



*Criminal Law Professors See New Challenges
Confronting Prosecutors* By Cynthia Kincaid

Prosecutors

Shrinking budgets, escalating caseloads, the acceleration of increasingly sophisticated technology, and the rising expectations from ever more knowledgeable jurors all present prosecutors today with a myriad of challenges in their jobs.

The U.S. has experienced a dramatic increase of incarceration, which may explain the reasons behind the continuing expansion of caseloads. “We are locking people up at record rates,” says Pacific McGeorge Professor **Emily Garcia Uhrig**. “We lock up more people in this country than any country on the planet, including China.”

A study by the Pew Center on the States’ Public Safety Performance Project bears this out: one in every 100 adults in America is currently in jail or prison. In 2006, states spent more than \$49 billion on corrections.

The proliferation of crime shows has also added to the challenges prosecutors face as potential jurors expect real life cases to follow television crime segments, where budgets seems to be a non-issue, cases are dealt with in a timely and straightforward manner, and verdicts are rendered at the top of the hour.



Ruth Jones



Emily Garcia Uhrig

“Most prosecutions don’t have the kind of budgets that underpin an investigation, ala CSI,” says Uhrig.

While Professor **Ruth Jones** does find some merit in crime shows, she notes that prosecutors still have to make jurors aware that real life does not always equal certainty. “Some of these shows do a good job of raising the issues that confront the criminal justice system, but the resolution is always easy,” she says. “From a prosecutor’s standpoint, you have to confront the notion that there will not always be certainty and that beyond a reasonable doubt is not beyond all doubt.”

Technology has also raised both procedural and substantive issues for prosecutors today, especially when determining which investigatory tools, techniques, and strategies are permissible under the U.S. and state Constitutions. "It's increasingly difficult for the law to keep up with these changes, because the Constitution was written at a time in which these techniques could not even be envisioned," says Jones. "On the one hand you have techniques available to the police where it's not clear constitutionally if those techniques are acceptable. Conversely, the techniques and resources criminals have available to them present unique investigatory challenges for law enforcement." She cites the example of online sexual exploitation of children as one technological example, where legislatures have had to scramble to write new laws addressing some of these situations. "The system has to respond to these types of issues, because increasingly what was just a small problem can become a big problem," says Jones.

Uhrig also notes that new technology can present a steep learning curve for the courts. "Judges have to be familiar with certain technology, and you may need a cadre of expert testimony to come in and explain the technology, which just complicates everything," she says.

Despite all of its challenges, however, Jones feels that a prosecutor's job is one of the most fulfilling in the legal field. "Your goal is to seek justice, and sometimes that's difficult because it's not clear what the just result is," she says. "But it is always your mandate to seek justice, and that's unique."

Pacific McGeorge District Attorneys

Pacific McGeorge has nearly 430 alumni who serve as prosecutors at the state and federal level. Included in that group are the elected District Attorneys of nine of California's 58 counties, more than any other law school.

Birgit Fladager '85	Stanislaus County
Michael Harper '93	Trinity County
Patrick McGrath '81	Yuba County
Larry D. Morse II '87	Merced County
Michael L. Ramsey '77	Butte County
Jeff Reising '96	Yolo County
Todd Riebe '90	Amador County
Jeffrey Tuttle '76	Calaveras County
James P. Willett '79	San Joaquin County

Black-Brown Summit Gives Hope to Drive To Reduce Recidivism

The California Black-Brown Summit held at the University of the Pacific in early August confronted the high re-entry rates of incarceration in the state's Black and Latino communities.

Sponsored by the Southern California-based Homeward Bound program, members of the judiciary, community organizations, faith-based organizations, state agencies and academics gathered to discuss root causes of high crime rates among minorities and seek solutions to recidivism.

"The three-day summit was organized after the recent passing of the Second Chance Act 2007, and the resulting increased grant availability for re-entry programs beginning with the next fiscal year," says **Charles Tolliver, '10**, who attended the event.

Notable speakers included Rocky Delgadillo, Los Angeles city attorney, and the Reverend Amos C. Brown, an NAACP board member. The first two days of the conference were held in Stockton and included an array of workshops.

On the final day, Pacific McGeorge hosted a legislative breakfast. Assemblywoman Anna Caballero (D-Salinas) encouraged conference participants to continue much-needed progressive work and support legislation to change the culture of inner-city communities.

"It is impossible to capture into words the energy of the event," Tolliver says, "but it was truly amazing. It was a great first step toward addressing the current challenges facing the Black and Latino communities."

"The final day of the conference was inspirational in tone, yet intensely focused on the implementation and sustainability of policies aimed at reducing the rate of incarceration and recidivism within the prison system," says a key administrator in Pacific McGeorge's CalPAP program, **Joy Redmon, '97**. "The participants were from a variety of disciplines from judges and community activists to a senior level executive within the California Department of Corrections and Rehabilitation. I believe we will see long-term systemic changes, such as the increased use of alternatives to incarceration, achieved via the legislative process and championed by this group."