

Subject: Mailchimp Template Test - "IPS campaign April "

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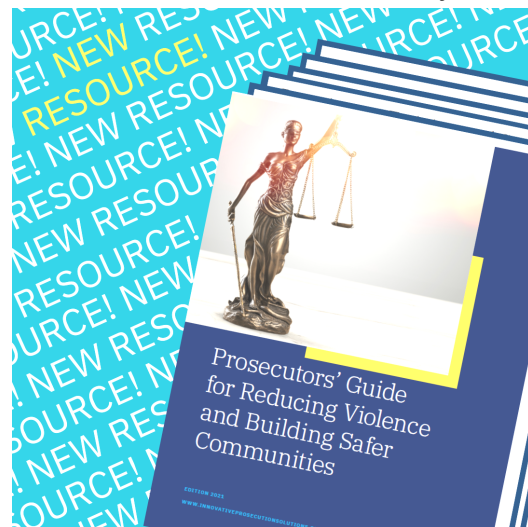
FEATURED RESOURCES

AEquitas and its Innovative Prosecution Solutions Team are pleased to announce a suite of new resources for prosecutors!

[The Prosecutors' Guide for Reducing Violence and Building Safer Communities](#)

Informed by a roundtable of experienced prosecutors from around the country, this Guide provides a systematic way for prosecutors' offices to evaluate their practices with respect to the key elements of a successful violent crime reduction strategy.

This Guide is intended to enable the executives responsible for operating a prosecutor's office to identify policies and practices that can be readily implemented, as well as those that represent actionable goals to work toward. It suggests practices that are customizable and scalable, from foundational to enhanced, depending on an office's



available resources and experiences, as well as jurisdiction-specific needs and challenges.

Seeking Justice and Solutions: A Prosecutor's Guide to Opioid Overdose Investigations

The opioid epidemic has presented prosecutors with new challenges and questions. Though the opioid crisis may be the result of various associated criminal actions, modern prosecutors acknowledge that addiction itself is a medical condition, not a crime. The prosecutor is faced with decisions on two fronts: how to address the criminal activity of drug sellers and how to treat the medical issues of drug users. The goal of this Guide is to provide options and to highlight innovative, effective strategies for improving prosecutors' responses to overdose deaths. These responses range from providing access to treatment to prosecuting overdose deaths as homicides.



Check out this [Quick Guide](#), which highlights the key considerations from the report.

The Problem-Solving Prosecutor: Modern Variations on the Crime Strategies Unit

This resource illustrates the expanding role of the prosecutor and offers guidance on the development or enhancement of intelligence-driven prosecution through a Crime Strategies Unit (CSU) or like-minded programs. Based in part on interviews with prosecutors, crime analysts, and other specialists in the field, this resource discusses strategies for building foundational partnerships, methods for gathering data and intelligence, and ways in which data can inform and support investigations and prosecutions.

This [Quick Guide](#) will give you a snapshot of the elements involved in building a Crime Strategies Unit or other intelligence-driven prosecution model.

STRATEGIES IN FOCUS

Denver District Attorney's Office

THE PROBLEM

Denver, CO has experienced an uptick in violent crime over the past few years, in large part due to an increase in gang-related activity in the city. Witnesses are often unable or reluctant to collaborate with police, resulting in many unsolved cases.



THE SOLUTION

Through its IPS grant the Denver District Attorney's Office has created a Digital Evidence Task Force, which uses innovative technologies to extract cell phone data on-scene. This has enabled fast access to mobile data without waiting on a traditional forensics lab to process the device, which in turn saves investigators valuable time when tracking down suspects and allows witnesses to collaborate with law enforcement quickly and discreetly. Hannibal Technologies, a leader in digital forensics, data recovery, and hardware exploitation, has partnered with the DA's Office to help train local law enforcement agencies in how to effectively use this on-site technology and serve as a resource for crime analysts. The Task Force also serves as a hub for intelligence-sharing and enhanced communication between law enforcement and prosecutors by assisting in the development of cell phone search warrants, offering their expertise on a wide variety of 4th Amendment issues, and memorializing the most promising practices in digital evidence collection.

THE EVALUATION

The University of Denver research partner will document and evaluate the development and effectiveness of the Task Force, as well as prosecution outcomes, through analysis of administrative and case-related data, observation of Task Force meetings, and key informant interviews.

CASE HIGHLIGHT

In re B.H., State of Minnesota, Intervenor, v. Yildirim, 946 N.W.2d 860 (Minn. 2020)

This case highlights the importance of victim privacy interests that are unique to obtaining digital evidence.

FACTS

The Defendant was charged with criminal sexual conduct in the third degree. When the victim, B.H., reported the assault to police, she advised that there were photos, texts, and Instagram messages on her phone that corroborated that a crime took place. B.H. allowed the Minneapolis Police Department to extract a portion of the contents of her phone to obtain evidence.

LEGAL HISTORY

The Defendant hired a forensic expert to analyze B.H.'s phone. The District Court granted the Defendant's motion to require B.H. to produce her cell phone to the Defense's hired expert. B.H. moved to quash the Defense's subpoena for her cell phone, which the District Court denied. In turn, B.H. filed a petition for writ of prohibition with the Court of Appeals, and the State successfully moved to intervene. The Court of Appeals denied the petition. The Defendant filed a motion to hold B.H. in contempt because she had not yet turned over her phone. The Supreme Court granted the joint petition for expedited review filed by the State and B.H.

REASONABLENESS AND WAIVER OF RIGHTS

The Defense argued that he need only make the "plausible showing" required by the decisions in [*State v. Paradee*, 403 N.W.2d 640 \(Minn. 1987\)](#) and [*State v. Hummel*, 483 N.W.2d 68 \(Minn. 1992\)](#) to extract the cell phone data and provide it to the court for in camera review, and that by doing so, compliance with a subpoena cannot be unreasonable. The Defense also argued that by allowing the police to review her phone, B.H. waived her right to privacy. The Supreme Court disagreed, stating, "a holding otherwise would have a chilling effect on the reporting of crimes, especially those involving sexual assault."

The State and B.H. relied on [*Riley v. California*, 573 U.S. 373 \(2014\)](#). The State asserted that a court order requiring a victim to produce her cell phone for forensic inspection is a Fourth Amendment event that invokes the protections against unreasonable searches and

should require the party seeking the subpoena to make a showing of probable cause as opposed to just a plausible showing.

HOLDINGS

In denying B.H.'s motion to quash the Defendant's subpoena, the District Court required B.H. to turn over her cell phone to a defense-hired expert to extract data for an in camera review. This was unauthorized by law. No law authorizes a defense-hired expert to have access to a victim's confidential information before a district court conducts in camera review. Further, the Supreme Court agreed with the State's reliance on *Riley* and that ordering B.H. to give her phone to the defense expert would undercut her privacy rights, which outweigh the Defendant's right to present a defense. Therefore, B.H.'s petition for a writ of prohibition was granted.

UPCOMING TRAININGS

April 13, 2021, 2–3 PM ET: Well-being Taskforce: The 3 P's of Wellness: Peer Programs For Prosecutors — This one hour webinar is **FREE** for NDAA members and \$55 for non-members and provides 1 CLE credit. The webinar will provide tools for creating a Peer Support Team to help support a safe and healthy work environment. For more information and registration, click [here](#).

April 16, 2021, 3-5 PM ET: AEquitas' Office Hours — Join AEquitas on the third Friday of every month to discuss your questions regarding the prosecution of intimate partner violence, sexual violence, human trafficking, & stalking with experienced prosecutors and other participants in the field. This month we will highlight keeping multi-disciplinary relationships strong while social distancing. The Zoom link can be found [here](#).

April 27, 2021, 2 PM ET: Addressing Post-Pandemic Case Backlogs — CNA, NDAA, the National Association of Criminal Defense Lawyers (NACDL), and the National Judicial College have partnered to bring you a **FREE** webinar to help jurisdictions combat the case backlogs as court houses reopen. For more information and registration, please click [here](#).

April 28, 2021, 1 PM ET: How Digital Evidence Management is Transforming the Justice System — This one hour webinar hosted by NICE and sponsored by the NDAA

is **FREE FOR EVERYONE** and includes a Q&A session. For more information and registration, click [here](#).



FUNDING OPPORTUNITIES

BJA Funding Opportunities

[FY 2021 Smart Prosecution – Innovative Prosecution Solutions](#). Grants.gov deadline: 4/12/21 at 11:59 p.m. ET; JustGrants deadline: 4/26/21 at 11:59 p.m. ET.

[FY 2021 John R. Justice \(JRJ\) Program](#). Grants.gov deadline: 4/13/21 at 11:59 p.m. ET; JustGrants deadline: 4/27/21 at 11:59 p.m. ET.

[FY 2021 Implementing the PREA Standards, Protecting Inmates, and Safeguarding Communities](#). Grants.gov deadline: 4/20/21 at 11:59 p.m. ET; JustGrants deadline: 5/4/21 at 11:59 p.m. ET.

[FY 2021 Byrne Criminal Justice Innovation Program](#). Grants.gov deadline: 4/26/21 at 11:59 p.m. ET; JustGrants deadline: 5/10/21 at 11:59 p.m. ET.

[FY 2021 Emmett Till Cold Case Investigations and Training and Technical Assistance Program](#). Grants.gov deadline: 4/27/21 at 11:59 p.m. ET; JustGrants deadline: 5/11/21 at 11:59 p.m. ET.

OVW Funding Opportunities

[FY 2021 Grants to Tribal Governments to Exercise Special Domestic Violence Criminal](#)

[Jurisdiction: Targeted Support for Exercising Tribes](#). Grants.gov deadline: 5/4/21 at 11:59 p.m. ET; JustGrants deadline: 5/6/21 at 11:59 p.m. ET.

[FY 2021 Research and Evaluation Initiative](#). Grants.gov deadline: 5/10/21 at 11:59 p.m. ET; JustGrants deadline: 5/14/21 at 11:59 p.m. ET.



Check out our new website!

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