

## Request for Proposals

### Reshaping Prosecution: Transforming how prosecutors do justice

#### **Summary:**

The Vera Institute of Justice (Vera) is accepting applications from prosecutors' offices interested in receiving technical assistance. This assistance would advance the office's efforts to end mass incarceration, address racial inequity in the criminal legal system, and increase the office's transparency with and accountability to the community it serves. Vera will support selected offices with reforms of their policies, practices, and organizational culture.

This document describes the background and context for this program, and how prosecutors' offices can apply to join. Please read the information provided here, and do not hesitate to contact us with any questions at [reshapingprosecution@vera.org](mailto:reshapingprosecution@vera.org). A set of frequently asked questions and answers are available on Vera's website as well.

#### **Background and Context:**

Across the country, communities have demanded a new approach to criminal justice—and a transformation of what it means to be a prosecutor—by electing a growing cohort of lead prosecutors committed to change. With the tremendous power and discretion afforded to prosecutors, they are uniquely situated to stem the tide of mass incarceration and to ensure that justice, safety, and healing are more than lofty ideals. Prosecutors must consider the impact of their actions not only on individuals and individual cases—they must also assess how their office's practices impact systemic issues of racial inequity and mass incarceration. Meaningful changes to our system will require reforms to prosecutors' offices' values, culture, policies, and practices. These reforms should advance a holistic and equitable view of safety that counters how traditional prosecution perpetuates mass incarceration, racial inequity, and harm to individuals and communities.

***About Reshaping Prosecution:*** Vera launched the Reshaping Prosecution program in 2018 in response to the emergent movement of local prosecutors running—and winning—on platforms of reducing the harms of mass incarceration, particularly for communities of color. Through the program, Vera helps reform-minded lead prosecutors and their offices rethink their role in delivering justice and pursuing public safety. Reshaping Prosecution assists prosecutors' offices in implementing concrete, data-informed policy and practice reforms to reduce the reach and impact of the criminal legal system, promote racial equity, and increase the public's confidence in their office. In addition, Vera seeks to uplift community solutions to address changes the offices can make to better serve their communities.

Vera has a long history in prosecution reform and has always focused on prosecutors' roles in addressing racial disparities in the criminal legal system. In 2005, we launched the [Prosecution and Racial Justice Program](#) and partnered with prosecutors' offices in Mecklenburg County (Charlotte), North Carolina; Milwaukee, Wisconsin; San Diego, California; and New York County, New York. Through these partnerships, we studied how prosecutorial discretion at key decision points contributed to racial disparities in those local criminal legal systems. Our resulting report, [The Anatomy of Discretion](#), examined how prosecutors in two offices made

decisions at key points in a case to determine what influenced the exercise of prosecutorial discretion. And, in 2014, we released a [guide for prosecutors on advancing racial equity](#). We also analyzed decisions made by prosecutors in the [New York County District Attorney's Office](#) in more than 200,000 cases, to understand how those decisions might contribute to racially disparate outcomes.

Reshaping Prosecution has worked closely with City of St. Louis Circuit Attorney Kim Gardner to advance policy reforms and implement communications strategies in line with Circuit Attorney Gardner's priorities. These include a declination and charging policy to reduce the reach of the system and promote effective decision-making upfront on cases, as well as [expanding the use of diversion](#), bail reform, and plea offer and sentencing recommendation practices that treat incarceration as a last resort. The office adopted a declination policy that has led to 58% declination rate and the clearance of a backlog of more than 25,000 cases that had sat referred but not issued for more than six months, leaving many people unsure about the status of their case post-arrest. The office's diversion programs have allowed 311 people to be connected to services and support rather than face a conviction.

### **What would a partnership with Vera look like for your office?**

Reshaping Prosecution will partner with prosecutors' offices in 12- to 18-month long engagements to assess how decisions are currently made in the office and work to shift office policy, practice, and culture.

Overview of the engagement:



*Qualitative and quantitative data gathering and analysis:* Vera will analyze data from the office's case management system and qualitative data gathered through discussions with and shadowing of line prosecutors, meetings with management and office leadership, conversations with members of the community and other system stakeholders, and court observations. We will examine how prosecutors are making decisions and what decisions are made at key points throughout the life of a case, including charging, pretrial release recommendations, diversion, discovery, plea offers, and sentencing recommendations. We will also analyze the data to identify racial disparities at the various decision points to understand opportunities for reforms to advance racial equity. Data findings are presented in the aggregate to show what decisions are typically made and how they impact individuals, case outcomes, and the community.

*Policy workshops:* Based on the findings from the data analysis stage and the reform priorities of the office and the community it serves, Vera will collaborate with the office's leadership team

and staff to develop policy recommendations designed to reduce incarceration, promote racial equity, and increase accountability to the community.

*Trainings:* Vera will work with leadership in the office to train staff on the reforms, the reasons behind them, and how to apply the new policies and practices in their day-to-day responsibilities and decision-making. Prior to receiving training on specific policy reforms, all staff will be trained on the problem of mass incarceration, its negative impacts on individuals, families, and communities, and how prosecutors can drive change.

*Tracking progress:* After the new policies have been implemented, Vera will help the office measure the effectiveness of the policies and provide guidance on how best to continually monitor progress and share it with the public.

### **Requirements for Participating Offices:**

Selected offices will be expected to commit the following:

- Commitment to decarceral, racially equitable reforms: The elected prosecutor and a sizeable portion of line prosecutors must be committed to changing how things are done in the office in order to end mass incarceration, pursue racial equity, and increase transparency and accountability to the community. The office must be willing to develop relationships with directly impacted individuals and community groups if they are not currently engaged with these communities.
- Staff capacity for reform efforts: Offices must designate a project lead within the office who will coordinate reform efforts internally. This individual should have relationships and credibility with staff throughout the office and effective leadership skills and authority to support staff and manage resistance. Early in the engagement, offices will be asked to form a working group of staff members who are interested in collaborating with the project lead to champion the office's reform goals. All staff will participate in discussions, workshops, and trainings throughout the engagement.
- Access to the office: Partner offices, particularly the project lead, will be asked to be in regular contact with Vera throughout the engagement. Site visits to the office, including meetings, focus groups, and/or interviews with staff and discussions with members of the community are an essential part of this project. The engagement also requires access to case-level data from the office's case management system.

### **How to Apply:**

Vera is asking prosecutors' offices to engage in a three-step application process. Offices will be assessed based on the following criteria:

- Shared values of reducing the reach and negative impacts of the criminal legal system and addressing racial inequity;
- Commitment to genuine community engagement to understand and be accountable to the needs of the communities most impacted by crime and the criminal legal system;
- Dedicated capacity and staff time for discussions, workshops, and trainings throughout the engagement; and

- Quality of the data in the office’s case management system and ease of access to case-level data for analysis.

### **Step 1: Written Application**

Please respond to the following questions in no more than four pages total.

- Why is reform needed and important to your office?
- What are your goals for your engagement with Reshaping Prosecution?
- How does the office hear from or interact with the community about shared goals and the status of the office’s reform efforts?  
*(Optional: Offices may ask local community-based groups to submit reference letters that speak to the office’s relationships in the community. For more information on the community reference letters, see the “Join the Program” section on our website.)*
- How will your office meet the above-mentioned requirements?

Please include the contact information for the following people within the office in your application:

- The elected prosecutor;
- The project lead for policy reform and organizational culture change efforts; and
- Staff who manage and/or analyze data from the office’s case management system.

In addition, please have the office’s designated data staff complete the data questions (below) and submit it with the other materials.

***Applications will be reviewed on a rolling basis and must be submitted to [reshapingprosecution@vera.org](mailto:reshapingprosecution@vera.org) no later than 5 pm PST Friday, November 15.***

### **Step 2: Video Conference Interview**

Based on the written applications, Vera will select a group of offices to participate in the interview process. The interview will be with the elected prosecutor and project lead. We will also have a conversation with staff who manage and/or analyze data from the office’s case management system. Vera will notify offices no later than November 22 of their selection to participate in interviews to be scheduled between November 27 and December 11.

### **Step 3: Site Visit**

Vera will notify offices no later than December 18 of their selection for a site visit. Site visits will be scheduled for one to two days in January. The site visit will include a presentation from Vera staff about the engagement; discussion with office leadership; individual and/or group meetings with line prosecutors and managers from different divisions of the office; an assessment of the office’s data system and access; court observations; and a meeting with community members. Vera will work with the office to plan this visit and identify key participants.

Vera will notify selected offices by February 1, 2020.

Please do not hesitate to reach out to us at [reshapingprosecution@vera.org](mailto:reshapingprosecution@vera.org) with any questions.

### **Data Quality & Access Questions**

Please respond to the following questions in no more than a page and a half total.

- Does your office track all cases and decisions on those cases in an electronic case management database? If it is a commercial package, who is the vendor? Otherwise briefly explain where your system came from.
- Are there any obstacles to sharing your data, e.g. legal or policy limitations, data ownership, intellectual property, other agency dependencies? What capacity does the office have to remove these obstacles to data-sharing?
- Using the scale below, please indicate how well your system captures information about the following aspects of cases:
  - Individuals charged and their demographics
  - Cases and charges referred from law enforcement
  - Charging and declination decisions
  - Pretrial release recommendations, decisions, and whether individuals are in jail at each stage of their case
  - Pretrial court events (preliminary hearing, grand jury, status conferences, etc.)
  - Discovery
  - Plea offers, bargaining, and outcomes
  - Dispositions, sentencing recommendations, and sentences

Scale:

- 1 – Not tracked
- 2 – Optional or inconsistently tracked
- 3 – Captured in text notes or documents, but not in data fields
- 4 – Some elements, but not all, are consistently tracked
- 5 – Dates and coded values are consistently tracked and monitored for data quality