

Prosecutors, DEC Response, & the High Performance Office



Every society gets the kind of criminal it deserves. What is equally true is that every community gets the kind of law enforcement it insists on.

—The Pursuit of Justice, Robert Kennedy



* THE EVER-EXPANDING ROLE OF THE PROSECUTOR: The Evolution of Organizational Strategies

- Traditional Paradigm
- The Modern Prosecutor



*Traditional Paradigm

*Old paradigm for organizational strategy:
Reactive

- * Case processor
- * Sanction setter
- * Belief that prosecutor's central role was to fairly and efficiently process cases meeting office filing standards and ethical obligations and to advocate for sanctions sufficient to punish offender for crime committed (thus deterring similar conduct)

However: crime rates and caseloads grew...



*The Modern Prosecutor

*Today's prosecutors continue to expand their role

- * Communities actively looking to contribute to their own safety and security
- * Knowledge that they can access criminal justice system through local prosecutor's office
- * Demand for more proactive and cost-effective approach to criminal justice



*How do we meet these needs?

- * Invest in new legal tools and resources, frequently through partnering with community and other governmental agencies
- * Build and strengthen social institutions that can assist in controlling crime
- * Creating safer communities for our children



*HIGH PERFORMANCE PROSECUTION

- *1) Build and Enhance Community Partnerships
- *2) Use Science and Technology
- *3) Share Information
- *4) Evaluations



*Key Principles of High Performance Prosecution

- * Recognizing the community's role in public safety
- * Engaging in problem solving
- * Establishing and maintaining partnerships
- * Evaluating outcomes of activities



*Why does it matter?

*The tools of the High Performance Framework...



*...enhance the success of a DEC Response!



* Building and Enhancing Community Partnerships

- * A high performance office embraces community prosecution and uses its strategies to:
 - * Prevent crime while reducing incarceration
 - * Engage in restorative justice
 - * Respond quickly to ever-changing conditions
 - * Identify and address the short and long-term needs of children within our communities



* Multidisciplinary Teams

- * The creation of DEC teams reflect the evolving role of the prosecutor
- * Understanding the components of the high performance framework can assist in the successful creation and implementation of these multidisciplinary response teams



* Working Together: DEC Teams



- * Community awareness= first step in identifying and saving drug endangered children
- * Working together to figure out how to best protect the child
- * Collaboration through multidisciplinary team= critical to creating unified response and successful outcomes
- * Data collection becomes key factor in understanding what is working and what isn't so teams can continue to evolve to better serve their common purpose



* Shared Common Objective

* Multiple agencies working towards the same goal

* Identifying and addressing the short and long-term needs of drug endangered children



* How Prosecutors Help Strengthen Team Efforts

* Reviews evidence

* Brings appropriate charges

* Drug charges

* Child abuse/neglect/endangerment charges

* Other charges where warranted

* Informs and coordinates with child protection agencies

* progress and disposition of criminal charges

* terms of release or probation



* Why...?

“Why file abuse/neglect/endangerment charges? I thought this was a drug case?!”



*Because....

- * Important to charge child abuse/neglect/endangerment charges
- * Can safeguard the welfare of children
- * Can influence terms of pre-trial release, sentence, probation, or parole
- * May impact what happens in dependency court



*Sentencing Considerations

- * Even if child endangerment charges dismissed, prosecutor can still ask that the court consider conditions relating to the child endangerment charge
- * Even if one parent or caregiver not charged with endangerment, prosecutor can influence terms of probation



*Sentencing Considerations

- * Drug treatment
- * Parenting classes
- * No contact orders
- * Compliance with all terms of family reunification care plans or other dependency/family court orders
- * Cooperation with child protective services



* Harnessing Science and Technology

* A high performance office harnesses the latest advancements in science and technology, and uses them as crime fighting tools and evidence in the courtroom, while insisting upon and insuring the integrity of such evidence so that justice is rendered



Tools Used to Prosecute DEC Cases

1. Descriptive police reports (Age, height, size, smell, distance, etc.)
2. Measurements
3. Photo Documentation
4. Tape Recorded Statements
5. Video Tape the Scene
6. Urine or Blood from "Care Taker"
7. Urine or Blood from Children
8. Fingerprints



* Consider...

- * How are those tools helpful to a DEC case?
- * What other science/technology could help a DEC case?



* Implementing Information Sharing

- * A high performance office implements new technologies to improve data collection and analysis, share information with other agencies and the public, and ensure that decision-making is driven by data
- * DEC Teams-> Collaboration-> Enhanced Prosecution through Evidence Collection and Information Sharing



* Shared Information = Better Evidence

- * Evidence from the scene
- * Interviews
- * Medical records
- * Prior and present social service investigation reports
- * Child forensic interviews
- * Prior arrest histories of culpable adults



* Shared Information = Effective Adjudication and Disposition

- * Communication between the criminal and dependency and/or family law courts crucial to avoid creating conflicts or jeopardizing either case outcome
- * Communication essential in determining appropriate conditions of probation/parole





The DECSYS Tracking System.

The Drug Endangered Children Tracking System (DECSYS) offers local law enforcement and child welfare agencies an automated process for quickly identifying children at risk that is predictable, reliable, and measurable. From the Colorado Alliance for Drug Endangered Children (CODEC), DECSYS is:

• **A web based system**
Only internet access and an authorized username/password is required.

• **Easy-to-use**
Both law enforcement officers and child welfare caseworkers can learn and utilize the system easily.

• **Less than 5 minutes to enter a case**
With less than a day of training, which CODEC brings to your agency, individual cases can be entered into the system, helping you to save children.

The numbers are telling: in a 2-year six-county pilot, thousands of cases have been entered into the system. By early 2012, 60% of children found were not present at the scene at the time of the arrest. Having DECSYS is responsible for a 100% increase in the number of drug endangered children identified and brought to the attention of child welfare. With an easily accessible and automated system, collaboration between law enforcement and child welfare agencies will not only build stronger cases, but also potentially save hundreds of children who would have gone unnoticed.

Children whose parents abuse alcohol or drugs are 3X more likely to be verbally, physically or sexually abused... and 4X more likely to be neglected.

The majority of the time these children are not present at the scene during an arrest, making it even more difficult to make the appropriate referrals and identify them for any future use.

Contact CODEC now and learn more about DECSYS and how it can help your agency as well as your community.

E-mail info@coloradodec.org or call 303.413.3460.



* Employing Outcome Evaluation

- * A high performance office recognizes the value of outcome evaluation and employs it to gauge and improve the effectiveness of its crime prevention and reduction efforts
- * How are we doing?
- * Think outcome based- necessary to sustain DEC projects
 - * Ex: Summary Spokane County DEC Project Findings



* Summary of Spokane County DEC Project: Findings

- * Since the program inception in 2003, over 1200 children have been identified for services
- * Average age is over five years old
- * Majority have prior CPS history (average of 6 prior referrals, with 4 accepted for investigation)
- * Over 80% of referrals alleged neglect
- * Half were from mother-only homes



* Summary of Spokane County DEC Project: Findings

- *Meth used in over 70% of cases (often in combination with other drugs)
- *Of the children receiving counseling, half were categorized as having "severe posttraumatic disturbance"
- *Those who were re-administered assessments showed significant improvements in anxiety, depression, and posttraumatic stress



* Summary of Spokane County DEC Project: Findings

- *Almost 75% of the children were placed into protective custody by law enforcement
- *30% of the children had at least one parent arrested (predominantly the mother)
- *Of the parents charged, the majority pled guilty



* Sustainability of the DEC Project

- *Translating promising practices into policy changes
 - *Research/evaluation presented to demonstrate measurable outcomes
 - *Outcomes drive changes in policy!



*Presenter Information

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*Resources

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Phillips, Geri. "Spokane County Collaborative Response to Drug Endangered Children." Spokane County Drug Endangered Children Project: Drug Endangered Children Training. 15 August 2012.

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"The DEC Investigation: Law Enforcement." Arizona DEC Alliance
<<http://gocyf.az.gov/SAP/documents/ASAP/DEC/TheDECInvestigation.pdf>>.

The DECSYS Tracking System.
<www.wisconsindec.org/uploads/2012_Conference_DECSYS_Tracking_System.pdf>.



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