatient treatment, corrections, and the circuit and juvenile courts. This comprehensive strategy emphasizes cooperative relationships between prosecutors, police, and community members and includes: (1) Prosecution; (2) a Drug Court; (3) a Community Service and Sentencing Program; (4) a Neighborhood Prosecutor Program; (5) a Drug Abatement Response Team (DART); and (6) Community Crime Prevention.

In 1990, the Jackson County Prosecuting Attorneys Office established the **Anti-Drug**

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1. Kleiman, Mark A.R., Merle Frank, Sarah Chayes and Jesse Reiber. December 1990. *Drug Abuse in Jackson County, Missouri: Problem Assessment and Recommendations*. Cambridge, Massachusetts: BOTEC Analysis Corporation. Executive Summary, p. v.
  2. Bogdon, Tom. November 12, 1989. "Jackson County Said Yes To Drug Tax," *St. Louis Post-Dispatch*.
  3. *Beyond Convictions: Prosecutors as Community Leaders in the War on Drugs*, p. 357.

**Prosecution Division** to review drug cases and work closely with various police agencies.<sup>1</sup> Eighteen attorneys handle narcotics cases, filing 550 cases in 1990; 781 in 1991; 954 in 1992 and 1,282 in 1993.<sup>2</sup> A total of 1,443 narcotics cases were filed in 1994.

In October of 1993, the Jackson County Prosecuting Attorney's Office created the **Drug Court** to allow first-time substance abuse offenders charged with lesser drug felonies to receive substance abuse treatment in lieu of prosecution and prison time.<sup>3</sup> Failure to comply with the provisions of the program results in a re-filing of charges, re-arrest, and prosecution for the original offense. Since the program's inception, more than 300 defendants have agreed to complete treatment, remain drug free and perform community service restitution in exchange for a dismissal of their charge. More than 60% of these defendants have met the program stipulations, while the remaining 40% were prosecuted on the original charge.<sup>4</sup>

There is an on-going effort by the Jackson County Prosecuting Attorney's Office to implement programs that respond to the articulated needs of the community.<sup>5</sup> To advance this effort, the Anti-Drug Division developed a **Community Service and Sentencing Program**, with the cooperation of the courts, to make community service a stipulation of any sentence of probation.<sup>6</sup> Under this program, the prosecuting attorney's office matches probationers with neighborhoods that request assistance in cleaning up their streets.<sup>7</sup> This assistance usually includes mowing vacant lots, removing rubbish, and sweeping broken glass from streets. This program provides the community with tangible results in the form of restitution, as well as symbolic results in the form of increased credibility for the prosecuting attorney's office. With federal funds from

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1. *Ibid.*

2. Riederer, Albert A., and Ursula Wilhoit. May 1992. *Anti-Drug Sales Tax Report: Jackson County, Missouri*. Message from the Prosecution Attorney. Willis L. Toney, Chief Drug Prosecutor, Report 1994.

3. *Beyond Convictions: Prosecutors as Community Leaders in the War on Drugs*, p. 358.

4. Hartel, Neil. October 1993. "Deferred Prosecution Program Advances to Phase II," *DART Newsletter*, Vol. I, Issue III: p. 3.

5. Riederer and Wilhoit, *Anti-Drug Sales Tax Report*, p. 19.

6. *Beyond Convictions: Prosecutors as Community Leaders in the War on Drugs*, p. 359.

7. Riederer and Wilhoit, *Anti-Drug Sales Tax Report*, p. 18.

the Kansas City, Missouri, Weed and Seed program, the Community Development Corporation developed a Community Sentencing Program. Under this program, which geographically is located in the Ivanhoe neighborhood, first time substance abuse offenders from this neighborhood are placed on probation and introduced to the construction trades through six months of competency based training in eight areas of the building arts. The program participants usually work on forfeited and abandoned housing within the Ivanhoe neighborhood. The Ad Hoc Group Against Crime and the Community Development Corporation of Kansas City intend to submit separate proposals to the Bureau of Justice Assistance to continue this program.<sup>1</sup>

In 1991, a pilot community prosecution program, known as the **Neighborhood Prosecutor Program**, was established to open lines of communication between prosecutors, law enforcement, and the community in order to fight drug trafficking in several inner-city neighborhoods within Kansas City.<sup>2</sup> The neighborhoods of 49-63, Sheraton Estates, Manheim Park, Broadway Gillham, Longfellow, Ivanhoe, Foxtown, and part of Blue Valley were selected as a pilot for the program, because they have moderate to severe drug and drug-related crime. In addition, residents within these neighborhoods had contacted the Jackson County Prosecuting Attorney's Office for assistance.<sup>3</sup> The number of neighborhoods has expanded to include 9th Street, Our Lady of Peace, Werner Plaza, Santa Fe, St. Therese, St. Louis, Blue Hills, Plaza Westport, Northeast Mobile Crime Watch, Vineyard, Southmoreland and East Meyer. The assistant prosecuting attorneys who are assigned to geographic areas as Neighborhood Prosecutors administer the program. (All of the attorneys in the drug unit are now assigned to a neighborhood.) They are responsible for vertically prosecuting all cases generated from their assigned neighborhood. In addition, the Neighborhood Prosecutor takes a proactive approach by attending community meetings with residents, businesses, organizations, churches, and schools in order to develop intimate contacts and working relationships. In particular, the assistant prosecutors become familiar with police officers assigned to their neighborhoods through regular meetings and communications with these officers and their representative division personnel. Especially useful are the communications with the assigned Community Liaison Officer who serves as the district officer assigned to all community areas and is

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1. Weed and Seed Evaluation Interim Report (unpublished) 1993, Institute for Social Analysis, p.68.
  2. The Jackson County District Attorney's Office, *Neighborhood-Based Prosecution Program*, August 20, 1993, p. 2.
  3. Riederer and Wilhoit, *Anti-Drug Sales Tax Report*, p. 18-19.

in touch, on a daily basis, with community leaders. As a result of these relationships, the quality of assistance from the police and the residents is strengthened, not only from the point of when a crime is being committed, but to the arrest of a suspect, the development of a case file, and the actual prosecution and sentencing.<sup>1</sup>

The cooperative relationships and the new lines of communication that the Neighborhood Prosecutor Program has fostered between prosecutors, residents, and the police has led to the closing of several well-known drug houses. For example, as a result of this partnership a high profile drug house in the 49-63 neighborhood of Kansas City was closed down in February 1992. In that case, the tenants of the drug house were evicted, and the property was assigned to the mortgage holder to conduct a judicial sale.<sup>2</sup> Also, in 1994, the Department of Housing and Urban Development (HUD) agreed to close down and demolish a multi-unit apartment building, known as the Creston Apartments, after community leaders and neighborhood residents complained about 15 years of ongoing criminal activity at that location. The DART (*see infra* at 5) and the Community Police Program were instrumental in the success of this project.

After the pilot program is evaluated more extensively, the Jackson County Prosecuting Attorney's Office intends to fully implement the Neighborhood Prosecutor Program office wide and expand it to other municipalities throughout the county that request assistance. The Jackson County Prosecuting Attorney's Office also intends to expand to provide services for other crime problems that a particular neighborhood may be experiencing, other than drugs. This expansion may result in the assignment of more than one attorney to an area, or one attorney may serve more than one neighborhood, depending on the current crime statistics of the neighborhood.<sup>3</sup>

Neighborhood prosecutors have observed an increasing number of drug-trafficking operations occurring on residential property. In these neighborhoods that are infested with drug houses, many residents live in fear of drug-related violence and of harassment from drug dealers and gangs. In addition, the numerous public safety, health, and fire code violations within these drug houses puts residents at further risk. In 1991, the Jackson County Prosecuting Attorney countered this problem by creating **The Drug Abatement Response Team (DART)** with a

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1. *Neighborhood-Based Prosecution Program*, p. 2.

2. Riederer and Wilhoit, *Anti-Drug Sale Tax Report*, p. 18-19.

3. *Neighborhood-Based Prosecution Program*, p. 3.

\$200,000 grant from the State of Missouri and \$67,000 from the Anti-Drug Sales Tax. DART is a multi-agency effort consisting of an assistant prosecuting attorney, an investigator, a Kansas City housing code inspector, a Missouri fire inspector, a community liaison, a paralegal, and officers from the Kansas City Police Department Street Narcotics Unit.<sup>1</sup> In addition, the Health Department, the Public Works Department, the Solid Waste Division, the Kansas City Power & Light Company, the Water Department, and the Animal Control Department volunteer their services.

Two inner-city neighborhoods within Kansas City were chosen for DART Team deployment because they had strong, autonomous community organizations that were concerned about drugs and crime and were willing to collaborate with the prosecutor and the interagency team.<sup>2</sup>

DART is designed to identify and investigate drug activity in a residence or commercial building and then develop strategies to close these buildings down. DART strategies usually take the form of controlled buys, search warrants, health and fire code inspections, property owner notification, evictions, civil abatement and forfeiture actions. These strategies often result in the eviction of drug-involved tenants, temporary or long-term boarding of residences for ordinance violations, or permanent closing of drug houses or commercial premises through nuisance abatement or forfeiture.<sup>3</sup>

An essential component of DART is the unique relationship between the Jackson County Prosecuting Attorney's Office, the Kansas City Police Department, and the Jackson County Drug Task Force. These two law enforcement agencies were contracted at \$1.5 million a year to hire additional narcotics officers who exclusively work on drug investigations and assist on DART operations. These narcotics officers meet with DART members on a regular basis and, along with the DART team, determine when and at what address deployment should occur. According to Willis L. Toney, Jackson County Chief Drug Prosecutor, administering special funds to Jackson County law enforcement agencies was critical to achieving this level of law enforcement

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1. McCaskill, Claire C., Jackson County Prosecuting Attorney, *The Drug Abatement Response Team Program Overview*, p. 1.
  2. Fry, David, presentation, Community Prosecution focus group, August 1993.
  3. *Ibid.*

cooperation.

In the past, residents of Kansas City complained that substance abuse offenders would be back on the street within hours of their arrest. Police would arrest drug dealers or raid a drug house and then neglect to obtain a warrant within the twenty hour time limit required by Missouri law. This resulted in persons who were arrested on drug charges, after being released back into the community within hours after their arrest. Police officers had no incentive to work on a case within this twenty hour time period, because of this common occurrence. However, once DART was implemented, police officers gave DART cases priority, because failure to do so would result in the loss of special funding from the Anti-Drug Sales Tax. Today, the prioritizing of DART cases has led to higher conviction rates for substance abuse offenders and renewed credibility for the criminal justice system.<sup>1</sup>

The DART program has been the most effective deterrent to the infiltration of drug-infested houses in Kansas City.<sup>2</sup> In particular, three drug houses on one street were permanently closed down as a result of DART efforts.<sup>3</sup> From January of 1992 to December of 1994, 1,723 notice letters were sent to owners, 441 evictions were completed, 13 forfeiture cases were filed, and 683 properties were closed.

The Jackson County Prosecuting Attorney's Office is proposing five specific goals for expansion of the DART program. First, in order to offer greater empowerment to the community and assist over-extended City inspectors, the program will be expanded to additional neighborhoods, more code inspectors will be hired, and neighborhood volunteers will be trained to recognize code violations which are usually associated with drug houses. Second, in order to allow greater community access to the prosecuting attorney's office, neighborhood prosecutors will be assigned to various neighborhood groups throughout the city. This will lead to quicker responses by DART, while countering the displacement effects that result from geographic targeting. Third, to combat houses with continued drug activity, the Prosecuting Attorney's Office intends to increase the number of properties subject to forfeiture and nuisance. Fourth, to decrease the sale and

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1. *Ibid.*

2. Toney, Willis L. June 1993. "Drug Abatement Response Team (D.A.R.T) Program," *DART Newsletter*, Vol. I, Issue II: p. 1.

3. Lozano, Cynthia. January 1993. "New Orders: Shipshape or Ship Out," *Kansas City Star*.

distribution of illegal narcotics on school premises, all school areas will become drug free zones. Finally, new cooperative relationships with other communities throughout Jackson County will be developed in order to "attack drug houses and assist neighborhoods in restoring sanity and security to their residents."<sup>1</sup>

**Community Crime Prevention** and early drug education are significant components of COMBAT. It has funded prevention programs totalling \$3.7 million, since the inception of the tax, reaching schools and community prevention organizations in every district of Jackson County. Currently, there are 21 contracted agencies serving Jackson County youths and 11 providing supportive services to neighborhoods implemented to reduce crime and to improve the quality of life. Over 98,000 children have received drug prevention information in all of the school districts in the County. The COMBAT prevention program is a comprehensive one which insures collaborative intervention by law enforcement and treatment agencies.<sup>2</sup>

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1. McCaskill, Claire C., Winter 1993. "Message from the Prosecuting Attorney." *DART Newsletter*. Vol. I, Issue I: p. 1.
  2. McCaskill, *DART Newsletter*, p. 1.

Manhattan  
Community  
Prosecution  
Program

New York, New York

## MANHATTAN COMMUNITY PROSECUTION PROGRAM

**Robert M. Morgenthau**  
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**New York, New York**

During District Attorney Robert M. Morgenthau's campaign for re-election in 1985, he promised to implement a program that would promote a long-term community based strategy for crime prevention and prosecution. The New York County District Attorney's office historically has encouraged strong cooperative relationships between police and community members in order to reduce and prevent crime.<sup>1</sup> Community policing strategies had been implemented across the country to open lines of communication between community members and the police. However, prosecutors had limited involvement in the process.<sup>2</sup> In response to this problem, the District Attorney's office decided to create a strategy that combined the efforts of prosecutors, police, and communities "to identify crime patterns proactively, develop solutions which prevent crime and ensure swift and certain judgment, implement these solutions, and measure the resulting impact on the community."<sup>3</sup> This strategy, with its emphasis on cooperative relationships between prosecutors, police, and community members, formally has come to be known as The New York County District Attorney's Office Community Prosecution Program.

The program consists of eight components: (1) Community Affairs Unit (CAU); (2) Legal Bound; (3) Narcotics Eviction Program (NEP); (4) Landlord Responsibility Program (LRP); (5) Trespass Affidavit Program (TAP); (6) Project Focus; (7) Octopus; (8) Alternative Sentencing Office (ASO); and (9) Community-Oriented Information System. Each one of these components contributes to the overall objective of integrating the efforts of prosecutors, police, and community members toward crime prevention and reduction.

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1. The New York County District Attorney's Office, *Community Prosecution: Building Partnerships Among Communities, Police, and Prosecutors*, August, 1993, section I: page 1.
  2. The New York County District Attorney's Office, *Community Prosecution: A Guide to Building Effective Partnerships Among Communities, Police, and Prosecutors*, September of 1993, Section II: page 1.
  3. *Community Prosecution: Building Partnerships*, section I: page 1.

## Community Affairs Unit

In 1985, the Community Affairs Unit (CAU) was established to develop cooperative relationships with residents, businesses, schools, and religious organizations throughout Manhattan and to implement proactive measures for each community's most urgent crime problems.<sup>1</sup> Over the past nine years, the unit has cooperated with police precincts, block associations, tenants groups, landlords, schools, business improvement districts, and religious institutions to teach law-abiding citizens how they can assist the criminal justice system in preventing crime.<sup>2</sup>

The CAU is staffed by a director, deputy director, six community associates, and two staff assistants. It is divided into two teams, representing northern and southern Manhattan.<sup>3</sup> Each CAU associate is assigned to a particular geographic area, consisting of one or more police precincts, and is responsible for maintaining community relationships within this area. On the average, CAU associates spend about half of their time outside of the office where they meet regularly with community members in neighborhoods, in schools, in churches, or at local police precincts. Annually, CAU staff attend approximately 1,700 meetings, including 1,000 sponsored by community groups, 400 by police, 100 by the New York City Housing Authority, and 200 by the borough's twelve Community Boards.<sup>4</sup>

With extensive experience in community organizing and outreach and in working with law enforcement in a number of capacities, CAU associates collaborate with community members in gathering and sharing information and identifying crime problems that are unique to a specific neighborhood or block. Once this information is processed, CAU associates cooperate with a variety of law enforcement agencies, including local NYPD police precincts, the New York City Narcotics Division, the Transit Authority Police, and the Housing Authority police, along with state and federal agencies.<sup>5</sup> In some cases, CAU associates also work with other city agencies, such as

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1. *Community Prosecution: Building Partnerships*, section II: page 1.
  2. District Attorney Robert M. Morgenthau's letter to Commanding Officers and Community Prosecution Unit Sergeants, undated.
  3. *Community Prosecution: Building Partnerships*, section II: page 2.
  4. *Community Prosecution: A Guide*, section II: page 3.
  5. *Community Prosecution: A Guide*, section II: 4-5.

the Department of Probation, the Department of Sanitation or the Community Board, to target concentrated drug activity in a specific area.

Assistant district attorneys throughout the New York County District Attorney's Office often consult with CAU associates, because of their extensive knowledge of a particular geographic area. This access to information from a specific neighborhood or block has increased the prosecution of a wide range of drug-related crimes. In addition, CAU associates frequently alert prosecutors to "quality-of-life" crimes based on community feedback. Often, CAU associates will recommend that prosecutors give special attention to certain cases, based on the impact to the community. Once this occurs, "the case is tracked and its status reported to concerned community members and participating law enforcement agencies."<sup>1</sup> When an individual is convicted of a targeted crime, a letter from the community is presented to the judge who determines the sentence.

### **Legal Bound**

The CAU also has instituted a youth education program called Legal Bound. This program consists of activities designed to educate elementary, junior high, and high school students about the criminal justice system.<sup>2</sup> Through lectures, tours, internships, mock trials, conferences, and other special events, the CAU has educated more than 22,000 students about the legal system. In addition, 250 out of 500 assistant district attorneys and 50 other staff members volunteered 1,200 hours of their time, educating students and training area teachers who are interested in incorporating criminal justice curricula into their classrooms.<sup>3</sup> In 1992, the CAU conducted seven class sessions to train 125 teachers on how to integrate criminal justice system curriculum into their regular curriculum. The CAU predicts that the number of teachers participating in the program will increase as new curricula are developed and implemented.<sup>4</sup>

Under the Legal Bound program, CAU staff aim to educate not only children but adult

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1. *Community Prosecution: A Guide*, section II: page 5.
  2. Overview: *The Community Affairs Unit of the Manhattan District Attorney's Office*, page 4.
  3. Overview of CAU, page 1.
  4. *Community Prosecution: Building Partnerships*, section II: page 6.

residents, as well, about the criminal justice system. CAU associates represent the unit at conferences, information fairs, town hall meetings, and crime prevention events. Also, through "court monitor training sessions," adults have the opportunity to visit classrooms, observe trials and consult with assistant district attorneys about their role in the criminal justice system.<sup>1</sup>

As a result of Legal Bound, an area school may contact the New York County District Attorney's Office concerning a specific crime problem. The CAU staff then will offer to conduct a "needs assessment survey," in order to identify ways in which the principal, teachers, parents, and law enforcement agencies can work together on anti-crime strategies.<sup>2</sup> These case-specific strategies may take the form of increased patrols by local precinct police, special operations by the NYPD Narcotics Division, or special training for school safety officers.

### **Project Focus and Octopus**

The CAU initially focused on information gathering for tactical purposes, such as investigating and prosecuting specific cases.<sup>3</sup> However, in 1990, the New York County District Attorney's Office decided to target geographical areas in addition to specific cases. Project Focus is a pilot program designed to geographically target the rapid growth in crime in northern Manhattan, the 34th Precinct. The Project Focus team, which consists of six assistant district attorneys, collects intelligence on ongoing criminal activity and monitors and coordinates law enforcement efforts within a well-defined geographic area, the 34th Precinct. Assistant district attorneys work on specific crime problems in neighborhoods that correspond to the patrol areas or beats of community police officers. This coordination usually involves gathering data from a variety of sources, including community and tenant groups, landlords, police reports, executed search warrants, and the CAU and Adult Justice Information System. Once this information is collected, the Project Focus team creates a criminal intelligence file which allows them to monitor the 34th Precinct's most active criminals and current patterns of criminal activity. Finally, individual assistant district attorneys assigned to Project Focus coordinate with police to design a strategic plan which concentrates on the most urgent crime problem within northern Manhattan.<sup>4</sup>

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1. *Community Prosecution: Building Partnerships*, Section II: p.8.
  2. *Community Prosecution: A Guide*, Section IX: p.4.
  3. Barbara Jones, speaker, APRI Focus Group on Community Prosecution, August 1993.
  4. *Community Prosecution: A Guide*, Section III: p.1.

The success of Project Focus depends on the use of a variety of community-based resources. The Project Focus team relies on the CAU to obtain information from block associations, tenant groups, landlords, schools and business improvement districts. Also, Project Focus shares information with the New York County District Attorney's Narcotics Eviction Program and Landlord Responsibility Program in order to use alternative civil remedies for dealing with drug-related crime.<sup>1</sup>

Currently, Project Focus has been very successful in curtailing crime within the 34th Precinct. Leaders of drug gangs who have terrorized individual buildings and entire city blocks have been prosecuted, and information gathered from specific neighborhoods has led to lengthy prison sentences for gang leaders who are known to be responsible for a number of violent crimes but have no previous criminal records. The efforts of Project Focus have helped to decrease felony crimes in 1991, 1992, and 1993, reversing a four year trend of steady increases. Also, the number of reported crimes in the 34th Precinct is at its lowest point since 1987.<sup>2</sup>

Not only has Project Focus been successful in the targeted area of northern Manhattan, but it also has had positive spillover effects in surrounding neighborhoods. Collaboration and information dissemination between Project Focus assistant district attorneys and other prosecutors within the New York County District Attorney's Office has led to the successful prosecution of homicides and other violent crimes throughout the city of New York. For instance, information obtained for Project Focus in the 34th Precinct contributed to the successful prosecution of a 44-count indictment against a violent and heavily armed cocaine trafficking organization from West 157th Street.<sup>3</sup> This coordination between Project Focus prosecutors and the NYPD caused a dismantling of violent drug gangs throughout the city, alleviating the displacement effect that sometimes occurs after police "sweeps" send criminal activity into another neighborhood.

In response to the success of Project Focus, the New York County District Attorney's Office decided to develop a similar program, called Octopus, in the lower eastside of Manhattan, an area that also is struggling with severe levels of drug trafficking and violent crime. Currently, a half

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1. *Community Prosecution: A Guide*, Section III: p.2.

2. *Community Prosecution: A Guide*, Section III: p.1.

3. *Ibid.*

dozen prosecutors have been assigned to several problem areas in the Lower East Side, and lines of communication have been established with CAU staff, precincts, and other police units assigned to this area. Unlike northern Manhattan, lower Manhattan has a larger concentration of public housing, which has necessitated the development of a strong working relationship between the New York County District Attorney's Office and the Housing Authority Police Department (HAPD).<sup>1</sup>

### **Narcotics Eviction Program**

In drug-infested areas, many residents remain prisoners within their own apartments, out of fear of drug-related violence and harassment from drug dealers. Increased law enforcement efforts have caused drug dealers to operate within public housing projects, private apartments, and out of small stores and other commercial premises. As a result, law enforcement agencies nationwide have been having difficulty developing strategies to address this problem. In 1988, the New York County District Attorney's Office pioneered the use of a civil remedy, stemming from a seldom-used law which allows prosecutors to begin eviction proceedings against tenants who use their premises for illegal activities. Since 1988, when New York County's Narcotics Eviction Program (NEP) was implemented, over 2,000 apartments and commercial premises have been returned to law-abiding citizens which has encouraged other district attorneys to start similar programs in their jurisdictions. NEP is an effective and safe way of using community access to information concerning drug activities and drug-related crime. With a staff consisting of a director and two attorneys, NEP acts on information about drug-selling activities in rental property, which is reported by residents, tenant associations, community police officers, landlords, and their attorneys. NEP officials guarantee anonymity for all participants, so community members are willing to cooperate.<sup>2</sup>

According to community feedback, NEP has been extremely popular among public and private housing tenants. Experience has shown that NEP has the greatest effect in buildings with only two or three drug-invested apartments where police are able to prevent the spread of drug activities. Over the last six years, NEP has facilitated more than 1,700 investigations into alleged drug dealing in rental property in the 34th Precinct, which has resulted in the return of over 700

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1. *Ibid.*

2. *Community Prosecution: A Guide*, section IV: page 1.

apartments and commercial premises to law-abiding citizens.<sup>1</sup>

### **Trespass Affidavit Program**

Tenants in Manhattan's drug-infested buildings frequently have complained about the constant flow of people passing in and out of these buildings.<sup>2</sup> In the past, posting "no trespassing" signs, changing locks, and other measures have had only modest success. In 1993, the New York County District Attorney's Office and the Police Department addressed this problem by developing the Trespass Affidavit Program (TAP).

Once the CAU staff receives a complaint about loitering by individuals for purposes of sale or use of narcotics inside a public area of a residential building, the owner or managing agent is contacted and asked to participate in the program. Participation includes providing keys for the problem building to the local precinct and signing an affidavit, which includes an accurate, up-to-date list of all tenants, and posting signs throughout the building which read, "Tenants and Their Guests ONLY."<sup>3</sup>

With this accurate and up-to-date affidavit at their disposal, local precincts are then able to schedule "vertical patrols" where community police officers concentrate on buildings with high levels of drug trafficking.<sup>4</sup> Police officers, assigned to teams, check each floor of the building and, using the landlord's affidavit, can make arrests for loitering. Previously, the courts have dismissed cases involving criminal trespassing, because the police were unable to show probable cause for making the arrest. The reason why the Trespass Affidavit Program has been a success is that it avoids this problem by having an accurate, up-to-date list of who lives in a certain building.<sup>5</sup> The Trespass Affidavit Program has been well-received by landlords and tenants and increased participation has occurred over the last three years. To date, 264 landlords have registered 608

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1. *Community Prosecution: Building Partnerships*, section III: page 3.

2. Barbara Jones, speaker, APRI Focus Group on Community Prosecution, August 1993.

3. *Community Prosecution: A Guide*, section V: page 1.

4. *Ibid.*

5. Barbara Jones, speaker, APRI Focus Group on Community Prosecution, August 1993.

buildings in the program with additional locations added every month.<sup>1</sup>

### **Landlord Responsibility Program**

The Trespass Affidavit Program and the Narcotics Eviction Program are successful when drug activity is limited to a few locations within a building and when the landlord is willing to cooperate with the police. However, when an entire block or building has been overrun by drug dealers or gangs, and when a landlord fails to cooperate with law enforcement officials, more extensive strategies are necessary.

In January 1993, the New York County District Attorney's Office developed the Landlord Responsibility Program to encourage private landlords and law-abiding tenants to cooperate with the police department to eliminate concentrated drug activity from their buildings.<sup>2</sup> CAU associates arrange a conference with landlords and outline a number of reasonable steps that should be taken to curtail the drug activity within that building. These recommendations usually include posting "no trespassing" signs, updating tenant lists, requiring tenant identification cards, employing volunteer security guards in public areas, and fixing all locks and windows. If a landlord refuses to cooperate with these guidelines, then they run the risk of losing their property under the federal forfeiture law. In most cases, this threat of forfeiture is enough to gain landlord cooperation.<sup>3</sup>

The publicity surrounding the Landlord Responsibility Program has caused landlords throughout New York County to take notice.<sup>4</sup> In fact, many landlords have begun to contact the CAU and voluntarily implement the recommendations of the Landlord Responsibility Program. The Narcotics Eviction Program, Trespass Affidavit Program, and Landlord Responsibility Program represent a concerted effort, on the part of the New York County District Attorney's Office, to assist landlords and law-abiding tenants in maintaining safe buildings, free of drug trafficking and drug-related violence. Each one of these innovative programs has had substantial success and has contributed to improving the public's perception of Manhattan's criminal justice system.

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1. *Community Prosecution: A Guide*, section V: page 2.

2. *Community Prosecution: A Guide*, section VII: page 1.

3. Barbara Jones, speaker, APRI Focus Group on Community Prosecution, August 1993.

4. *Ibid.*

## Alternative Sentencing Office

In New York City, there is a growing public perception that the criminal justice system should be responsible for addressing societal issues.<sup>1</sup> One of the most serious concerns among residents of Manhattan involves the large quantity of "quality-of-life" crimes, such as prostitution, shoplifting, unlicensed peddling and fare beating, that occur in New York City.<sup>2</sup> In the past, the responsibility for addressing these "quality-of-life" crimes remained under the jurisdiction of the Manhattan Criminal Court system. However, over the years, the court system has had difficulty in developing effective and proper penalties for misdemeanor crimes.

Alternatives to Incarceration (ATI) have had some success in the past, but the courts have lacked the necessary resources to coordinate referrals to public service agencies and to verify whether an offender has complied with sentencing requirements. Also, many ATI programs have had long waiting lists and offenders have had to wait several weeks to perform their alternative sentence. In some cases, offenders would either complete part of their alternative sentence or would fail to perform it at all, without the Court ever finding out. This seriously diminished the credibility of the alternative sanction as a deterrent to future criminal behavior.<sup>3</sup> In order to fill the void left by the courts' inability to come up with an effective alternative sentencing program, the Manhattan District Attorney's Office created the Alternative Sentencing Office in January 1992. The office was created "to coordinate referrals from Criminal Court judges to community service programs run by city agencies."<sup>4</sup> More importantly, the Alternative Sentencing Office substantiates whether the offender actually completes the community service or other alternative sentence. Between 1992 and 1993, the Alternative Sentencing Office has been successful and cost-efficient with a resource requirement of only three staff members, a computer and less than \$100,000 dollars in salary.<sup>5</sup> The number of offenders referred to the program steadily has increased each year. In 1993, over 22,000 defendants were sentenced to community service, a third more than in the prior

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1. *Ibid.*

2. *Community Prosecution: A Guide*, Section VIII: p.1

3. *Ibid.*

4. *Ibid.*

5. Barbara Jones, speaker, APRI Focus Group on Community Prosecution, August 1993.

year.<sup>1</sup> Offenders who participate in the Alternative Sentencing program spend an average of two days on a variety of community service activities. The Alternative Sentencing Office coordinates these community service activities with nine participating New York City agencies, including The New York City Department of Corrections, Park Department, Department of Sanitation and Police Department.

### **Community-Oriented Information System**

Collecting, processing and disseminating large quantities of information from a number of internal and external sources is essential to the success of community prosecution. To meet the challenge for information management and information technology, the New York County District Attorney's Office has implemented a Community-Oriented Information System. The Community-Oriented Information System provides a flexible and responsive tool for "collecting, analyzing and reporting information obtained from community members, law enforcement agencies, other external sources and the numerous internal sources, including AJIS, the office's main case tracking system."<sup>2</sup>

Community prosecution programs also require information systems that can support problem-identification, program evaluation and information sharing with external actors. As a result, the New York County District Attorney's Office has hired highly trained information specialists who can facilitate access to the Community-Oriented Information System. These information technology specialists assist prosecutors and other law enforcement personnel with the Community-Oriented Information System's new computer hardware and software packages, "support the work of the Project Focus teams through their knowledge of outside data sources, design specialized data collection efforts, integrate external and internal data, and produce useful and easily understood reports."<sup>3</sup>

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1. *Community Prosecution: A Guide*, Section VIII: p.3.
  2. *Community Prosecution: A Guide*, Section IV: p.1.
  3. *Ibid.*

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# Portland Community Prosecution Program

Portland, Oregon

## **PORTLAND COMMUNITY PROSECUTION PROGRAM**

**Michael D. Schrunk**  
**Multnomah County District Attorney**  
**Portland, Oregon**

Historically, Portland, Oregon has been one of the leaders in the area of community policing. This strategy has led to a strong cooperative relationship between the police and the community, reducing crime and improving the overall environment within drug-infested neighborhoods. Following the success of community policing, Multnomah County District Attorney Michael Schrunk began to explore the ways in which the services of the Office of the District Attorney might shift in order to augment the community-policing model. A Portland business and residential district, concerned about public safety and "livability" issues, formed a task force to study ways in which the district might better address those issues. Within the framework of that task force, District Attorney Schrunk developed a coalition of resources, both public and private, to fund a pilot community prosecution project, which eventually would be called the Neighborhood D.A. Program. The lawyers working in that new program have worked successfully with their constituent neighborhoods to develop new ways of improving neighborhood "liveability" including (1) a shared radio frequency between law enforcement and private security agencies, (2) a Drug Free Zone Ordinance, (3) a Housing Authority Trespass Enforcement Program and (4) a Community Probation Program.

Prior to the establishment of the community prosecution program, two primary concerns of the District Attorney's Office were the low priority given to "quality of life" crimes within the local criminal justice system, and the lack of resources devoted to these crimes. District Attorney Schrunk addressed the first concern by focusing more attention on the impact of "quality of life" crimes on a neighborhood. Due to the current climate of fiscal austerity at all levels of government, the second concern was addressed by pursuing funding outside of the County budget process.<sup>1</sup> Once the district-based funding was received, a Neighborhood D.A. Program was instituted within the first pilot district. Initially, there was skepticism within the media, because there was a fear that local businesses would attempt to manipulate which cases the District Attorney's Office would prosecute. With District Attorney Schrunk's assurances to the community that this would not occur,

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1. Assistant District Attorney Wayne Pearson, speaker, Community Prosecution Focus Group, August, 1993.

he proceeded with the plan to implement the Neighborhood D.A. Program.<sup>1</sup>

Under this program, a District Public Safety Committee was created to provide a forum for collaboration and information dissemination between residents, business owners and the Neighborhood D.A. assigned to the area. This committee meets monthly to identify "liveability" issues and crime problems that are plaguing the District and devises strategies to combat the problems.<sup>2</sup> Once the Neighborhood D.A. began to attend these District Public Safety Committee meetings, the resulting community feedback overwhelmingly was in favor of a heightened prosecutorial response to "quality of life" crimes. Members of the community felt alienated from what they believed was an unresponsive criminal justice system that allowed misdemeanor offenders, such as those involved in minor property offenses and aberrant street behaviors, either to go un-prosecuted or, if prosecuted, to receive unresponsive sentences.<sup>3</sup> The Neighborhood D.A. Program reversed this negative public perception. It restored the credibility of the District Attorney's Office by promptly responding to community feedback and by focusing prosecutorial efforts on the solving of "quality of life" crimes and "livability" issues that were affecting public safety.

To encourage community participation in the Neighborhood D.A. Program, the Neighborhood D.A. distributes "trouble shooter" cards at the monthly District Public Safety Committee meetings and block by block throughout the district.<sup>4</sup> Residents and business owners voluntarily complete these cards, which contain information on drug-related crimes and other public safety issues affecting "livability" within their neighborhoods. These cards are mailed or hand delivered to the Neighborhood D.A.'s Office. Once the Neighborhood D.A. receives the "trouble shooter" cards, the information is collected, distributed to district police officers and used to develop crime prevention strategies.<sup>5</sup> These cards provide district police officers with accurate and timely information on what community members are observing. In addition, they represent an effective and safe way of utilizing community access to information concerning drug activities and

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1. *Ibid.*

2. *Ibid.*

3. *Ibid.*

4. *Ibid.*

5. *Ibid.*

drug-related crimes.

The District Attorney's Office is aware that "police do not operate in a vacuum; in solving crimes they rely greatly on tips from civilian observers."<sup>1</sup> In fact, according to George Akerlof and Janet L. Yellen of The Brookings Institution, the major deterrent to crime is not an active police presence but the presence of knowledgeable community members who are willing to report crimes and cooperate in police investigations.<sup>2</sup> In order to maintain and encourage the community cooperation, the Neighborhood D.A.'s Office provides prompt feedback on information received from the District Public Safety Committee meetings and the "trouble shooter" cards.<sup>3</sup>

With the success of the Neighborhood D.A. Program, in April 1992, the Multnomah County District Attorney's Office expanded the program. Through other public-private partnerships, assistant district attorneys were deployed in a residential area and in a second business district, both in downtown Portland.<sup>4</sup>

Tight city and county budgets have forced the Multnomah County District Attorney's Office continually to seek out non-traditional ways of maximizing existing resources. This commitment to non-traditional methods of law enforcement and resource maximization has resulted in the development of a specific radio frequency to promote an information exchange between law enforcement and private security agencies.<sup>5</sup> Prior to the development of this policy innovation, the police and the private security agencies represented two parallel entities that operated independently and with little information exchange. However, since the development of the shared radio frequency, private security agencies have alerted police to potential drug trafficking and other public safety matters within the district. In addition, the radio frequency has allowed private security firms to radio each other if a crime is about to be committed in an adjacent building. The

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1. Akerlof, George, Janet L. Yellen. 1994. "Gang Behavior, Law Enforcement, and Community Values." Published in *Values and Public Policy*. ed., Henry J. Aaron, Thomas E. Mann, and Timothy Taylor. Washington, D.C.: The Brookings Institution. p. 174.

2. *Ibid.*

3. Community Prosecution Focus Group, August 1993.

4. *Ibid.*

5. *Ibid.*

implementation of the shared radio frequency is an excellent example of how the Multnomah County District Attorney's Office proactively approaches crime prevention and develops non-traditional solutions that maximize existing resources.

Another non-traditional component of the District Attorney's Office Neighborhood D.A. Program is the implementation of Drug Free Zones in neighborhoods with a high concentration of drug activity. District police officers and residents complained that the revolving-door criminal justice system was allowing drug trafficking offenders, within hours of their arrests, to return to the neighborhoods where they committed the crimes.<sup>1</sup> In response, the District Attorney's Office collaborated with the City of Portland, social service providers and community members to develop a strategy for the creation of Drug Free Zones. Representatives of these entities met to insure that they agreed on the concept of Drug Free Zones before they approached the city council with the policy proposal. Once this agreement was obtained, the District Attorney's Office organized Drug Free Zones under a city ordinance, which uses the prohibition of trespassing as an enforcement mechanism. Once a person, excluded for a drug-related arrest within the Zone, returns to the streets or sidewalks within the Drug Free Zone in violation of the ordinance, he or she is immediately subject to arrest for trespass. Additionally, Zone violators' pictures are attached to Zone violation cards, which include the time period that offenders are banned from the particular Zone. Finally, multiple copies of these Zone violation cards are distributed to residents, beat cops and social service providers within Drug Free Zones, as well as surrounding areas, to combat recidivism and displacement effects.<sup>2</sup> According to the District Attorney's Office, the implementation of the Drug Free Zone ordinance has been an effective tool in deterring drug trafficking, because district police officers can arrest Zone violators simply for trespassing. Dealers fear the new strategy, because they run the risk of forfeiting any drugs in their possessions at the time of arrest.<sup>3</sup>

A problem similar to the one described above occurred in public housing developments. Tenants within these drug-infested buildings complained about the constant flow of non-tenants in these buildings. This flow resulted in drug-related violence and gang harassment. The Neighborhood D.A. worked with both the local housing authority and the police department to appoint the local district police officers as the persons in charge of the properties, for purposes of

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1. *Ibid.*

2. *Ibid.*

3. *Ibid.*

enforcing state trespass laws. As the legal custodian of these buildings, the district police officer has the authority to enforce state trespassing laws upon non-tenants who violate the housing authority's behavioral criteria.<sup>1</sup> Once an officer identifies a non-tenant violating the behavior code on the premises, he or she has the legal authority to remove the person from the premises and arrest the person if that person resists. In addition, the offender is banned from the premises for a stipulated period of time. According to the District Attorney's Office, the Housing Authority Trespass Enforcement Program has resulted in a substantial decrease in the incidence of rape, murder, sexual abuse and drug trafficking within public housing developments.<sup>2</sup>

A final example of the District Attorney's commitment to non-traditional prosecutorial responses is illustrated in the development of the Community Probation Program. The District Attorney's Office maintains that residents of a neighborhood are in the best position to monitor the behavior of an offender who is on probation.<sup>3</sup> In order to take advantage of this untapped resource, the District Attorney's Office is exploring the use of this option for those offenders who serve out their probation within the neighborhood where the crime was committed. This especially is appropriate for those persons convicted of operating a drug house from a home that they own and within which they continue to reside. This concept has two positive consequences. First, information provided by community members to probation officers represents an added resource for the probation officers. Second, it is hoped that participants in this program gradually become active members of the community, because they are required, as a condition of their probation, to attend community meetings, paint homes, remove broken glass from the streets and collect trash.<sup>4</sup>

The Neighborhood D.A. Program, through its many components, such as the shared radio frequency, Drug Free Zone ordinance, Housing Authority Trespass Enforcement Program and Community Probation Program, represents a comprehensive and long-range effort on the part of the Multnomah County District Attorney's Office to address community concerns in an innovative, flexible and proactive manner. Finally, each of these components illustrates the District Attorney's commitment to resource maximization and the development of community-based solutions to the

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1. *Ibid.*

2. *Ibid.*

3. *Ibid.*

4. *Ibid.*

drug crisis.

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# Montgomery County Community Prosecution

Rockville, Maryland

## MONTGOMERY COUNTY COMMUNITY PROSECUTION

**Andrew L. Sonner**  
**Montgomery County State's Attorney**

### **Rockville, Maryland**

The Montgomery County State's Attorney's Office historically has favored strong, cooperative relationships between law enforcement agencies and community members, in order to reduce and prevent crime. However, when State's Attorney Andrew Sonner decided to encourage the development of community policing with the Montgomery County Police Department, he encountered substantial resistance.<sup>1</sup> As a result, Mr. Sonner developed a community-based prosecution program within his office. The goal of this program is to target the underlying conditions that lead to crime, in order to reduce the number of cases processed through the State's Attorney's Office.<sup>2</sup> To achieve this objective, the State's Attorney cooperated with residents, businesses and schools and implemented proactive measures for each community's most urgent crime problems.

Under the Montgomery County Community Prosecution Program, the prosecutors' offices geographically were reorganized into prosecution teams, which correspond to county police districts. Each police district contains a prosecution team of five to six trial attorneys and an experienced team leader. All trial attorneys within a police district vertically prosecute cases emanating from that area, while some trial attorneys prosecute specialty cases, such as child abuse, arson and juvenile delinquency. In addition, there is a "papering team," which is responsible for screening, charging and assigning cases to the geographic teams.<sup>3</sup>

Through geographic targeting, each prosecution team has built strong relationships with

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1. State's Attorney Andrew Sonner, speaker, Community Prosecution Focus Group, August 1993.
  2. *Ibid.*
  3. Andrew Sonner, Montgomery County State's Attorney, Community Prosecution: Leadership Approach number 11.

beat cops, community and tenant groups, landlords, schools and the Chamber of Commerce.<sup>1</sup> Once this working relationship is established, the prosecution team, in cooperation with these groups, designs a strategic plan, concentrating on the most urgent crime problems in a given geographic area.<sup>2</sup>

Several communities within Montgomery County are seeing changing demographics that have led to new challenges and some adjustments. As a result, these communities have been experiencing "quality of life" crimes indigenous to that area. The geographic prosecution teams have focused on each community's characteristics and problems. For example, in Silver Spring, Maryland, the emerging Hispanic population has led to the rise of "cantinas". Cantinas are apartments and homes where large parties are held, loud music is played and liquor is served without a liquor license.<sup>3</sup> The presence of a concentrated number of people under the influence of alcohol caused some increased crime in the area and complaints from the neighbors. Through the use of civil remedy stemming from a seldom-used ordinance, the presence of these cantinas was curtailed. This resulted in a decrease in the number of spillover crimes in the area.<sup>4</sup> In addition, the Silver Spring prosecution team addressed the problems of prostitution and school violence, after receiving community complaints about the seriousness of these problems.<sup>5</sup>

In order to receive and respond to community feedback, each member of a geographic team is required to meet with block associations, community and tenant groups and residents. Following these meetings, reports are filed with the State's Attorney's Office, providing the basis for a strategic plan to address the community's problems. Partially as a result of this proactive strategy, with its emphasis on cooperation between prosecutors and community members, the Montgomery County Police Department reevaluated its opposition to a community policing program. The success of the State's Attorney's Office Community Prosecution Program helped encourage the Police Department enthusiastically to proceed with a community policing program.<sup>6</sup>

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1. *Ibid.*

2. *Ibid.*

3. *Ibid.*

4. *Ibid.*

5. *Ibid.*

6. *Ibid.*

State's Attorney Sonner is pleased by this development, because he believes that community prosecution should be only one component within a broad community law enforcement effort. According to Mr. Sonner, community prosecution is a part of a comprehensive strategy that involves the police, community organizations and schools.<sup>1</sup> The ultimate goal of community prosecution is to contribute to a larger effort designed to reconnect people with government and make all of government responsive to the articulated needs of the people.<sup>2</sup>

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1. *Ibid.*

2. *Ibid.*

# Model Community Mobilization Funding Act

# **MODEL COMMUNITY MOBILIZATION FUNDING ACT<sup>1</sup>**

## **Section 1. Short Title.**

The provisions of this [Act] shall be known and may be cited as the “Model Community Mobilization Funding Act.”

## **Section 2. Legislative Findings and Purpose.**

The legislature recognizes that statewide efforts to reduce the incidence of alcohol and other drug abuse must be increased. The legislature further recognizes that the most effective strategy for reducing the impact of alcohol and other drug abuse is through the collaborative efforts of educators, law enforcement, local government officials, local treatment providers, and concerned community and citizens’ groups. The legislature intends to support the development and activities of community mobilization strategies against alcohol and other drug abuse through the following efforts:

- (a) Provide funding for collaborative prevention, education, treatment, and enforcement activities identified by communities;
- (b) Provide technical assistance and support to help communities develop and carry out effective activities; and
- (c) Provide communities with opportunities to share suggestions for state program operations and budget priorities.

## **Section 3. Community Anti-Substance Abuse Grant Program.**

There is established in the [office of the governor] [Executive Alcohol and Other Drug Abuse Planning and Coordinating Council (Council)] a grant program to provide incentive and

support for communities to develop targeted and coordinated strategies to reduce the incidence of alcohol and other drug abuse. Activities which may be funded through this grant program include those which:

- (a) Prevent substance abuse through educational and self-esteem efforts, development of positive alternatives, intervention with high-risk groups, development of strategies to instill community and personal resistance to alcohol and other drugs, and prevention strategies;
- (b) Increasing access to and availability of effective treatment opportunities, particularly for undeserved or highly impacted populations, developing aftercare and support mechanism, and other strategies to increase the availability and effectiveness of treatment;
- (c) Provide meaningful consequences for participation in illegal activity and promote safe and healthy communities through support of law enforcement strategies;
- (d) Create or build on efforts by existing community programs, coordinate their efforts, and develop cooperative efforts or other initiatives to effectively use resources to carry out the community's strategy against alcohol and other drug abuse; and
- (e) Other activities which demonstrate both the feasibility of and the rationale for how the activity will achieve measurable results in the strategy against alcohol and other drug abuse.

Section 4. Priority for Community Strategies Aimed  
at Geographic Area Coterminous With Counties,  
Municipalities or Other Units of Government.

This grant program will be available to communities of any geographic size but will encourage and reward communities which develop coordinated or complimentary strategies within geographic areas, such as county areas or groups of county areas which correspond to units of government with significant responsibilities in the area of alcohol and other drug abuse, existing coalitions, or other entities important to the success of a community's strategy against alcohol and other drug abuse.

### **Section 5. Minimum Requirements of Grant Application.**

At a minimum, grant applications must include the following:

- (a) Evidence that the community has developed a coordinated strategy of prevention, education, treatment, and law enforcement activities;
- (b) Evidence of active participation of the community and specific commitments to implementing the community-wide agenda by leadership from at least education, law enforcement, local government, and treatment entities in the community;
- (c) Evidence of the opportunity for meaningful involvement from others such as neighborhood and citizen groups, businesses, human service, health and job training organizations, and other key elements of the community, particularly those whose responsibilities in law enforcement, treatment, education, prevention, or other community efforts provide direct, ongoing contact with alcohol and other drug abusers;
- (d) Definition of geographic area;
- (e) Description of the extent and impact of alcohol and other drug abuse in the community, including and indication of those who are most severely impacted and

those most at risk of alcohol and other drug abuse;

- (f) Explanation of the community-wide strategy for prevention, education, treatment, and law enforcement activities related to alcohol and other drug abuse with particular attention to those who are most severely impacted and those most at risk of alcohol and other drug abuse;
- (g) Explanation of who was involved in development of the strategy and what specific commitments have been made to carry it out;
- (h) Identification of existing prevention, education, treatment, and law enforcement resources committed by the community, including financial and other support, and an explanation of how the community's strategy involves and builds on the efforts of existing organizations or coalitions that have been carrying out community efforts against alcohol and other drug abuse;
- (i) Identification of activities that address specific objectives in the strategy for which additional resources are needed;
- (j) Identification of additional local resources, including public funds, donated goods or services, and other measurable commitments, that have been committed to the activities identified in subsection (i);
- (k) Identification of activities which address specific objectives in the strategy for which funding is requested. Activities should be presented in priority order;
- (l) Explanation of each activity for which funding is requested, in sufficient detail to demonstrate:
  - (1) Feasibility through deliberate design, specific objectives,

- and realistic plan for implementation;
  - (2) A rationale for how this activity will achieve measurable results and how it will be evaluated;
  - (3) That funds requested are necessary and appropriate to effectively carry out the activity; and
- (m) Evidence of additional local resources committed to its strategy totaling at least twenty-five percent of funds awarded under this section. These resources may consist of public or private funds, donated goods or services and other measurable commitments, including in-kind contributions such as volunteer services, materials, supplies, physical facilities or a combination thereof;
- (n) Written agreement that the funds applies for, if received, will not be used to replace funding for existing activities; and
- (o) Identification of a fiscal agent meeting state requirements for each activity proposed for funding.

### **Section 6. Criteria for Awarding Grants.**

The [governor] [Council] shall make awards, subject to funds appropriated by the legislature, under the following terms:

- (a) In order to be eligible for consideration, applications must demonstrate, at a minimum;
  - (1) That proposals submitted for funding are based on and address specific objectives contained in a coordinated strategy of prevention, education, treatment, and law enforcement against alcohol and other drug abuse;

- (2) That there is active participation in preparation of the proposal and specific commitments to implementing the community-wide agenda by leadership from at least education, law enforcement, local government, and treatment entities in the community;
  - (3) That there exists the opportunity for meaningful involvement from others such as neighborhood and citizen groups, businesses, human service, health and job training organizations, and other key elements of the community, particularly those whose responsibilities in law enforcement, treatment, prevention, education or other community efforts provide direct, ongoing contact with alcohol and other drug abusers, or those at risk for alcohol and other drug abuse.
- (b) In order to encourage and reward communities which develop coordinated or complimentary strategies within geographic areas which correspond to units of government with significant responsibilities in the area of alcohol and other drug abuse, up to fifty percent of funds appropriated for the purposes of this [Act] may be awarded on a per capita basis to eligible applicants reflecting coordinated strategy from a county area or group of county areas. The [governor] [Council] may establish minimum allotments per eligible county areas up to fifteen thousand dollars; and
- (c) No less than fifty percent of funds appropriated under this [Act] shall be awarded on a competitive basis for activities by communities not participating in a countywide strategy and activities identified by countywide strategies but not funded through per capita grants. Eligible applications will be assessed and compared by a peer review

committee whose members have experienced in prevention, education, treatment, law enforcement, and other community efforts against alcohol and other drug abuse using the following criteria:

- (1) The extent and impact of alcohol and other drug abuse;
- (2) The extent to which key elements of the community are involved in and committed to the coordinated strategy;
- (3) The extent of commitments of local resources to the coordinated strategy;
- (4) The extent to which any activities in a community's strategy offer an innovative approach to a chronic, widespread problem.

The peer review committee will advise the [governor] [Council] on the extent to which each eligible applicant has met these criteria. The [governor] [Council] will distribute available funds based on this information.

- (d) The [governor] [Council] shall distribute fifty percent of the initial appropriation for the purposes of the [Act] no later than, \_\_\_\_\_, 200\_, and the remainder no later than \_\_\_\_\_, 200\_.
- (e) Activities funded under this section may be considered for funding in future years, but will be considered under the same terms and criteria of new activities. Funding under this section shall not constitute an obligation by the state to provide ongoing funding.
- (f) All grant recipients shall agree in writing, as a condition of the grant, to report to the [governor] [Council] at such times and in such a manner as shall be prescribed by the [office of the governor] [Council]. Such report shall assess the achievement of the goals and objectives of the activities for which funding was received and the effect

that the funded activities has on encouraging and supporting coordinated community action against alcohol and other drug abuse.

**Section 7. Community Input on Development of State Policies Affecting Community Anti-Substance Abuse Strategies.**

The [governor] [Council] shall ask communities for suggestions on state practices, policies, and priorities that would help communities implement their strategies against alcohol and other drug abuse. The [office of the governor] [Council] shall review and respond to those suggestions, making necessary changes where feasible, offering recommendations to the legislature where appropriate, and providing an explanation as to why suggested changes cannot be accomplished or acted upon.

**Section 8. Practice Contributions to Grant Program Fund.**

The [governor] [Council] may receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of Sections 1 through 7 of this [Act] and expand the same or any income there from according to the term of the gifts, grants, or endowments.

**Section 9. Report to the Legislature.**

The [governor] [Council] shall report to the legislature by [] of each year regarding the operations of the grant program authorized under this [Act]. At a minimum, the report shall include the following:

- (a) Number of grants awarded and the amount of each grant;
- (b) Recipients of grants, including the communities in which they are based;
- (c) Purposes for which the grants were awarded;
- (d) Achievement of stated goals and objectives;
- (e) An assessment of the effect that the activities of this Act had on encouraging

and supporting coordinated community action against alcohol and other drug abuse;

- (f) Recommendations for further funding for the state; and
- (g) Recommendations regarding future operations of the program, including criteria for awarding grants.

#### **Section 10. Severability.**

If any person of this [Act] or application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or application of the [Act] which can be given effect without the invalid provision or application, and to this end the provisions of this [Act] are severable.

#### **Section 11. Effective Date.**

This [Act] shall be effective on [reference to normal state method of determination of the effective date] [reference to specific date].

1 The Model Community Mobilization Funding Act first was published in 1993 by the President's Commission on Model State Drug Laws and is reproduced by consent. For more information on this Model Act, contact the National Alliance for Model State Drug Laws; 120 N. Pitt Street; Alexandria, VA 22314; (703) 836-6100.