



## **Developing, Implementing and Sharing Statewide Best Practices Committees for Prosecutors 2014-2015 REQUEST FOR PROPOSALS**

Under a grant from the Bureau of Justice Assistance, the New York Prosecutors Training Institute seeks proposals from state and local prosecutors for funding to develop and implement a statewide Best Practices Committee for prosecutors.<sup>1</sup> It is anticipated and expected that three to five states will be selected nationally.

**Eligibility:** A statewide prosecutor association, a statewide prosecutor coordinator, an Attorney General, or an individual prosecutor acting on behalf of a state's criminal prosecutors may submit an application for the grant. Applicants must prosecute felonies in their state or have the mission to train and support prosecutors.

**How to Submit and Deadline for Application:** All applications must be received via e-mail to: [BP@NYPTI.org](mailto:BP@NYPTI.org) by 1:00 p.m. (EST), March 14, 2014.

**Page Limit:** Applications must be limited to five pages (double-spaced, using a standard 12-point font (Times New Roman is preferred) and one-inch margins on all four edges of each page.

**Project Overview:** The criminal justice system is going through a period of change and transformation. Prosecutors should be part of that process and should have a significant voice in shaping the future course of the justice system. Technology and science, both of which are evolving at an accelerating and overwhelming pace, are driving some of the change. Other factors, like the focus on wrongful convictions, have demonstrated the need to closely evaluate evidence of every kind, so as to eliminate the likelihood of wrongful convictions occurring in the first instance.

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Prosecutors' mission is to protect public safety while safeguarding the rights of the accused. They have an obligation to thoroughly and fairly investigate a case so that justice is done. State and local prosecutors are an essential part of the criminal justice system and should play an important leadership role in the national discussion on how to protect the public in a fair and balanced way.

*Best Practices for Prosecutors Committee:* Based on a model started in New York in 2009, it has been demonstrated that a statewide Best Practices Committee allows prosecutors to take the lead in improving the criminal justice system. The Best Practices Committee can develop enhanced procedures, assess new forms of evidence, review ethical issues, stay abreast of criminal justice research, and collaborate with criminal justice partners. It is no longer sufficient to attend a few training courses every year; instead senior prosecutors must have an on-going process through which they can decide how best to enhance their investigations and prosecutions through reliable evidence and fair procedures. A statewide Best Practices Committee for prosecutors will be a brain trust for criminal justice innovations that inure to the benefit of all.

A Best Practices Committee should be comprised of District Attorneys and senior assistant district attorneys, all with significant experience in the criminal justice system. They must represent all parts of the state - rural, suburban, and urban. Meetings should be held on a monthly or bi-monthly basis. The Committee must be non-partisan.

*Topics:* Examples of some of the topics that a committee can address include:

- Identification Procedures: What are the concerns regarding the reliability of eyewitness identification? How can identification procedures be improved practically and without losing reliable identifications?
- Statements of the Accused: Should interrogations be video recorded? What considerations are there regarding recoding confessions? How can detectives be trained to question suspects while avoiding false confessions?
- Digital Evidence: How to find, preserve, authenticate and introduce digital evidence?
- Social Media: How to use social media as an investigative tool to corroborate other evidence? How to use social media to do background checks? How should law enforcement use social media? What are the ethical concerns?
- Social Science Research: What can be learned from existing research? Is other research needed?

- Ethics: How can ethics training of prosecutors and police be improved?
- Forensics: Provide updates on improving forensic techniques. Keep abreast of what is going on the forensic laboratories – do they have proper standards? What should be done if there is an irregularity in the laboratory?
- Wrongful Convictions: Discuss past wrongful convictions and lessons learned.
- Current criminal justice topics: Assess issues, proposals and initiatives that arise from newspaper articles, Bar Association reports, legislation, or advocacy groups.

*Collaborations:* The Committee Chair and its members are encouraged to collaborate with others in the criminal justice system, so that prosecutors' perspective on best practices can be heard. Collaborations can include, but are not limited to, meetings with:

- Police
- Forensic laboratories
- Bar Associations
- Colleges and Universities
- Courts
- Community groups
- Victim groups
- Criminal defense organizations
- Advocacy groups

*Chair of the Committee:* The Chair of the committee will be responsible for setting an agenda, providing materials and arranging for presentations. The Chair will also create sub-committees that between-meetings will study specific topics and report back to the committee as a whole.

*Committee Administrator:* The Committee might chose to have a committee administrator who will assist the Chair with, among other things, organizing meetings, conference calls, Prosecutors' Encyclopedia, materials, and presentations.

*Prosecutors' Encyclopedia:* (PE) is an on-line wiki for prosecutors. Currently available to prosecutors throughout the nation, PE will be the platform for creating a National Resource Center to assist and support prosecutors who have created statewide Best Practices Committees. The National Resource Center will gather and organize materials of interest to Best Practices Committees. In addition to each

state having its own Best Practices page on PE, information sharing between states will also be enhanced by the National Resource Center and easy access through PE. By sharing materials and ideas, Best Practices Committees in various parts of the country will work together to develop and enhance the National Resource Center.

PE has proven to be extremely useful for the Best Practices Committee in New York. In addition to serving as the portal for meeting materials, PE automatically archives the materials for each meeting of the New York Best Practices Committee. The electronic storage in PE allows easy organization, retrieval and editing. Instead of carrying heavy and expensive binders of materials to meetings, members can bring materials on their tablet or smartphone. In addition, committee members who miss a meeting can access the materials on their office computer or smartphone. Finally, PE eliminates most printing costs.

Prosecutors who already have joined PE, can see the New York Best Practices page by typing “Best Practices - NY” in PE's search box (search terms are case sensitive).

**Funding:** Up to \$50,000 per state, per year, will be available to support the development and implementation of statewide Best Practices Committee for Prosecutors who are responsible for prosecuting violent felony crimes. The grant will fund the part-time work of either a committee chair or a committee administrator for two years.

**Application Narrative:** The applicant must submit a narrative that includes the following items:

- A statewide agreement to start and implement a Best Practices Committee.
- Timeline for the development and implementation of a Best Practices Committee, including an approximate date for the first Best Practices meeting.
- An implementation plan for the committee.
- Qualifications and ability of the leader of the committee. The qualifications of the leader must include information about whether any formal complaints or accusations of misconduct have been brought against the proposed leader by any regulatory, investigatory, or other agency? If yes, please list the outcome.
- Qualifications required of the committee administrator, if any.
- Membership of the committee, including experience of the members and the diverse geographic jurisdictions that they represent.

- Assurance of non-partisan nature of the committee
- Number of meetings to be held per year, as well as a commitment to between-meeting conference calls. The Best Practices Committee must meet at least six times a year.
- Topics to be addressed.
- Collaborations to be pursued.
- Current participation in and experience using PE or a strong commitment to learning, contributing, teaching and using PE to serve as the platform for a National Resource Center.
- In-kind contributions, such as overhead, meeting space, travel costs, salaries of members, etc.
- Ability, understanding of and strategy for maximizing technology that will enhance the Best Practices meetings, such as the use of PE and webinar technology for meeting purposes.
- Proposed implementation plans for initiatives approved by the committee.
- Ability to work as a Regional Coordinator with Best Practices Committees from adjoining states and to be a liaison to the National Resource Center.
- Willingness and commitment to consult with NYPTI and its designees regarding the development of the Best Practices Committee. Ability to submit required reports and comply with grant terms.

**Budget Worksheet and Budget Narrative:**

- A Budget Detail Worksheet should provide details of the funding requested.
- The Budget Narrative should describe every category of expense listed in the Budget Detail Worksheet. The narrative should correspond with the information and figures provided in the Budget Detail Worksheet. The narrative should explain how the applicant estimated and calculated all costs, and how they are relevant to the completion of the proposed project.

**Site Selection Process:** The application will be evaluated based on the following:

- An applicant's implementation plan for developing and continuing the Best Practices Committee.
- Qualifications of the committees' leader or administrator.
- The commitment to creating a geographically diverse committee of senior, experienced prosecutors.
- Assurances of the non-partisan nature of the committee.

- An applicant state's understanding of relevant topics for the state's Best Practices Committee to tackle.
- An applicant's commitment to study and improve criminal justice in their state.
- The state's present use of PE, willingness to learn about PE, train prosecutors how to use PE, and anticipated resources that the state will share in PE and the National Resource Center portion of PE for distributing and sharing Best Practices materials and resources.
- The state's in-kind investment for ensuring a successful committee.
- The state's Best Practices meeting plans and between-meetings plan for getting work done, with a requirement that the committee must meet at least six times per year.
- The state's ability to be a Regional Coordinator of Best Practices Committees in adjoining states and to be a liaison to the National Resource Center.
- The state's willingness to coordinate with NYPTI and its designee on the development of the Best Practices Committee.
- The timeline for development and implementation of the Best Practices Committee, including the approximate date of the first Best Practices meeting.

**Review Process:** A committee of subject matter experts will review the applications submitted under this solicitation that meet basic minimum requirements. The committee may include, among others, members of BJA and NYPTI.

**Expected Metrics/Outcome:** Performance of the grant will be evaluated based on:

- Timeline of developing and implementing a Best Practices Committee
- Number of Best Practices Committee meetings held
- Number and types of topics covered
- Number of between-meeting conference calls
- Number of initiatives developed and implemented
- Number of materials collected and distributed
- Number of collaborations with other criminal justice partners.
- Coordination with Best Practices Committees in other states and ability to serve as a resource to other states who are developing a Best Practices Committee.

- Coordination with NYPTI, or its designee, on the development of a Best Practices Committee.

**Memorandum of Understanding:** NYPTI will execute a memorandum of understanding with each state chosen to participate in this grant. The memorandum of understanding will detail state responsibilities, set goals, tasks, and performance measures. Each state will agree to a timeline for tasks and reporting metrics.