



American Prosecutors
Research Institute

*Managing
Innovation:
A Closer Look at
Community
Prosecution
Management Issues*

**Bureau of Justice Assistance
Office of Justice Programs
U.S. Department of Justice**

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This project was supported by Grant No. 2000-PP-CX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention and the Office of Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the U.S. Department of Justice or the National District Attorneys Association.

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October 2007

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ACKNOWLEDGMENTS

The authors would like to acknowledge the contributions of the following prosecutors who assisted in this study. Without their insight and commitment to community prosecution, this research study would not have been possible.

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James Gonzales, Chief of Special Operations and Community Prosecution Projects, Wayne County, Michigan, Prosecutor's Office

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INTRODUCTION

Community prosecution is a unique proactive approach to addressing crime and quality-of-life issues that brings prosecutors together with community members, law enforcement, and other agencies to identify safety concerns and solutions for a particular community (Nugent, Fanflik, and Bromirski, 2004). The idea behind community prosecution is that prosecutors can use the legal resources of the office to help address neighborhood crime and public nuisance issues, departing from the more traditional methods of prosecution toward a more integrated solutions-based approach to eradicate crime. The number of prosecutors' offices practicing community prosecution has grown exponentially since the inception of the concept in the late 1980s and early 1990s. By 2001, community prosecution had taken hold in large and small offices throughout the country, with almost half of all prosecutors' offices reporting to practice community prosecution or implementing strategies indicative of community prosecution (Nugent and Rainville, 2001).

In community prosecution, unlike traditional prosecution, community prosecutors involve neighborhood residents in identifying crime and crime-related issues and community members work together with prosecutors to formulate solutions (Gramckow, 1997). To investigate the differences between these approaches, in 2004, the American Prosecutors Research Institute's (APRI) Office of Research and Evaluation, the research and development division of the National District Attorneys Association, conducted a survey of all prosecutors throughout the nation. The findings from this study suggest that there are three defining characteristics of community prosecution:

- partnerships with a variety of government agencies and community-based groups,
- use of varied enforcement methods including problem-solving techniques to address crime and public safety issues, and
- community involvement (Nugent et al., 2004).

Based on the study findings, the differences between community prose-

cution and traditional prosecution in terms of focus are evident. However, less clear is the extent to which these differences actually influence prosecutorial practices and policies. For example, in a traditional prosecutor's office where the focus is primarily on case processing, the performance of individual prosecutors is often based on how efficiently and effectively they process cases. However, many community prosecutors have either a reduced caseload or none at all, which makes evaluating their performance difficult. As community prosecution grows and evolves, new issues in the organization and management of these programs has continued to emerge.

WHY DO MANAGEMENT PRACTICES NEED TO BE ADAPTED FOR COMMUNITY PROSECUTION?

The collective experiences of the most well-developed community prosecution initiatives indicate that traditional prosecution management strategies are not necessarily applicable in a community prosecution office and should, therefore, be adapted to support those initiatives (Nugent-Borakove and Fanflik, forthcoming). Similar to community prosecution, community policing has evolved throughout the past decade and a need for changes in the management of police staff has been observed. More specifically, research on community policing conducted by Wycoff (1994) argued that the definition of community policing and the operational elements associated with it illustrate how community policing efforts require a different management style. As shown in Exhibit 1, the operational elements of community prosecution closely parallel those of community policing; therefore, the management styles embraced in support of the respective operational elements should be similar as well.

Exhibit 1: Operational Elements of Community

	Community Policing (from Bayley, 1994)	Community Prosecution (from Nugent et al., 2004)
Community Involvement:	Asking communities regularly and systematically what their security needs are and how the police might more effectively meet them.	Inclusion of the community's input into the criminal justice system, including the courtroom.
Partnerships:	The active enlistment of non-police individuals and agencies, public as well as private, in address[ing] community security programs.	Partnerships between the prosecutor, law enforcement, public and private agencies, and the community.
Problem Solving:	Remedying conditions that generate crime and insecurity, involving conditions-focused prevention at local levels.	Varied prevention, intervention, and enforcement methods (e.g., use of tools other than criminal prosecution to address problems).
Adaptation:	Command devolution so that precinct and subdivisional commanders can decide how police resources should be assigned in order to meet the needs of specific areas.	Discussed below.

Policing and Community Prosecution

Although the comparison between the operational elements of community prosecution and community policing is not exact, it is important to note that the three overlapping elements coincide with those that most distinguish community prosecution from traditional prosecution (Nugent et al., 2004). Additionally, applying the “Adaptation” element identified above to community prosecution lends support to earlier research on measuring the shift from traditional to community prosecution.

Specifically, the research proposes that such a shift can be measured by looking at (1) the resource intensity of community prosecution as measured by number of prosecutors and other staff, whether their community prosecution activities are full- or part-time, and whether they are assigned to specific neighborhoods; and (2) the degree to which community prosecution has been institutionalized, indicated by changes in resource allocation and operational policies and procedures developed specifically for community prosecution (Nugent et al., 2004).

The evolution and adaptation of formal management strategies in community prosecution is intrinsic to both of these measures. In order to measure what, if any, adaptation has occurred within community prosecution the following key questions must be asked:

- Does the management of community prosecutors differ significantly from those offices that practice traditional prosecution?
- Has the supervision and management of community prosecution units adapted along with the development of community prosecution?
- Does the management of these prosecutors support the core operational elements of community prosecution?

To examine the different strategies being used by community prosecutors to manage their community prosecution efforts in response to the questions above, APRI’s Office of Research and Evaluation interviewed senior prosecutors who supervise community prosecution units within seven large jurisdictions across the country: San Diego, California; West Palm Beach, Florida; Chicago, Illinois; Indianapolis, Indiana; Detroit, Michigan; Dallas, Texas; and Seattle, Washington. These jurisdictions were selected because they are among the most experienced in the country in com-

munity prosecution. The number of community prosecution staff members in each jurisdiction ranged from a low of four to a high of 27, including administrative assistants. Most jurisdictions had four to seven full-time community prosecutors.

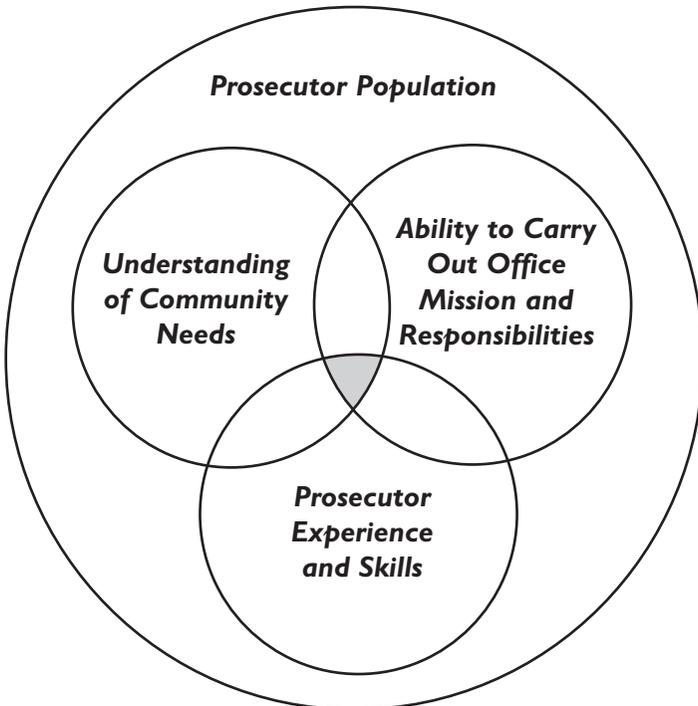
Community prosecution supervisors from these seven jurisdictions were asked a variety of questions that focused specifically on management issues, such as (1) recruiting and retaining attorneys with community-based problem-solving skills, (2) supervising community-based staff, and (3) evaluating the performance of community prosecution efforts and community prosecution staff. These discussions revealed that community prosecution supervisors are also responsible for integrating community prosecution within their offices and acquiring funding to continue their activities. The nature of these responsibilities, in addition to the tools and methods used, suggests that their approach to management has developed in conjunction with the evolution of community prosecution.

As supervisors adapted to community prosecution, their management approach evolved to support the core operational elements found in community prosecution. For example, managers take a more holistic approach to their work and are very involved with the daily routines of their community prosecutors. Supervisors frequently work with prosecutors and community members to establish priorities, conduct outreach, and develop relationships with the community and non-traditional partners. Moreover, managers travel from the main office to satellite offices in the community to visit community members and their community prosecutors. To keep the lines of communication open, all the offices interviewed scheduled regular staff meetings and many managers opted for weekly reporting of complaints received, actions taken, level of effort, and outcomes. In short, the nature of community prosecution as a philosophy that incorporates continual collaboration, communication, and problem solving requires a management approach that mirrors those strategies. The following sections highlight specific examples of how managers have adopted the core elements of the community prosecution philosophy into their management approaches.

RECRUITING AND HIRING COMMUNITY PROSECUTORS

One of the most significant challenges in community prosecution is addressing staffing issues surrounding recruitment and retention of prosecutors (Nugent-Borakove and Fanflik, forthcoming). Community prosecution requires a community-oriented person, not necessarily a litigator (Wolf and Worrall, 2004). Finding a prosecutor with the right mix of personal and professional attributes suited for community prosecution can be difficult. As a result, recruiting, hiring, and retaining qualified community prosecutors are the foremost responsibilities for supervisors to ensure that their overall efforts are successful. Figure 1 below represents the personal and professional qualities all managers mentioned as important qualities for a community prosecutor.

Figure 1: Important Qualities Needed for a Community Prosecutor



As indicated in the diagram, a potential community prosecutor should possess an understanding of the importance of community needs and the involvement of community members in determining those needs. It is equally important for an individual to have an understanding of the office's needs and responsibilities as a local or state prosecutor and the ability to carry out the overall mission of an office. Further, an individual wishing to be a community prosecutor must have a combination of personal and professional skills identified by an office as important. Choosing prosecutors with the right personalities was an issue raised by all the managers interviewed for this study. For the most part, community prosecution managers look for individuals who can learn how to adapt to the changing needs of the community, prioritize their work, and ensure that the community remains involved in identifying and solving problem issues. As a result, one manager seeks candidates for community prosecution positions who are self-motivating and able to communicate as part of a team. This ensures that, although community prosecutors are in separate offices from the supervisor, the policies and procedures in place are understood and followed.

The shaded area in the diagram represents individuals identified as potential community prosecutors. Although there may be many individuals wishing to be community prosecutors, the difficulty arises in finding an individual with a mix of qualities suited for a community prosecution position. Some offices have tailored their recruiting styles to focus specifically on personnel from within the main office so that personal characteristics have already been evaluated and potential applicants are already familiar with the community. In fact, in all the offices studied, community prosecutors are highly respected and little effort is needed when recruiting for community prosecution positions. One manager commented that there is always someone in line who is ready and willing to try something new and add more experience and community contacts. However, all managers believed that it takes a special type of prosecutor to succeed in the community. Of the managers interviewed, as a whole they recognized the importance of a community-based response to crime, so for these offices, recruitment from within the office is not difficult.

Many of the managers interviewed prefer to recruit community prosecutors who have experience with felony cases. This supports previous APRI

research (see Nugent et al., 2004) theorizing that if community prosecution does rise to the level of philosophical change in the way an office does business, then its prime elements will be used to address all types of crime, including violent crime. In most sites, the requirement for prior experience varies little and ranges from three to five years. This ensures that community prosecutors are able to screen cases properly and manage their time and caseloads efficiently.

Community prosecution supervisors commonly look for individuals who work well with different personalities at different levels (community, police, judges, advocacy groups, etc.), have good communication skills, and are motivated and passionate about working in the community. One manager prefers to hire attorneys who reside in the community they will represent, as they will have a better understanding of the community's needs and priorities. The experience gained from working with many different individuals in the community is an advantage in that this type of community prosecutor can adjust to most situations and can problem-solve quickly.

SUPERVISING AND RETAINING COMMUNITY PROSECUTORS

To quote one of the managers interviewed, “Community prosecutors are *all* leaders, so it’s different managing a team like that.” Supervising community prosecutors typically focuses on four issues:

- time management/scheduling
- communication
- balancing job duties and personal safety
- retaining staff

Although these issues are no different than those encountered by managers of line staff, or any other type of manager, successful community prosecution requires non-traditional approaches to management in order to succeed.

First and foremost, the fact that community prosecutors are often not located in a single office, or even in the same place every day, means that prosecutors must be able to manage their schedules, but more importantly, supervisors must be able to help coordinate a community prosecutor’s schedule and to keep abreast of details involving that particular prosecutor. Time management for everyone involved is essential to effectively make contacts, address community concerns, meet with important stakeholders, and spend time on cases. A supervisor in one office helps her community prosecutors manage their time and also visits satellite offices to assist in the day-to-day tasks with community members. In doing this, the supervisor also has an opportunity to meet with different individuals in the community and to assess the interactions of the community prosecutor with the community.

In another site, community prosecutors are equipped with cellular phones and laptop computers for communication with their supervisor and each other, so they can stay mobile and present important information to the community. Given that the key to community prosecution is community access, community prosecutors and their supervisors need to hear the community’s problems and communicate with each other. To

ensure communication between supervisors and community prosecutors, weekly staff meetings are essential and provide an opportunity to touch base and solve problems. Some managers also require their community prosecutors to submit monthly reports that outline any problems, solutions, or special activities that took place during that month. These reports can be used as a resource for the manager to evaluate performance as well as for each member of the team to stay abreast of issues in other neighborhoods and share effective responses.

All of the community prosecution supervisors noted that many of the issues raised by community prosecutors are not the same issues encountered by traditional prosecutors. These community prosecutors must have the ability to handle stress when placed in potentially dangerous situations. Although line prosecutors are often faced with potentially violent encounters, community prosecutors are more at risk due to their visibility and access within the community (Fanflik, 2005). Supervisors must be keen problem solvers in order to assist with any difficulties faced by community prosecutors.

In addition to being people-oriented, community prosecutors must have the ability to make decisions regarding their communities and the cases they process so as not to jeopardize their jobs or safety. Another supervisor teaches his community prosecutors to act like sales people to encourage community participation and accountability and help judges in community court understand the impact of quality-of-life crime. He also insists that his community prosecutors learn how to be warriors—in order to prosecute offenders to the full extent, prosecutors must win the trust of the community so that they will act as witnesses to ensure convictions and to ensure that offenders do not come back to the community.

Finally, in addition to managing schedules, helping to ensure safety, and assisting in problem-solving efforts, supervisors are also responsible for keeping community prosecutors interested in community prosecution. One supervisor commented that she is always on her toes, trying to find innovative ideas and tools to keep all her community prosecutors motivated and involved with their communities. She conducts team building exercises to strengthen effective communication skills, insists that all

members of the team attend APRI's national community prosecution conferences, takes group pictures to remind the staff of the importance of working as a team, and always keeps her staff informed about new ideas, initiatives, and projects that may assist community prosecutors in their work. Once community prosecutors have ended their two to two-and-a-half-year assignments in the community, they will have developed a unique skill set that is highly desirable to other units in the prosecutor's office. Integrating their experience into other divisions allows them to provide a better level of service and incorporate the community prosecution philosophy into the entire office.

EVALUATING COMMUNITY PROSECUTORS' PERFORMANCE

At the individual level, performance assessments that traditionally focus on case processing do not allow for the supervision and evaluation of how well community prosecutors perform. The more experienced community prosecution offices have attempted to redesign personnel performance assessments to account for the different assignments and intended outcomes required of community prosecutors (Nugent-Borakove 2007). Supervisors are responsible for making certain that community prosecutors learn how to do their jobs effectively and efficiently, and are therefore responsible for evaluating their performance.

Of the offices studied, community prosecutors did not carry caseloads comparable to those of traditional prosecutors, thus their performance cannot be evaluated in the same manner. Instead, community prosecutors were frequently assessed on the basis of their performance with the cases they do carry and how well they work with community members and organizations. Community prosecutors at one site studied do not carry a caseload unless the case is very important to the community and the community prosecutor wishes to handle the case. In these instances, the community prosecutor recorded the number of cases vertically prosecuted (involved with the case from screening through sentencing). Having the latitude to actively prosecute special cases and send others to line prosecutors enhances the community prosecutor's ability to develop relationships with community groups and other partners while maintaining the power to address issues of crime and public safety.

Other community prosecutors are evaluated on their performance at other tasks such as the number of problems solved, number of drug houses closed down, or the number of new crime prevention initiatives started with local partners such as law enforcement or community members. Although some community prosecutors do not handle a caseload, this is somewhat misleading as they do assist in case processing. One office recorded the number of cases a community prosecutor was called upon to assist with when a case required detailed information regarding the community. Typically, office or line prosecutors relied on the commu-

nity prosecutor to assist in drug- and gang-related cases as community prosecutors often added pivotal information relating to gang associates, drug dealers, and problematic properties in the community. Additionally, in this office, the community prosecutor had strong ties to police departments in the community and acted as a liaison between the police and the prosecutor's office.

One site reported that community leaders participate in the evaluation process by filling out an evaluation form or survey. Direct feedback from the community is valuable in helping the manager evaluate her community prosecutors' performance on responsibilities not related to specific cases. In addition to community feedback, this office evaluated performance based on the number of meetings, presentations, and contacts in the community, and on the quality and extent of the professional relationships. Since community involvement is a defining element of community prosecution, managers who include the community in performance evaluation can obtain a more complete picture of how well their staff is performing.

INTEGRATION

One office now requires all its new prosecutors to spend some time in the community to learn the basic principles of community prosecution. In this case, new prosecutors spend a predetermined amount of time in the community and then rotate back to the main office. However, before rotating back to the office, the community prosecutor is “shadowed” by the next prosecutor so that some continuity within the community can be achieved. This strategy allows for the entire office to be trained in community prosecution. Nugent (2004) proposed a continuum of implementation that tracked community prosecution through three phases: program, strategy, and philosophical. Under each phase, different “models” are practiced, moving progressively over time to the final phase in which a “full” community prosecution model is practiced. This research suggests that a shift in community prosecution to the philosophical phase involves a decentralized organizational structure where the entire staff of the office is involved with community prosecution activities.

At the time of the 2004 survey, only 15 percent of the largest offices reported taking this approach. However, the use of partnerships between community prosecutors and line prosecutors in the jurisdictions studied for this research demonstrated office-wide use of community prosecution. Although community prosecutors may be located in separate offices from traditional prosecutors, the community access that community prosecutors give to line prosecutors changes the way line prosecutors can do their job. For example, line prosecutors have access to the community that probably would not have existed prior to the community prosecutors’ involvement in the community. Access to community members can assist offices in building rapport with the community based on the relationships developed by community prosecutors. Better relationships in the community can assist prosecutors in terms of jury selection, gathering intelligence from the community, and developing the trust needed to ensure that community members will cooperate and serve as witnesses.

Moreover, when asked whether community prosecutors have substantial communication with other office colleagues and are used as a resource

by line prosecutors, all managers replied affirmatively. Community prosecutors often receive requests for assistance from line prosecutors about their cases, and act as liaison for police contact. Once community prosecutors develop relationships with law enforcement, advocacy groups, businesses, the community, and other groups, line prosecutors are able to access these contacts through their community prosecution counterparts. In this way, all attorneys in an office can be involved in community prosecution without necessarily being a community prosecutor.

The integration of community prosecution has been made easier in offices that steadily rotate attorneys in and out of the community prosecution positions. Rotating prosecutors into these positions helps to integrate the community prosecution philosophy in the office. In these offices, all prosecutors spend some time in the community. This is done in the hope that prosecutors will be more likely to integrate community prosecution into their traditional positions. As one manager commented, "...this [community prosecution] is a paradigm shift from the old way of doing business. I don't worry about which prosecutor is out in the neighborhood, it is a way of our office..." Many of the managers interviewed believed that the skills learned as a community prosecutor help these individuals become better problem solvers, which will assist them in other endeavors in the prosecutor's office.

Another indicator of the extent to which community prosecution has been integrated within the office concerns the reputation of community prosecutors among their colleagues. In years past, community prosecutors were often thought of as outsiders; however, this is no longer the case, as community prosecution positions have become highly favored. As community prosecution becomes more respected, these positions have become more desirable.

A clear indicator of a change in community prosecution within an office also concerns funding. According to Nugent (2004), the initial implementation stage of community prosecution is at the program level, which typically involves short-term funding, after which a program may either dissolve or manage to continue through alternative funding sources. In order for community prosecution to become fully integrated into the

office, it has to be treated as a necessary part of the office, therefore it must be made part of budgetary considerations. In the offices examined, community prosecution was treated as a necessary and vital component in the office. As such, most offices had funded all or some part of their community prosecution unit and corresponding activities through the internal budget. For example, in one office, 60 percent of its funding for community prosecution is through the office's internal budget with the rest matched from the State Office of Drug Control Policy. Another office partially funds community prosecution through Weed and Seed programs, with the remainder funded through the office. Some offices reported that even if funding for community prosecution disappears, they are willing to find ways to pay for it.

SUSTAINABILITY

Community prosecution is clearly an innovative advance in the field of prosecution. By implementing community prosecution, prosecutors are adopting a more integrated approach to crime, focusing not only on the punitive aspects of criminality but also addressing ecological conditions that lead to crime (Nugent-Borakove and Fanflik, forthcoming). Based on the current findings, one could speculate that all offices studied have moved toward a philosophical shift from traditional prosecution to a more community-oriented approach to crime. From the case study information, there were discernible changes in how prosecutors approach day-to-day activities and case processing. Discussions with managers of community prosecutors in seven large jurisdictions have shown that the management skills and tools these individuals use, the strategies developed for recruitment, hiring, and performance evaluation, and the relationship of community prosecutors to the rest of the office, do in fact differ from those of traditional prosecution.

Community prosecutors and managers often adapt their own style of doing business, since traditional methods of enforcement are typically not effective for low level or quality-of-life offenses. Often, community prosecutors take a bottom-up approach in determining priorities and solutions that involve regular contact with partners and stakeholders but also require an in-depth understanding of the needs of the community. To be successful, community prosecutors and their managers must adapt and learn new and innovative methods that fit the needs of a particular prosecutor and community.

By examining managers' tools and strategies for community prosecutors, one can see how management approaches have changed along with the evolution of community prosecution. Increasing prosecutor involvement in community-based efforts to address crime necessitates a change in management that supports the core elements of community prosecution. As community involvement is so crucial to the success of any community prosecution program, so too is the community in assessing and evaluating community prosecutor performance. With such changes in the way

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prosecutors do business, creative alternatives to management will also emerge to fit the needs of prosecutors' offices and communities across the nation.

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