



MODELS FOR INNOVATION

THE MANHATTAN DISTRICT
ATTORNEY'S OFFICE

2010 - 2018

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A Letter from DA Vance

When I became Manhattan District Attorney in January 2010, I was fortunate to inherit a distinguished and forward-thinking prosecutor's office. My predecessor, Robert M. Morgenthau, helped drive crime across the borough to historic lows and began instituting reforms to make the Office's prosecutions smarter, fairer, and more efficient.

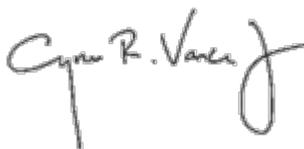
Mr. Morgenthau established a vertical prosecution model in which prosecutors handle their cases from start to finish, allowing for better service to victims, witnesses, and our peers in law enforcement. He created the nation's first Sex Crimes Unit, and helped New York City eliminate its backlog of 17,000 untested rape kits. He expanded the Office's capacity to prosecute white-collar crime, family and domestic violence, and elder abuse. And with the hiring of additional legal and non-legal professionals, including foreign-language interpreters to work with victims and defendants, he began the work of diversifying the Office's staff.

Today, we are extending the Office's legacy of innovation by implementing new and transformative strategies to reform our practices and reshape the justice system. Our data-informed approach allows us to focus our time, resources, and expertise on the most serious crimes and bolster our efforts to prevent crime. With the creation of alternatives to incarceration, the implementation of bail reform, and the use of greater prosecutorial discretion, we are working to reduce the historically disproportionate effects of criminal justice system involvement on men and women of color. And through internal reforms, we have updated our practice to improve support for our prosecutors and tailor our crime-fighting strategies to the 21st-century.

I am proud of what we have accomplished, advancing two of our most important goals—promoting the swift, fair execution of justice and reducing the chronic case backlog in our court system—while maintaining public safety. Prosecutors as near as the Bronx and as far as Los Angeles have taken notice and are seeking to replicate some of these changes in their own jurisdictions.

Here in Manhattan, however, we are already looking ahead toward new solutions and even broader reform. There is still a wealth of opportunity for prosecutors to spur innovation and to join the conversation on restructuring the criminal justice system.

Sincerely,

A handwritten signature in black ink that reads "Cyrus R. Vance, Jr." The signature is written in a cursive style with a large, stylized "V" at the end.

Cyrus R. Vance, Jr.,
Manhattan District Attorney

Overview: Reforms Under DA Vance

When Manhattan District Attorney Cyrus R. Vance, Jr. first took office in 2010, he began to reimagine the role that a prosecutor's office could play in modernizing and reforming the criminal justice system. Protecting public safety would, of course, remain the Manhattan District Attorney's chief concern. But systemic issues, such as unnecessary incarceration and courtroom inefficiencies, compelled the Office to examine whether there were alternative, more effective ways to reduce crime.

Under District Attorney Vance, the Office has embraced a new mission of criminal justice reform alongside its centuries-old founding mission of enhancing public safety. The goal: to create a fairer justice system by employing a community-based justice model and engaging in proactive crime prevention informed by data and enhanced by 21st-century technology. The Office's innovations include:

- Creating pre-arraignment diversion programs to lessen the burden on Manhattan Criminal Court and provide proportionate, community-based responses to low-level crimes;
- Working with the New York City Police Department (NYPD) to reduce arrests for low-level marijuana possession;
- Declining to prosecute certain non-violent misdemeanor offenses, such as subway fare evasion, except when the defendant poses a demonstrated risk to public safety;
- Ending the criminal prosecution of tens of thousands of violations and infractions, such as public consumption of alcohol and taking up two seats on the subway, each year;
- Creating opportunities for individuals to clear outstanding summons warrants, and dismissing decades-old summons cases en masse;
- Creating an Alternatives to Incarceration Unit and bolstering specialized courts to deliver targeted services that reduce recidivism by addressing the root causes of an individual's criminal behavior;
- Ending requests for bail in most misdemeanor and violation cases, and developing alternatives to cash bail; and
- Establishing dedicated bureaus, units, and positions to harness the collective resources of the office to tackle 21st-century crimes, improve the handling of specialized crimes, integrate data-informed approaches, and establish best practices for working with victims.

This report examines how the Office's new policies increase court efficiency, reduce unnecessary incarceration, and better account for the potential collateral consequences of criminal justice

involvement. These policies leverage partnerships within the law enforcement community, with other city and state agencies, and with community-based organizations and service providers to increase fairness in the justice system without sacrificing public safety. This report highlights each of these initiatives, beginning with an overview of the challenges facing Manhattan Criminal Court, a description of the steps the Office has taken to address these challenges, and an outlook toward future initiatives and reforms.

Background

In 2009, the Office arraigned more than 100,000 cases each year, including approximately 76,000 misdemeanors, 12,000 violations/infractions, and 12,000 felonies. Though the Manhattan District Attorney's Office employed more than 500 legal staff and 900 support staff, this caseload overwhelmed the Office and presented operational challenges for prosecutors, judges, and defense attorneys alike.

Each first-year Assistant District Attorney (ADA) handled a caseload of roughly 265 cases at any given time, many of which were violations, infractions, or low-level misdemeanor offenses – such as subway fare evasion (also known as “turnstile jumping”), marijuana possession, and disorderly conduct. Many of these defendants had little or no criminal record, and were not a threat to public safety. These cases would enter a misdemeanor court system so overburdened that 60% of its cases had to be immediately resolved at arraignment, and often, the defendant received no meaningful outcome: no rehabilitative services, no punishment, no drug treatment. Without appropriate alternatives to incarceration, only harsh justice responses – such as jail or probation – remained.

Junior ADAs spent much of their time assigned to the Office's Early Case Assessment Bureau (ECAB), where they would investigate and draft complaints within 24 hours of a new arrest, and stand up on cases in Criminal Court Arraignment Parts. The typical ADA was in ECAB or stationed in arraignments for four or five days per week in seven to eight hour shifts, including on weekends and holidays. These assignments placed significant time constraints on staff, making it difficult to contact victims, interview witnesses, investigate cases, and prepare for trial. As a result, more serious cases took precedence, leading to increased dismissals, particularly speedy trial dismissals, for low-level crimes.

Data-Informed Decision Making

Internal Data Analysis

Confronted with these challenges, DA Vance sought to alleviate the burden on Manhattan Criminal Court, increase efficiency, and create proportionate responses to non-violent misdemeanor crimes. As a first step, the Office began integrating data-informed approaches into its prosecutorial decision-making. Immediately upon taking office, DA Vance and the executive staff bolstered the Planning and Management Bureau to create an in-house data-analytics and policy unit.

Some of this unit's earliest data projects included caseload activity reports, felony statistic summaries, court part readiness analysis (which enabled the Office to advocate for more judges, court officers, and court clerks), and a review of the Early Case Assessment Bureau (ECAB). Analysts conducted numerous comprehensive studies to improve ECAB's efficiency, including the development of a database to track event timestamps. This analysis was instrumental in modernizing the Complaint Room and integrating real-time ECAB processing data into the Office's internal system.

Most significantly, by the end of 2010, Planning and Management created a comprehensive report that tracks the volume of arraignments, indictments, dispositions, pleas, trials, and dismissals. The initial report corroborated what the Office knew anecdotally about the 100,000 cases it handled each year: dismissals were high, trials were few, and oft-adjourned cases were more likely to be dismissed. This deep analysis of the Office's practice better informs prosecutorial decision-making at the top management level and creates a baseline against which to compare future performance metrics.

Prosecutorial Discretion

In 2012, the Office partnered with the Vera Institute of Justice (Vera) to examine 220,000 criminal cases disposed of in 2010 and 2011, with an eye towards evaluating discretionary decisions and racial disparities in case processing. Vera released its final report to the public in 2014.ⁱ The study compared black, Latino, Asian, and white defendants who were "similarly situated" – while also accounting for other factors, such as defense counsel, seriousness of charges, prior criminal record, and type of offense.

The report found that the best predictors of case outcomes were factors that directly pertained to legal aspects of a case – including the seriousness of the charge, the defendant's prior record, and the offense type. But Vera's research, likewise, indicated that race remained a factor in case outcomes: the report found that black and Latino defendants were more likely to be detained pre-trial, particularly for misdemeanor "person crimes" (such as assaults); receive a custodial plea offer; and receive more punitive sentences. The report also indicated that these defendants were more likely to have their cases dismissed, particularly for misdemeanor drug offenses.

District Attorney Vance began addressing these disparities by: 1) exercising prosecutorial discretion to end the criminal prosecution of low-level offenses that do not compromise public safety – and by virtue of such policy– end the perpetuation of racial disparities underlying those arrests; 2) taking steps within the Office to confront implicit biases head-on; and 3) developing alternatives to cash bail and pretrial detention. These policies, as well as others, are discussed in detail below.

Reforming Court Practice

The District Attorney identified diversion—using community-based interventions to hold low-level offenders accountable—as an effective means for reducing racial disparities in case outcomes, reducing intake and case backlog, and in many cases, as an effective alternative to incarceration. The Office likewise examined its bail practices, establishing alternatives to detention for those awaiting

trial, and changed its handling of low-level cases by removing tens of thousands of violations and misdemeanors from Manhattan Criminal Court. The collective results of the Office's diversion and Criminal Court initiatives are detailed below.

- In 2009, the Manhattan District Attorney's Office arraigned 101,552 cases, including 76,330 misdemeanors, 12,259 violations/ infractions, and 12,213 felonies; in 2017, the Office arraigned 66,099 cases, including 54,449 misdemeanors, 1,531 violations/ infractions, and 9,512 felonies, a 35% decrease since 2009.
- In 2009, first-year ADAs had an average pending caseload of 265 cases; in 2017, average caseload was 102 cases, a 62% decrease.
- In 2009, the Office's dismissal rate, excluding dismissals following a six-month period of being arrest-free (an Adjournment in Contemplation of Dismissal or ACD), was 21%; in 2017, the comparable dismissal rate was 15%. In 2009, 46% of dismissals involved an ACD; in 2017, 68% of dismissals involved an ACD.
- In 2009, there were 160 Criminal Court Trials, with 68 Bench Trials; in 2017 there were 277 Criminal Court Trials, with 201 Bench Trials, a 74% and 196% increase in trials respectively.

Criminal Court Diversion

Project Reset

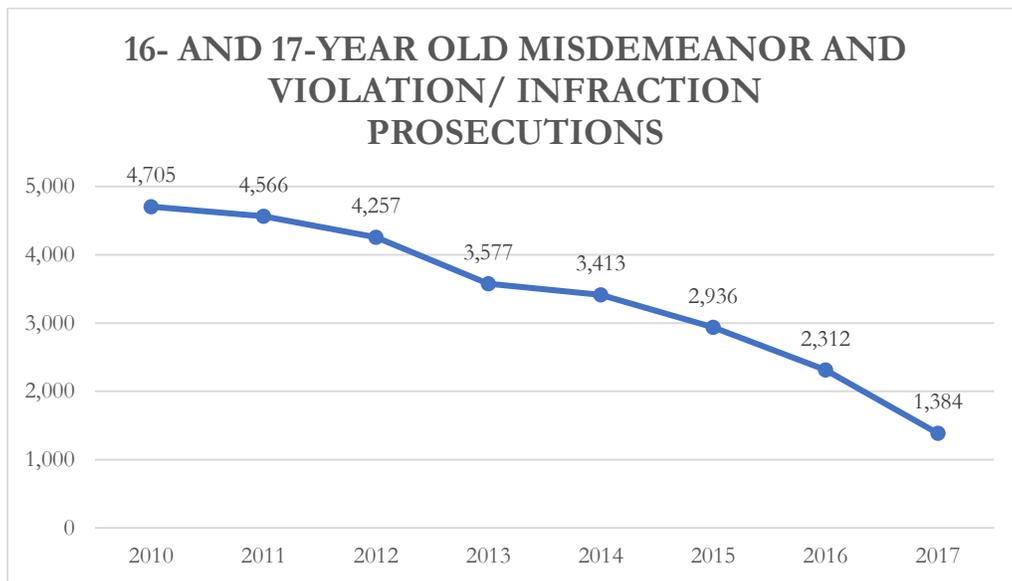
In 2015, the Office developed Project Reset in partnership with the Center for Court Innovation (CCI), which operates community- and problem-solving courts, and the NYPD. Participants in the program are 16-and 17-year-olds charged with low-level misdemeanors, such as petit larceny, marijuana possession, and trespassing.

At the time of an arrest, the arresting officer informs these individuals about available youth-focused programming and issues a Desk Appearance Ticket (DAT), an official order issued by the NYPD instructing an individual to appear in Criminal Court at a future date (typically eight weeks) to have his or her case arraigned. The Office's Quality of Life Unit, described in detail below, reviews each case, and contacts eligible individuals, as well as their defense attorneys and CCI, which connects these individuals to two days of age-specific programming (such as youth counseling and restorative justice activities). Upon completion, participants have their cases dismissed before ever entering a courtroom or acquiring a criminal record.

Rather than suppressing enforcement efforts, Project Reset seeks to modulate the system's response, adhering to the principles of procedural justice, by creating a more constructive resolution to offending that does not rely on incarceration.

As of February 2018, 870 teens have participated in Project Reset, representing a nearly 90% enrollment rate of eligible individuals. Of those enrolled, 792 have graduated – meaning 792 fewer cases were prosecuted in Criminal Court.

Programs like Project Reset and initiatives to remove low-level cases from the criminal justice system, discussed in-depth below, have led to a 70% decrease in the number of 16- and 17-year-olds arraigned on misdemeanors, violations, or infractions in Criminal Court between 2010 and 2017.



Given the program’s success, the Office expanded Project Reset to adults of all ages: beginning in 2018, the Office refers the majority of first-time arrestees charged with non-violent misdemeanors to Project Reset to provide a proportional response to low-level crime.

Community-based organizations offer diversion workshops on topics such as public health (including Naloxone training) and education and participate in restorative community service projects. These organizations also offer counseling services, introduce trauma-coping interventions, link individuals to community-based wrap-around services, and, for young adults arrested in Lower Manhattan, deliver arts-based restorative justice interventions. The Office expects the expansion of Project Reset to divert an additional 5,750 individuals each year.

Manhattan Hope Program and Project Green Light

The national opioid epidemic is compelling law enforcement and public health agencies to implement innovative solutions to combat the number of overdose deaths that are plaguing communities. In 2017, DA Vance announced the creation of the Manhattan H.O.P.E. (Heroin, Overdose, Prevention and Education) program, aimed at diverting cases for those charged with

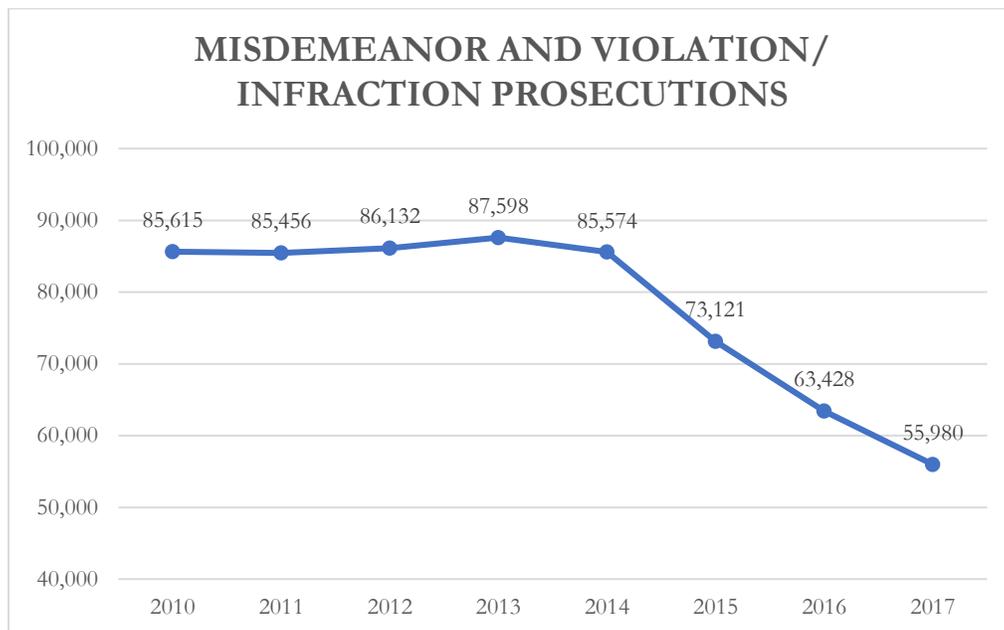
misdemeanor drug possession and connecting people to services through harm reduction and rapid engagement.ⁱⁱ Manhattan H.O.P.E., based on a similar pre-arraignment diversion program developed by Staten Island District Attorney Michael McMahon, pairs high-need individuals with peer navigators at the point of arrest to better facilitate access to treatment and other prosocial activities. Upon successful completion of the program, the Manhattan District Attorney’s Office will decline to prosecute the criminal case.

Beginning April 1, 2018, the Office will implement Project Green Light to offer diversion options for those charged with failure to answer a summons or pay a fine under VTL §511 (Unlicensed Operation of a Motor Vehicle in the Third Degree). This program will identify drivers who have outstanding tickets and give them time to clear their license with the Department of Motor Vehicles by paying their summonses. Project Green Light will exclude individuals who pose a risk to public safety, such as individuals whose licenses are suspended due to driving while intoxicated.

These two diversion programs, coming online in 2018 — Manhattan H.O.P.E. and Project Green Light — are expected to remove 4,800 cases from Criminal Court per year.

Ending the Criminal Prosecution of Low-Level Offenses

Since 2014, the Office’s efforts to divert low-level offenders from Criminal Court has decreased the number of misdemeanor arraignments by 26%, and violation or infraction cases by 87%. In 2010, the Office charged more than 85,000 misdemeanor, violation, and infraction cases – in 2017, that number dropped to fewer than 56,000. In 2018, these numbers will decline even further as the Office exercises its discretion to end the prosecution of certain misdemeanors, violations, and infractions entirely.



Turnstile Jumping and Unlicensed General Vending

In its continued effort to steer individuals away from the criminal justice system and toward other, less harsh sanctions, the Office has ended the criminal prosecution of certain misdemeanor offenses, unless there is a demonstrated public safety reason to do so. The Office believes removing these low-level cases from Criminal Court will not prevent enforcement of such matters.

Historically, the criminal prosecution of turnstile jumping led to unnecessary incarceration and case backlog, disproportionately affecting vulnerable New Yorkers without positively impacting public safety. Two-thirds of the people arrested in Manhattan for fare evasion had no prior New York State convictions, and judges imposed virtually no criminal sanctions on those people who pleaded guilty to the offense.

Several existing methods of farebeating enforcement available to the NYPD do not leave individuals with a lifelong criminal record, and do not unduly tax judicial resources. Three out of every four people stopped by police for turnstile-jumping in Manhattan are already given a Transit Adjudication Bureau (TAB) summons, which is essentially a ticket returnable to a civil court. It is also within the NYPD's discretion to issue a criminal summons, or "c-summons," returnable to a Criminal Summons Court at a later date. Both options are significantly less costly and a more appropriate and proportionate response to subway fare evasion.

Accordingly, as of February 2018, the Office declines to prosecute all PL §165.13(3) (Theft of Services) cases, more commonly known as "turnstile jumping," absent the following public safety exemptions:

- Individuals with prior violent felony or A-I (non-drug) convictions, unless the sentence was completed more than 10 years ago;
- Individuals with any prior sex crimes conviction (felony or misdemeanor);
- If there is information indicating the individual is a priority offender.

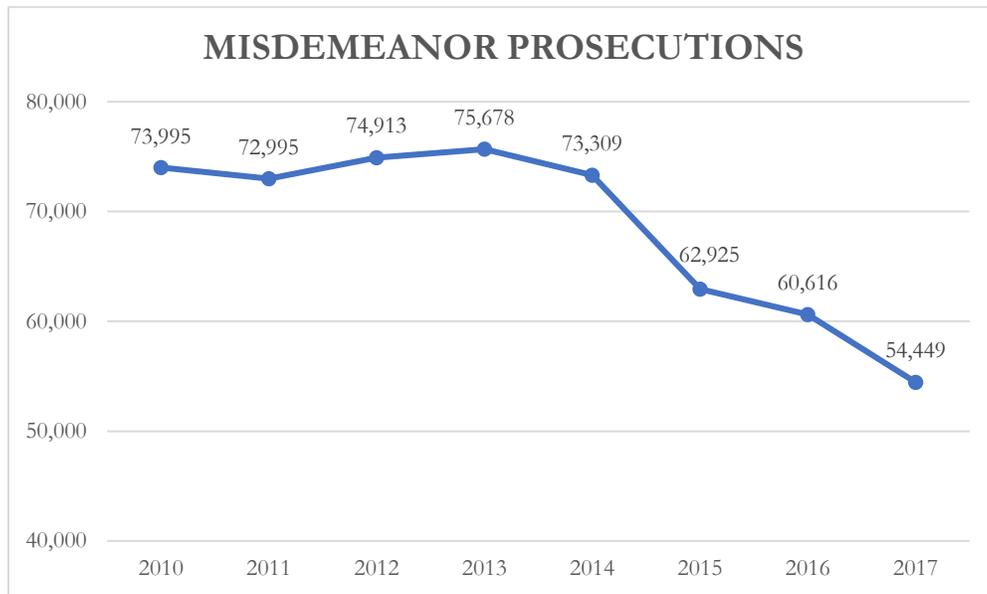
Declining to prosecute these fare evasion cases will remove approximately 6,800 cases from Criminal Court each year.

Similarly, the Office ended the prosecution of Unlicensed General Vendors and Food Vendors (§§ 20-453, 20-461, 17-307(a)(1), 24 RCNY § 89.06(a)). These cases involve individuals who sell merchandise or food without a license or permit, or those who do not display their licenses or permits.

The issuance of vending licenses and permits is extremely restricted in New York City, and most of those who illegally vend may never earn a lawful permit. These individuals, who are largely part of the immigrant community, pose no public safety risk. Currently, most of the individuals who commit these low-level crimes are issued summonses returnable to the Summons Court, but hundreds of individuals are still arrested each year.

Now, the Office declines to prosecute all unlicensed general vending cases and food vending cases unless the defendant is charged with additional crimes or poses a public safety risk. Declining to prosecute these cases will remove approximately 650 cases from Criminal Court each year.

These initiatives will further reduce the number of misdemeanor prosecutions per year, which has steadily declined since 2013.



Violations and Infractions

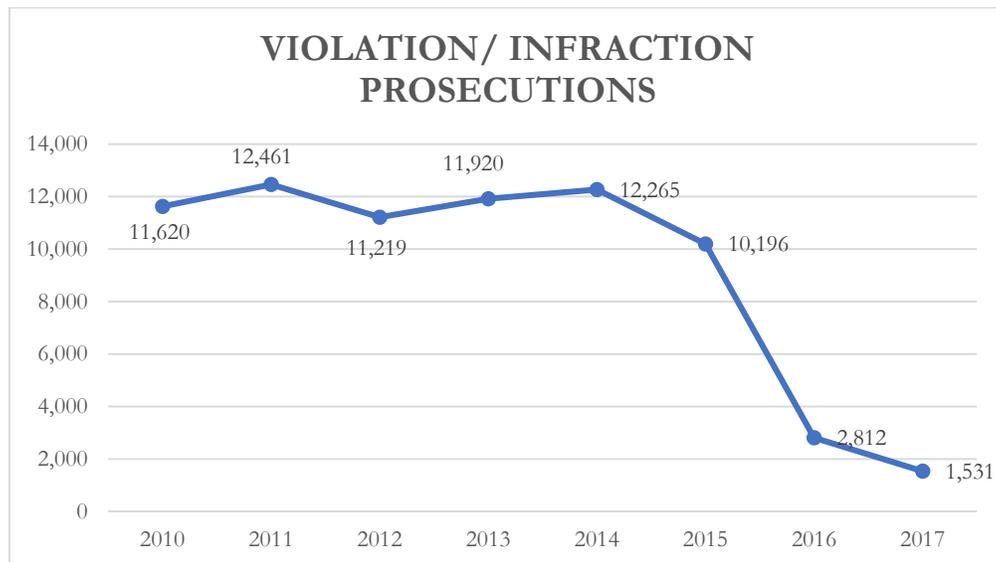
In 2016, the Office operationalized numerous initiatives to end the criminal prosecution of approximately 10,000 low-level, non-violent offenses below the misdemeanor level. The Office no longer prosecutes most violations or infractions, and the NYPD no longer arrests individuals who commit these offenses – such as public consumption of alcohol or taking up two seats on the subway – unless there is a demonstrated public safety reason to do so.

These individuals are now diverted to a Summons (SAP) Court where they are issued summonses in lieu of arrest. This initiative enables the NYPD to devote its resources to investigating serious offenders, while further reducing the backlog of cases in Manhattan Criminal Court.

The Office does, however, continue to prosecute certain violations that affect public safety; for example, driving while impaired, possession of illegal knives, possession of synthetic cannabinoids, and penal law violations such as harassment.

This policy has diverted thousands of individuals from the courtroom and significantly decreased the number of violation and infraction prosecutions. While the Office arraigned approximately 12,000 violations in 2012, that number dropped to 1,531 in 2017. Manhattan achieved an 87% reduction in

violation and infraction arraignments since 2010 without impacting public safety. In fact, 2017 was the safest year in New York City in seven decades.ⁱⁱⁱ



Marijuana Prosecutions

Early in his tenure, DA Vance lobbied the state legislature to decriminalize marijuana possession offenses. In 2012, in the absence of legislative changes, the Office partnered with the NYPD and the Mayor’s Office to lessen the impact of being charged with low-level marijuana possession. DA Vance will continue to push for legislative change for marijuana. In the meantime, new policies have been enacted to significantly decrease the number of individuals arrested and charged for this low-level offense.

Under the new policy, which took effect in 2014, the NYPD issues criminal summonses – in lieu of arrest – to individuals with proper identification who are in possession of 25 grams of marijuana or less. Historically, those same individuals would have been arrested and charged with a misdemeanor, PL §221.10 (Criminal Possession of Marijuana in the Fifth Degree).

Now, however, individuals are charged with PL §221.05 (Unlawful Possession of Marijuana)—a violation—and issued a summons, significantly reducing the amount of time spent in court. With these policy changes, the Office experienced a sharp drop in prosecutions for misdemeanor marijuana possession, and is developing strategies to reduce this number even further. In 2012, the Manhattan District Attorney’s Office screened 8,500 PL §221.10 cases; in 2017, the Office screened 5,270—a 38% decrease. The Office likewise changed its plea guidelines for first-time arrestees, with a typical offer of a three-month ACD (individuals have their case dismissed if they remain arrest-free for three months); second-time arrestees are offered a six-month ACD.

Such policies enhance fairness in the prosecution of marijuana cases. It has been well-documented that cases of marijuana possession weigh heavily and disproportionately on communities of color.^{iv}

By reducing criminal liability for low-level marijuana possession, the Office has taken steps to address these concerns.

“Clean Slate” and the Administrative Clearing of Summons Cases

Recognizing the impact that outstanding warrants can have on an individual’s participation in his or her community, District Attorney Vance, working with the Office of Court Administration (OCA) and public defender services, hosted three “Clean Slate” events to resolve outstanding warrants for low-level summonses.

When individuals are stopped for minor offenses, such as disorderly conduct and certain marijuana offenses, they are often issued a criminal summons, a ticket that sets a specific date when the individual must go to court to resolve their case. If he or she does not go to court on the specified date, the Court may issue a bench warrant, an order by a judge authorizing the arrest and detention of the individual. Though the original charge may be minor, an outstanding warrant can have severe collateral consequences. An outstanding summons warrant can impact a person’s ability to go about their daily life as there is an active warrant out for their arrest.

For instance, when an individual with an outstanding warrant is arrested for a relatively minor crime, the bench warrant often forces defendants to be held in jail pre-arraignment, rather than being released from the precinct and given a Desk Appearance Ticket directing them to appear at arraignment at a future date. Outstanding summonses can thus increase incarceration and result in more frequent criminal records. Individuals with outstanding summonses may also hesitate to report crimes to law enforcement when they themselves are victims. Spending even one night in jail can cost someone their job, their housing, their immigration status, and their confidence in the criminal justice system. By giving those with old open summons warrants a fresh start, the Clean Slate initiative has helped reduce these harmful collateral consequences.

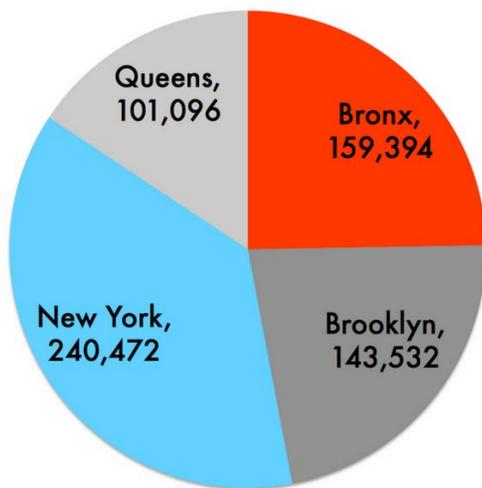
Clean Slate events do not take place in the courthouse, but rather engage individuals in a community setting. Public defenders provide free legal advice and, working alongside judges, court officers, and ADAs, collaboratively assist in vacating warrants and disposing outstanding cases. Clean Slate events also feature resource fairs where individuals are connected to additional social services, such as job training opportunities, healthcare information, and referral services. On-site interpreters provide translation services for non-English speakers.

The first Clean Slate (November 2015) worked with 700 people to help resolve their summons warrants, the second Clean Slate (April 2016) helped 460 people, and the third Clean Slate (June 2017) assisted an additional 380 people. The fourth Clean Slate is scheduled for April 2018.

In addition to the three Clean Slate events, in August 2017, the DA announced the administrative clearing of 240,472 summons warrants ten years old or older, eliminating the collateral consequences of years-old warrants for hundreds of thousands of New Yorkers and enabling them to collaborate more fully in their communities without fear of arrest. DA Vance personally moved to vacate the summons warrants in Manhattan Criminal Court and then dismissed the 240,472 cases themselves.

In total, approximately 644,500 summons cases were dismissed simultaneously in counties across New York City, including Manhattan, Queens, Brooklyn, and the Bronx.^v

**644,494 Summons Cases Dismissed
in NYC on August 9th, 2017**



Alternatives to Detention

District Attorney Vance recognizes that a systemic reliance on cash bail for low-level offenses is out of step with a reformed, 21st-century justice system. This antiquated approach to bail and pre-trial detention is not only fundamentally unfair, it does not make New York safer. The Office has worked to expand the use of effective alternatives to pre-trial detention now available to the courts.

Supervised Release

In 2016, the Manhattan District Attorney's Office worked with the Mayor's Office of Criminal Justice and local service providers to fund and operationalize the citywide Supervised Release program. The program permits judges to release defendants to a supervisory program that allows these individuals to remain at liberty while awaiting trial. Supervised Release expands judges' options beyond setting monetary bail or releasing defendants on their own recognizance with no system in place to ensure their return to court, and provides intensive monitoring, frequent face-to-face and telephone contact with program staff, and referrals to outside agencies for additional services.

In 2017, 815 individuals were granted Supervised Release in Manhattan and, as of February 2018, a total of 2,213 individuals arraigned in Manhattan have been granted Supervised Release since the start of the program. The Office has requested that the Mayor's Office of Criminal Justice expand the Supervised Release eligibility requirements so that more individuals can participate per year.

Misdemeanor Bail Reform

On January 9, 2018, the Office adopted a new policy on bail requests; there is now a presumption that bail should not be requested in misdemeanor and violation cases absent certain limited exceptions. Prosecutors are, however, instructed that bail may be appropriate in the following misdemeanor cases:

- Misdemeanor cases where a jail sentence of 30 days or more is being sought.
- Cases involving a victim (e.g., domestic violence, sex crimes, child abuse, assault cases, subway sexual assaults, etc.).
- Cases where the defendant injures a police officer, firefighter, EMT or other such public servant, or violently resists arrest.
- Cases where the defendant has a prior violent felony conviction in the past 10 years, or a prior serious, non-violent felony conviction (e.g., A-I or A-II offenses, Sex Trafficking, Robbery in the Third Degree, Conspiracy to commit a violent felony) in the past 10 years.
- Cases where the defendant has a prior (felony or misdemeanor) sex crime conviction.
- Cases where the defendant has a pending felony case, or multiple pending misdemeanor cases.
- Cases where the defendant is on parole, probation, or supervised release.
- Cases where the defendant is a priority offender.
- Cases where the defendant has an extensive criminal history, or a history of failing to appear in court where supervised release is not appropriate.

The District Attorney's Office will continue to recommend community-based Supervised Release in appropriate cases. The Office's new policy was crafted in consultation with Brooklyn District Attorney Eric Gonzalez, who has promulgated similar guidelines in its jurisdiction.

Specialized Courts

Working with the Office of Court Administration and other partners, the Manhattan District Attorney's Office likewise created multiple problem-solving court parts tailored to defendants' needs. These specialized courts deliver targeted interventions, provide alternatives to incarceration, and help reduce recidivism by creating more effective interactions with the justice system.

- Manhattan Mental Health Court (MMHC) provides comprehensive oversight and mental health treatment to eligible defendants charged with felony offenses. Through a system of intensive judicial monitoring and a network of supportive services, MMHC works to ensure that offenders have the resources available to facilitate successful engagement in mental health programs while maintaining compliance with court mandates. There are roughly 50 MMHC participants, each carefully selected by the Office and court officials.
- Manhattan Drug Court (MDC) handles felony cases with defendants whose criminal activity is motivated by a substance use disorder. MDC connects participants to treatment, breaking

the cycle of drug abuse, addiction, and incarceration. Since its inception in 2009, MDC has completed approximately 3,900 assessments. As of February 2018, there are approximately 380 participants enrolled in the court.

- The Human Trafficking Intervention Court (HTIC) works with individuals who are charged with prostitution-related misdemeanors and violations. In New York, human trafficking largely involves the commercial sex trade, and prostituted individuals are often victims of coercion and abuse.^{vi} HTIC connects these individuals to necessary support services in the community.
- In 2012, the Office created an Adolescent Youth court part for 16- and 17-year-old defendants, which prioritizes rehabilitation over punishment. Participants receive youth assessments and are connected to supportive services to divert them from the criminal justice system. Cases, often for low-level crimes, are typically resolved with an ACD and youth counseling sessions. Similarly, the Office created a Young Adult court part in Criminal Court for 18- to 20-year-old defendants. And in the Supreme Court youth part, the Office is expanding its programming options and alternatives to incarceration for 16-to 18-year-olds who are charged with a felony.
- And, in April 2016, the Office and OCA started a Veterans' Treatment Court in Manhattan Supreme Court, offering customized services to address legal and mental health needs of veterans whose criminal behavior may be linked to their military service. There have been approximately 40 referrals to date.

Internal/Structural Reforms

In addition to extensive diversion initiatives and court-based reforms, DA Vance implemented numerous internal and systematic changes to modernize the Office's practices and ensure all individuals who come into contact with the justice system are treated efficiently and fairly. Some of these reforms include expanding victim services and making resources more accessible, such as creating specialized hotlines for individuals to securely report crimes, and bolstering the resources of the Witness Aid Services Unit. The Office also enhanced training for legal and support staff on implicit bias and alternatives to incarceration, implemented yearly reviews of plea and sentencing guidelines, and created and restructured numerous units and bureaus.

Implicit Racial Bias Analysis and Training

Immediately following the Vera study (see p. 6), the Office took several steps to promote an organizational structure that embraces diversity. Among the most significant changes was the appointment of a Chief Diversity Officer. Since her appointment in 2014, the Chief Diversity Officer has spearheaded numerous training opportunities for staff, bringing in respected outside experts, such as Bryan Stevenson from the Equal Justice Initiative, Adam Foss from Prosecutor Impact, and Jeffrey Robinson from the American Civil Liberties Union, to help set best practices.

First, the Office invited an outside consulting group to conduct focus groups with both legal and non-legal staff members in order to identify implicit bias and points where it can be interrupted, and to develop a training specific to the Office's work and culture. Then, Professor Mahzarin Banaji, the Richard Clarke Cabot Professor of Social Ethics in the Department of Psychology at Harvard University and renowned expert, conducted a mandatory training for all legal and non-legal staff on implicit bias.

Several years later, the Office is in the process of replicating the Vera study with additional fields of examinations, including enhanced data relating to criminal history and charge categories, and categorizing offenses by type (domestic violence, etc.) or bureau.

The Conviction Integrity Program

In 2010, DA Vance created the Conviction Integrity Program to: 1) reduce incidents of wrongful conviction, and 2) review prior convictions – some years, or even decades old – to address claims of actual innocence. The Program is comprised of a Conviction Integrity Committee, a Conviction Integrity Chief, and an outside Conviction Integrity Advisory Panel.

Ten senior ADAs staff the Conviction Integrity Committee, which reviews practices and policies related to training, case assessment, investigation, and disclosure obligations, with a focus on potential errors such as eyewitness misidentifications and false confessions. The Conviction Integrity Policy Advisory Panel is comprised of leading criminal justice experts, including legal scholars and former prosecutors, who advise the Office on national best practices and evolving issues in the area of wrongful convictions.

The Program helped establish detailed procedures and protocols designed to bring to bear the most thoughtful practices in the investigation and prosecution of every case, and created required integrity training sessions for all legal staff.

When the Office receives a post-conviction claim of innocence – whether in the form of a post-conviction motion to vacate, or in the form of a simple letter from a defendant or an attorney – it goes directly to the Conviction Integrity Unit. If the Conviction Integrity Chief determines that a case should be reinvestigated, it is assigned to a different ADA than the one who originally prosecuted the case. The new assistant will then reinvestigate the case, and report back to the Chief – and ultimately to the DA – with his or her conclusions and recommendations.

Since its creation in 2010, the Program has reviewed more than 200 claims from convicted defendants, completed 19 re-investigations or extensive reviews of cases, vacated 7 convictions, and overseen 39 post-arrest, pre-conviction exonerations since 2015.

The Alternatives to Incarceration Unit

The Alternatives to Incarceration (ATI) Unit, created in 2016, serves as a resource for the entire Office, identifies treatment and other programs that could be effective diversion options, and helps identify defendants who can benefit from these programs without compromising public safety.

The ATI Unit consolidates program-based dispositions under one umbrella. Until now, diversion dispositions have largely been “defense-driven,” with defense attorneys selecting program placement; there was no internal or systematic process for assessing the risk and criminogenic needs of the defendant and matching that person to the right intervention. The ATI Unit has enhanced the Office’s institutional capacity to evaluate programs, encourage their utilization, and monitor their effectiveness.

The Unit’s legal staff includes the ATI Unit Chief, the ADA in Charge of Drug Court, and three line ADAs. These individuals receive training on risk-need-responsivity principles (a framework for recidivism reduction), and are responsible for dispositions involving programming and rehabilitation. When a programming disposition is appropriate, prosecutors assigned to the ATI Unit prepare the written plea agreement, review treatment updates, arrange for case advancements, and, when necessary, stand in court.

The ATI Unit is currently supervising roughly 320 cases in Manhattan Criminal and Supreme Court.

Collateral Consequences Counsel

In 2017, the Office created a new, first-of-its-kind position to assess the collateral consequences of criminal convictions on a case-by-case basis. Working alongside other Assistant District Attorneys and city agencies, the Collateral Consequences Counsel assesses the immigration – as well as housing and employment – consequences of the Office’s plea and charging decisions, and advises on available dispositions which reduce or eliminate an individual’s risk of deportation. As such, the Counsel assists ADAs handling immigration-related post-conviction motions, pre-trial requests from defense counsel seeking to structure alternate pleas, and applications to civilly seal prior convictions.

This role centralizes the Office’s longstanding practice of working with defendants and their attorneys case-by-case to reach dispositions that hold defendants accountable while avoiding unnecessary immigration consequences, including, for example, offering pleas to alternative, non-deportable charges, and sealing cases early.

The Special Victims Bureau and the Witness Aid Services Unit

In September 2010, DA Vance consolidated the Office’s Sex Crimes Unit, Family Violence and Child Abuse Bureau, Domestic Violence Unit, and Elder Abuse Unit to create the Special Victims Bureau (SVB). Combining these Units has coordinated resources, best practices, legislative reform efforts, and investigative tools to better serve the Office’s special victims. Later, in 2014, the Human

Trafficking Response Unit joined SVB, allowing the Unit to leverage SVB's resources to investigate and prosecute cases of sex and labor trafficking.

In 2018, DA Vance announced the creation of the Work-Related Sexual Violence Team, a group dedicated to survivors of work-related sexual violence. The team deploys specially trained sex crime prosecutors to swiftly investigate complaints. A supervising attorney of the Sex Crimes Unit, 15 ADAs, and a social worker staff the Work-Related Sexual Violence Team.

The Office recently hired a full-time social worker to engage with victims and families who interact with the Special Victims Bureau. These victims, as well as victims from across the Office, can access services through the Witness Aid Services Unit (WASU). Under DA Vance's leadership, the Office greatly expanded WASU's capacity. WASU is now comprised of four main departments, the Victim Assistance Center, the Counseling Department, the Social Services Department, and the Notification Department.

The Unit offers a variety of specialized services which aid victims in overcoming psychological trauma, and is designed to assist individuals through the entire prosecutorial process. Services include crisis intervention and support, referrals to shelters, accompaniment to court, notification of sentencing and victims' rights information, advocacy for governmental entitlements, and individual and group counseling.

The Hate Crimes Unit

Also in 2010, DA Vance created the Hate Crimes Unit to build the Office's capacity to handle hate and bias crimes and to unify resources under one unit. Working in close collaboration with law enforcement and community partners, the Hate Crimes Unit aggressively prosecutes crimes that target victims based on actual or perceived race, national origin, gender, religion, age, disability, or sexual orientation. The Unit also trains and designates Hate Crimes ADAs and investigators to swiftly and effectively bring offenders to justice.

In addition, the Hate Crimes Unit maintains an active community presence. Hate Crimes ADAs present to community groups and civic organizations across Manhattan, making themselves available as community resources and educating residents on issues of bias-related crimes. The Hate Crimes Unit also maintains a hotline, where victims can anonymously submit complaints directly to the Unit.

The Cybercrime and Identity Theft Bureau

By 2010, nearly every crime in Manhattan included some digital component. Whether it was information stored on electronic devices, shared on social media, or exchanged through digital networks, it had become clear that the Office would need to adopt a 21st-century approach. In response to this fundamental shift in crime trends, DA Vance created the Cybercrime and Identity Theft Bureau (CITB) to refocus, enhance, and expand the Office's capacity to prosecute high-tech crime. The bureau, staffed by ADAs as well as cyber analysts and digital evidence specialists, serves as an Office-wide resource to advance the use of technology in prosecution.

In 2017, DA Vance announced the opening of the Office’s Cyber Lab, a 17,000 square-foot, state-of-the-art facility with 75 full-time staff members—the first of its kind within a local prosecutor’s office in the United States. The lab, equipped with a radio frequency-shielded room and designed to process biohazardous materials, enables prosecutors, investigators, and analysts to co-locate within a single facility and process a greater volume of data and devices more efficiently.

Since 2010, the Office has also taken several significant steps to combat malicious cyber activity outside of the Office, like the release of open-source risk reduction tools and legislative advocacy to take cybercriminals and identity thieves off-line. In 2015, DA Vance, together with the City of London Police and the Center for Internet Security, announced the creation of the Global Cyber Alliance (GCA), a non-profit, multi-sector coalition focused on addressing cyber vulnerability. GCA reaches across industry sectors to significantly reduce cyber risks through the exchange of threat data and the development of open-source solutions. As of February 2018, GCA has more than 150 global partners, representing 18 different countries, and 21 areas of industry, government, and law enforcement.^{vii}

The Crime Strategies and Community Partnership Units

When DA Vance took office, overall crime rates in Manhattan had dipped toward historic lows. Yet violence in certain neighborhoods persisted. To address these pockets of high-crime, DA Vance created the Crime Strategies Unit (CSU), modernizing the Office’s approach to crime reduction and implementing DA Vance’s vision of community-based justice.

Using a method called intelligence-driven prosecution (IDP),^{viii} CSU leverages crime data and deep community ties to develop a clear understanding of both the nature of criminal activity and the individuals committing these offenses. In 2016, CSU prosecutors monitored 13,747 arrest alerts, transcribed 12,681 telephone calls from the local jail, attended over 75 community events, and responded to 1,745 requests for information from staff throughout the Office. The data collected allowed CSU to pursue 20 proactive investigations, many for serious, violent crimes.

CSU also makes use of positive community relations to complete its work. Prosecutors in CSU are assigned to designated areas and partner with investigators, community affairs liaisons, and intelligence analysts to develop targeted crime strategies. The community approach is essential to CSU’s work, and the Community Partnerships Unit (CPU) works within Manhattan’s residential communities as CSU’s public-facing arm. CPU staff attend more than 1,400 community meetings per year and help to raise awareness of criminal justice issues and the Office resources. In addition, CPU oversees Saturday Night Lights, the Office’s youth development and violence prevention program, which provides sports training and youth services at more than 20 locations across the borough, and has served more than 4,500 young people.

CSU and CPU also make recommendations to Parole regarding specialized conditions and provide reentry services for individuals returning to their communities after a period of incarceration. Each

month, CPU and the designated CSU prosecutor host monthly forums for individuals released on parole, serving an overarching goal of reducing recidivism.

Currently, more than 17 jurisdictions in 13 states are replicating the Office's CSU and IDP models, including neighboring jurisdictions across New York City.

The Violent Criminal Enterprises Unit

Despite a sharp decline in the borough-wide homicide rate, gang violence—often concentrated in and around New York City Housing Authority (NYCHA) developments—remains a challenge for law enforcement. To address this issue, the Office's Violent Criminal Enterprises Unit (VCEU), investigates and prosecutes violent gangs and spearheads significant efforts to curtail firearms trafficking. VCEU ADAs conduct long-term, multi-defendant investigations, employing sophisticated tools to monitor phone and computer-based communications and analyze social media sites before bringing their indictments.

Since its formation, VCEU has brought 33 indictments against 81 gun traffickers and conducted investigations that have led to the removal of more than 1,700 illegal firearms from the streets of New York City.

The Immigrant Affairs Unit

The Office is committed to protecting immigrant New Yorkers, whether they are documented or undocumented. Too often, members of immigrant groups fall victim to theft, fraud, and other acts at the hands of criminals. These individuals target those seeking residency, citizenship, or legal services, and offer assistance in exchange for large sums of money or personal identifying information, sometimes without providing promised services at all.

In 2007, DA Morgenthau created the Immigrant Affairs Program to investigate and prosecute fraud committed against immigrants, and to educate the public about immigration fraud and related issues through fraud prevention workshops and seminars. DA Vance took this program one step further and established the Immigrant Affairs Unit, which is housed within the Financial Frauds Bureau. This Unit prosecutes cases involving scams and fraud affecting New York's diverse immigrant communities, and manages an Immigrant Affairs Hotline where victims can safely and anonymously report these crimes.

The Quality of Life Unit

DA Vance was also instrumental in creating the Quality of Life court part (QOL), which handles non-violent quality-of-life offenses, such as shoplifting, marijuana possession, trespassing, and low-level drug possession. QOL is staffed by student attorneys from two local law schools, with ADA supervision, and has a Judicial Hearing Officer (JHO) presiding over the part, as opposed to a judge, allowing the Office and the court system to devote limited resources to more serious crimes. This Unit helps to ensure judicial fairness and consistency across cases and expedites dispositions for

low-level offenses. Quality of Life ADAs likewise oversee the Office’s pre-arraignment diversion programming, as described above.

QOL has handled more than 23,000 cases since its inception. However, as the Office explores additional Criminal Court diversion activities, the QOL caseload is expected to drop considerably. This dwindling caseload may open additional opportunities for the QOL court part, including the designation of new categories of cases to be handled by the Unit.

Next Steps

While DA Vance has enacted significant reforms to increase courtroom efficiency, expand alternatives to incarceration, and promote fairness in the criminal justice system, the Office continues to seek out opportunities to advance these goals. The Office has already begun this work, outlining the following priorities:

- Reshaping New York State’s bail and pre-detention practices in partnership with New York State policymakers.
- Expanding court-based services for defendants, victims, witnesses, and their families to guarantee support for all individuals who interact with the court system.
- Providing additional services for adolescent and young adult defendants and evaluating additional court alternatives following the implementation of legislation to raise the age of criminal responsibility.
- Bolstering ATI programming for adult defendants and establishing a more streamlined process to consolidate ATI dispositions.
- Maintaining policies and protocols to address implicit bias that may impact case outcomes and exploring additional policy changes to continue advancing this goal.
- Providing targeted interventions for individuals with addiction disorders and working with city agencies and service providers to prevent opioid overdoses across New York.
- Working on reentry strategies to help those coming out of the criminal justice system safely return to their communities.
- Enhancing transparency in the Office’s practice by releasing select data through an open-source platform in the coming year.

Specifically, the Office is working to expand **alternatives to incarceration** for individuals who enter the criminal justice system with multifaceted needs, including drug addiction, mental and physical illness, housing instability, and domestic violence histories. The Office is partnering with the Office of Court Administration to create infrastructure that can support a systematic, safe, and targeted expansion in the use – and success – of ATIs in felony cases.

The Office is also partnering with OCA to develop a **Mental Health Track** (MHT) within Manhattan Drug Court to improve outcomes for Drug Court participants with co-occurring mental health and addiction disorders. MHT will employ an addiction psychiatrist and social workers to

create better treatment plans for people with cases before the court. MHT staff will help assess applicants, recommend treatment plans to the judge, and deliver intensive case management for participants. The MHT will incorporate best practices for individuals with co-occurring disorders, optimize Drug Court resources, and improve efficiency for the Drug Court defendants who require a mental health examination.

Finally, the District Attorney's Office is working to create a **Manhattan Criminal Court Resource Center** to provide a locus for resources that increase access to service providers, while providing prosecutors, judges, and defense attorneys with better non-jail alternatives tailored to a defendant's needs. The Resource Center will:

- Expand upon current non-jail sentencing options, including for those with criminal histories;
- Serve a more diverse range of defendants' needs; and
- Provide comprehensive and coordinated access to voluntary services for defendants passing through Criminal Court.

Conclusion

As the Office explores additional opportunities to promote fairness and efficiency in the court system, DA Vance will continue to leverage strategic partnerships with law enforcement agencies, non-profit and community-based organizations, think-tanks, and the private and philanthropic sectors to spur innovation and reform. Through these measures, the Office hopes to remain at the cutting-edge of 21st-century prosecution and serve as a model for jurisdictions across the nation.

It is the Manhattan District Attorney's Office's hope that this report provides the law enforcement and prosecution community with ideas, innovations, and reforms that can be replicated across the country.

ⁱ Kutateladze, Besiki Luka and Andiloro, Nancy R. 2014. "Prosecution and Racial Justice in New York County- Technical Report." The Vera Institute of Justice. Available at: <https://www.ncjrs.gov/pdffiles1/nij/grants/247227.pdf>

ⁱⁱ This program will be operationalized in the summer of 2018.

ⁱⁱⁱ See: <http://www1.nyc.gov/office-of-the-mayor/news/014-18/transcript-mayor-de-blasio-commissioner-o-neill-host-press-conference-discuss-crime-statistics>

^{iv} Chauhan, P., Tomascak, S., Cuevas, C., Hood, Q. O., & Lu, O. 2018. "Trends in Arrests for Misdemeanor Charges in New York City, 1993-2016". New York: New York. Available at: http://misdemeanorjustice.org/wp-content/uploads/2018/01/2018_01_24_MJP.Charges.FINAL_.pdf

^v See: <https://www1.nyc.gov/assets/criminaljustice/downloads/pdfs/warrants-fact-sheet-v5.pdf>

^{vi} The Center for Court Innovation. 2013. "Announcement of New York's Human Trafficking Intervention Initiative." Available at: <https://www.courtinnovation.org/articles/announcement-new-yorks-human-trafficking-intervention-initiative>

^{vii} For more information on the Global Cyber Alliance, please see: <https://www.globalcyberalliance.org/index.html>

^{viii} Talon, Jennifer A., Kralstein, Dana, Farley, Erin J. and Rempel, Michael. 2016. "The Intelligence-Driven Prosecution Model: A Case Study in the New York County District Attorney's Office." The Center for Court Innovation. Available at: http://www.courtinnovation.org/sites/default/files/documents/IDPM_Research_Report_FINAL.PDF