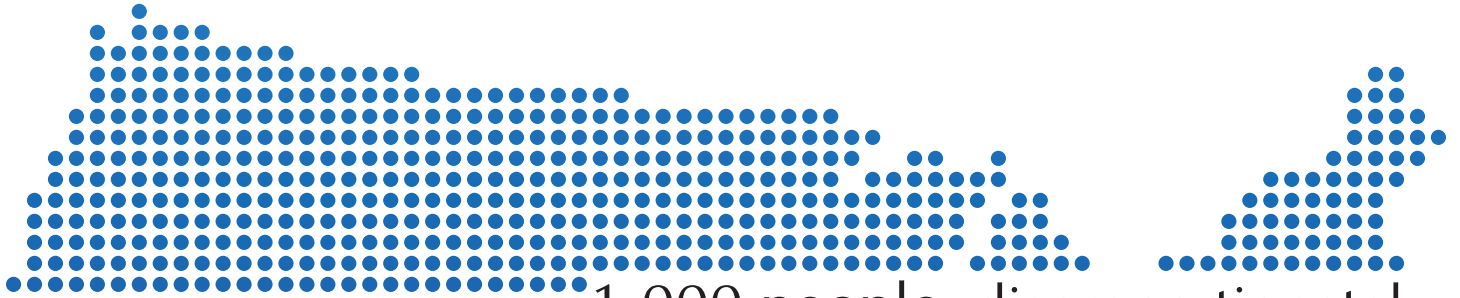


THE PROSECUTOR'S ROLE IN ADDRESSING
OFFICER-INVOLVED FATALITIES AND CRITICAL INCIDENTS

**A WORKING GROUP LED BY PROSECUTORS AND COMMUNITIES,
TO CREATE A TOOLKIT FOR PROSECUTORS AND COMMUNITIES**

FEBRUARY 2019



In the United States every year, approximately **1,000 people, disproportionately people of color, are killed at the hands of law enforcement.**¹

In the decade between 2005 and 2015, only 54 police officers faced criminal charges for fatally shooting someone in the line of duty, and nearly half of such cases resulted in acquittal or dismissal.² Increased accountability for police officers involved in these tragedies has the potential to improve communities' sense of safety and to enhance trust between law enforcement and communities. Elected prosecutors and the communities they serve are uniquely situated to serve as leaders in building a path towards accountability.



1. "National Police Shootings Database," The Washington Post, 2015-2018; "Mapping Police Violence," Campaign Zero, 2015-2017; "The Counted," The Guardian, 2015-2016.

2. "Police Officers Prosecuted for Deadly Use of Force," The Washington Post, 11 Apr. 2015.

THE WORKING GROUP

The Institute for Innovation in Prosecution at John Jay College of Criminal Justice (IIP) convened a year-long examination of police use-of-force. Comprised of 50 experts from across the country – individuals who have lost loved ones to police violence; prosecutors; police chiefs; policy experts; academics; and advocates – the Working Group on Officer-Involved Fatalities and Critical Incidents (Working Group) convened around the shared goals of preventing use-of-force, and providing a path to accountability for unjustified force.

Working Group members convened around the shared goals of preventing use-of-force, and providing a path to accountability for unjustified force.

The Working Group brought together stakeholders from all sides of this issue. The diversity of the working group allowed for an honest reckoning of the factors that contribute to use-of-force and to limited accountability, and a careful examination of previously neglected nuances that can help to reduce and address these tragedies. Since its first convening, held in February 2018, the Working Group has provided a platform for directly impacted family members, prosecutors, and police chiefs to share their stories, learn from each other's experiences, and work together to build a more just system. Working Group members collaborated over the past year to identify action for prosecutors to take and communities to advocate for in order to reach these shared goals. Their collaboration culminated in a Toolkit for Prosecutors and Communities, by Prosecutors and Communities (the Toolkit).

The Toolkit draws on the insight of Working Group members as well as existing data and research in order to provide actionable and adaptable steps for prosecutors and communities to prevent and address officer-involved fatalities and other critical incidents in their local jurisdictions.

While there is no shortage of research or reports about officer-involved critical incidents, there has yet to be a guidebook that offers tangible steps for prosecutors and communities to take. This Toolkit addresses this gap. It aims to:

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- **Reduce officer use-of-force**
 - **Ensure thorough, transparent, and timely investigations**
 - **Strengthen state statute language to provide a path to accountability**
 - **Evaluate local policies using data, racial justice, and human dignity as core metrics**
 - **Foster dialogue and partnerships between prosecutors and communities to address use-of-force**
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Members of the IIP's Working Group on Officer-Involved Fatalities at John Jay College of Criminal Justice, New York, NY. October 2018

The Working Group was led by individuals who have lost loved ones to police violence; prosecutors; and police chiefs.



Commonwealth Attorney Stephanie Morales, Wanda Johnson, and Victoria Davis share insight on how prosecutors can engage with families directly impacted by officer-involved critical incidents. October 2018



How can we translate conversation into action? Roy L. Austin, Jr. leads the Working Group in a session on "Action Mapping." February 2018

WORKING GROUP MEMBERS

1. **Lumumba Akinwale-Bandele**, Senior Community Organizer, NAACP Legal Defense and Education Fund
2. **John Alden**, Managing Attorney, Independent Investigations Bureau, San Francisco, CA District Attorney's Office
3. **Roy L. Austin, Jr.**, Partner, Harris, Wiltshire & Grannis, LLP; former Deputy Assistant to President Barack Obama for Urban Affairs, Justice and Opportunity
4. **Iris Baez**, Founder, Anthony Baez Foundation; Mother of Anthony Baez (killed by NYPD in 1994)
5. **Chiraag Bains**, Director of Legal Strategies, Demos
6. **Valerie Bell**, Mother of Sean Bell (killed by NYPD in 2006)
7. **Alvin Bragg**, former Chief Deputy Attorney General, New York
8. **Paul Butler**, The Albert Brick Professor in Law, Georgetown Law
9. **Gwen Carr**, Mother of Eric Garner (killed by NYPD in 2014)
10. **Clarence Castile**, St. Paul, MN Reserve Officer; Uncle of Philando Castile (killed by St. Anthony PD in 2016)
11. **Valerie Castile**, Founder of Philando Castile Relief Foundation; Mother of Philando Castile (killed by St. Anthony PD in 2016)
12. **John Chisholm**, District Attorney, Milwaukee, WI
13. **John Choi**, County Attorney, Ramsey County, MN
14. **Ed Chung**, Vice President for Criminal Justice Reform, Center for American Progress
15. **Angela J. Davis**, Professor of Law, American University Washington College of Law
16. **Ronald L. Davis**, Principal Consultant, 21st Century Policing Solutions, LLC; former Director of the Office of Community Oriented Policing Services, US Department of Justice
17. **Victoria Davis**, Sister of Delrawn Small (killed by NYPD in 2016)
18. **Cristine DeBerry**, Chief of Staff, Independent Investigations Bureau, San Francisco, CA District Attorney's Office
19. **Kadiatou Diallo**, President & Founder, The Amadou Diallo Foundation; Mother of Amadou Diallo (killed by NYPD in 1999)
20. **James Doyle**, Fellow, National Institute of Justice
21. **Todd Foglesong**, Professor of Global Practice, University of Toronto Munk School of Global Affairs & Public Policy
22. **Michael Freeman**, County Attorney, Hennepin County, MN
23. **George Gascón**, District Attorney, San Francisco, CA
24. **Lawrence Grandpre**, Director of Research, Leaders for a Beautiful Struggle, Baltimore, MD

25. **Aurie Hall**, Former Acting Director, Criminal & Juvenile Justice Program, Open Society Institute – Baltimore, MD
26. **Crystal C. Hall**, Associate Professor, University of Washington Evans School of Public Policy & Governance
27. **Kristine Hamman**, Executive Director, Prosecutors' Center for Excellence
28. **Jill Harris**, Head of Policy and Strategy, Kings County, NY District Attorney's Office
29. **Farhang Heydari**, Deputy Director, Policing Project, New York University School of Law
30. **Kathleen Hill**, Former Director of Policy, Cook County, IL State Attorney's Office
31. **Robert Himelblau**, Supervising Deputy District Attorney, San Joaquin County, CA District Attorney's Office
32. **Tara Huffman**, Director of Criminal and Juvenile Justice, Open Society Institute – Baltimore
33. **Wanda Johnson**, Founder, Oscar Grant Foundation; Mother of Oscar Grant (killed by BART police officer in 2009)
34. **Joo-Hyun Kang**, Director, Communities United for Police Reform
35. **Lucy Lang**, Executive Director, The Institute for Innovation in Prosecution at John Jay College of Criminal Justice
36. **Karol Mason**, President, John Jay College of Criminal Justice; former United States Assistant Attorney General
37. **Stephanie Morales**, Commonwealth Attorney, Portsmouth County, VA
38. **William Ramirez**, Executive Director, ACLU – Puerto Rico
39. **Meg Reiss**, Chief of Social Justice, Kings County, NY District Attorney's Office
40. **Dan Satterberg**, Prosecuting Attorney, King County, WA
41. **Paul Schnell**, Police Chief, Inver Grover Heights, MN
42. **Erica Schumacher**, Director of Strategic Initiatives, Ramsey, MN County Attorney's Office
43. **Jennifer Shaw**, Program Officer, Open Society Foundation
44. **Samuel Sinyangwe**, Policy Analyst & Data Scientist, Campaign Zero
45. **Tarek Tomez**, Chief Information Officer, City of St. Paul, MN
46. **Cyrus Vance, Jr.**, District Attorney, Manhattan, NY
47. **Tori Verber Salazar**, District Attorney, San Joaquin County, CA
48. **Fred Watts**, Executive Director, Police Athletic League
49. **Tali Farhadian Weinstein**, General Counsel, Kings County, NY District Attorney's Office
50. **Marny Zimmer**, Director of Policy, Cook County, IL State Attorney's Office

The Institute for Innovation in Prosecution provides a collaborative national platform for prosecutors and the communities they serve to advance a more equitable and effective criminal justice system, founded on community-centered standards of safety, fairness, and dignity.

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