



Justice

**An Action Plan
for Brooklyn**

**Eric Gonzalez,
Brooklyn District Attorney**

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2020

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Introduction

Justice
2020

The job of a District Attorney—a prosecutor—is to promote community safety. This means more than simply punishing people who commit crimes. It requires engaging with communities to determine what safety and justice mean for them, identifying the most effective ways to hold accountable those who do harm, giving victims a sense of justice and healing, and promoting strong, healthy communities.

In the past, the actions of prosecutors did not always serve these goals. In fact, prosecutors contributed to problems like mass incarceration, which has disproportionately affected communities of color. While these actions may have been guided by good intentions and a commitment to public safety, they had the effect of destabilizing families and communities, while failing to make us safer.

At this moment in history, prosecutors across the country face new scrutiny: the past actions of their offices are being rightly examined. At the same time, the public has shown keen interest in electing prosecutors who will break from the failed policies of the past, and look for different—and smarter—ways to carry out their responsibilities.

In Brooklyn, District Attorney Eric Gonzalez was elected after promising to make the Brooklyn DA's office a national model of what a progressive prosecutor's office can be. DA Gonzalez convened the Justice 2020 Committee to give him guidance in how to achieve that goal.

Executive Summary

“In every case we must be asking ourselves, ‘what resolution is best for this particular defendant, for the victim and for the community? Would this intervention keep us safer or not? Would it strengthen community trust or potentially undermine it?’”

Eric Gonzalez, Brooklyn District Attorney

The actions of prosecutors have enormous and far-reaching impact on accused individuals, on victims and witnesses, and on communities as a whole. From the determination of which charges to bring in a case, to how much bail to request, to case processing decisions like when to turn over evidence to the defense, to how investigations and trials are conducted, to what sentences to recommend and even how to respond to parole applications, prosecutors wield tremendous power in our criminal justice system.

Justice 2020 is about the appropriate uses of prosecutorial power; each of the seventeen recommendations of the Justice 2020 Committee points the Brooklyn District Attorney's office in the direction of more thoughtful use of that power.

In keeping with the vision of Justice 2020 and the Brooklyn DA's office, which is *to keep Brooklyn safe and strengthen community trust by ensuring fairness and equal justice for all*, Justice 2020 directs Assistant District Attorneys in Brooklyn not to take a cookie-cutter approach to cases, but to look at each accused person as an individual and determine the best way to hold that person accountable for their actions. Accountability is not synonymous with punishment; ADAs should determine in each

case the extent of the harm caused, what intervention would result in the accused party taking responsibility and making amends for the harm they have caused, and most importantly, deterring future criminal behavior. The Justice 2020 Committee believes that this “restorative” approach will increase both public safety and community trust.

The Brooklyn DA’s office has long enjoyed a well-deserved reputation as a progressive prosecutor’s office, but there is more work to be done. Justice 2020 provides a roadmap for focusing resources on identifying and removing from the community those who cause the most harm—the “drivers of crime”—while diverting out of the criminal justice system or into community-based services those who don’t pose a threat to public safety.

We know that certain crimes have historically been under-prosecuted: crimes of sexual violence, especially those in which the victim and the perpetrator know each other. Such cases are notoriously difficult to prosecute. Yet a prosecutor’s job is to protect the most vulnerable among us and to hold people accountable for predatory behavior. Justice 2020 directs the DA’s office to look for ways to enhance the prosecution of these kinds of crimes.

Doing justice in a 21st Century prosecutor’s office requires new tools, and Justice 2020 provides guidance on how the Brooklyn DA’s office can do its work better, from recommending the establishment of an Office of Professional Responsibility and Ethics, to conducting a top-to-bottom overhaul of the office’s data and analytics capacity.

Strengthening trust in law enforcement requires that the community be included in the work we do as prosecutors. With Justice 2020, the Brooklyn DA's office will have a level of community involvement that is far more robust than has existed previously in Brooklyn or in any other jurisdiction. Communities must be part of any determination of what public safety and justice require, not only in theory, but also in ways that impact the daily practice of the DA's office.

The recommendations of Justice 2020, taken together, represent an enormous culture shift for the Brooklyn DA's office, one that DA Gonzalez is eager to undertake. Successful implementation will require dedication to training and ongoing engagement with ADAs about the decisions they make at every stage of a case.

Finally, a progressive prosecutor's office must value transparency and accountability. The publication of this plan represents a down payment on DA Gonzalez's promise to increase the transparency of his office. He intends to be held accountable by the residents of Brooklyn for the implementation of this plan, and to report out regularly to the public on the work of the office.

Justice 2020 is an exciting new effort that, when fully implemented, will make the Brooklyn DA's office a national model of what a progressive prosecutor's office can be.

Launch Committee

70+

Members of the
Launch Committee

The Justice 2020 Launch Committee included more than 70 people: community members, criminal justice reform experts and advocates, faith leaders, formerly incarcerated people, and the NYPD. Divided into a dozen sub-committees who met over nearly six months, these individuals collectively created the plan you see here.

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Sub-committees

By listening to the people of Brooklyn—youth and seniors, victims and justice-involved people, those with multi-generational Brooklyn roots and those newly arrived—and by scouring the nation for new ideas and best practices, the Committee analyzed hundreds of ideas and prioritized a handful of recommendations that they believe will best realize the Justice 2020 vision.

6

Months of planning

Alongside this planning process, the DA's own team looked at internal practices and laid the groundwork for implementation of innovative new ideas. Some of the Justice 2020 recommendations are already underway. And before this plan was released, the DA instructed the leaders of his office to develop plans for the rest.

This is not merely a report. It is an action plan.

The following policy initiatives are described in the plan. Success requires commitment from the DA's entire staff, partners in government and the community, and all of the residents of Brooklyn.

Reduce incarceration— make jail the “alternative”

Change the office culture so that ADAs consider non-jail resolutions at every juncture of a case.

Offer pre-plea alternatives for all drug possession charges and reduce barriers to participation in alternative programs.

Seal or expunge marijuana convictions.

Consider recommending parole when the minimum sentence is complete.

Engage communities as partners in justice

Empower community residents and leaders through neighborhood safety partnerships, to give those most impacted by the criminal justice system a say in how laws are enforced.

Partner with neighborhood organizations and service providers to create and expand community-based justice options to reduce incarceration and criminal convictions.

Reduce prosecution of school-based offenses and divert youth from the criminal justice system.

Develop protocols for charges resulting from police misconduct to improve accountability and transparency.

Focus resources on the drivers of crime

Identify high-risk individuals early and explore early interventions to deter violent behavior.

Interrupt gun violence and gang affiliation by working with community groups to intervene after a gang takedown.

Enhance prosecution of cases of gender-based violence, including acquaintance rape and sexual assault cases.

Create a single point of contact for hate crime charges.

Invest in the DA's people and data to drive the mission of Justice 2020

Establish a transformation office and data/analytics team to drive metrics, best practices, and reform.

Train all staff in cultural competency.

Realign staffing so that each case is the responsibility of a single ADA (vertical prosecution).

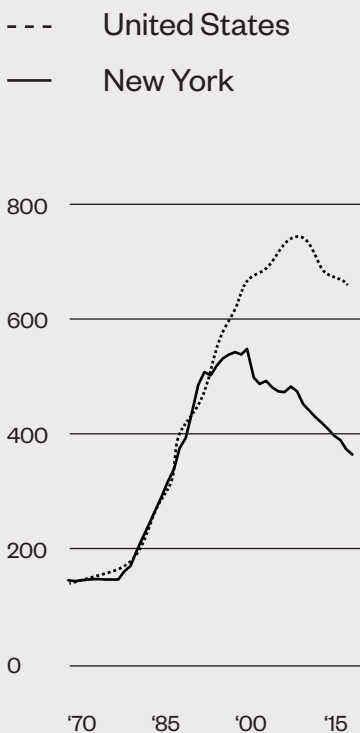
Promote accountability by establishing an office of professional responsibility and ethics.

Streamline case handling and enhance fairness and transparency with e-discovery.

Reduce Incarceration – Make Jail the “Alternative”

The DA's office should consistently seek to resolve cases through community-based interventions — which need not always include a criminal justice sanction—making incarceration and conviction options of last resort.

Fig. 1 Incarceration rate
1970–2016 (per 100,000
Residents)



Historically, our justice system has over-relied on incarceration as the default response to those convicted of crimes. Through the 1980s and 1990s, the rate of incarceration of New Yorkers nearly quadrupled. While we have since made progress, the justice system still relies too frequently on incarceration as the only means to hold people accountable for criminal behavior.

Overincarceration disproportionately affects people and communities of color. The disparities affect not only the individuals but also the families of those arrested—their children, siblings, and parents, as well as their communities. This erodes community trust in the justice system and makes us all less safe.

Prison can be appropriate for dangerous individuals who engage in predatory behavior or pose a threat to public safety. However, we also know that, in many cases, there are better ways to hold people accountable than locking them up. We also know that having a criminal conviction can create barriers to education and employment—the very things that can be most helpful in reducing someone's likelihood of continuing to engage in criminal behavior. The vision of Justice 2020 is for every ADA in every case to first seek out non-conviction, non-jail resolutions, and to think through all the available options before reaching a determination that a conviction or incarceration is necessary.

Another decision point for ADAs is whether to ask a judge to set bail on a case at the first court date (as of this writing, the New York state Legislature is considering changes to the state's bail law). The Brooklyn DA's office already sends a smaller percentage of people to Riker's Island (where pre-trial detainees are held) than any other DA's office in the city. In 2017 DA Gonzalez changed the Office's bail policy in misdemeanor cases, requiring ADAs to state their reasons for asking for bail rather than consent to a person's release. In the past, it was the default position to ask for bail and ADAs would have to justify when they did not ask for bail.

As a result of this change, the number of people being held in on bail pre-trial in Brooklyn has declined 58%, with a 43% decline in 2018 alone.

Cases of drug possession present another opportunity for new and creative thinking and approaches—especially when faced with a serious health crisis like the current opioid overdose epidemic. Overdose has eclipsed deaths by all other accidental causes combined. Every six hours, someone dies of a drug overdose in New York City.

Traditional criminal justice approaches to opioid misuse and overdose cannot solve the problem; we cannot arrest or jail our way out of it. Drug misuse is more appropriately treated as a health issue rather than as a criminal issue.

In the past, people who were arrested with a small amount of narcotics were criminalized for their drug use, frequently ending up with a criminal record, even if they never went to jail. The underlying issues related to drug misuse were not addressed. The risk of overdose was not diminished.

✓ 58%

Decline in number
of people being
held on bail pre-trial
in Brooklyn misdemeanors
since change in bail policy

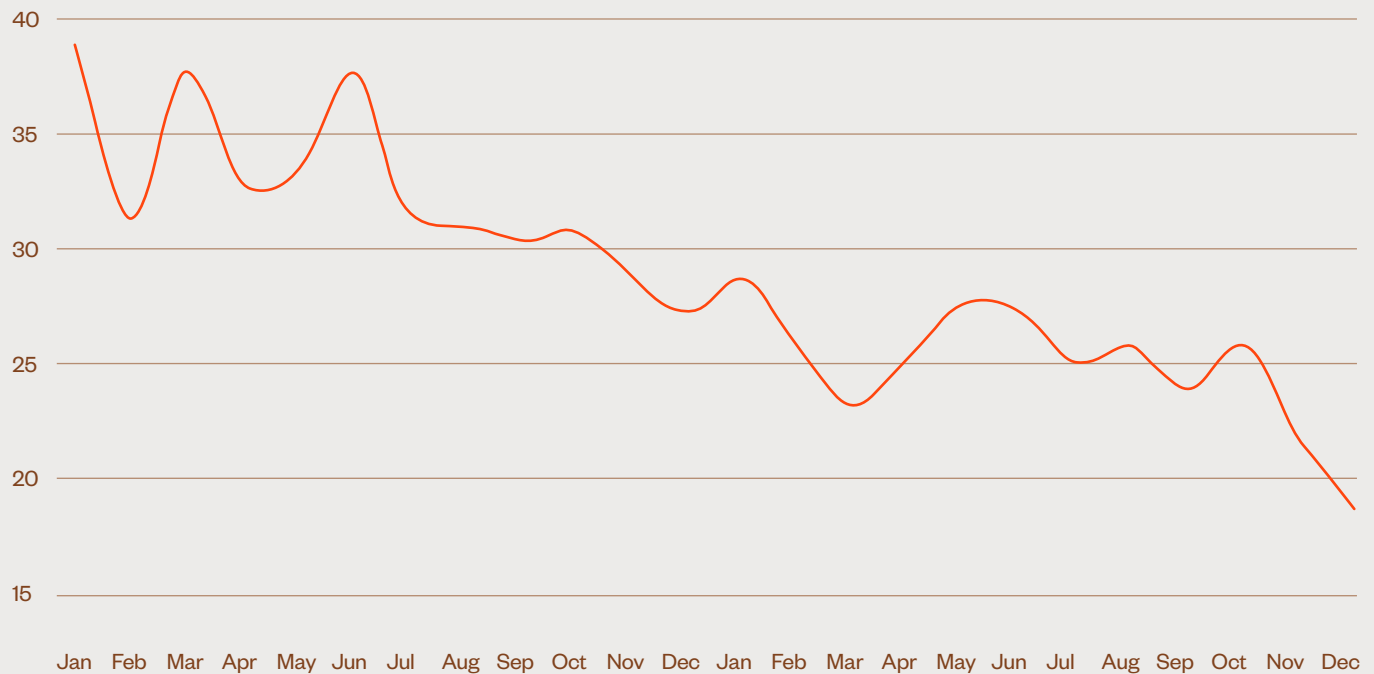
✓ 43%

2018 alone

In the spring of 2018, the Brooklyn DA's office began the Collaborative Legal Engagement Assistance Response (CLEAR) program, which takes people who are arrested for small amounts of drugs out of the criminal justice system before a charge is brought and directs them to treatment or other services. Successful engagement with the CLEAR program results in the case being dismissed so the person never winds up in court or with a criminal record. Every person who comes through the program gets trained in overdose prevention.

These new policies are a start. The Committee recommends that the DA move even more forcefully to reduce convictions and incarceration. New guidelines, training, and mindset are needed to sustain these reforms.

Fig. 2 / Average Daily Admissions to NYC jails from Brooklyn, 2017-2018



Action Plan

“I don’t believe punishment is the most important purpose of our criminal justice system. People must be held accountable for their actions when they hurt someone else, but accountability can take many forms.”

Eric Gonzalez, Brooklyn District Attorney

Change the Office culture so that ADAs consider non-jail resolutions at every juncture of a case.

The Committee recommends creating a new presumption within the Office, making community-based responses the default and incarceration the “alternative.”

143,000

Warrants vacated
by the DA in a single
day as part of the
Begin Again policy

Policies like Begin Again, in which the DA vacated more than 143,000 warrants in Brooklyn in a single day, are just a start. The Office should develop new guidelines across the stages of a case. Pre-arraignment, the DA may decline to prosecute certain charges through diversion programs, or even with no intervention at all. Before trial, instead of detention, ADAs should consider consenting to supervised release in a larger number of cases, including some felonies. Instead of incarceration, ADAs should favor the least restrictive sentences and rely on community-based interventions whenever possible.

Equally important as the policies will be the values, mindset, and training for ADAs, in short, the office culture. Instead of viewing themselves as case processors, with convictions as the main measure of success, prosecutors should think about what they’re trying to achieve and why.

All prosecutors should participate in ongoing training, including hearing from people most impacted by the criminal justice system, to better understand the effects their decisions have on individuals, families, and communities. This is, of course, in addition to hearing the perspectives of victims of crimes. Hearing directly from the people they are sworn to serve will help ADAs appreciate their priorities and understand how to talk about alternatives to incarceration, including in their conversations with victims.

Offer pre-plea alternatives for all drug possession charges, and reduce barriers to participation.

The Brooklyn Treatment Court already offers court-monitored substance-abuse treatment as an alternative to incarceration. If a person successfully completes the program, charges will be dismissed. In the past, however, the program required an individual to plead guilty before beginning treatment, and the program could last up to 24 months. People who were unable to remain abstinent were set up for failure, and substantial percentages of them ended up going to prison because of their drug use.

Recognizing the difficulty of overcoming substance abuse, the Committee recommends that the DA employ a harm reduction approach, seeking outcomes that can help put someone on the path to stability, while ending the practice of incarcerating people who are unable to achieve complete abstinence from substance use.

By referring defendants to treatment and other services pre-plea, the DA should prioritize community accountability over court monitoring. By providing people with services and activities that help stabilize them, and making requirements less onerous, the DA can encourage more successful completion of these programs.

Seal or expunge past marijuana convictions.

A marijuana conviction on a person's record can limit opportunities for employment, education, housing and other needs throughout their lifetime. These burdens have disproportionately fallen on young men of color, who make up the vast majority of those arrested for marijuana possession. The Brooklyn District Attorney's office no longer prosecutes most possession cases, and possession of marijuana is now legal in eight states and the District of Columbia, with more states, including New York, likely to join them.

Under these circumstances, fairness and justice require that the DA make every effort to scrub the records of people who currently have convictions for an offense that would not be prosecuted today. The Committee recommends that the DA set up a system for vacating and sealing past marijuana convictions, as well as clearing any outstanding warrants for these offenses.

Consider recommending parole when the minimum sentence is complete.

In the past, the Brooklyn DA's office, like most prosecutor's offices, presumptively opposed early release in nearly every case. In keeping with the vision of Justice 2020, the Committee recommends that the DA consider the purpose of continued confinement and support early release in appropriate cases. In making these determinations, the DA should consider the nature of the crime, the original sentence, the perspective of the victim, and the record of the convicted person while incarcerated, including any opportunities they have taken to acknowledge and make amends for the harm they caused.

Impact and Success

The paradigm shift of these actions will enhance safety and fairness while reducing the use and impact of confinement and criminal conviction. Moreover, we will see greater community trust in the criminal justice system because criminal justice responses will be more proportionate, effective, appropriate to victims and community, and meaningful to defendants.

Communities most affected by crime, violence, and incarceration urgently want solutions that meet the interlocking demands of fairness and safety while improving the relationship between law enforcement and the people they serve. These values are reflected in the vision of Justice 2020.

Engage Communities as Partners in Justice

Law enforcement must work hand-in-hand with community members and leaders to enhance public safety and build trust. Decision-making by prosecutors should be grounded in the needs and values of the community's definition of safety and justice for their neighborhoods. In partnership with the community, prosecutors can reduce crime and strengthen community trust.

Historic inequities and longstanding policies and practices have resulted in the overcriminalization of communities of color: people of color are more likely to be arrested, prosecuted, and incarcerated than their white peers, even when committing similar offenses. These disparities are often worse for the young. The disparate and more punitive treatment of people of color undermines public confidence in law enforcement and in the larger criminal justice system.

Community input and engagement is at the heart of Justice 2020. As the DA seeks to reduce the impact of past practices and overincarceration in communities of color while maintaining his commitment to public safety, the Office must partner with the communities to determine what safety and justice require. As the DA seeks to rely less on incarceration and refer more cases to community-based programs, he must work with the community to develop new systems of accountability for behavior that causes harm. The voices of victims of crime must always be

heard, and we must recognize that someone accused of a crime today can become a victim of crime tomorrow, and vice versa.

Many people who commit violent crime have been victims of violence themselves. To break the cycle of discriminatory and inequitable practices and the cycle of violence, the DA should promote accountability and healing by working to repair the harm, while also working to address the underlying conditions that give rise to violence in our communities.

Diversion programs should be in the community whenever possible—at schools, churches, and nonprofits, so that the full resources of the community can help rebuild the lives of people who are at risk. The DA must continue to work with the Police Department to make sure that no one who poses a danger to others or to themselves is allowed to fall through the cracks of our system.

Community-based alternatives can be especially important for immigrants, for whom a minor arrest could lead to deportation or other disproportionate consequences.

Justice 2020 creates a framework to engage and empower community participation in setting the priorities and the policy of the Brooklyn DA's office. Every policy should be consistent with the community's needs and definitions of safety. By working with communities, particularly those most affected by the criminal justice system, the DA can enhance safety, reduce crime, and strengthen community trust.

Action Plan

“I am eager to actively engage with the people most impacted by the criminal justice system in thinking and problem-solving about what safety and justice require in their communities.”

Eric Gonzalez, Brooklyn District Attorney

Empower community residents and leaders through neighborhood safety partnerships

Together with the DA, community members can co-create systems of accountability that avoid convictions and incarceration, which too often has been the default response for both misdemeanors and felonies.

The Committee recommends that the DA work with community members to establish affinity groups around neighborhood, identity, and expertise. The DA should turn to these groups to help define safety, equity, and wellness, which the Office can then translate into policies and practices. The DA should develop metrics to ensure the implementation as well as the efficacy of these community-driven practices.

Partner with community-based organizations and service providers to expand community justice options to reduce incarceration and criminal convictions.

Implementing the Justice 2020 vision will require sufficient capacity of high-quality, community-based programs that are available at every juncture of a case. The Committee recommends that the DA work with the community and NYPD to expand pre-arrest diversion, precinct-based diversion, and pre-arraignment diversion.

Community-based sentences can offer a criminal justice response that holds individuals accountable without relying on a conviction, jail, or prison. In this vein, let us reframe our language from “alternatives to incarceration” to community justice. With existing and new partners, the DA can identify more community-based, family-focused services, as well as create new programs, when necessary, to address unmet needs.

Community members can help define these programs, deliver them, and track their outcomes.

Reduce prosecution of school-based offenses and divert youth from the criminal justice system

70%

Cases resolved in young adult court with no criminal record

Young people are developmentally different from older adults. Normal adolescent behavior should be treated as such, with the opportunity to get back on track and avoid the devastating, lifelong consequences of a criminal record. Since 2016, young people between the ages of 16 and 24 accused of a misdemeanor have gone through Young Adult Court, which offers age-specific services such as anger management, substance-abuse therapy, and internships (as a result of recent legislation, most cases involving 16 and 17 year-olds will be sent to Family Court).

Building on this success, the Committee recommends that the DA find new ways to divert misdemeanor and non-violent felony arrests pre-filing. A key part of this should be a partnership with the NYC Department of Education, so that school-based offenses can be dealt with in ways that allow young people to take responsibility for their actions, make amends to the people

they've harmed, and avoid prosecution entirely—a process known as “restorative justice.”

To ensure that all young people are treated fairly and consistently across the borough and to seek the minimal possible justice system response, the DA should consolidate all adolescent, youth, and young adult practices into one unit in the DA's office.

Develop protocols for charges resulting from police misconduct to improve accountability and transparency

Faith in law enforcement is a pillar of trust in the justice system. Misconduct must be taken seriously and handled transparently. No one is above the law.

The Committee recommends that the DA develop protocols to ensure independent investigations with no special treatment for police officers suspected of misconduct. Improved data and analytics can enable the office to identify patterns of misconduct.

The DA must be committed to transparency at every stage of the process and should develop protocols for informing family members and the public in these cases.

Impact and success

Community-based responses to crime have the potential to reduce incarceration, minimize the long-term negative impact of incarceration on individuals, families, and communities, improve safety and accountability through community partnership, and strengthen trust in the justice system.

Focus Resources on the Drivers of Crime

Brooklyn has experienced dramatic reductions in shootings during the past two decades. Still, Brooklyn accounts for the highest number of shootings in the city. Evidence shows that the population of shooters is a relatively small group of individuals who can to some extent be identified and tracked, and that interrupting the cycles of violence and retaliation requires creative solutions.

Additionally, gender-based crimes of violence continue to be under-reported and difficult to prosecute. Justice requires that perpetrators of these crimes be held accountable, which may require enhanced investigation techniques.

Thanks to the strict gun laws in New York, it is more difficult here than in other parts of the country for someone to stockpile weapons. The NYPD and Brooklyn DA work together diligently to disrupt the trafficking of illegal guns. But there remain a steady number of shootings, often gang-related, and we must continue to be laser-focused on identifying and incapacitating the drivers of crime. Public safety usually requires that these individuals be convicted and imprisoned. But interrupting cycles of violence, preventing future shootings, and deterring those not yet fully

drawn into gang activity and violent behavior require us to use other tools, and to try and address the underlying causes of violent behavior.

In recent years, increased reliance on data and analytics have enabled police forces to be much more precise in their efforts to prevent gun violence. This increased precision has allowed us to drive down shootings and homicides while at the same time reducing the numbers of people stopped and frisked by the police.

Thanks to an increasing level of inter-agency coordination, law enforcement has become more effective at identifying and prosecuting gang leaders. As gang leaders are prosecuted, the DA should partner with communities to engage those who are likely to be next in line to assume control of the gangs and work to direct them to better outcomes.

Additionally, the data analysis methods that are increasingly used in the prosecution of gang activity, weapons trafficking, and organized crime can be employed against gender-based violence—connecting accomplices in drug-rape cases, tracking defendants' activity on the dark web, or identifying locations where more than one victim has reported a sexual assault. These enhanced techniques will increase the DA's ability to hold sexual predators accountable.

Hate crimes strike at the heart of a community, sending a message that because of who we are, we are not safe. The DA's stated commitment to ensuring the safety of all communities, especially those that are the most vulnerable, means that hate crimes should continue to receive the office's focused attention.

Action Plan

“Evidence tells us that there is a very small number of individuals who are responsible for the vast majority of violent crimes. This is where our focus should be.”

Eric Gonzalez, Brooklyn District Attorney

Identify high-risk individuals early and explore early interventions to deter violent behavior.

As the science of violence prevention has developed, it has become increasingly clear that a very small subset of people commits premeditated violence, and that these individuals have a wide array of risk factors, among which are: trauma and mental health issues, poverty and lack of economic opportunity, low educational attainment, and poor housing conditions.

The Committee recommends that the DA work with communities to identify such individuals early and refer them to appropriate community-based services. By doing so, the DA can interrupt cycles of violence and achieve better outcomes for both the individuals and the community.

Interrupt gun violence and gang affiliation by intervening after a gang takedown.

When the DA collaborates with other law enforcement agencies on a large-scale enforcement action in which high-level gang members are arrested, these prosecutions often result in a vacuum in gang leadership.

To prevent other young people from continuing the cycle of gun violence, the DA should work with community partners and others to reach out and provide other options. Providing targeted, community-based services will help the community heal and take steps to prevent future gang violence.

Enhance prosecution of cases of gender-based violence, including acquaintance rape and sexual assault cases.

Perpetrators target victims they know in almost all sexual assaults. Yet in many jurisdictions, due to various factors, including difficulties in making the cases, acquaintance rapes are less likely to be investigated thoroughly than stranger rapes.

To deal most effectively with these cases, the Committee recommends that the DA apply enhanced evidence gathering techniques early on in sexual assault cases, including acquaintance cases. The labor-intensive nature of sexual assault prosecutions makes it essential to ensure that the Special Victims Bureau is fully resourced.

The DA should adopt innovative strategies for prosecuting drug-facilitated and alcohol-facilitated sexual assault, consulting toxicologists and drug recognition experts, using hair testing and other technologies as appropriate, and investigating online behavior.

We can only achieve the best outcomes for survivors when prosecutors include them in the handling of their cases. Keeping survivors informed about the status of their cases, regularly consulting them, and taking into account their views about case dispositions can help establish a dynamic that is victim-centered and promotes their recovery.

Create a single point of contact for hate crime charges.

The Committee recommends that a senior member of the DA's staff be designated to assist police officers in determining whether a criminal offense is a hate crime and to serve as a contact for the community.

The Hate Crimes Unit should include multi-lingual and diverse staff with ongoing culturally-specific trainings and ongoing connections to vulnerable populations including Brooklyn's religious, immigrant, and LGBTQ communities.

The elevated rate of homicides against transgender and gender non-conforming individuals requires the DA's focused attention, and that starts by recognizing them as hate crimes.

Impact and success

These policies will increase public safety by interrupting the cycle of gun violence, by ensuring that deserving individuals are held accountable, and by sending a deterrence message to offenders and the community.

The DA's support of vulnerable individuals such as survivors of sexual assault and hate crimes will increase trust in the DA's office and encourage other survivors to come forward to report crimes.

Invest in the DA's People and Data to Drive Innovation and Reform

Achieving the vision of Justice 2020 involves dramatic changes in the way the DA's office does its work. To achieve this, new tools are needed to train staff, track progress, measure success and increase transparency.

Pursuing the dramatic reorientation of Justice 2020 will require more than policy directives, memoranda, and guidance from leadership. This reorientation requires the transformation of the DA's office, which in itself must be executed by the people within it. Supporting and carrying out the vision of Justice 2020 will require new systems of data, training and accountability, and may also necessitate re-allocating resources to ensure that they are in alignment with the Office's new vision.

The performance measures of nearly every local prosecutor's office in the country are limited to gross measures of punishment, including dismissals and trial convictions. By establishing goals that encourage alternatives to prosecution rather than more punitive responses, and rewarding ADAs who meet these goals, the culture of the DA's office will continue to change in line with the vision of Justice 2020.

The DA should develop new metrics, aligned with the goals of Justice 2020, to measure the work of both individual ADAs and the Office as whole.

External reporting facilitates a culture of transparency throughout the Office. Since few prosecutors' offices produce data reports, external reporting will demonstrate the reform leadership of Justice 2020 and strengthen community trust.

Action Plan

**“A progressive, 21st century
prosecutor’s office must
be innovative, data driven
and transparent.”**

Eric Gonzalez, Brooklyn District Attorney

Establish a transformation office and data/analytics team to drive metrics, best practices, and reform.

To help overcome bureaucratic inertia and understandable fear of change, the Committee recommends that the DA create a new executive role dedicated to planning, designing, and overseeing the Justice 2020 changes called for in this plan. The new team should have the analytics capabilities needed to support the rest of the Office in implementing and monitoring the plan.

The DA should work with experts to develop a new performance measurement and management system to track progress toward key goals and enable him to hold his staff accountable for advancing them. This system should be directly tied to the goals and objectives of the Justice 2020 plan and should include regular public reports.

As an early effort, the Committee recommends that the transformation office complete an office-wide data diagnostic: current data and collection methods, data systems, data integration and sharing, and how staff use data for policy analysis and to improve practice.

Train all staff in cultural competency

Given the diversity of Brooklyn, prosecutors need to understand the special needs and cultures of those they serve. The Committee recommends that the DA train all staff in cultural competency, and that the training include both traditional and experiential components. For example, an instructor could share the basics of mental health: symptoms of mental illness displayed during interactions with police or in court; the relationship (or lack

38%

Brooklyn residents born
in another country

thereof) between mental illness and crime or violence; and evidence-based supports for reducing crime and aiding recovery.

Roundtable discussions could enable community members to engage with prosecutors about their cultures and how they want to be treated and spoken to. Conducted by community members, these forums can holistically address issues regarding religious practices, gender, language barriers, family dynamics, and communities' interactions with law enforcement.

47%

Brooklyn residents who speak a language other than English at home

Realign staffing so that each case is the responsibility of a single ADA (vertical prosecution).

The Committee believes that procedural justice for both victims and defendants—as well as community trust in the criminal justice system—would be enhanced by ADAs having more familiarity with the facts of each case they handle.

The Committee therefore recommends that the DA assign one prosecutor to handle each case from inception through disposition or trial, a structure known as “vertical prosecution.”

In implementing this approach, the DA should consider whether cases should be assigned in the complaint room, arraignment or some other point. It will be important to balance case load, area of expertise, and other factors.

Promote accountability by establishing an office of professional responsibility and ethics.

The Committee recommends that the DA establish a full-time, permanent ethics position. This person should be tasked with designing an Office of Professional Responsibility.

The OPR should work to incentivize ethical practices throughout the lifecycle of a case, serve as a confidential contact for internal and external complaints, offer case-specific support, and ensure that all prosecutors participate in ethics training.

Streamline case handling and enhance fairness and transparency with e-discovery.

Open and early discovery, already in practice in Brooklyn, is enhanced in many other jurisdictions by internet technology. The Committee recommends that the DA work with the Police Department to bring discovery materials online and implement a program of electronic discovery. Implementing such a program will require the DA to put into place safeguards against potential misuse or mishandling of discovery materials, including guarding against witness intimidation and protecting the safety of witnesses and victims.

Impact and Success

These actions will increase community trust by improving ADAs' ability to advocate effectively on behalf of victims and witnesses from the diverse communities of Brooklyn. Increasing the efficiency of the Office's practice will result in greater procedural justice for both victims and people accused of crime and reduce the risk of wrongful convictions. Improved data systems will allow the Office to track progress toward the goals of Justice 2020 and increase transparency and accountability with the public.

Conclusion

Justice 2020 represents a commitment on the part of Brooklyn District Attorney Eric Gonzalez to fundamentally change how his office does its work, in ways that are meant to decrease incarceration and increase the trust of Brooklynites in their District Attorney's office. The successful implantation of this plan will lead to safer and healthier neighborhoods in Brooklyn and create a national model for reform that can be adopted by other DA's offices in New York City and State, and around the country.

Implementing the Plan

An Action Plan
for Brooklyn

The Justice 2020 Launch Committee included community leaders and criminal justice reform experts, service providers, prosecutors and defense attorneys, representatives from the NYPD, and formerly incarcerated people.

194

Brooklyn DA staff members serving on Justice 2020 implementation committees

The Committee worked over several months to analyze best practices nationally, understand the specific needs and views of Brooklyn communities, research different approaches to implementation, and produce the recommendations which have now been incorporated into this plan. These recommendations were then handed off to DA Gonzalez and his staff for implementation.

Senior staff from the DA's office are individually responsible for each action item in this plan. Milestones will be closely monitored by the transformation office, the senior staff, and personally by the DA.

The release of this plan to the public represents a down payment on the DA's commitment to transparency, accountability, and community engagement. Going forward, the DA will report progress on this plan annually.

DA Gonzalez welcomes feedback on the plan. To submit feedback, go to **justice2020@brooklynda.org**

Acknowledgments

An Action Plan
for Brooklyn

The District Attorney expresses his deep appreciation to every person who contributed to this plan.

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