



THE PROSECUTOR

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National District Attorneys Association

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Dear Members,

What an exciting time it is to be a member of the National District Attorneys Association! Your insights, feedback and attendance at our numerous trainings and conferences helps the association truly serve as the voice of America's prosecutors. With your help, we are implementing a lot of exciting new programming, services and other member benefits that we hope you find useful in your offices and communities. Here are just a few of our updates, with more to come:

- If you are reading this letter, you've already noticed our new design for *The Prosecutor*, which includes an updated layout of images and information, as well as new sections featuring the expertise of our association members and staff.
- In August 2018, we launched a new website to better reflect the professionalism and expertise of the association.
- Soon, we will be launching a new membership database which will modernize the way we communicate with our members, including easier event registration, a newsletter of resources and information to help you keep up with the latest emerging issues in the field to better serve your communities, as well as an online store and comprehensive job board.
- In the coming months, more frequent webinars will be announced on a wide variety of topics important to prosecutors. Potential topics include addressing hate crimes, Giglio issues, elder abuse, computer-aided crime against children, tribal lands, and mental health.

NDAA is on the move and we look forward to continuing to serve you and address the needs of prosecutors in the field. If you have any questions or comments on what is ahead, or simply want to suggest something new and innovative the association may want to consider, feel free to contact me directly at nbunn@ndaajustice.org or 703.519.1666. Thank you for your continued support of NDAA.

Nelson O. Bunn, Jr.
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THE PROSECUTOR

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Cover credited to Richard Morton

I am a career prosecutor in the City of DeRidder, Beauregard Parish, Louisiana. We are the state's 36th Judicial District in and for Beauregard Parish, in the southwest portion of our state. Our parish government undertook a major reconstruction and expansion of our courthouse that was first built in 1914. The project began in 2014 and after two and a half years it was finally completed and we commenced using it in October 2017. It is indeed a beautiful old courthouse restored to its original glory.

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Articles

The Prosecutor encourages its readers to submit articles of interest to prosecutors for possible publication in the magazine. Send articles to Nelson Bunn, nbunn@ndaajustice.org

Questions or Concerns

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View from the Hill — Capital Conference Recap



NDAA was joined by over 130 state and local prosecutors in Washington, D.C. at its annual Capital Conference at the Hyatt Regency on Capitol Hill, held January 29–30, 2019. Over the course of two days, attendees heard from Administration, agency and Capitol Hill speakers while also meeting with individual members of Congress and state delegations. The conference allowed NDAA members to provide the prosecutors perspective to important legislative issues facing the 116th Congress.

On the opening day of the conference NDAA members heard from distinguished speakers from across the political spectrum. The morning kicked off with a special presentation of the colors by the Loudoun County Sheriff's Office Honor Guard. Following the morning ceremony, Senator John Cornyn (R-TX) spoke with NDAA members, laying out his legislative agenda. Specifically, Senator Cornyn highlighted the *Debbie Smith Reauthorization Act*, which provides funding to end the nationwide backlog of rape kits and untested DNA evidence. NDAA members expressed interest in continuing to work alongside the senior senator from Texas as he evaluates the next steps in improving the criminal justice system.

Conference attendees were then joined by SEARCH, a nonprofit organization focused on collecting, sharing and analyzing criminal record data. Attendees were briefed on the upcoming firearms screening and background

check legislation. Melissa Nee, SEARCH's Director of Government Affairs, provided an overview on how these laws impacted state and local law prosecutors. Next on the agenda was another association partner, Responsibility.org, which provided insight on the hot topics in highway safety. Brandy Nannini, Vice President of Government Relations and Traffic Safety, relayed that Congress will soon be prioritizing an infrastructure bill that will need to include a focus on safety as new dangers face drivers nationwide. As the opioid crisis continues and marijuana popularity increases nationwide, Nannini pointed out that law enforcement is dealing with more poly-drug users getting behind the wheel creating danger on the roads. The presentation made it clear that NDAA must continue to push for increased funding and awareness to combat the growing number of impaired drivers on our roads.

The First Step Act, signed by President Donald J. Trump in December, was a main focus of the conference as attendees heard from the architects of the legislation. Highlights of the bill included reducing recidivism rates and making narrow changes to current sentencing laws while investing savings back into law enforcement grant programs. NDAA invited Aaron Cummings, Chief of Staff to Chairman Chuck Grassley (R-IA), to discuss how the legislation came together and explain how prosecutors played a vital role in the process. During his speech, Cummings laid out compromises made by both sides to ensure any criminal justice reform legislation



included time credit exclusions for violent criminals and reinvestment into programs that combat crime.

The White House, which also led efforts on the bipartisan legislation, sent a representative to discuss the President's work in the area and the Administration's broader legislative priorities for 2019. Jaron K. Smith, Special Assistant to President Trump in the Office of Legislative Affairs, explained his perspective on the First Step Act and took questions from attendees on the process that led to the bill's passage. During a spirited discussion, NDAA members made it clear that any future criminal justice efforts should prioritize victims' rights to ensure those who are affected most by crime are afforded a powerful voice.

The afternoon session shifted to a focus on the upcoming priorities of the 116th Congress. Congresswoman Kathleen Rice (D-NY), who spent nearly two decades as a prosecutor, spoke about her plans to address gun violence, ensure DOJ is fully funded, and provide prosecutors a voice as a new Democrat majority takes over the House of Representatives. Attendees were then treated to a surprise from the former prosecutor, as Congresswoman Rice announced the formation of a new bipartisan *Prosecutors Working Group*. The working group, led by Rep. Rice (D-NY), Rep. Dave Joyce (R-OH), Rep. Brooks (R-IN), and Rep. Kennedy (D-MA), will be composed of members of Congress who have formerly served as state or federal prosecutors. Congresswoman Rice explained that the *Prosecutors Working Group* was formed to bring a unique perspective to judiciary issues as they arise in Congress. As the working group leaders begin outreach to their colleagues, NDAA will continue to assist the group in advocating legislation and setting priorities for the upcoming year.

Representative Doug Collins (R-GA) was the final speaker on the schedule as the distinguished Ranking Member of the House Judiciary Committee shared his office's legislative priorities for the new session of Congress. The Georgia Congressman explained to members that the Judiciary Committee is looking towards the next step of improving the criminal justice system, following passage of the *First Step Act*. He expressed interest in highlighting the needs of victims and law enforcement to ensure prosecutors can continue working to keep their communities safe.

After a full day of hearing from influential members of Congress, the Administration, and the private sector, conference attendees went to work spreading NDAA's legislative priorities on Capitol Hill. The diverse group of attendees provided members of Congress and their staff with a view of the day to day challenges facing state and local prosecutors nationwide. Priorities such as the *John R. Justice Student Loan Repayment Program*, *Debbie Smith Reauthorization Act*, and updating the *Electronic Communications Privacy Act* were discussed in various meetings with members of both the House and Senate. Following a successful day of advocacy, conference attendees and NDAA staff wrapped up an exciting week with the Capital Conference Reception at the brand-new National Law Enforcement Museum.

NDAA looks forward to hosting next year's Capital Conference and continuing to advance the association's priorities in the 116th Congress. If you have any questions about the conference or NDAA's legislative work, you are encouraged to contact Frank Russo, Director of Government and Legislative Affairs. He can be reached at frusso@ndaajustice.org or at 703.519.1655.



Preventing Future Victims By Helping Today's Victims

By **SHARMESE L. HODGE**

Assistant State's Attorney, Hartford State's Attorney's Office



Human trafficking has garnered a lot of attention at the federal, state, and local levels. It is finally on everyone's radar. There are taskforces, legislative teams, working groups, and philanthropic donors all dedicated to the mission: ending human trafficking. Yet, as I sit here, I am left with two questions — are we missing victims of this “modern day slavery” and how do we prevent it altogether? As a prosecutor, I see a divide in the handling and resources of human trafficking cases based on whether the victim is a child or an adult. Children are what most people think of when they think of victims and children tend to draw most of the resources and programming for addressing the issue leaving the adults with disproportionate resources that fail to fully address the need. The human trafficking resource system in general has been focused on the child who is in the custody of the child welfare system being housed in foster care who runs away, the child that is lured out of their home by an online predator posing as a boyfriend or girlfriend, and of course the sadist who takes a young person off the street and threatens them with physical violence to submission. The system has many great tools and resources to help victims of these terrible and tragic scenarios and the criminal justice system knows how to handle these cases. It is not the same for those in the adult category; the youth who got trapped in a world they knew nothing about and have aged out of the child centered system. The youngster who has been captive for so long they no longer think of themselves as a victim — and the system struggles to see them as one. In fact, we often label them co-conspirators when they are arrested with the trafficker and treat them as defendants. But what if they are a victim too?

CASE EXAMPLE

Brenda comes in to the system after being arrested for conspiracy to commit human trafficking with her presumed boyfriend. The complaint is that the two of them lure women in under the guise of a romantic relationship and then force the victim to engage in sex for money, the proceeds of which go back to Brenda and the boyfriend. The victim's frantic 911 call from a hotel where she was being held and a detailed complaint that included details over the prior three days resulted in the pair being arrested on site and held on a very high bond. The “boyfriend” Earl posts bond but Brenda does

not — first clue. Brenda is incarcerated for about a month before evidence begins to surface that she may not be a co-conspirator but that she may be one of his “workers” for the past 4 years. Brenda is now 20 years old; if true, she started when she was 16 years old. Information of Brenda's possible submissive relationship with Earl was learned by trying to piece together text messages and conversations but how can we confirm we understood the messages correctly? What do we do with her now? Do we drop charges and allow her to walk out of the courthouse onto the street with no clothes, no money and nowhere to go? That will surely return her back to the life she was just tangled up in and that seems

**It has been said if we want to
stop human trafficking, we
stop the demand.**

wrong. Do we hold her on different charges? That would be unfair and an abuse of the system. So, we take the long road — we sit down with Brenda, we hear her story and if it turns out as it seems — that she is a victim for many years now — we get her connected with the best program we can to help this young woman, this victim, rebuild her life and go forward as a productive member of society.

As a prosecutor, I am learning to listen more to these young women who at first blush are thought to be the partners in the criminal enterprise. More often their story begins back in a time before human trafficking was a national crisis. Back when human trafficking was thought to be labor related and included smuggling foreigners over the border and forcing them to work in places that hide in plain sight around our communities. Back when sex trafficking was thought of as a form of “prostitution” and justified by thoughts that it was “optional behavior” on the victim's part.

It has been said if we want to stop human trafficking, we stop the demand. To do that perhaps we put more resources into patrolling the dark web. We dedicate resources to funding programs that educate and support victims of all ages and gender. We make finding help as easy as sending a signal

on an app. We stop ignoring the adult population that has “aged out” and begin to learn what they can teach us about how and why this is happening. We make programs like the Salvation Army, Love 146, A21, The Underground and others a staple in the community and not diamonds in the rough. We start taking the perpetrators off the street with bonds that reflect the danger they pose to society — how do we expect the trafficked to break free from someone who can inflict physical harm and emotional torture to them and anyone they love? We have to remember that the trafficker knows more about their victims than we do. We start building up young girls and boys to understand they are not just a body — they are valued and loved. We bring faith back into conversations and embrace the faith-based organizations that want to help. We start to care about the child we see to our right and left when we walk down the street regardless of color, creed, or socioeconomic status. We invest in school social workers who can identify at risk youth and we get intervention in place quickly. We support programs that give a child the confidence to finish what they start, to persevere through things that are tough, to break down goals to obtainable chunks — lessons that are great for life overall!

Lastly, let’s not recreate the wheel. If you have programs that work, share them — let’s get similar programs started in communities in need, using models we know work. Some non-profit programs we use that supplement the government agencies are:

LOVE 146

love146.org — is an international organization with locations in the United States that endeavor to answer the question, “What can we do to actually prevent exploitation from occurring in the first place?”. The answer is, “Our Prevention Education program has been developed to better answer just that question. Through prevention education, we give children the advantage. We teach them how to spot traffickers even when they don’t look like you’d expect, and we’re building skills to decrease their vulnerability. Not A Number is an in-depth prevention program informed by survivors and written with the help of some of the leading anti-trafficking and child protection experts.” They provide information to prevent the harm from happening and then hope and assistance to end it if it does happen.

SALVATION ARMY

salvationarmyusa.org/usn/fight-human-trafficking — “The Salvation Army Emergency Trafficking Program works alongside local law enforcement, FBI, ICE, and numerous

other community partners to identify, rescue, and restore victims of forced labor and sexual exploitation. We help both foreign and domestic victims of all ages and ethnicities through our nationwide case management network. Along with giving immediate refuge and relief for victims, we take a holistic approach to healing, helping each person move from a state of victimized enslavement to God-centered self-sufficiency.”

THE UNDERGROUND

theundergroundct.org — provides a variety of services including career workshops for both survivors of trafficking as well as youth who are at-risk of being trafficked, emergency prepared back-packs filled with a wide spectrum of items including a resource card with important information such as the Anti-Trafficking Hotline number, information on temporary housing assistance, funding for initiatives to end human trafficking, and creating care kits for survivors.

A21

a21.org — This program focuses, in part, on education about human trafficking being the key to ending this slavery. A21 has developed teaching programs to reach the vulnerable and equip students in what they call “the fight for freedom.” The programs they have developed are available for teaching by anyone with a passion for protecting and empowering girls and women who may be at risk for human trafficking.

So, how do we prevent human trafficking? We start by knowing what resources are available in our communities to get victims out of their horrific situations. We teach youth, especially the identified vulnerable ones, the knowledge they need to avoid the traps that will be set for them just as we teach them other life skills. We place focus and emphasis on raising up a generation of youth that place an extremely high value on their self, youth that knows where the help is available when they need it, and youth that are surrounded by a society that encourages them to repel any attempts to devalue their own worth. We as prosecutors should continue to seek lengthy sentences for all evil persons willing to sell another for their own personal gain and for the depraved individual willing to buy another person for their own sexual gratification. And, as prosecutors, we remember what we ask of potential jurors: to recognize and accept that not every victim will look, talk, act, respond, and report the same. We need to be open to the fact that victims who start out as children may not make their way into the system until they are adults — damaged and in need of our help all-the-same.

Lehigh County, Pennsylvania Has Cutting-Edge Criminal And Gang Intelligence System

By **JULIA E. KOCIS**, Director of the Regional Intelligence and Investigation Center, and **JAMES B. MARTIN**, District Attorney of Lehigh County, Pennsylvania

The Regional Intelligence and Investigation Center (RIIC) is a law enforcement resource that serves Lehigh Valley, Pennsylvania. The center is located in downtown Allentown and staffed with criminal intelligence analysts and county detectives who provide investigative case support to local, state and federal law enforcement agencies. The RIIC was conceived and developed under the executive oversight of Lehigh County District Attorney James B. Martin. He partnered with a local industry-leading technology company, Computer Aid Incorporated (CAI), to help develop a state of the art information technology system that allows RIIC personnel and local police investigators to query and analyze crime and intelligence data. CAI was a primary architect in the design and development of the NYPD Real Time Crime Center. The idea was to develop a similar, albeit unique, center in the Lehigh Valley to help reduce crime through the use of technology and centralized services. Funding for the project was provided by the Department of Justice, the Pennsylvania Commission on Crime and Delinquency (PCCD), the Trexler Trust, a local philanthropic organization, forfeiture funds and money from the Lehigh County Public Safety Fund. To date, there is upwards of \$2.9 M invested in the development of the center's custom software.

The RIIC's software suite includes a secure web-based portal to allow law enforcement to post information regarding local crime, a robust search application to perform federated queries across all local police incidents, arrests, incarcerations, statewide warrants, driver's license information, subject photos and other state and regional datasets. Additional software components include a gang intelligence database, an illicit drug identification and tracking system, and the Blue Guardian application which tracks Naloxone administration performed by law enforcement to individuals suffering from a drug overdose, as well as clinical data entered by certified recovery specialists (CRS) from any treatment engagement performed by the CRS and police. The RIIC recently partnered with Lehigh University, AEquitas, and The Why ("The Why" is a fashion design house that promotes and supports ethical and sustainable fashion, the eradication of modern slavery, and the economic empowerment of trafficking survivors) to develop an artificial intelligence (AI) application to identify potential human trafficking victims

and perpetrators within police incident narratives. There is a wealth of information and evidence hiding within the unstructured text that AI techniques can help identify for analysts, investigators and prosecutors.

The RIIC's user base includes over 1,200 local, state and federal law enforcement partners across both Lehigh and Northampton Counties within the Eastern District of Pennsylvania. We are located within 90 minutes travel time from New York City and Philadelphia, accessible by Interstate 78 and the Pennsylvania Turnpike Northeast Extension. This has caused an increase in population and visiting criminals who view our area as an expansion market for trafficking drugs, weapons and sex, as well as gang member recruitment and formation. Our region is suffering from an influx of gangs from New York City and northern New Jersey, who are now entrenched in the Lehigh Valley and are using their gang allegiances and drug connections, coupled with recruitment tactics from our local populous, to build criminal networks throughout our area. The technology and services offered by the RIIC help law enforcement target gang activity and break apart these criminal enterprises.

The development of the RIIC Gang Intelligence Data Base was funded through the PCCD, the Trexler Trust, and forfeiture money provided by District Attorney Martin. The gang intelligence system has helped in numerous investigations and prosecutions. The data entered into the system is handled by intelligence officers who are trained in the collection of protected information, source reliability, content validity, information classification and dissemination. The policy surrounding the usage of the Data Base was developed around the collection, analysis and dissemination of intelligence information that is consistent with 18 Pa.C.S.A. Chapter 91 (The Pennsylvania Criminal History Record Information Act) and the Criminal Intelligence Systems Operating Policies, 28 Code of Federal Regulations Part 23 (28 CFR Part 23). It includes a strict purge and retention cycle of the data so that the information queried and used is relevant. The system flags the records of individuals entered into this system and displays them on the user's dashboard. This alerts our users and RIIC personnel that the record must be purged.

A point-based criteria is used to determine gang membership. A full point (1) is given to individuals who self-admit their involvement with gang activity or where an individual is identified by another law enforcement or criminal justice agency as being a gang member. Half points (.5) are added if an individual has been identified by a documented informant or immediate family member whose information has been corroborated, evidence of frequenting a gang's area, gang associates or where stopped multiple times while with known gang members, possession of membership documentation, rule books or codes, photos of subject displaying gang hand signs and wearing gang-influenced items or a group photo of subject with identified members showing gang affiliation.

When an individual is entered into this system, it is mandatory to include the criteria used for determination status. The points associated with the criteria are auto-calculated, and each criterion is associated with the date the information became known. These dates are used to set the clock for the purge and retention cycle of the data entered. An individual is considered a confirmed gang member if his/her criteria points total 1.5 which allow the record to remain in the system for five years. If no additional gang related information is learned about the subject at that time, the record is purged from the system. Unconfirmed members may remain in the system for three years unless additional gang related information is obtained to advance them to confirmed status. All information entered, updated, deleted, or queried in this system is logged for auditing purposes.

Through this system, we have identified 59 gangs in our region with 111 gang sets and upwards of 1,100 members. The Bloods, Latin Kings and Crips account for more than half of our gang population. Each gang, gang set and member within the system has a profile page that contains identifying information, physical descriptors, images, tattoos, criminality, associated people, vehicles, weapons, locations and artifacts (documents, images, videos, social media postings). Members can be cross-referenced with our investigative system to show any recent involvement with police or the county prison system. This information is displayed on the gang dashboard and communicated through our notification system to prosecutors and investigators with access. All geographic data such as member address, known hangouts, police incidents and arrests are mapped to show gang activity across the region over time.

Of particular interest are the data structures that support the system. The system utilizes both relational and graph data storage. The graph database excels at handling complex and highly interconnected relationships and has

become the focal point of the system. It not only handles complex relationships, but is also simple to manage, highly-performant, more expressive than its database counterparts, and is capable of scaling to billions of relationships. Graph theory has a long history with many proven algorithms to help solve problems more efficiently and in less time than traditional relational databases. These algorithms, which are in some cases built into the tool, allow analysts to determine which gang members are the most significant, how closely two gang members are related, and which gang members act as liaisons within their social networks.

We have used this system to increase intelligence gathering of gang related activity in our region, to document known and suspected gang members, and to provide investigative leads for current and cold cases. It has assisted with bail revocation, grand jury investigations, certification and decertification hearings by showing level of sophistication, ongoing gang activity, leadership roles, violent crime cases, and has been used in court to obtain aggravated range sentences. Having

**Through this system, we have
identified 59 gangs in our
region with 111 gang sets and
upwards of 1,100 members.**

the ability to track and understand the inter-intra dynamics of a gang and break apart these criminal networks in our region has helped us on a local level and is scalable for a regional, state or national level. Currently this application is in a pilot phase with the Washington, D.C. Office of the Department of Homeland Security — Homeland Security Investigations, to help track transnational gangs in order to combat and dismantle them as set forth by Presidential Executive Order 13776: Task Force on Crime Reduction and Public Safety (Trump, 2018).

Recent articles centered on criminal justice reform contend that gang databases unjustly house thousands of individuals labeled as gang members with no recourse to have their name removed from the system; these critics have requested that these systems be dismantled (Pyroos & Densley, 2018). The four main arguments for the abolition of gang database systems are that gang membership is not measured accurately, people of color are overrepresented, there are due process issues stemming from the secretive nature of these systems

and the labeling given to an individual as a gang member may negatively affect the ability to acquire employment and housing. Further, guidelines treat gang membership as an enhancement for sentencing purposes. (Pyrooz & Densley, 2018).

Lehigh County District Attorney Jim Martin says there is a simple solution to these concerns: “Don’t join a gang!” On a less simplistic note, Martin says, “Constructing a sound, hack-proof secure system, employing sound criteria to properly identify members, ensuring the proper vetting of individuals and information and providing reasonable retention and purge policies, together with continuing education and training of users, will mitigate concerns.”

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CANDACE MOSLEY

Director of Programs for the
National District Attorneys Association

Qualifications

University of Houston, BA. 1982.

Southern Methodist University School of Law, JD. 1985.

Law Clerk, Hon. Calvin Botley, U.S. Magistrate Judge,
Southern District of Texas. 1985–1987.

Harris County District Attorney’s Office in Houston, Texas.
1987–1993.

National College of District Attorneys (now NDAA). 1993

Norman S. Early, Jr. Founder’s Award, National Black
Prosecutors Association. 2014–2015.

William J. Schafer Award, Association of Government
Attorneys in Capital Litigation. 2015.

Professional Memberships and Activities

Association of Government Attorneys in Capital Litigation,
Board Member

Mary Byron Foundation, Inc., National Advisory Board

National Center on Domestic and Sexual Violence–
National Board

National Black Prosecutors Association, Member

MEET THE TEAM

1 If you could pick one theme for NDAA to turn into a book about the organization, what would it be?

Empowering lasting, sustainable, agents of change.

2 What is your proudest moment at NDAA?

When I received the Frank Carrington Crime Victim Attorney Award from the American Bar Association, Criminal Justice Section and the Gold Star from the National Association of Prosecutor Coordinators the same year for my work on behalf of victims of crime and prosecutors.

3 What guidance do you have for NDAA members?

You may not get the high-profile case that causes the news media to “circle the wagons”. However, the domestic violence or sexual assault survivor who is afraid to testify and will not participate in the prosecution of your case but later returns to your office with her friend and tells her “these are the people who can help you”; this is lasting. You get to change the world one survivor at a time.

2019 Training Course Schedule-At-A-Glance

2019 TRAINING COURSE	DATES	LOCATION
Digital Prosecutor Course	February 18–21, 2019	Charleston, SC
Prosecutor 101	March 25–28, 2019	San Francisco, CA
Evidence for Prosecutors	March 25–28, 2019	San Diego, CA
Trying a Child Abuse Case	April 15–18, 2019	Tampa, FL
Prosecuting Homicide Cases: Inside the Mind of a Killer	May 6–10, 2019	Scottsdale, AZ
Career Prosecutor Course	May 13–22, 2019	Cambridge, MA
Executive Course	June 10–14, 2019	Washington, DC
NDAA Summer Summit: Innovations in Prosecution	July 24–25, 2019	Quebec City, Canada
Prosecuting and Investigating Sexual Assault and Related Violent Crimes	August 12–16, 2019	Minneapolis, MN
Prosecutor 101	September 16–19, 2019	Baltimore, MD
Domestic Violence Course	October 2019	Phoenix, AZ
Prosecuting Drug Cases	October 14–16, 2019	Louisville, KY
Office Administration Course	October 28–November 1, 2019	Savannah, GA
Forensic Evidence Course	December 9–12, 2019	New Orleans, LA

2019 NATIONAL COURSE	DESCRIPTION
Digital Prosecutor Course February 18–21 Charleston, SC	<p>From the Supreme Court to everyday tech tools, there have been many developments in the field of technology. Join NDAA to learn the ins and outs of enhancing your digital practice, while taking a winter break in beautiful Charleston.</p> <p>The course covers:</p> <ul style="list-style-type: none"> • Legal Updates in Technology • How to Investigate Digital Crime and Evidence Preservation • Trying Your Case Using Technology • Federal and Local Digital Resources <p>NDAA invites prosecutors from all levels of government and all jurisdictions, as well as our law enforcement partners to our Digital Prosecutor Course.</p>

Evidence for Prosecutors**March 25–28**

San Diego, CA

Discover solutions to defense attacks encountered in the investigation, case preparation, presentation, and post-conviction appellate stages of your cases. Participants will also receive a comprehensive overview of the federal rules and learn how they relate to each other, as well as to the common law and state codifications.

The course covers:

- Character and Other Bad Acts Evidence
- Witness Intimidation Issues
- Anticipating and Countering Objections to Scientific Evidence
- Discovery Issues: *Brady* and *Giglio*

Prosecutors from all levels of government and all jurisdictions, local law enforcement officers, jail officers who work closely with the prosecutor's office, and paralegals are welcome to attend.

Prosecutor 101**March 25–28**

San Francisco, CA

Designed for prosecutors beginning their careers. This unique course is a blend of lectures and small discussion groups. Lectures cover trial skills and advocacy essentials, but also include substantive topics common to this experience level.

Topics include:

- Effective Witness Interviews
 - Digital Evidence Primer
 - Voir Dire Tips
 - DUI and Juvenile Issues
 - Lectures and Discussions on Direct and Cross Examinations
- NDAA invites local and state prosecutors with up to three years of experience to join us for this course.

Trying the Child Abuse Case**April 15–18**

Tampa, FL

Dedicated, multi-disciplinary child abuse teams play an integral role in successful prosecution cases. Hear from doctors, forensic interviewers, detectives, and child abuse prosecutors on how they collaborate to provide justice for victims.

Learn about:

- Medical Neglect
- Building Trafficking Cases
- Corroborating Your Victim

This course is open to child abuse prosecutors, law enforcement, and affiliated professionals.

Prosecuting Homicide Cases: Inside the Mind of a Killer**May 6–10**

Scottsdale, AZ

Seasoned faculty, including veteran prosecutors, scientific experts and health care professionals, provide insight that will increase your ability to successfully overcome any challenge the defense may present.

Topics include:

- The Visual Trial
- The No Body Homicide
- Digital Evidence: Seizing Electronic Evidence
- Inside the Mind of a Killer: Overcoming Mitigation Defenses

NDAA invites investigators, prosecutors, local law enforcement officers, jail officers who work closely with the prosecutor's office, and paralegals to our Prosecuting Homicide Cases course.

2019 NATIONAL COURSE	DESCRIPTION
<p>Career Prosecutor Course May 13–22 Cambridge, MA</p>	<p>This course is a must for every career prosecutor. Performance workshops and a substantive lectures series offer participants access to experienced faculty, as well as the opportunity to practice their skills in a supportive environment.</p> <p>Topics include:</p> <ul style="list-style-type: none"> • DNA: Science and Trial Practicalities • Mentoring Younger Attorneys • The Sexual Assault Case • Preparing for Appellate Review • How to Prepare for Cross-Examination and Experts • Small Group Workshops in Direct and Cross-Examination <p>Prosecutors with 4+ years of experience are welcome to attend.</p>
<p>Executive Course June 10–14 Washington, DC</p>	<p>Prosecutors' offices are entrusted with many responsibilities: community safety, protecting the rights of the accused, and collaborating with many organizations and agencies. Elected and appointed attorneys and first assistants lead these offices in these tasks. NDAA's Executive Course is crafted to provide guidance, as well as a platform for prosecutors to share ideas and programs with their colleagues around the country.</p> <p>Topics include:</p> <ul style="list-style-type: none"> • Leading Ethically • Alternative Courts • Workplace and HR Legal Considerations <p>The Executive Course is intended for elected and appointed District Attorneys and their First Assistants.</p>
<p>2019 CDL Conference June 18–20 Orlando, FL</p>	<p>From saving lives on the road to improving public safety, the stakes of Commercial Driver's License (CDL) prosecution could not be higher. This course will discuss each component of the reporting process, common misconceptions, and identify where potential breakdowns in communication exist.</p> <p>Topics include:</p> <ul style="list-style-type: none"> • Felonies and Commercial Motor Vehicles • Masking • Roadside to Record • FMCSA Efforts <p>Prosecutors, law enforcement personnel, motor vehicle administrators, and all other allied professionals with vested interests in CDL enforcement and safety are welcome to attend.</p>
<p>2019 NDAA Summer Summit: Innovations in Prosecution July 24–25 Quebec City, Canada</p>	<p>Each year NDAA hosts an annual educational Summit that covers the latest topics and trends in prosecution. This year's event addresses Innovations in Prosecution. The Summit offers best practices, networking opportunities, and case studies.</p> <p>Learn about innovations in the:</p> <ul style="list-style-type: none"> • Courtroom • Community • Office

Prosecuting and Investigating Sexual Assault and Related Violent Crimes

August 12-16

Minneapolis, MN

From the backlash against victims to a lack of scientific evidence, sexual assault cases are some of the most difficult to try. Join our experienced multi-disciplinary faculty as they discuss issues essential to effective investigation, charging, prosecution, case management and sentencing in these complex cases.

Topics include:

- The Myths, The Realities, The Investigation
- Effective Approaches for Utilizing Trauma Informed Interviewing
- Cross Examination of Defendants and Their Experts
- Protecting Victim Privacy
- #MeToo — From the Survivor's Eyes

NDAA invites prosecutors and other lawyers from all levels of government and all jurisdictions, as well as members of task forces or sexual assault coalitions, paralegals, investigators, and law enforcement officers to attend. Title IX compliance officers, victim advocates, victim-witness professionals, judges and other members of the criminal justice system, community stakeholders and health care professionals are also welcome.

Prosecutor 101

September 16-19

Baltimore, MD

Designed for prosecutors beginning their careers. This unique course is a blend of lectures and small discussion groups. Lectures cover trial skills and advocacy essentials, but also include substantive topics common to this experience level.

Topics include:

- Effective Witness Interviews
 - Digital Evidence Primer
 - Voir Dire Tips
 - DUI and Juvenile Issues
 - Lectures and Discussions on Direct and Cross Examinations
- NDAA invites local and state prosecutors with up to three years of experience to join us for this course.

Prosecuting Drug Cases

October 14-16

Louisville, KY

Whether it is an ounce of marijuana, a prescription drug case, or a multimillion-dollar shipment of cocaine, this course will assist you in overcoming the challenges in the investigation and prosecution of these cases. Investigators and prosecutors are invited to join seasoned faculty and colleagues from across the country to learn about the current issues in drug cases.

This course will cover:

- Drug Court and Alternative Solutions
- Driving While Impaired
- Prosecuting Drug Fatality Cases
- Opioid and Meth Cases

Prosecutors from all levels of government and all jurisdictions, as well as our law enforcement partners of our Digital Prosecutor Course.



For more information and to register, please visit

National District Attorneys Association

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2019 NATIONAL COURSE	DESCRIPTION
Domestic Violence Course October Phoenix, AZ	<p>Join our experienced multi-disciplinary faculty as they discuss the issues essential to effective investigation, charging, prosecution, case management and sentencing in these complex cases.</p> <p>Topics include:</p> <ul style="list-style-type: none"> • Stopping Victim Blaming Behavior • Neurobiology of Trauma — Its Impact on Investigations and Trials • Cross Examination of Defendants and Their Experts • Aggressive Motions Practice • Protecting Victim Privacy <p>Open to prosecutors and other lawyers from all levels of government and all jurisdictions, as well as members of task forces/coalitions for domestic violence, sexual assault, and human trafficking, paralegals, members of law enforcement, victim advocates, victim-witness professionals, judges, community stakeholders, healthcare professionals, and anyone who works on behalf of survivors.</p>
Office Administration Course October 28–November 1 Savannah, GA	<p>Tight budgets, outdated technology, overwhelming caseloads and reduced personnel are just some of the issues facing the management of a prosecutor's office.</p> <p>The course covers:</p> <ul style="list-style-type: none"> • Recruitment and Retention Challenges • Hiring and Firing Decisions and Protocol • Managing Political Fallout • Discrimination Law <p>NDAA invites chief prosecutors, first assistants, supervisors of trial and investigative teams, IT managers, finance managers, paralegals, administrative professionals, and anyone who does civil work in prosecutors and government attorneys' offices to join us for this course.</p>
Forensic Evidence Course December 9–12 New Orleans, LA	<p>Considering the variety of forensic evidence that must be collected, processed and retained, managing 21st century evidence is a complex process. This course will provide participants with the foundational basics, as well as:</p> <ul style="list-style-type: none"> • Current Challenges in DNA • Unusual Syndromes and Defenses • The Visual Trial- Using Technology to Present Persuasive Evidence • Digital Traces and Traditional Trace Evidence <p>Prosecutors, law enforcement personnel, judges, and forensic professionals involved in criminal investigation would benefit from this course.</p>
Prosecuting DUI Cases On Demand Webinar	<p>This FREE online training course is designed to equip prosecutors with the knowledge, information, and confidence necessary to effectively prosecute DUI cases. First person simulations, compelling storylines, and interactive exercises bring the course content to life. Estimated time for completion: approx. 2.5–2 hours.</p> <p>Topics include:</p> <ul style="list-style-type: none"> • Importance of DUI Prosecution • Preliminary Case Review and Evaluation • Trial Preparation • Alcohol Toxicology 101 • Common Defenses and Trial Tactics <p>New and practicing prosecutors are invited to participate.</p>

Local Opinion Editorials By NDAA Members

Featured in *Arizona Capitol Times*

21st Century Prosecutors Strive For Far More Than Convictions

BY BILL MONTGOMERY



The prosecution function has come a long way in the last two decades across the country and here in Maricopa County, AZ. In my eight years of service as the county attorney, we have embraced change, employed technology, and engaged in a constant process of reviewing how we do our jobs to be more effective in carrying out our constitutional and statutory duties and responsibilities.

As a 21st century prosecution office, we have taken on the challenge of better engaging with the communities we serve to enhance understanding of our criminal justice system and forging invaluable partnerships to protect and strengthen the communities where we all live. Our eight community-based prosecution bureaus, each serving a specific area of the county, provide a direct link to front line prosecutors working with law enforcement agencies, residents, and neighborhood and business leaders to collaborate on effective public safety strategies.

We work to maintain an independent role in our criminal justice system to ensure we preserve the public's trust and confidence while we also hold law enforcement to the same standards of the law and rules of evidence as anyone else. When officers, agents, and deputies fall short, we hold them equally accountable. Twenty-first century prosecutors are held accountable ourselves through the independence of grand juries, judges, defense attorneys, media, and the public to make sure we are responsive and responsible to the people we serve and that we follow the laws and ethical rules of professional responsibility to make sure that the guilty do not go free and that the innocent do not suffer injustice.

Twenty-first century prosecutors use data to allocate resources wisely and prosecute cases for the best possible

resolution for victims, offenders, and our community. We work to identify when diverting an offender from formal prosecution to a Veterans, Mental Health, or Drug Court would help an offender most and safeguard our community. We also use diversion from formal felony charging with substance abuse treatment programs and defer prosecution of offenders who are better suited for our felony pretrial intervention program that has a 5 percent recidivism rate in the first three years of piloting the effort. Equally so, we use data to identify those most responsible for committing crime in our communities and those engaged in violence to protect those who simply want to live, work, and raise their families in peace and safety.

Lastly, 21st century prosecutors work collaboratively with our criminal justice system stakeholders and law enforcement and community partners to address causes of crime in the first place. We support youth programs like Si Se Puede and the Damian Gosa Memorial Foundation, crime prevention awareness through our community safety forums and speakers' bureau, to advocacy for community-based public health programs to address mental health and substance abuse before there is a need for criminal justice system intervention. We realize that an effective criminal justice system must adapt and be flexible in our responses to crime and dealing with offenders while supporting and protecting victims of crime. The 21st century will continue to challenge us but with a commitment to partner, innovate, and lean forward in pursuit of improving public safety and justice for all, Maricopa County will also continue to grow and prosper.

Featured on Syracuse.com

DA Fitzpatrick: 1975 Murder Case Shows Search For Justice Never Ends

BY WILLIAM J. FITZPATRICK



After 40 years as a prosecutor, 27 as the elected District Attorney in Central New York, I am often asked if there is one case that best exemplifies why I do what I do. Actually, that's a tough question to answer, but after four decades of prosecuting child abusers, rapists, murderers and other unsavory characters, let me point to that one case that best explains why a prosecutor's pivotal role is to seek justice.

On June 27, 1975 Marion Fisher, a physical education teacher at Jamesville-DeWitt High School, and her husband, Jack, went to a restaurant in Syracuse to celebrate their wedding anniversary. Their two children were at a neighbor's house for the night and other couples joined the Fishers to enjoy the evening. After the meal, the Fishers and friends returned to the bar area for a nightcap and, for some reason lost to the sands of time, the Fishers argued. It escalated to the point where Marion slammed down her drink and announced that despite the late hour and the over a mile distance, she was walking home. Sadly, Jack's and Marion's lives would be altered forever.

The next morning, Syracuse police officers knocked on the Fishers' door to find Jack awakening from sleeping on the couch and telling the cops that his wife was upstairs asleep, as far as he knew. Except she wasn't. Actually, Marion's body had been found in a wooded area a short distance from the residence and evidence at the crime scene strongly indicated she had been raped and strangled to death by someone using her own stockings. And, incredibly, things were about to get worse for Jack.

Taken into custody, Jack admitted to the verbal argument, his alibi about his arrival time home was contradicted by two

neighboring kids, he flunked a lie detector test and began to make incriminating statements that maybe he blacked out and hurt Marion. Thus, three decades later, when this case was discussed at my county's Cold Case Task Force, it was no surprise when a Syracuse cop said, "We know the husband did it, we just can't prove it." But prosecutors don't rely on what we know; we bank on what we can prove. Which is why the lab technician at the meeting suggested analyzing a rag found at the scene for possible DNA.

Two weeks later, I got the news that a full profile had been developed and, of course, I wanted to know if we had Jack Fisher's DNA to compare. Turns out we didn't need to. The CODIS hit indicated that the rapist and murderer of Marion Fisher already had his profile in the system because he was on death row in Georgia for murdering multiple women. It was Carlton Gary, the "Stocking Strangler," who just happened to run into Marion Fisher and sadistically took her life on that long ago summer night.

Later that day, I called Jack Fisher and we talked for 45 minutes. At his request, I sent Jack all the documentation I had, the news reports, the DNA reports and the information on Carlton Gary. A few weeks later, Jack called me and in the background I could hear children laughing and people obviously having some fun at a party. Jack explained that it was his daughter who, for over 25 years, thought he murdered her mother. She was just introducing Jack to the grandchildren he had never met. There it was. In one case, a prosecutor managed to exonerate an innocent man who had needlessly suffered, to reunite a family and to point conclusively to the guilt and evil of a serial killer.



The Changing Role Of The District Attorney

BY AMY WEIRICH

I recently heard a retired judge tell a gathering that he started his legal career as a prosecutor.

My nodding approval quickly stopped, though, when he added, “My job was to put people in jail.”

I have been a prosecutor for more than 25 years — including the last seven as district attorney — and I have never considered putting people in jail as the central part of my job description.

As I tell our new assistant district attorneys at orientation, our job is to do the right thing every day for the right reason. That might mean dismissing a difficult case because the proof is simply not there. Or, it might mean asking a jury to sentence a convicted killer to life in prison, or even death, for the safety of the community.

It is always a balancing act, as the scales of justice demand. Every day, someone is probably upset with me for prosecuting a case they don’t think I should prosecute, or for not prosecuting a case they believe I should. I would say to both groups, my job is to see that justice is done.

More than 200 years ago, the Tennessee Supreme Court described the duties of the district attorney in an opinion that read in part: “He is to judge between the people and the government. He is to be the safeguard of one and the advocate for the rights of the other. ... He is to pursue guilt. He is to protect innocence. ...”

Yes, the job is to pursue the guilty and protect the innocent. It is not to see how many people we can put in jail or how many trials we can win. The job is to make Memphis and Shelby County a safer place for everyone.

One way we try to accomplish that is by keeping people out of prison.

This office has a program to combat truancy to keep students in class and out of trouble. Another program gives special attention to students with behavioral problems, to keep them out of Juvenile Court, which is often the first step to a lifetime in the criminal justice system.

Earlier this year we handpicked about a dozen repeat felony offenders, a group that collectively had been arrested 260 times, victimized 111 of their fellow citizens, and been convicted of 141 crimes. Those crimes included aggravated assault, felony thefts, aggravated burglary and domestic assault.

In a program we call Operation Comeback, we brought them into a room (it was not voluntary, since all were on parole or probation) and vowed to punish them to the fullest extent of the law if they continued to offend. We also, however, offered help with employment, education, housing, substance abuse counseling and other social services.

We — the law enforcement community as well as social workers — told them the community was tired of their criminal behavior, but we also told them we want them to succeed and that this was their best chance.

Six months later, guess what? All but two or three said their lives were better and that they had not picked up any new arrests. One said he would like to address the next group to share his experience. It’s a small number of offenders, but as their records indicate, they have a big impact on the community. We addressed a second group last week and are planning for a third in February.

Now, there are certain offenders that all the programs in the world are not going to help at this stage in their lives. Those are the repeat violent offenders who prey on neighbors, strangers and the vulnerable of the community. The experienced prosecutors who handle these cases ask judges and juries to put these offenders in prison for as long as the law allows.

We pay great attention to gun crimes. There are far too many guns in the wrong hands for the wrong reasons. You hear the term “mass incarceration” used by those who argue that the U.S. sends far too many people to prison for minor offenses. Prison populations are driven by violent crime, not by pot smokers or people driving on revoked licenses.

When I’m out in the communities I serve, regardless of the demographics, the overwhelming majority of citizens want me to be tougher on crime, not softer. When we pick a jury for a trial, we always ask, “Who here has been the victim of a crime?” It’s the rare juror who does not raise a hand.

We speak for victims of crime. The victims who have no other voice. The victims who have lost loved ones to violence. The victims who have had their sense of safety torn from them by a violent offender. The victims who have to come to 201 Poplar to relive their nightmare, sometimes over and over again.

We share their pain and try to shepherd them through the legal process and try to help them find some sense of justice.

We can never make them whole, but we can let them know that they are not alone. We care about their loss and we stand up for them in court. Last week we held our eighth Season of Remembrance to commemorate victims of homicide. It is a solemn event that, sadly, gets bigger each year.

I often say that the greatest nine words a prosecutor can hear are, “We the jury, find the defendant guilty as charged.” That means that a jury has weighed the evidence, heard from both

sides and agreed that the defendant has violated the peace and dignity of the state of Tennessee.

Prison may or may not follow. Probation or diversion may be more appropriate in some cases. My job as a prosecutor is not sending people to jail.

My job as a prosecutor is to speak for victims when no one else will.

Featured on Tucson.com

Elizabeth Ortiz: Call Me Nancy Drew

BY ELIZABETH ORTIZ

I’m not really Nancy Drew, I’m a prosecutor. Yet my job is hers, in that my goal is to figure out what happened and then do “the right thing.”

The role of the prosecutor hasn’t changed over the years — the mission has always been to be a minister of justice — but the tools available to the 21st century modern prosecutor have evolved, thereby enabling us to be more effective.

In the almost 30 years that I’ve been practicing law, science and technology have exploded. Evidence in a criminal case may once have been limited to witness statements taken at the scene along with some fingerprints. With today’s advancements, cases now often include witness statements obtained not by the patrol officer on the street, but by a trained forensic interviewer. And scientific evidence has expanded to include DNA and beyond. Further, cell phones and body worn cameras now regularly memorialize words and actions.

Why is this important to justice? Because justice is doing the right thing, and to do that, we need information. Justice is determining what happened, and then identifying a fair and just response. Enlightened interviewing techniques and advanced scientific analysis are just two avenues that are bringing prosecutors more information which allows them to make informed decisions.

Additionally, discoveries regarding the neurobiology of trauma — that is, how trauma may impact a person’s reaction to a situation — help prosecutors assess statements from all involved — from victim to accused. And the avalanche of

data regarding adverse childhood experiences, also known as ACEs, is shedding light on the “why,” which then can assist in deciding how best to proceed.

What has been the reaction of prosecutors to the ever-increasing amount of evidence and other information available when reviewing a case? The resounding response has been not only encouraging, but prosecutors are pushing for even more evidence and data to ensure they are fulfilling their role as ministers of justice.

Furthermore, increased information has better enabled prosecutors to identify those wrongly accused earlier in the criminal justice process. Finally, prosecutors are utilizing the enhanced information regarding an accused’s circumstances in innovative ways, such as supporting mental health and veterans’ specialty courts.

The United States Supreme Court has long recognized that prosecutors hold a special role in our community — that of minister of justice. Advancements in investigative and interviewing techniques, along with the expanded breadth of scientific evidence, have provided 21st century modern prosecutors with more tools in which fulfill their minister of justice mission.

With the enthusiasm of Nancy Drew in pursuit of solving a mystery, prosecutors delve into this broader scope of evidence now available to determine the truth and a just result.



Prosecutors Seek Justice, And Human Kindness Too



BY BILLY WEST

Robert H. Jackson, who served as a U.S. Supreme Court justice, U.S. Attorney General, and chief U.S. prosecutor at the Nuremberg trials, once said, “The citizen’s safety lies in the prosecutor who tempers zeal with human kindness.” In the Cumberland County District Attorney’s Office and in prosecutors’ offices across the country, district attorneys and their staff represent the state and victims of crime while also helping people who deserve mercy and a second chance. This weekend, prosecutors across the country are taking time to explain prosecutors’ role in a modern and evolving criminal justice system.

I’m often asked what I like about being district attorney and my answer — I enjoy helping people — surprises many. Each day at the District Attorney’s Office we represent the state and help victims of crime while also helping those who deserve and need a second chance. We help deliver justice for victims of homicide, sexual assault, robberies, child abuse, domestic violence, property crimes and countless other offenses. Many of our initiatives are partnerships with law enforcement that support victims of crime. They include Homicide Victims’ Family Support Group, Sexual Assault Task Force, Cold Case Sexual Assault Kit Initiative, Human Trafficking Task Force and Domestic Violence Unit. Many others help fight crime and improve public safety, such as our Repeat Offender Initiative, our satellite-based monitoring program for those with lengthy criminal records who have made their bond, our driving-while-impaired special prosecutor and our financial crime special prosecutor. Each of these initiatives, task forces, victim support groups and crime-fighting strategies help us represent victims and the state.

Here and in prosecutors’ offices across the nation there is also a focus on extending human kindness to individuals charged with crimes. In appropriate cases, prosecutors enter into plea agreements that avoid a final felony conviction in cases involving first-time nonviolent offenders. We partner with law enforcement, judges and service providers in numerous specialty courts including Veteran’s Treatment Court, Mental Health Court, Drug Treatment Court and our Sobriety Court for some alcohol-related offenses. These specialty courts help nonviolent offenders seek treatment for their substance abuse and mental health issues while going through the criminal justice system.

We have joined with the Fayetteville Police Department in our LEAD (Law Enforcement Assisted Diversion) Program.

LEAD allows addicts with low-level drug offenses to seek treatment. Our program was the first in the Southeast and has received national recognition. Our Misdemeanor Diversion Program for 16- and 17-year-olds preceded the recent raise-the-age legislation and made Cumberland County a pilot program and leader on changes to our state’s juvenile justice system.

One of our office’s most rewarding initiatives is our Expungement Clinic, which allows an individual without financial means to afford legal counsel and the opportunity to expunge a dismissal or a conviction for a one-time nonviolent offense. These individuals are legally entitled to relief but our clinic allows them to seek it without their financial means being an obstacle. Hundreds have taken advantage of our clinic, providing them better opportunities for employment, education and housing. I can speak for our office and prosecutors across the country and say initiatives providing a second chance and treatment for substance abuse and mental illness are an integral part of the role of the prosecutor in a modern criminal justice system.

I can speak from personal experience that helping a victim or victim’s family seek justice is extremely rewarding. Our office successfully prosecuting cases such as those involving Shaniya Davis, Danielle Locklear, Kelli Bordeaux and countless others is definitely fulfilling. But, equally as rewarding is seeing the tears of joy and hope in the eyes of those who have taken advantage of our Expungement Clinic, successfully completed one of our treatment courts or gotten a second chance. The best example I can give occurred a few weeks ago. On Halloween night a man, his wife and adorable little girl in a princess costume walked up my driveway to where my family and I were handing out candy. As soon as we made eye contact I noticed that he recognized me, although I didn’t immediately recognize him. He shook my hand and said, “10 years ago you gave me a second chance when you were the prosecutor on my case, and I want to thank you for that”. He went on to explain how he had turned his life around and that he and his wife and daughter are doing well. As a prosecutor, that moment was as rewarding as any in my nearly 20-year career.

I have highlighted some of our local initiatives but prosecutors everywhere are doing similar things to represent the state and victims of crime while also applying human kindness. Our criminal justice system is far from perfect but prosecutors are leading the way with new ideas, initiatives

and improvements. Justice Jackson's quote concludes with this: "The prosecutor seeks truth and not victims, serves the law and not factional purposes, and approaches his task with humility". The Cumberland County District Attorney's

Office like countless others across our county are committed to temper zeal with human kindness, seek the truth, serve the law, and always approach our noble task with humility.

Featured in *Salem News*, *Eagle Tribune* and *Newburyport News*

District Attorneys — Not Just Prosecutors

BY JONATHAN W. BLODGETT



As I prepare to begin my fifth term as Essex district attorney, I have reflected on this job and why I am so privileged to serve the people of Essex County in this capacity. The commonly understood role of the district attorney is prosecuting crime and speaking for crime victims in criminal cases. Many district attorneys, including myself, have gone beyond this traditional role to offer crime prevention programs as well as diversion programs that offer services and accountability for those who commit non-violent offenses.

For example, in 2007, my office developed the Essex Drug Diversion program, modeled after our long-standing Juvenile and Youthful Diversion programs. This program offers non-violent offenders with substance use disorders treatment in lieu of prosecution. In doing so, the program seeks to reduce drug abuse and improve public safety by addressing the underlying issue of the criminal act and still hold the offender accountable. Through this program, more than 1,000 people have accessed comprehensive treatment that is a minimum of six months and provides after-care, recovery coaching and peer support.

Expanding on our efforts to reduce drug abuse and crime in general, the office has offered several trainings to schools, police and other youth-serving agencies on childhood trauma. Young people who are subjected to trauma are more likely to abuse drugs and engage in criminal activity. One particular group has captured my attention — children whose parents suffer from the disease of addiction. We know that exposure to parental substance use disorders can cause childhood trauma which can result in behavioral issues that interfere with learning and can contribute to delinquency.

For this reason, my office provided funds from a combination of drug forfeitures and state grant awards to develop the All-

Star Program, an after-school program at Breed Middle School in Lynn. Working with then Lynn School Superintendent Cathy Latham, Sheriff Kevin Coppinger (former Lynn police chief) and Bridgewell, the program was rolled out in January 2016. Since then, 225 middle school students have participated in this program which is designed to develop leadership skills and avoid self-destructive behaviors. Each session offers homework help, a snack and dinner, recreation and structured lesson from the All-Star curriculum. The program is staffed by teachers, guidance counselors, Lynn police officers and a clinician from Bridgewell.

Since the program was instituted, anecdotal evidence suggests that participants are less likely to be involved in behavioral problems during school hours and have improved school attendance. What cannot be measured, but is evident at the graduation celebrations, is the positive change in demeanor in the students. They appear happier and more confident as compared to the beginning of the year.

Illegal drugs pose a multi-faceted threat to our communities and our families. A successful response requires all of our institutions to reach beyond their traditional roles to address the underlying issues. Most of all, we must find more ways to embrace the children who bear witness to the wreckage caused by addiction so they may find a healthier and more productive path.

Jonathan Blodgett is the president of the National District Attorneys Association and serves on the board of directors of the Massachusetts Office of Victim Assistance, the National Association of Drug Court Professionals and the Addiction Policy Forum.



The Search For Justice And Integrity In Every Case

BY GREGORY D. TOTTEN

Advances in technology, new investigative techniques and sweeping reforms of the criminal justice system make this a particularly challenging time for all law enforcement.

As your district attorney, I believe we are prepared to meet these demands with both the high prosecution standards that have guided this office for generations and a willingness to embrace change with innovation and devotion to the public we serve.

We remain committed to our longstanding guiding principles: a tough, no-nonsense approach to public safety that holds criminals accountable; vigilance in responding to changes in crime; abhorrence of bureaucracy in our treatment of victims and the public; and above all, integrity in every decision we make.

As we look to the future and respond to the evolving criminal justice landscape, here are just a few of the things we are doing to better serve the public.

Intelligence-driven prosecution: This new program partners prosecutors and peace officers together to identify crime hot spots and those offenders posing the most significant public safety threat through the enhanced use of data. We expect this effort will significantly improve our allocation of resources to maximize our impact on crime.

Justice integrity: America's justice system provides many procedural safeguards and in the vast majority of cases reaches the right conclusion. But sadly, no system is perfect. Our Conviction Integrity team re-examines closed cases to evaluate claims of wrongful conviction with an open mind and the determination to do the right thing, no matter the consequences.

Legislative advocacy: We regularly engage in advocacy for criminal justice policy changes and have sponsored numerous successful proposals in the state Legislature and Congress. Last year, we worked closely with the National District Attorneys Association to secure approval of the Justice Served Act in Congress. This measure will, for the first time, create a line item appropriation to help fund DNA cold case investigation and prosecutions.

Misdemeanor and mental health diversion: In October 2017, we established a misdemeanor diversion program that offers educational opportunities rather than punishment for individuals arrested for some minor offenses. Since

implementation, more than 300 low-level offenders have successfully completed this program and remained free from the commission of other offenses. We are also working with our justice partners to implement a mental health diversion program authorized by the Legislature to assist individuals with diagnosed mental illness who would be better served by treatment rather than prosecution.

Crime victim assistance: Our victim advocates help thousands of crime victims each year to participate in the court process and obtain restitution, restraining orders and counseling services. They have also responded to mass casualties and shootings. Within a day of the horrific murders at the Borderline Bar & Grill, we opened the Thousand Oaks Assistance Center at county Supervisor Linda Parks' office to provide victims and their families with on-site information, counseling, compensation, property return and other services. In the first week, we assisted 232 victims and their loved ones. We will continue to help these survivors deal with the trauma of this tragedy in the long months and years ahead.

Family Justice Center: Research has shown that women and children exposed to violence in the home often suffer long-term consequences, including higher rates of serious health and substance abuse issues, victimization and arrest. To reduce the risk of these consequences and break the generational cycle of violence, we will open a Family Justice Center in 2019 to bring together county health and social service agencies, law enforcement and community-based organizations to assist victims of domestic violence and other crimes. This center will provide a full range of services in one location to these victims and their children.

Youth intervention and prevention programs: Youth intervention programs that connect young people with prosecutors and peace officers prevent crime. To that end, we operate our antitrancy program to keep kids in school, teach a legal education and decisionmaking curriculum for fifth-grade students, and offer outdoor camp and other enrichment experiences for children exposed to violence in their homes.

Through these and other programs, we strive to serve the public and the cause of justice. While our role has evolved, our fundamental mission remains the same: to seek justice in every case, in every decision and in every action we take.

Featured by the Arizona Prosecuting Attorneys' Advisory Council (APAAC)

How We Proceed On Justice Innovation Matters



BY BILL RING

Each year Merriam Webster publishes a list of the top words searched throughout the year. The 2018 Merriam Webster's Word of the Year is Justice. The word was sought 74% more often than in 2017. The concept of Justice was at the center of many of our national debates: social justice, racial justice, criminal justice and economic justice. And there is restorative justice and retributive justice. Presidents can say: 'We brought the perpetrators to justice' and 'Justice was served'. In any conversation about these topics the question is: What exactly do we mean when we say "*Justice*"? The term does a lot of work for us in the English language. A simplified conclusion is that justice takes our ideas of fairness and makes a system out of it. The result is giving each their due.

It is risky to compress Plato and Aristotle's writings on Justice and Virtue into just a few principles because, in doing so, much will be overlooked. Socrates addressed Justice and Virtue by dialogue in the public square because he knew that life's hardest questions needed to be worked out *in public*, in *civil* conversation, among *community members* of the City-State. Here are my optimistic take-aways from their work:

1. Virtue itself can be legislated by Just leaders.
2. Therefore, it is virtuous for us to obey the laws we adopt for ourselves through a republican form of government.
3. So it is proper to abide by the legal process even if the process seemingly generates unjust results and:
4. If the process generates unjust results then it is an individual responsibility to act persuasively when innovation is desired. We re-true our virtuous intentions by going back to Number 1.

We all want to live in an orderly universe. And the universe is ordered toward the Good. So we order our laws toward the Good. While laws can vary from place to place taking into account the history, the location and the time, still they remain oriented toward the Good. Sir Thomas Aquinas

defined law simply as: "an ordinance of reason made for the common good by him who has charge of the community". It is prosecutors who pursue this good on behalf of the community by delivering justice and restoring trust in our common pursuits.

Our common history (good and bad) is an important context for the justice innovations that would follow. Let me give you a rural Arizona county prosecutor's perspective on the prosecutor's role in seeking justice, and it starts with our territorial times and our march toward statehood.

On February 2, 1848, the United States and Mexico, "through a sincere desire to end the calamities of war which unhappily exists between the two republics", entered a treaty of "peace, friendship, limits and settlement" with the Republic of Mexico. The Treaty of Guadalupe Hidalgo is the first significant step toward recognizing an Arizona from the former Mexican Republic. On December 30, 1853 the United States purchased the remaining territory making up our current southern boundary (the Gadsden Purchase).

While Texas declared independence and accepted Statehood in 1845, another 67 years would pass before Arizona was recognized first as a Territory distinct from the New Mexico (1863) and then as a State (1912). Arizona's Constitution was forged by a diverse cultural history, a spirit of independence, and a local distrust for east coast capitalists who sought to exploit Arizona's mineral resources through available labor.¹ Arizona author Grady Gammage, Jr., notes that the frontier produced in the American character an independence of spirit along with occasional antisocial tendencies and antipathy toward government control.² Rugged individualism made for surly politics. But the point is that in a territory where the landscapes are vast and the people few, individual rights and personal responsibility are the pillars of the Arizona contract. This is our enduring brand, a symbol of our legal history, and the table-setting at which we form prosecution goals in our Northern Arizona County.

¹ See generally: Leshy, John D.; *The Making of the Arizona Constitution*, 20 Ariz.L.J. 1 (1988).

² Gammage, Jr., Grady; *Phoenix in Perspective*, Arizona State University, Herberger Center, 2003, at p. 9.

Coconino County is the second largest county in the United States. We are the size of New Hampshire and Vermont combined. We are larger than Maryland, Massachusetts, New Jersey, Hawaii, Connecticut, Delaware or Rhode Island. Still, we are one of the least densely populated regions in the United States. We are 140,000 citizens in 18,661 square miles, and most of our density occurs in one municipality (Flagstaff). What this means in terms of criminal justice is that we absolutely must place a high expectation on personal responsibility for individual misconduct. Our sheer vastness and our natural limitations require it.

Everyone in the criminal justice system has a role to fulfill and a duty to assume. Criminal justice in Arizona is both action and consequence. We prosecutors must strive always to be accurate in our interpretation of the criminal code and its application to the facts of every case. Our fundamental role consists of two principles: duty and responsibility. We exercise our roles with honor and integrity. We seek the truth and just results. We restore trust in government. When injustice occurs we seek remedies that are consistent with the law and that are also fair and reasoned and complete.

Prosecutors in Arizona are constitutional officers with executive functions. Our oath is to uphold the law and faithfully execute upon it. We often are the first to see trends in public safety and the first to recommend innovations. In Coconino County the crime rate has been descending since 2000, but the types of crimes we see are different than urban Arizona. We learn from our local characteristics

and we deploy ourselves accordingly to restore the peace in a way that best achieves fairness, safety and harmony. In colorful terms, we work to give peace a fair chance to win. We work to make the pursuit of happiness easier. A unique characteristic for us is the impact of ten million yearly visitors and the number of international victims whose rights we seek to preserve.

We prosecutors carefully exercise discretion to achieve personal accountability and just results, whether that be fair trials and just pleas, or diversion into “treatment” courts. We seek appropriate sentences, whether probation or prison, that accomplishes justice and restores public safety. We and our partners look beyond the criminal justice system to make improvements elsewhere (health and social programs; schools, etc.) that may significantly reduce that very first crime from ever occurring and then diminishing the risk of any new re-offenses.

Maricopa County Attorney Bill Montgomery previously shed light on positive innovations.³ I am adding a rural prosecutorial voice to the principle that founded our State: with individual rights comes personal responsibility. There is room for continuous improvement and a better criminal justice system. Prosecutors often lead the way. So let us take our cues on justice innovation from our own history, facts and experiences. And from the testimony of our own people. And from our own blessed landscapes. We have more than enough resource within Arizona to get us where we need to go on the journey of innovation in criminal justice.

³ Montgomery, Bill, *Arizona leads the way in criminal justice reform*, Arizona Capitol Times, December 21, 2018.

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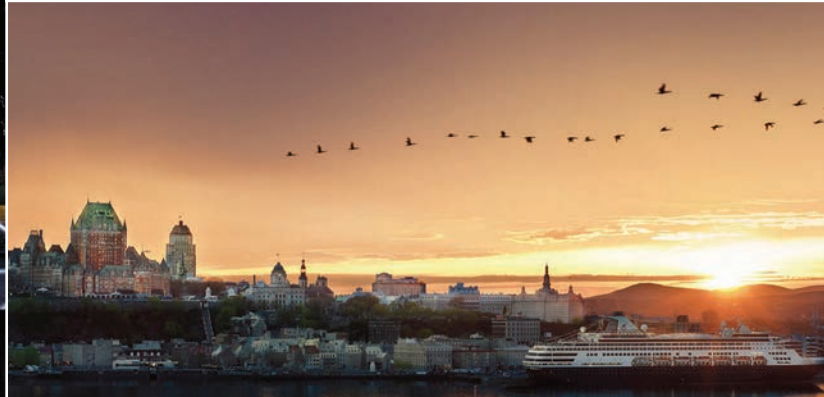
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