

IIP Practitioner Learning: Building a More Equitable and Effective System

An Assessment
by Arlana K. Henry

**JOHN
JAY** COLLEGE
OF
CRIMINAL
JUSTICE

**RESEARCH AND
EVALUATION CENTER**

IIP Practitioner Learning: Building a More Equitable and Effective System



Sponsored by the Institute for Innovation in Prosecution (IIP)
at John Jay College of Criminal Justice

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Introduction

The **Institute for Innovation in Prosecution** (IIP) at John Jay College of Criminal Justice provides a collaborative platform for prosecutors and the communities they serve to improve the quality and effectiveness of prosecutorial practice. The purpose of the platform is to consider a new paradigm for measuring prosecutor success that eschews conviction rates and plea conditions to focus instead on community-centered standards of public safety, equity, and social wellbeing.

IIP offers Practitioner Learning seminars and events for prosecutors and their staff to provide them with tools and resources for furthering prosecutorial reform.

The Research and Evaluation Center at John Jay College (**JohnJayREC**) conducted follow-up interviews with prosecutors attending a practitioner seminar in November, 2017. The purpose of the follow-up was to evaluate whether the resources and tools provided to prosecutors by IIP met their needs and would be beneficial in their efforts at prosecutorial reform. Interviews recorded their reactions, thoughts, and opinions regarding the effectiveness of the Practitioner Learning seminar. Interviews were conducted via telephone and took place between November, 2017 and January, 2018. Findings from the interviews are reported below along with the major themes and implications arising from the conversations with prosecutors.

Methods

IIP staff contacted all prosecutors who attended the November 2017 Practitioner Learning seminar to solicit their feedback on the seminar. Before each interview, a researcher obtained oral consent from the prosecutor to participate in the interview. The researcher used a semi-structured interview guide with 15 questions that inquired into the prosecutor's experience with the IIP seminar and his or her suggestions for improving future seminars. Interviews lasted from 25 minutes to one hour and occurred within 60 days of the seminar. Responses to all interview questions were recorded in writing on the interview guide and later coded to organize the results and identify major themes.

The follow-up interviews conducted for this report were designed to:

- 1 Discover whether prosecutors attending IIP Practitioner Learning seminars were interested in IIP's criminal justice reform work, and if so, how could IIP help prosecutors facilitate such reform;
- 2 Understand if prosecutors implemented substantive changes in policy or practice following their participation in IIP seminars;
- 3 Determine how IIP could continue to engage with prosecutors who attend IIP Practitioner Learning seminars; and
- 4 Inform IIP strategies to enhance future Practitioner Learning seminars.

The following themes were identified:

1. Overall experience at the seminar (i.e. the usefulness of seminar as a whole as well as individual presentations);
2. Interest in IIP's reform work;
3. Action(s) taken after the seminar;
4. Data and analytics;
5. Seminar structure;
6. Networking and communication; and
7. Recommendations and future with IIP.

Seventeen prosecutors participated in the Practitioner Learning in November 2017. Of these, 16 participated in a follow-up interview. The 16 responding prosecutors came from 14 states: Alabama, Arkansas, Colorado, Hawaii, Illinois, Minnesota, New York, Oregon, Pennsylvania, South Dakota, Texas, Washington, West Virginia, and Wisconsin. Two prosecutors were from two different jurisdictions in Texas and Oregon. The majority (13 of 16) of the prosecutors were men.

Five of the 17 participating prosecutors had attended a previous seminar hosted by the IIP, but the remaining 12 prosecutors reported little familiarity with the Institute before being invited to attend the November event. Two prosecutors (identified here as P105 and P106), reported having previous conversations with Manhattan District Attorney Cyrus Vance Jr., a member of the IIP Executive Board, and this is likely why they registered for the November 2017 seminar.

Results

When asked to describe their experience at the seminar in one to two sentences, all of the prosecutors expressed gratitude for their invitation to the seminar. They believed it was a positive experience, giving them insight on work being conducted by other prosecutors across the country. Several prosecutors described the seminar as fulfilling and thought provoking.

I FELT THAT BOTH THE PRESENTATIONS AND THE CONVERSATIONS... THE OPPORTUNITY TO SPEAK WITH OTHER PROSECUTORS WERE VALUABLE CONSIDERING WHAT CHANGES I MIGHT WANT TO MAKE IN MY OFFICE TO MORE FAIRLY PROSECUTE.

— PROSECUTOR 103

THE SEMINAR WAS A VERY POSITIVE EXPERIENCE –A BIG PART OF THAT BEING THE COMRADERY WITH LIKE-MINDED PROSECUTORS FROM ACROSS THE COUNTRY.

— PROSECUTOR 109

IT WAS ONE OF BEST CONFERENCES I'VE EVER BEEN TO. I WENT IN NOT KNOWING WHAT TO EXPECT AND LEFT WITH SO MUCH INFORMATION. I LEFT REALIZING THERE'S SO MUCH TO DO AND SO MUCH WE COULD BE DOING BETTER. THE PRESENTERS WERE ALL EXCELLENT. I AM MOTIVATED AND ENERGIZED. THE FACILITIES WERE EXCELLENT –THE HOTEL AND COLLEGE. THE PRESENTERS WERE GREAT. I REALLY FELT CHALLENGED. IT WAS A NICE JOB OF HAVING A CROSS-SECTIONAL GROUP OF INDIVIDUALS FROM DIFFERENT DEMOGRAPHICS AND DIFFERENT JURISDICTIONS, OF

DIFFERENT COUNTIES. HIGHLIGHTED ISSUES WE ALL FACE. IT WAS OUTSTANDING.

— PROSECUTOR 111

Prosecutors believed the sessions were useful and informative. In particular, the sessions led by Jeff Robinson (ACLU), Alan Jenkins (The Opportunity Agenda), and Anne Milgram (NYU School of Law) were described as powerful because they provided tangible examples of strategies that participating prosecutors could take back to their offices. Nearly all the responding prosecutors (88%) reported that the seminar encouraged them to rethink their professional responsibilities.

[SINCE ATTENDING] I'VE VISITED AND SPOKEN WITH CHARGING DEPUTIES AND REAFFIRMED WITH THEM THAT WE DON'T HAVE TO CHARGE ALL CASES ... ENCOURAGED THEM TO BE PRUDENT IN MAKING CHARGING DECISIONS WITH WHAT LAW ENFORCEMENT [GIVES TO THEM]. — PROSECUTOR 104

BROADLY SEVERAL OF THE SESSIONS RESONATED WITH ME. JEFF ROBINSON'S SESSION RESONATES AS WE CONTINUE TO LOOK AT WHERE WE SHOULD GO AND WHERE WE HAVE BEEN, ESPECIALLY WHEN IT COMES TO LOOKING AT DISPARITIES AND DISPROPORTIONALITY [IN THE CRIMINAL JUSTICE SYSTEM]. ALL OF US PROSECUTORS AROUND THE COUNTRY, I HOPE, ARE WORKING ON FAIRNESS AND PROPORTIONALITY IN THE JUDICIAL SYSTEM... ESPECIALLY RELATED TO COMMUNITY JUSTICE RESPONSES AND SENTENCING. PROGRAMS AND DIALOGUES RELATED TO IMPLICIT BIAS ARE IMPORTANT. YOU CAN'T HAVE CONVERSATIONS ONCE A YEAR. DIFFERENT PERSPECTIVES ARE IMPORTANT. — PROSECUTOR 117

Some presentations, however, were considered to be less useful or informative by some participants.

THE VERA PRESENTATION DID NOT RESONATE WITH ME. IT FELT LIKE A PRESENTATION THAT THEY WOULD GIVE TO ANYONE. THERE WAS NO EVIDENCE OF AWARENESS THAT WE WERE PROSECUTORS. THERE WAS NO DEEPER LEVEL GIVEN. — PROSECUTOR 107

Other respondents believed some sessions were targeted at prosecutors with less experience.

THE SESSION ON USING RESEARCH WITH JON GOULD WAS PROBABLY THE LEAST USEFUL [TO ME] BECAUSE IT WASN'T INFORMATION THAT WAS NEW TO ME. IT DIDN'T QUITE PUT TOGETHER INFORMATION THAT WOULD BE HELPFUL FOR MY PRACTICE. IT WAS TOO BASIC AND GENERAL, AND DID NOT POINT OUT WHAT I REALLY NEEDED TO CHANGE. IF HE WOULD HAVE TIED THE PRESENTATION TO A RESEARCH METHOD...HE DIDN'T TALK ABOUT ANY METRICS AND HE DIDN'T NOT PROVIDE ANY ACTUAL TOOLS. — PROSECUTOR 103

Interest in IIP's Reform work

All prosecutors expressed interest in IIP's criminal justice reform work and they responded positively when asked by a researcher whether they were interested in continued work with IIP. For example, when asked if they would be interested in sending someone from their office to the next IIP event, the response was a unanimous "yes." The consensus among the prosecutors was that they wanted to have other officials from their office attend an IIP seminar so they "could all have the same information."

Others responded similarly:

ABSOLUTELY, WITHOUT QUESTION.
— PROSECUTOR 105

I'D LOVE TO...I WOULD LIKE TO HAVE FOLKS FROM MY OFFICE COME... I WOULD LOVE TO HAVE THE FOLKS THAT ARE GOING TO REPLACE ME ATTEND. I AM PREPARED TO COME LECTURE.
— PROSECUTOR 106

I WOULD LIKE TO HAVE ENTIRE OFFICE EXPOSED TO THIS, ESPECIALLY THE FIRST SESSION.
— PROSECUTOR 110

YES! I ALREADY TOLD MY CLERK'S ASSISTANT HE'S ATTENDING.
— PROSECUTOR 112

I WOULD DEFINITELY! I CAN SEND MY FIRST DEPUTY OFFICER. I FEEL LIKE YOU ALL ARE THE BEST MATCH FOR WHAT I AM TRYING TO DO IN MY OFFICE!
— PROSECUTOR 115

When asked what could possibly keep their office from attending future IIP seminars, prosecutors listed staffing and funding as the most prominent barriers. Inability to leave town during ongoing trials was another concern that could prevent attendance at future seminars.

Prosecutors reported appreciation for IIP's collaborative approach to developing prosecutorial reform initiatives. One participant explained that the seminar was beneficial in helping his office rethink its messaging to the public:

[S]OMETIMES I FEEL ALONE [IN MY EFFORTS AT PROSECUTORIAL REFORM], BUT TO BE AROUND OTHERS WAS UPLIFTING AND RE-ENERGIZING....[I WAS] GIVEN A NEW FOUND RESOLVE. I AM THINKING ABOUT THE NEXT NEW PROGRAM TO PUT INTO PLACE.
— PROSECUTOR 107

Another noted:

I THINK WHAT YOU ALL ARE DOING IS GREAT. THE THEME OVERALL WAS A GREAT IDEA. ANYTHING YOU CAN DO TO BRANCH OFF OF THAT WOULD BE GREAT. ANYTHING YOU CAN ADD [IN THE FUTURE] TO UNDERSTANDING THE THEME WOULD BE HELPFUL. THE COUNTRY IS REALLY DIVIDED BY JURISDICTIONS. MAKE SURE YOU DON'T GO TOO FAR ONE WAY OR ANOTHER AS AN INSTITUTE. THINK OUTSIDE OF THE BOX..... PUBLIC SAFETY IS THE NUMBER ONE CONCERN. I REALLY LIKED WHAT I LEARNED. THE BIG THING NOW IS PUTTING IT INTO ACTION.
— PROSECUTOR 102

Actions Taken After the Seminar

Post-seminar engagement between prosecutors, seminar presenters, and IIP staff underscored respondents' interest in the IIP's reform work. Since attending the seminar, prosecutors often said they returned home "re-energized" and "charged" to continue doing the work to benefit their communities.

[THE SEMINAR HAS] DEFINITELY HELPED ME TO RETHINK ASPECTS OF MY ROLE AS A PROSECUTOR. I HAD THE PREDISPOSITION AS FAR AS... THOSE IDEAS IN MY HEART. I CAMPAIGNED ON THAT... THE VALUES AND IDEAS WERE IN MY MIND SO WHAT THE PROGRAM DID WAS GIVE ME NEW IDEAS. REALLY, IT CRYSTALIZED AND REINFORCED IDEAS AND DID NOT REALLY CHANGE MY MIND BUT ENHANCED IT.
— PROSECUTOR 105

Some prosecutors had already taken action since attending the seminar. One participant reportedly made plans to meet with Jon Gould at the National District Attorneys conference to continue discussing relevant research plans:

THIS MEETING WAS A RESULT OF THE IIP SEMINAR. IT'S LIKE IIP WAS THE FIDDLER ON THE ROOF IN THIS CONNECTION.
— PROSECUTOR 106

Referencing Karen Friedman-Agnifilo's presentation on The Power of Prosecutorial Discretion, another prosecutor noted:

THE SEMINAR REALLY GOT ME FOCUSED ON THE TRUANCY PROBLEM....I HAVE BEEN TALKING TO A TRUANCY OFFICER IN MY JURISDICTION ABOUT WAYS TO IMPROVE THE ISSUE.
— PROSECUTOR 108

The same prosecutor discussed sharing contact information received at the seminar with other officials in their home jurisdiction as well as their intention to travel to other states to observe prosecutorial operations.

Another participant had taken a lot of action since attending the seminar and after realizing that his or her

office did not utilize its own data very well. While at the seminar, this prosecutor “emailed the software developer in our office to get data by race and age.”

The same prosecutor spoke to Jon Gould after attending the seminar and had already begun to analyze and publish local data with the goal of “reducing the criminal justice footprint” and improving the use of diversion programs. These and other actions taken by participants were closely aligned with the goals of the IIP seminar.

Data and Analytics

More than half the prosecutors attending the seminar explained that data was an area in which they wanted IIP assistance. They wanted to understand how to use data to support reform efforts in their jurisdictions. Several respondents mentioned their office’s inexperience with data and lack of resources as obstacles to using data more effectively. The most significant need for many respondents was an in-house data analyst or researcher, but without substantial funding they expected this hurdle to remain.

I AM EXTREMELY INTERESTED IN DATA. PROSECUTOR OFFICES DON'T HAVE RICH DATA OR ANALYTICS UNITS. MOST DON'T HAVE IT BUILT INTO THEIR FRAMEWORK. FIRST, YOU HAVE TO BE INTERESTED AND SECOND YOU HAVE TO HAVE THE FUNDS. I WOULD LOVE TO SEE MORE GRANT OPPORTUNITIES FOR THOSE OF US WHO ARE INTERESTED.
— PROSECUTOR 117

WE ARE TRYING TO USE DATA. DA'S ARE SAYING WE NEED TO UNDERSTAND WHAT WE HAVE AND WE ARE TRYING TO GET DATA FROM SHERIFFS AND TRACK THINGS MORE. HOWEVER, RESOURCES ARE TIGHT.
— PROSECUTOR 113

Prosecutors identified three distinct factors related to their interests in data and analytics:

1. Lack of resources (e.g., staff and funding);
2. General lack of meaningful data and insufficient plans to improve data quality and utilization;
3. Needed updates and/or upgrades to the software and systems required to conduct the type of data analysis that would be beneficial for criminal justice reform efforts.

Seminar Structure

Three-fourths of participants reported that they preferred the plenary lectures offered during the seminar more than breakout sessions and small group activities. Since

the entire seminar was a fairly small group (fewer than 30 prosecutors attended), the lecture style with discussion was believed to be beneficial. Conversations were lively and engaging:

THE LECTURE STYLE IS PREFERRED: ONE THAT'S DONE WELL AND THE PRESENTER IS ASKING FOR FEEDBACK AND THERE IS POSITIVE ENGAGEMENT. FOR EXAMPLE, THE SESSION WITH ANNE MILGRAM ON SMART DATA WAS VERY OPEN AND SHE GOT THE GROUP TALKING. I DON'T LIKE SMALL GROUPS BECAUSE YOU GET THE ANSWERS OF THE MOST DOMINANT PERSON IN THE GROUP—THE EXTROVERT.
— PROSECUTOR 107

Some prosecutors, however, expressed a fondness for a combination of lectures with either small groups or breakout sessions:

I THINK IT'S IMPORTANT TO HAVE ALL THE ABOVE. I THOUGHT THE LAYOUT WAS PRETTY GOOD. YOU GOT A CHANCE TO KNOW EVERYONE AND TALK.
— PROSECUTOR 115

I LIKE A COMBINATION OF THINGS, A VARIETY OF METHODS. GOING TO A SEMINAR WITH ALL LECTURES IS BORING.
— PROSECUTOR 111

Alan Jenkins’ session on messaging and the media was mentioned by one prosecutor as especially well suited to all three styles because it was highly interactive.

Participants generally agreed that the length of time allotted for each presentation (about 90 minutes) was adequate. Some prosecutors desired more time on topics related to implicit bias, messaging, and data and analytics. A few prosecutors, on the other hand, thought that some sessions could have been shorter. Some recommended that the seminar run for three days rather than two due to its intensity and the depth of information discussed.

Networking and Communication

Prosecutors expressed satisfaction with the networking opportunities available at the seminar. Only five prosecutors reported knowing one or more of the other prosecutors prior to attending the seminar. Although the schedule was demanding, the seminar provided a rich atmosphere for networking. Prosecutors were able to exchange business cards among themselves and with the presenters. Some participants expressed the desire for more “down time” in addition to the reception at the end of day one, but given the challenge of getting everyone away from the office, they understood the seminar schedule had to be tight.

Recommendations and Future with IIP

Prosecutors were adamant that future seminar topics should:

1. Focus more on how to achieve reforms particularly as reform efforts involve work with communities, victims/survivors, and the media;
2. Provide prosecutors with tools necessary to become innovative and opportunities to hear from their peers about actions they are taking in their jurisdictions; and
3. Consider including trainings for other criminal justice officials, such as law enforcement.

[FUTURE IIP SEMINARS COULD INCLUDE] LAW ENFORCEMENT SHERIFFS AND CHIEFS [SO THAT] WE ARE ALL ON THE SAME PAGE AND GETTING THE SAME INFORMATION.
— PROSECUTOR 109

THERE'S NO LEADERSHIP OR MANAGEMENT TRAINING SPECIFICALLY FOR PROSECUTORS. THOSE THAT BECOME PROSECUTORS ARE USUALLY ATTORNEYS PRIOR AND THEY BECOME LEADERS, BUT THERE ISN'T TRAINING FOR THEM TO TEACH THE NECESSARY SKILLS.
— PROSECUTOR 111

THERE COULD BE TOPICS WHERE YOU ACTUALLY HAD OTHER DAs GIVE PRESENTATIONS ON INNOVATIVE PROGRAMS THEY ARE DOING. FOR EXAMPLE: YOU HAD THE WOMAN FROM CY VANCE'S PROGRAM DISCUSS WHAT THE MANHATTAN DA OFFICE WAS DOING, AND THAT WAS GOOD. YOU COULD HAVE DAs SPECIFICALLY FOCUS ON PROGRAMS AND ACTIVITIES THEY ARE DOING IN THEIR JURISDICTIONS ON SPECIFIC ISSUES SUCH AS OPIOID USE, DRINKING AND DRIVING, HOMICIDE CLEARANCE RATES. WE GOT THAT OVER THE COURSE OF THE CONVERSATIONS AND [THE] GIVE OR TAKE OVER THE TWO DAYS, BUT IF WE COULD HAVE HAD ONE SPECIFIC PROGRAM IT COULD HAVE BEEN [MORE] USEFUL.
— PROSECUTOR 105

Several prosecutors recommended that future IIP topics include more content on data and analytics. Although the seminar included discussions about data, some of the participants wanted to enhance their offices' data skills and the resources necessary for understanding data. This appeared to be especially relevant for prosecutors from small jurisdictions where resources and funding are typically in short supply.

In addition, several participants were concerned with the adequacy of their reform efforts related to youth and the community. Their focus was on building community partnerships and increasing community relations. They

wanted more information on outreach strategies for connecting their offices to community groups and leaders in order to help solve problems.

One common criticism was about the amount of speaking time claimed by seminar participants—especially during the opening session when people were asked to introduce themselves. Prosecutors agreed it was appropriate for session presenters to speak at length because they were providing important information to the entire seminar. Some of the interview respondents, however, wished the IIP organizers had served as moderators or had arranged for other moderators to encourage shorter comments from participants. Prosecutors, they acknowledged, could be long-winded:

IT'S LIKE LAWYERS ALWAYS HAVE TO ONE-UP EACH OTHER AND WERE TALKING ABOUT EVERYTHING THEY DID. IT WAS A HUGE TIME KILLER.
— PROSECUTOR 104

Conclusion

Follow-up interviews with prosecutors attending the 2017 IIP Practitioner Learning seminar were quite positive. Prosecutors expressed a strong interest in continuing to work with the IIP and supporting the Institute in advancing prosecutorial reforms.

The results of the interviews point to three important conclusions:

- 1 Prosecutors are very receptive to IIP's prosecutorial reform efforts;
- 2 The resources and tools provided during the Practitioner Learning seminar are already inspiring positive changes among prosecutors and their communities; and
- 3 Additional seminars would be of considerable value to participants, especially when practical tools and resources are discussed and shared.

