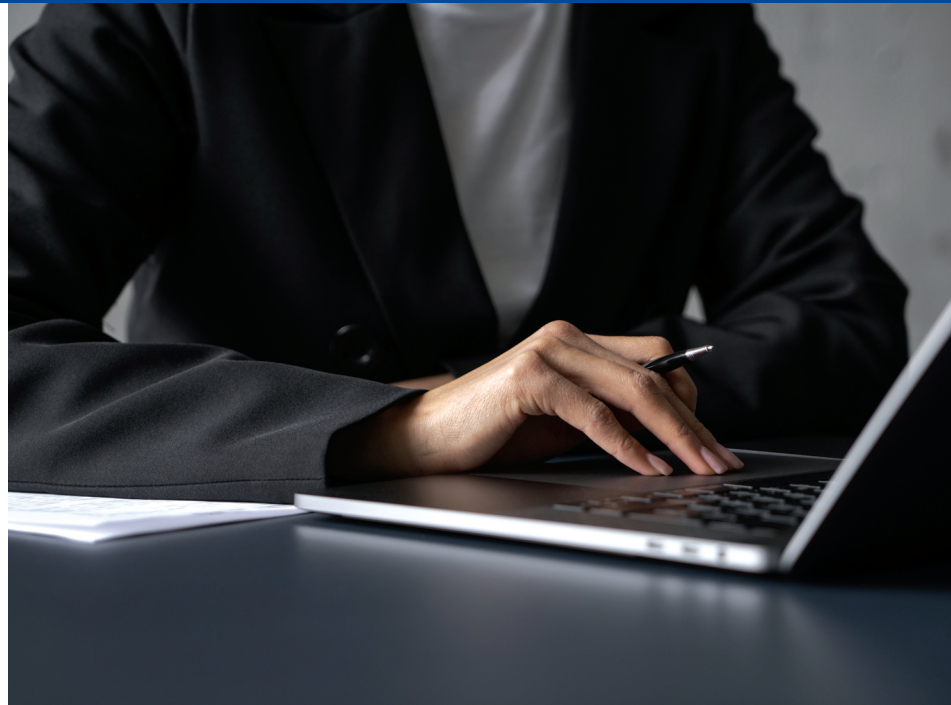


UPCOMING TRAININGS & CONFERENCES

- **NDAAs Prosecuting DUI Cases Online Course On Demand Training**
<https://ndaa.org/training/prosecuting-dui-cases/>
- **Lifesavers Conference**
Tampa Bay, FL / March 15–17, 2020
- **NDAAs Securing and Protecting Your Case: Evidence for Prosecutors**
New Orleans, LA / March 16–19, 2020
- **NDAAs Improving Your Trial Strategies: Hands On Trial Advocacy Training**
Columbia, SC / April 20–24, 2020
- **NDAAs Career Prosecutor Course**
Boise, ID / May 18–22, 2020
- **NDAAs Effective Presentation Techniques for Trainers: Train the Trainer**
Columbia, SC / June 1–4, 2020



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If Your State Doesn't Have a TSRP, This Is Why It Should

By Clay Abbott¹

There are Traffic Safety Resource Prosecutors (TSRP) in almost every state. The TSRP has many roles, and I want to talk about my two favorites: 1) the TSRP as a resource, and 2) the TSRP as an ambassador.

A RESOURCE

Twice a year, my employer, the Texas District and County Attorneys Association (TDCAA), holds a Prosecutor Trial Skills Course for new prosecutors in Texas. It has been my privilege to present at the last 41 such courses. This conference recharges my batteries like

nothing else. It is also my twice-yearly reminder why I both have and love my job. I am a resource prosecutor.

This course also reminds me twice a year of the main reason we TSRPs exist. New prosecutors are an extremely important part of the criminal justice system, yet they are ridiculously overworked and undertrained, they lack resources, and they are often left to blunder through learning a job with very real impact on the world around them. The cases of most victims and defendants, after all, go through the lower courts. The public's view of prosecutors and courts depends on these "green" prosecutors; public safety also depends on them. Yet they get little or no attention until they do something very wrong. As a resource prosecutor, I answer to elected prosecutors through our association, but I serve new prosecutors who are valiantly trying to learn the coolest, most important, and perhaps most difficult job in the world.

On my first day in the DA's office back in the '80s, I went to traffic court to try a case. My training was the hearty blessing from my chief of, "Don't screw up." I hope we are doing

The first advice I would give a new prosecutor anywhere is to find your resource prosecutors. The first advice I would give to any TSRP is to find your new prosecutors. It would be great if every overstressed, over-docketed, understaffed prosecutor's office had a training plan.

better 35 years later, but my guess is not a lot better. I went to a training session for prosecutors after almost exactly a year of floundering. The first advice I would give a new prosecutor anywhere is to find your resource prosecutors. The first advice I would give to any TSRP is to find your new prosecutors. It would be great if every overstressed, over-docketed, understaffed prosecutor's office had a training plan. My experience is they don't. New prosecutors must find the training and beg to attend.

One of the great things about the Traffic Safety Resource Prosecutor program is that every state gets to create the position that serves itself best. Some TSRPs can swoop in and appear on cases.² Many TSRPs publish manuals to assist with understanding various areas of traffic safety, for example, TDCAA has a dozen or so. For the new prosecutors reading this, make sure you know what resources your TSRP has in written or digital form. TDCAA publishes 16 manuals including a Predicate Guide, DWI Investigation and Prosecution, Intoxication Manslaughter, Traffic Stops, and a Warrants Manual. Nothing beats taking the textbook with

you to your first trial, or better yet, reading it before you go. TDCAA also publishes a journal, *The Texas Prosecutor*, six times a year. It is written by Texas prosecutors for Texas prosecutors. If you are reading this article, you have found a similar periodical—seek out your local TSRP to find what else you have in your state. Many TSRPs use list serves or other digital platforms to also share valuable information.

Chances are your TSRP has a website or a page on a website. Mine is <https://www.tdcaa.com/resources/dwi/>. There, you'll find a digital case summary of every important DWI case opinion from Texas, and it's updated twice yearly. There is an SFST review document, numerous forms, articles from TDCAA's journal, and about 12 hours of excellent training videos. Want an hour of examples of DWI jury selection by the very best DWI prosecutors in Texas? You'll find it there. The Texas web page may be biggest (well, because everything is bigger in Texas), but every TSRP is busy completing similar products for the prosecutors they serve.

The luxury I have found as a resource prosecutor is that I have time to read, study, network, and update like I never did in a local office pushing a docket up the hill every day. I have the opportunity to gather resources and not just respond to emergencies. (Responding to emer-

Not surprisingly, most TSRPs are highly sought-after presenters for police training programs and traffic safety programs.

gencies was my life as a supervising prosecutor.) Gathering resources allows me the time to develop content and prepare presentations that line prosecutors simply can't. In addition, I, like most TSRPs, gather the best line prosecutors across my state and the country to help me teach and present. Not surprisingly, most TSRPs are highly sought-after presenters for police training programs and traffic safety programs. I get dozens of requests each year in Texas and dozens more across the country, most of which I must turn down because I put on about 20 regional programs trying to get close to the new prosecutors who need me most. Most TSRPs are very familiar with the roads in their states for the exact same reason.

Are you so remote no one will go there? Have you explored webinars? Keep reading this publication I bet you find info on them.

The bottom line is that every single TSRP provides technical assistance in many different forms. At our very core, resource prosecutors are people to call or email when no one around

you seems to have an answer. While we might not know the answer, chances are we know someone in the country who does. More resources—whether through in-person training, trying cases, fielding phone calls, or writing reference books—make hard jobs easier.

AN AMBASSADOR

The TSRP as an ambassador may be a bit less obvious than our role as a resource, but in my opinion it is equally important. The Traffic Safety Resource Prosecutor has one foot in traffic safety and the other in criminal justice. Those two worlds often use the same words but they can have opposite meanings. Although both serve the public good, they go about it in different ways and with sometimes opposing strategies.

Prosecutors serve the people as a client. That client includes, but certainly is not only, the traffic safety community. Prosecutors must be a part of any effort using criminal justice as a mechanism to save lives and change behavior. There is not part of the criminal justice system more powerful or granted greater discretion and holding greater responsibility than prosecutors.

The TSRP plays an essential role in the traffic community, on task forces, on assessment teams, and in any policy-making dialogue. They bring the experience of the line prosecutor, the rare expertise of a prosecution specialist, and the ability to research denied most prosecutors by the demand of docket.

They purposefully are granted more discretion than peace officers and are given more responsibility than judges. If law enforcement and adjudication are part of a solution, then prosecutors must be part of the plan. No other role in criminal justice interacts with every other role in criminal justice. Prosecutors are simply the center of the storm.

The TSRP plays an essential role in the traffic community, on task forces, on assessment teams, and in any policy-making dialogue. They bring the experience of the line prosecutor, the rare expertise of a prosecution specialist, and the ability to research denied most prosecutors by the demand of docket. Without the TSRP, every plan, discussion, and initiative has a profound blindside. No “fire” is as needless or heartbreaking as “friendly fire.”

The TSRP also serves as an ambassador to prosecutors from the traffic safety community.

When misunderstandings arise between prosecutors and victims’ advocates, police, judges, funding sources, or national initiatives, the TSRP is especially suited to help resolve it. We understand the goals of each side and often the demands of both sides, too. The traffic safety office requires “data-driven, evidence-based” proposals. When they use the word “evidence,” they mean surveys, assessments, statistical studies, and anonymously submitted data enhanced and completed with statistically sound inclusions. None of those things constitute “evidence” to a prosecutor in a courtroom (meaning, none of those things comes anywhere close to the standards required of

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“admissible evidence”)—prosecutors think evidence is eyewitness testimony, expert opinions, and case-specific data applied one case at a time. To the traffic safety specialist, every bit of this “admissible evidence” is anecdotal and entirely worthless. At their very core, these two groups use the same words with not only different meanings, but opposite ones.

To quote the warden in *Cool Hand Luke*, “What we have here is a failure to communicate.” What is needed is a translator—and more importantly, an ambassador or diplomat. Traffic safety specialists appropriately gravitate to hard numbers, such as arrests and convictions, but TSRPs also know the disaster awaiting any peace officer or prosecutor tying funding to a constitutionally sensitive decision. Friendly fire kills you as dead as unfriendly fire. It may actually be worse because no one ever sees it coming.

Again, my advice to line prosecutors is that before you send that confrontational letter to a traffic safety ally, talk to the TSRP ambassador. TSRPs understand where prosecutors can, and perhaps more importantly cannot, help reach legitimate traffic safety goals. The TSRP serves both sides by facilitating communication.

For 16 years, being a resource prosecutor has been my job, but more importantly my calling. Serving the people of Texas as a prosecutor was significant and fulfilling, but serving the prosecutors who serve the people of Texas has been an even greater blessing. Find your TSRP, engage, get their help, and help them know what you need.

¹ Mr. Abbott is the Texas Traffic Safety Resource Prosecutor and works for the Texas District and County Attorneys Association.

² Mr. Abbott does not appear on cases; “To try a case for each office in my state would require six years to prosecute one case per week per office.”

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