

Prosecutor Well-Being Implementation Guide

Produced by the Institute for Innovation in Prosecution

About the Institute for Innovation in Prosecution

The Institute for Innovation in Prosecution at John Jay College of Criminal Justice (IIP) provides a collaborative national platform that brings together prosecutors, policy experts, and the communities they serve to promote data-driven strategies, cutting-edge scholarship, and innovative thinking. The IIP is dedicated to criminal justice that promotes community-centered standards of safety, fairness, and dignity.

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Introduction

This is a guide for prosecutors' offices seeking to enhance their employees' well-being. The job of a prosecutor takes a toll on the mental and physical health of prosecutors. Prosecutors handle heavy workloads, manage difficult and traumatic cases, and are charged with making life-altering decisions. Investing in prosecutor wellness is an essential part of maintaining a healthy, just, and dignified criminal legal system.

The tragedies of the COVID pandemic and the disorienting shift to remote operations have amplified the need for offices to invest in employee wellness. Now more than ever, elected prosecutors and office leaders must find ways to support their staff during the pandemic and build an enduring wellness infrastructure.

This guide envisions a culture shift that dovetails with other criminal justice reforms; an investment in prosecutor well-being is integral to implementing meaningful and lasting change. After all, underlying the movement for reform is the acknowledgment that empathy, mindfulness, an understanding of trauma, and the ability to stand in the shoes of another is critical to the administration of justice.

Fair adjudication of cases also requires that individual prosecutors understand themselves, how they are perceived by others, their biases, strengths, and weaknesses. This type of self-awareness permits more nuanced decision-making, the ability to hold diametrically opposed ideas at the same time --as justice so often requires-- and an ability to be present for the experience of another, all of which are at the core of a [trauma-informed approach](#).

In the case of the prosecutor, the "client" is justice and the communities that prosecutors serve. Thus, maintaining one's well-being affects communities, systems, and the ethical execution of a function that impacts liberty and justice for all.

Best Practices for Implementing a Wellness Program in Your Office

Start with wellness education

- * Offices should provide annual wellness education and training to staff on the adverse physical and mental effects of their work and provide tools to counteract those effects.
 - * Wellness education provides staff with the knowledge of how criminal justice work can lead to higher levels of burnout and secondary traumatic stress than other practices in the legal profession. These effects can lead to a long-term impact on a person's mental, physical, and emotional health.
 - * Wellness education can lead to a healthier staff, higher job retention, and ensure the fulfillment of a prosecutor's ethical duties.
 - * Training can consist of formal presentations, like the IIP's Well-Being presentation.
 - * Wellness education should be regularly updated and provided for all staff. Paralegals and administrative staff are often just as affected by casework as the prosecutor.
- * Supervisors and senior staff should receive secondary training on how to support younger staff members, who are the most vulnerable to the adverse effects.

Prioritize leadership buy-in and implementation

- * Buy-in for participation and embracing wellness programs are crucial.
- * Assign leadership to communicate with staff on the importance of wellness and how it affects your work.
- * Office leaders are typically the longest tenured employees and have spent their careers as prosecutors even without wellness support. They may be less inclined to believe these changes are necessary because they have succeeded without them. Though this may be true, it does not mean that well-being cannot be improved for leadership or fostered for younger prosecutors. Leadership also tends to have less exposure to the day-to-day traumas and stressors of casework. This may hinder their ability to understand the need for wellness support in the office.
 - * To address the resistance from leadership, senior staff must supervise wellness initiatives in the office. Leaders who have a direct role in managing programs can mentor younger staff, give guidance to junior prosecutors, as well as learn new skills and practices to strengthen their well-being.

Normalize conversations around wellness and trauma in your office

- * Education and training is a catalyst for the conversation on office well-being. To maintain the enthusiasm and focus, office leaders should be intentional in continuing those conversations.
- * Provide regular trainings and wellness resources in office emails to keep wellness top of mind

for staff.

- * Enlist office leaders to do wellness check-ins with junior staff, particularly when they are supervising staff who work on especially difficult or traumatic cases.
 - * During a wellness check, supervisors can offer junior prosecutors support and space for them to air their concerns and stressors about cases.

Base your implementation off of office feedback and evaluations

- * Conduct an anonymous office-wide survey to gauge the need for wellness support and resources.
- * Surveys can provide insight, like how many staff members are burned out by their work; how many staff members have considered leaving prosecutorial work due to the mental and emotional toll it can take; and what resources would be the most beneficial for staff.
- * Consider job retention rates, instances of misconduct, and public views of the office culture as a means to gauge the wellness of the office.
- * Present the survey results to your office to demonstrate the need and reasoning behind implementation decisions.
- * Regularly survey and monitor office wellness.
- * Create a channel for feedback on the implementation.

Maricopa Model: Peer Support Program

- * **The Maricopa County (AZ) Attorney's Office conducted a voluntary office survey to ascertain expectations of a Peer Support Program in a prosecutorial setting, level of need, circumstances that would warrant the use of a Peer Support Team, and concerns using peer support services. The survey results were ultimately used in the development of the program. Trainings were also provided to all employees to introduce the concept of peer support and employee wellness. Another important component that lent to the success of the program was enlisting the assistance of a mental health professional in the development, recruitment, training, and guidance of the Peer Support Program and team members.**
- * **The Peer Support Program provides all employees (prosecutors, advocates, detectives, paralegals, and support staff) with support from colleagues who are selected and trained to provide one-to-one peer support. These specially trained peer support team members are available to staff 24/7 via their hotline. Once the hotline is contacted, a peer support team member is deployed to contact the employee for a confidential meeting, telephonically or in person. If any peer support members violate the confidentiality agreement, they are subject to repercussions.**

*** The goals of the program:**

- * Minimize the impact of trauma exposure related to prosecutorial work.
- * Accelerate recovery from exposure before harmful stress reactions have a chance to damage performance, health, and relationships.
- * Develop awareness among employees of the signs and symptoms of stress, as well as what can occur if it is left untreated/unprocessed.
- * Provide information on stress and stress management.
- * Provide a referral source for additional/professional assistance, if necessary or requested.

*** For more information on this model, please contact:**

- * Hilary Weinberg at weinberh@mcao.maricopa.gov or
- * Jennifer Heisig at heisig@mcao.maricopa.gov

Ensure all staff are aware of available wellness resources

- * Prioritize educating staff members on the therapeutic wellness resources available in your office. For example, does your office have a counselor for prosecutors who are working on an especially difficult and upsetting case? Does your office offer a liaison to connect prosecutors with mental health experts?
- * Ensure that staff members have easy access to resources through the office website or intranet.
- * Consider why staff members may be hesitant to use resources and strive to make them more accessible.

Employ experts

- * Prosecutors are not mental health experts. It is critical to bring in experts to train and support staff.
- * Consider having a mental health counselor on retainer for your staff.

Boulder Model: Staff Counselor & Resources

- * The Boulder County (CO) District Attorney's office has committed to creating an office culture that values wellness through trainings and regularly distributing information and resources to staff. The office has developed a toolkit for their staff to educate them on the long term health effects of prosecutor work. During the pandemic, the office released recommendations for staff on how to take care of their well-being during remote operations.
- * For more information on this model, please contact: DA Michael Dougherty: mdougherty@bouldercounty.org

Missoula Model: Facilitated Debriefing

- * The Missoula County (MT) District Attorney's office hires a mental health expert and trauma clinician to teach their staff about trauma-informed approaches to prosecuting their cases, as well as information and support on secondary trauma. All prosecutors have a mandated trauma training once a year. When there is a particularly difficult and disturbing trial, a facilitated debriefing is held to work through the difficult emotions that were brought up throughout the trial. The debriefing is open to prosecutors, the investigative team, court staff, victim/defendant family members, and jury members.
- * The Missoula County DA, Kirsten Pabst, worked with a clinical social worker, Andrew Laue, to create a secondary Trauma Program for the office.
 - * The objectives of the program:
 1. To foster an organizational culture that is safe, supportive, and trauma-informed.
 2. To become organizationally fluent in secondary trauma. Every prosecutor and support employee needs to understand the risks and symptoms associated with secondary trauma in a legal setting and learn specific prevention strategies and remediation techniques.
 3. To create a Resiliency Toolbox full of resources employees can use to mitigate the impact of secondary trauma and maintain a positive work-life balance.
 4. To offer post-trial trauma processing opportunities for jurors, increasing trauma education in the greater community.
 5. To engage and collaborate with law enforcement partners in post-trial, trauma-informed debriefing sessions.
- * For more information on this model:
 - * [Read](#) the Missoula County DA's office's Implementing Organizational Resiliency for Prosecutors
 - * [Read](#) DA Pabst's article for the National District Attorney Association's Well-being Task Force
- * Additionally, the Boulder County DA's office also has a mental health counselor on retainer available to meet with staff members. Prosecutors can book an appointment with the counselor, and the office covers the expense.

Provide community-building opportunities

- * Create opportunities for community building within the office.
 - * Consider whether the community-building opportunities at your office revolve around drinking alcohol?
 - * What office activities can you offer staff to create community? (Suggestions: recreational sports leagues or affinity groups, trips to professional sports games, bowling events, etc.)

- * Create opportunities for staff to be involved with community building outside of the office. This will allow employees to have a deeper connection with their work and those they serve.
 - * Community building can include activities among colleagues related to work, but outside the office. Prosecutors should work with one another and the community they serve.
 - * Consider having prosecutors involved with local fairs and festivals to encourage more connection with the community.
 - * Encourage prosecutors to attend community meetings and town-halls.
 - * Develop a community service/volunteer program for staff to be involved with outside of work hours.
- * Encourage mentorship.
 - * Clearly communicate to senior staff that mentoring and providing guidance/support for junior prosecutors is a priority for your office.
 - * Discuss with office leadership and supervisors whether or not creating a formalized mentorship for rookie prosecutors would succeed in your office. Consider the pros and cons of having an assigned mentor and possible solutions if a match is unsuccessful.
 - * Encourage supervisors to schedule routine check-ins with junior prosecutors on cases to ensure they are given adequate support.

Add a wellness component to job performance evaluations

- * Including wellness in performance evaluations can ensure employees take care of themselves. This entails broadening the definition of “success” in prosecutorial work.
 - * Is success only measured through the number of convictions or dispositions?
 - * Consider the current metrics for evaluating job performance. Do current evaluations take into account career aspirations within an office, or demonstration of office values?
- * Whether explicitly or implicitly in evaluations, what is the standard for success in your office? Does your office hold prosecutors who do not take time off or who work incredibly long hours in high regard?
 - * Notice how the culture creates an inherent standard of success in the office. Explore ways to increase the value of self-care in an office.
 - * Supervisors should set an example for junior staff by taking a vacation and demonstrating that they have a life outside of work that is important to them.
 - * Encourage supervisors to give positive feedback to staff who invest in self-care and well-being.
 - * Consider developing a well-being index for your office. The Well-Being Index was created for healthcare workers by researchers at the Mayo Clinic. [A well-being index](#) is a self-assessment tool that measures mental distress and well-being.

Special considerations for a remote working environment during COVID-19

- * The stress of working in an unpredictable environment is constant for prosecutors. They are trained to adapt when dealing with new evidence and chaotic court schedules. Switching to remote operations has created even more of a burden on prosecutors.
- * The isolation from other office staff, the courts, witnesses, and victims may leave prosecutors feeling disconnected and overwhelmed. To overcome this isolation, offices can set up remote check-ins with employees. They can also encourage affinity groups to meet on zoom to maintain office community/culture while remote.
- * Lack of transparency is also a major stressor. Though office administrators and supervisors are not always privy to the rapid changes within the court system, they should prioritize regular communication with staff to make sure everyone is informed of changes in operations. There should also be a direct contact for staff to ask further questions and guidance regarding those changes.
- * When offices are unable to provide staff with requested support (i.e technology or time), offices should continue to have open conversations with staff members to communicate why they were unable to offer the support and discuss other possible solutions.
- * Offices can work with public defenders and courts to advocate for a collaborative consensus on the best practices for remote court operations. Offices can work with all system stakeholders to decide the best way to protect both victims, witnesses, and defendants while technology is increasingly relied upon.
 - * A collaborative approach can help address the concerns and stressors all stakeholders are facing in remote proceedings. This may also be fruitful ground in discussion with courts on what technological changes might remain after the pandemic.

American Bar Association's Recommendations for Legal Employers

The ABA's National Task Force on Lawyer Well-Being published a [guide](#) to improve well-being in the legal profession. The guide advocates for legal firms and institutions to establish an organizational infrastructure that mitigates the physical, emotional, and mental toll of legal work.

Following an acknowledgment that attorneys suffer high levels of problematic drinking and mental health issues, the American Bar Association released a [tool-kit](#) for legal employers.

The recommendations that proceed use the ABA's suggestions as a model for how to make changes in prosecutors' offices.

The suggestions include:

- * Establish organizational infrastructure to promote well-being
- * Form a lawyer well-being committee / have an advocate
- * Assess lawyers' well-being (survey)
- * Establish policies and practices to support lawyer well-being
- * Conduct an in-depth and honest evaluation of their current policies and practices that relate to well-being and make necessary adjustments
- * Monitor for signs of work addiction and poor self-care
- * Actively combat social isolation and encourage interconnectivity
- * Provide training and education on well-being, including during new lawyer orientation
- * Emphasize a service-centered mission
- * Create standards, align incentives, and give feedback