

Turning Challenges into Opportunities



Police union slams circuit attorney over investigation into officer-involved fatal shooting

Koran Addo Aug 22, 2015  0

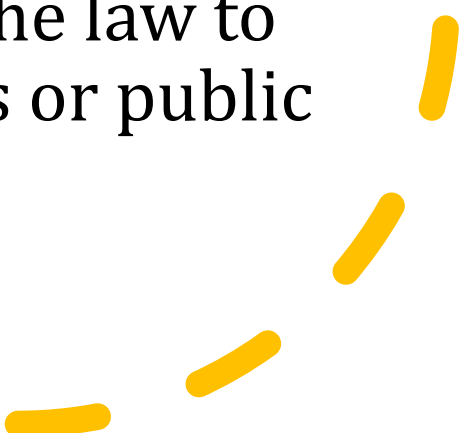


Turning
Challenges
into
Opportunities

Challenge

- You didn't file charges in a case, or you dropped charges and victims are upset

Opportunity

- You educate the public on your responsibility to protect the rights of victims AND defendants
 - Prosecutors use evidence and the law to make decisions, not gut feelings or public pressure
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Turning
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Opportunities

Example Message

“Justice requires we pursue cases based under the law and with evidence. When there is insufficient evidence, despite our belief in the case or even when we believe we have the right person, we must continue to move forward and search for the evidence required to convict beyond a reasonable doubt. If anyone has information about this matter, we encourage them to come forward and contact police. The investigation will remain open.”

“We have a legal and ethical obligation to protect both the rights of the victims and defendants. To take away someone’s liberty without proper evidence, goes against our obligation to pursue justice for all.”

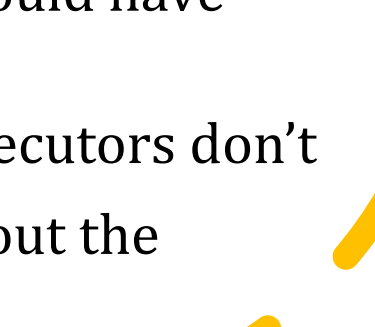


Turning Challenges into Opportunities

Challenge

- You negotiated a plea agreement rather than go to trial
- You receive a lesser sentence by the court than what you asked for and the victims are upset

Opportunity

- Help the public understand your mission is justice and justice comes in many forms
 - Educate the public about how you must do what you can in a case to seek justice with the evidence you have, even if it's not the outcome you would have sought
 - Judges make sentencing decisions, prosecutors don't
 - Talk off the record with the reporter about the challenges faced with the evidence
- 

Turning Challenges into Opportunities

Example Message

- *“Today, we made a recommendation to the court seeking seven years of prison time for Mr. Smith, who was convicted of sexual assault of a minor. While we would have preferred a higher sentence, this resolution allowed us to achieve justice without exposing the child victim to testify and relive the tragedy of the assault. Mr. Smith took responsibility for his actions, which was important to the victim’s family.”*
- *“We understand the victim’s family is disappointed with the resolution of the matter. Sometimes justice doesn’t meet the expectations of the victims, and we understand the family’s disappointment with this decision.”*

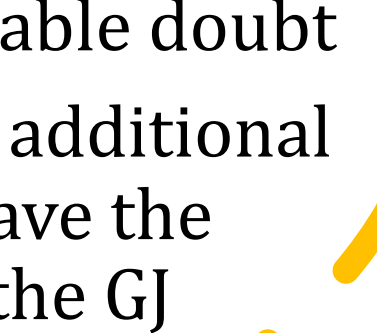


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Challenge

- The Grand Jury no true billed charges, and victims/media are upset

Opportunity

- Help the public understand that a Grand Jury is a citizen review panel
 - Prosecutors believed there was probable cause to bring the case to the GJ but the GJ believed there was insufficient evidence to prove the case beyond a reasonable doubt
 - The matter will remain open. If additional evidence is acquired, we may have the opportunity to bring it back to the GJ
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Example Message



- *“Our system is set up to allow a jury of our peers to review the evidence and determine if there is probable cause to move forward in a criminal matter. While we had hoped the Grand Jury would move forward with this matter, they determined there was insufficient evidence at this time. We respect the Grand Jury’s decision. If anyone has additional information regarding this matter, we encourage them to contact police or our office.”*

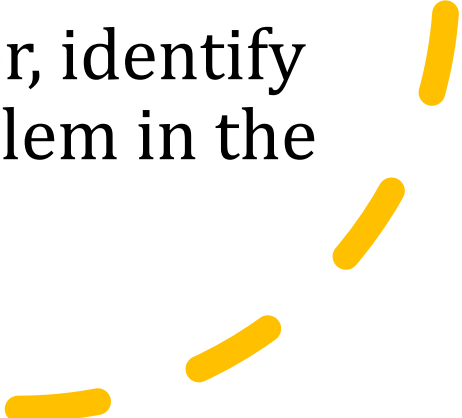


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Challenge

- You made an unforced error, and you must admit it
- Someone in your office did something illegal or unethical

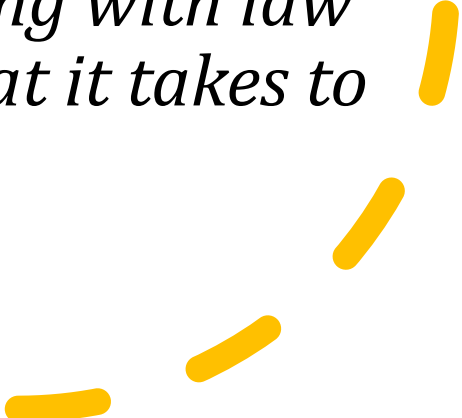
Opportunity

- The public wants to know that when you make an error and you're sorry about it
 - Take accountability for the error, identify the process to prevent the problem in the future, and move on
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Example Message

- *“Today we turned over evidence to the FBI regarding a matter involving an employee in our office. My team and I are both angry and heartbroken over this issue because our job is to uphold the law without fear or favor. We are held to a higher standard than others and we take that responsibility seriously. We are fully cooperating with law enforcement, and we will do what it takes to make this right.”*
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Challenge

- You are in conflict with police, police union or a defense attorney
- You are being accused of not pursuing a matter or pursuing a matter that others think you shouldn't

Opportunity

- You allow the facts and the evidence to determine whether charges are filed
- You pursue justice without fear or favor
- You will hold the police accountable for breaking the law, just as you hold any citizen accountable for breaking the law
- You believe most police officers are committed to doing the right thing



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Example Message

- *“Law enforcement officers in this country are granted a tremendous amount of power to help keep our community safe and uphold the law. When police officers abuse their power and violate the public’s trust, that contributes to the current crisis in police-community relations*
- *“As District Attorney, my job is to legally and ethically hold people accountable for breaking the law, including police officers. I have committed to the people of X community that I will do whatever I can to increase public accountability and help strengthen the relationship between the community and the criminal justice system. I hope these charges today send a clear message that those who choose violate the public’s trust will be held accountable to the fullest extent of the law, regardless of who they are.”*
- *“As District Attorney, I believe most police officers work hard every day to earn the public’s trust. While we have filed charges today against Officer Smith, I stand united with the police officers who put their life at risk to keep us safe every day.”*



Turning Challenges into Opportunities

Challenge

- A local leader is criticizing your handling of a case that is still pending. A reporter calls you for a story, but you can't comment on an ongoing matter

Opportunity

- Educate the community and local leader about why you can't comment on an ongoing case – because it could interfere with the integrity of the investigation
- Help the community understand that regardless of whether a local leader is frustrated with you, you make decisions based upon the facts and the law. You make decisions without fear or favor.



Turning Challenges into Opportunities

Example Message

- *"We understand that Mr. Jones is frustrated with our charging decision. At this time, the matter is an open investigation. We have a legal and ethical obligation to protect the integrity of the investigation. Mr. Jones is unaware of the facts and evidence in this matter. If he has concerns about our actions or evidence for us to review, we encourage him to reach out to us for a conversation."*



Turning Challenges into Opportunities

Challenge

A defense attorney talks about a pending case and provides inaccurate information

Opportunity

- Educate the community about why you can't comment on an ongoing case – because it could interfere with the integrity of the investigation
- Help the journalist understand that the role of the prosecutor is different than the role of the defense attorney, and they both have an obligation as officers of the court to provide truthful information



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Example Message

“There is limited information we can provide on a pending and open investigation. We have an obligation to protect the liberty and constitutional rights of the defendant by limiting the amount of information that is in the public domain.”

I can say that the information you were provided is not consistent with the evidence we have gathered.”

- (If you trust the reporter, you may consider going off the record.)



Turning Challenges into Opportunities

Challenge

- An accusation of prosecutorial misconduct is made against the DA or office

Opportunity

- Educate the public about how serious of an accusation that is and assure them the facts don't support that accusation
- If it's true, take accountability for the situation and identify what remedies you've put in place to avoid a situation like this in the future
- Express the importance of integrity in the office, and how this behavior does not represent the good people who work here



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Example Message

“This accusation is categorically untrue. X person is mistaken about the situation. Throwing these types of false allegations around to generate publicity against the office or to attack the criminal justice system is against the dignity of an officer of the court.”

“We have taken appropriate action regarding this employee. (Describe next steps.)

