

PSI

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FOCUSED DETERRENCE PART 3

The Prosecutor's Role in Strategic Crime Control

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Introduction

Prosecutors determine how laws are enforced, how resources are allocated, and how justice is administered. Prosecutors are responsible for making key decisions about whether to file charges, what charges to pursue, and how to resolve cases—decisions that carry significant implications for both individuals and communities. Their actions influence not only legal outcomes but also perceptions of justice. Unlike other roles in the system, prosecutors employ considerable discretion and must balance legal standards with ethical considerations, community interests, and public safety goals.

Prosecutors play a crucial role in the application of focused deterrence strategies, specifically in initiatives tailored to reduce violent crime by those who are part of the focused deterrence approach. Focused deterrence emphasizes identifying individuals who commit the most serious offenses, and delivering a clear, consistent message that violence will not be tolerated. Prosecutors help deliver this message to individuals by charging those who continue to commit violent crimes and supporting help and change for those who want to do better.

Additionally, strategic prosecution aligns prosecutorial efforts with violence reduction goals. It emphasizes prioritizing cases involving chronic violent offenders and high-risk individuals identified through data and intelligence. Rather than pursuing every case with the same intensity, strategic prosecution focuses on impact—targeting individuals that drive crime, coordinating with law enforcement, and using evidence to inform prosecutorial discretion. Within the framework of focused deterrence, prosecutors play a dual role: enforcing legal consequences swiftly and consistently for violent or chronic offenders, while also supporting diversion, rehabilitation, or social services for those willing to change. Their decisions help send a clear message that violence will not be tolerated, but also that support is available for those seeking a different path (Braga & Weisburd, 2012). By grounding their work in real-world outcomes—such as reducing gun violence, minimizing unnecessary incarceration, and ensuring equality—prosecutors become central to sustainable, community-based crime prevention.

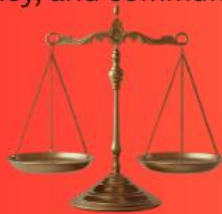
The current review examines how prosecutorial strategies align with focused deterrence goals, focusing on discretion, accountability, and interagency coordination, and uses Memphis as an example to understand how these efforts impact local violence prevention.

STRATEGIC PROSECUTION IN FOCUSED DETERRENCE



What is Strategic Prosecution?

Strategic prosecution is a targeted, data-driven approach that focuses resources on violent crime, repeat offenders, and serious threats, while promoting fairness, transparency, and community trust.



Tools

- **Call-in Meetings:** Offenders are notified of possible legal consequences and offered services to help change.
- **Custom Notifications:** One-on-one warnings from prosecutors and police
- **Priority Prosecution:** Swift action against individuals or groups that continue to engage in violence
- **Chronic Offender Lists:** Track and monitor repeat violent offenders.

Key Principles



- **Selectivity:** Focuses on the most serious offenders and violent groups.
- **Leverage:** Uses legal tools and sentencing options to increase certainty as opposed to just severity of consequences.
- **Partnership:** Coordination with law enforcement, social services, and community leaders
- **Transparency:** Offenders are told in advance what behavior will trigger prosecution and that support is available to help them change.



Why it Works

It works because it focuses limited resources where violence is most concentrated and encourages behavioral change through certainty, not severity.

Challenges in Strategic Prosecution Implementation

For prosecutors to be effective in reducing serious crime, it is important that they have strong teamwork with police, courts, and service providers. Working together makes it easy to put their focus on people most likely to reoffend. Unfortunately, this

can be difficult when there is a lack of trust or clear communication between agencies. Another challenge is the limited technology and data systems in some jurisdictions, which make it hard to track outcomes or identify high-risk individuals accurately (La Vigne et al., 2017). Prosecutors may not have access to reliable, up-to-date data that could guide decision-making. Even when data is available, relying too heavily on law enforcement records can introduce bias—especially if those records overlook certain crimes or disproportionately target specific communities (Braga & Weisburd, 2012). In addition, staff turnover and heavy caseloads can make it hard for prosecutors to stay consistent with long-term strategies like focused deterrence. Strategic prosecution takes time, specialized knowledge, and long-term commitment, elements that aren't always built into traditional prosecutorial structures. Despite these barriers, prosecutors still have powerful tools, like discretion, that can further help them respond effectively to serious crime.

Prosecutorial Discretion: Balancing Power and Responsibility

Good use of discretion allows prosecutors to deliver consequences where needed most while also giving second chances for those who are willing to change their behavior. Unlike judges or juries, prosecutors decide whether charges are filed, what charges to pursue, and how cases are resolved. This is known as prosecutorial discretion, which gives prosecutors total control to shape outcomes—but it also comes with significant responsibility. When used justly, discretion allows prosecutors to tailor responses to the circumstance of each case, ensuring that justice is not only lawful, but also fair and proportional (American Bar Association, 2017). Without transparency or accountability, this same discretion can contribute to unequal treatment, inconsistent outcomes, and public mistrust.

Discretion plays a central role in charging decisions, plea bargaining, and diversion eligibility. A prosecutor may choose to file the maximum charge allowed by law, negotiate a plea to a lesser offense, or opt not to file charges at all. These choices are influenced by many factors—including evidence strength, criminal history, victim preferences, and public safety considerations. In recent years, some offices have developed written guidelines or internal review procedures to help standardize these decisions and reduce the risk of implicit bias or inconsistency. Implementing policies that guide when to offer diversion or alternatives to incarceration can help ensure that similarly situated individuals are treated equally, regardless of background (National Institute of Justice, 2012).

However, discretion can also carry risks. Without accountability, prosecutors may unintentionally overcharge, rely on personal judgment in inconsistent ways, routinely plea-bargain cases, or contribute to racial and socioeconomic disparities in outcomes. Research has shown that disparities in bail, plea deals, and sentencing outcomes often stem not from blatant bias, but from uneven application of discretion across different offices or individuals (The Sentencing Project, 2020). To address this, some jurisdictions have introduced case review teams, decision tracking tools, or racial equity impact assessments to monitor outcomes and identify trends that may need correction.

Swift, Certain, and Severe

The principles of swift, certain, and severe are essential to the successful implementation of focused deterrence and strategic prosecution because they shape how consequences influence an individual's behavior (Mourtgos & Adams, 2020). Swift refers to the speed of legal outcomes, which reinforces the connection between the violent act and its consequences. If there is a delay between the offense and punishment, the deterrent effect weakens; especially for those individuals who tend to use short-term decision making. Certain is considered the most important of the three principles and is considered to have the most substantial impact on deterrence (Mourtgos & Adams, 2020). Research has consistently shown that the likelihood of being caught and punished has a greater impact than the harshness of the punishment itself (Mourtgos & Adams, 2020; National Institute of Justice, 2014). Focused deterrence strategies rely on clear communication that violence will receive legal punishment, and prosecutors play a crucial role by following through on those consequences. Lastly, severe is delivering repercussions that can worsen based on the seriousness of the offense and an individual's prior behavior. Strategic prosecution enhances these principles by focusing resources on the small number of individuals that commit the most violent crimes.

When applied together, these principles contribute to a focused, balanced prosecutorial strategy—one that prioritizes timely, predictable, and fair responses to violence. Real-world applications such as Boston's Operation Ceasefire and Oakland's Ceasefire strategy have demonstrated that combining these deterrence principles with data-driven prosecution and interagency coordination can produce significant reductions in gun violence and group-involved crime, without resorting to mass incarceration (Braga et al., 2001; McGarrell et al., 2010).

Federal vs. State Prosecution: Best Use of Each

In the context of focused deterrence, deciding whether to prosecute a case at the state or federal level becomes a strategic tool for delivering swift, certain, and fair consequences to high-risk individuals. Both systems offer legal pathways that can be used to reinforce the deterrence message: that continued violence will result in serious consequences. Prosecutors play a critical role in assessing which system can best achieve the intended impact based on the nature of the offense, the person's criminal background, and the possibility of community harm.

Federal prosecution is often used for high-priority cases involving repeat offenders, firearm possession by felons, or drug trafficking across state lines. Federal cases are prosecuted by U.S. Attorneys and investigated by agencies like the Federal Bureau of Investigation (FBI), Drug Enforcement Administration (DEA), or Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) (U.S. Department of Justice, 2022). The federal system is often more structured, requiring grand jury indictments and adhering to the Federal Sentencing Guidelines, which can result in longer and more consistent sentences compared to state outcomes. Federal courts generally have stricter rules about holding defendants before trial, especially for firearm and violent crime cases (U.S. Department of Justice, 2012). This reduces the chances of a high-risk offender committing further violence while awaiting trial.

State prosecution, on the other hand, allows more flexibility in how cases are handled. Prosecutors often manage a wider range of offenses—such as robbery, assault, murder, driving under the influence (DUI), and local drug offenses (Law Offices of Randy Collins, 2024). State courts generally offer greater flexibility in plea bargaining and sentencing, including alternatives such as probation, diversion programs, or community-based rehabilitation. This allows state prosecutors to tailor responses to the offender's history and risk level, promoting rehabilitation when appropriate.

Federal prosecution is important for advancing focused deterrence strategies, especially in cases involving chronic violent offenders, gang-affiliated individuals, and felon-in-possession firearm violations. These cases often benefit from federal involvement due to longer sentences, mandatory minimums, and stricter pretrial detention standards, which can serve as strong leverage in both prosecution and deterrence. Focused deterrence relies on strategic partnerships across jurisdictions to identify and respond to the individuals committing the most violence. Programs like Project Safe Neighborhoods (PSN) reflect this approach by bringing together federal and state prosecutors, law enforcement agencies, and community stakeholders to deliver a clear message: violence will not be tolerated, and serious offenders will be

held accountable. Through this interagency partnership, violent offenders are more likely to face swift, certain, and meaningful consequences (La Vigne et al., 2014; McGarrell et al., 2010; U.S. Department of Justice, 2021).

Ethical and Community Engagement in Prosecution

Being transparent and fair helps prosecutors build trust with the public, which is an essential part of focused deterrence strategies. Community trust increases the likelihood of reducing violence by encouraging cooperation, strengthening relationships between residents and the justice system, and reinforcing the credibility of law enforcement interventions. One important concern is avoiding over-prosecution, especially in cases involving low-level or non-violent offenses. Prosecuting too many people too harshly can lead to overcrowded jails and long-term harm to individuals and families. A smarter approach, that follows the focused deterrence framework, is to focus the toughest consequences on the people who are causing the most harm, while handling other cases with more balance.

This balance includes offering alternatives to jail time when appropriate. Programs like diversion, mental health courts, drug treatment, or restorative justice give people a chance to get help, take responsibility, and move forward—especially if they’re not a serious threat to public safety. These options can break the cycle of crime and are often more effective than punishment alone. By offering support instead of just punishment, prosecutors can make a real difference in people’s lives while still protecting the community. Additionally, trust between prosecutors and the public is important. Prosecutors can build community trust by being honest about how they make decisions, listening to the concerns of residents, and working with community groups. When people feel heard and see that the system is fair, they’re more likely to trust it and cooperate with it.

Finally, a successful focused deterrence strategy must include fairness for everyone. That means looking at how decisions are made—such as who gets charged, who is offered bail, or whether plea deals will be offered—and identifying any patterns of unfair treatment. If certain groups of people are being treated more harshly because of race, income, or where they live, that needs to be addressed. Fairness, transparency, and compassion are key to building a justice system that truly works for everyone.

Strategic Prosecution Applied Locally

The Fast Track Violent Crime Initiative (V11), launched by Shelby County District Attorney Steve Mulroy in January 2024, demonstrates how Memphis is applying the core prosecution principle of swiftness in accountability. This focused, data-driven effort targets high-risk individuals involved in crimes such as murder, carjacking, aggravated assault with firearms, and other violent offenses (Shelby County District Attorney, 2024). V11 reflects a key feature of focused deterrence, prioritizing the small number of offenders causing the most violence, and fast tracking their cases by enforcing strict internal deadlines for case progression and strengthening pretrial measures such as GPS monitoring and immediate bail revocation upon re-arrest. The initiative is built on strong interagency collaboration, bringing together law enforcement, courts, and other criminal justice partners. By accelerating prosecution efforts, Memphis's V11 initiative aligns with focused deterrence strategies of swiftness and certainty. It is unclear, though, whether the focused deterrence principle of severity is applied by curtailing plea bargains to lesser charges as a way of resolving cases.

A gap in the Memphis focused deterrence program is a system under which prosecutors are automatically notified once a participant in focused deterrence picks up a new charge. This has placed limits on the ability of prosecutors to apply the principles of strategic prosecution specifically to those who are on the focused deterrence list. Efforts are being discussed to address this gap.

Conclusion

As prosecution practices continue to evolve in response to the complexities of modern crime and community needs, the role of the prosecutor has expanded beyond the traditional boundaries of case management and legal procedure. Strategic prosecution—grounded in evidence-based principles such as deterrence, discretion, and collaboration—represents a forward-thinking approach that emphasizes both accountability and equity. This approach encourages prosecutors to focus resources on the individuals and behaviors that pose the greatest threat to public safety, while also seeking alternatives for those better served through rehabilitation or support services.

Moreover, integrating community engagement into prosecutorial strategies is critical for fostering stronger relationships between legal institutions and the communities they serve. When residents are informed about prosecutorial priorities and are invited to participate in shaping justice outcomes, the legitimacy of the system is strengthened. Focused deterrence relies not only on enforcement but also on the credibility of the justice system to influence behavior. Strategic prosecution, when implemented thoughtfully, becomes more than a crime control mechanism—it

becomes a catalyst for sustainable, equitable justice. Through data-informed decisions, ethical responsibility, and interagency coordination, prosecutors are uniquely positioned to lead efforts that reduce violence, promote fairness, and reinforce the foundational principles of justice in a democratic society.

References

- American Bar Association. (2017.). *Prosecution function: Standards for the exercise of prosecutorial discretion*.
https://www.americanbar.org/groups/criminal_justice/resources/standards/prosecution-function/
- Braga, A. A., & Weisburd, D. L. (2012). The effects of focused deterrence strategies on crime: A systematic review and meta-analysis of the empirical evidence. *Journal of research in crime and delinquency*, 49(3), 323-358.
- Campbell, R. (2006). Rape survivors' experiences with the legal and medical systems: do rape victim advocates make a difference?. *Violence against women*, 12(1), 30-45.
- Engel, R. S., McManus, H. D., & Isaza, G. T. (2020). Moving beyond “best practice”: Experiences in police reform and a call for evidence to reduce officer-involved shootings. *The ANNALS of the American Academy of Political and Social Science*, 687(1), 146-165.
- Kennedy, D. M. (2011). *Don't shoot: One man, a street fellowship, and the end of violence in inner-city America*. Bloomsbury Publishing USA.
- La Vigne, N. G., Fontaine, J., Dwivedi, A., & Center, J. P. (2017). *How do people in high-crime, low-income communities view the police?*. Washington, DC: Urban Institute.
- Law Offices of Randy Collins. (2024). *State vs. Federal Criminal Cases*.
<https://www.cmcdefense.com/blog/2024/june/state-vs-federal-criminal-cases/>
- Mourtgos, S. M., & Adams, I. T. (2020). The effect of prosecutorial actions on deterrence: A county-level analysis. *Criminal Justice Policy Review*, 31(4), 479-499.
- National Institute of Justice. (2012). *Anatomy of discretion: An analysis of prosecutorial decision making*. <https://www.ojp.gov/pdffiles1/nij/grants/240334.pdf>
- National Institute of Justice. (2014). *Improving the criminal justice response to intimate partner violence: A guide for policymakers and practitioners* (NIJ Publication No. 247350). U.S. Department of Justice. <https://www.ojp.gov/pdffiles1/nij/247350.pdf>

- Papachristos, A. V., Braga, A. A., & Hureau, D. M. (2012). Social networks and the risk of gunshot injury. *Journal of Urban Health*, 89, 992-1003.
- Policy Exchange. (2014). *Swift and Certain: A new paradigm for criminal justice*. <https://policyexchange.org.uk/publication/swift-and-certain-a-new-paradigm-for-criminal-justice/>
- Shelby County District Attorney General. (2024). *About the DA's Fast Track Violent Crime Initiative (V11)*. Shelby County District Attorney General. Retrieved April 23, 2025, from <https://www.scdag.com/new-blog-1/about-the-das-fast-track-violent-crime-initiative-v11>
- Shelby County District Attorney General. (2024). *Annual report 2024*. Shelby County District Attorney General. <https://static1.squarespace.com/static/5d4215e48e2ea7000167fe69/t/67ab8580d241de345c5f4d44/1739294088667/Annual+Report+2024.pdf>
- The Sentencing Project. (2020). *One in five: Racial disparity in imprisonment, causes, and remedies*. The Sentencing Project. <https://www.sentencingproject.org/reports/one-in-five-racial-disparity-in-imprisonment-causes-and-remedies/>
- U.S. Department of Justice. (2012). *Criminal resource manual 26: Release and detention pending judicial proceedings (18 U.S.C. 3141 et seq.)*. U.S. Department of Justice. Retrieved April 23, 2025, from <https://www.justice.gov/archives/jm/criminal-resource-manual-26-release-and-detention-pending-judicial-proceedings-18-usc-3141-et>
- U.S. Department of Justice. (2021). *Project Safe Neighborhoods*. <https://www.justice.gov/psn>
- U.S. Department of Justice. (2022). *Investigation*. United States Attorneys. <https://www.justice.gov/usao/justice-101/investigation>



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