

**Subject:** [Test] IPS November Updates (Trainings and More)

**Date:** Thursday, November 10, 2022 at 10:26:01 AM Eastern Standard Time

**From:** AEquitas

**To:** C. Ross



## FEATURED RESOURCE



### Check out "Prosecutors and the Press: Ethical and Practical Guidance"

One of a prosecutor's main duties is to communicate. Prosecutors can build community trust by educating the public about the facts, legal standards, and procedures that underlie their decisions. However, prosecutors are also governed by ethical rules that restrict what they may say publicly. These ethical rules take the rights of the accused and victims into account and are an important part of a fair and just criminal justice system. Prosecutors must find the right approach to providing needed information to the press without overstepping their ethical boundaries.

This article provides considerations and suggestions for prosecutors on how to ethically communicate with the public, how to develop a communications strategy, and how to work with the press at various stages of a case.

[Full Article \(PDF\)](#)

## STRATEGIES IN FOCUS



### Rhode Island Attorney General's Office (RIAGO)

In response to local crime trends, the [Rhode Island Attorney General's Office \(RIAGO\)](#) is investing in an Urban Violent Crime Task Force to combat violent crime in the state—with a focus on better utilizing [National Integrated Ballistic Information Network](#) data. This initiative brings together local law enforcement from the greater Providence area with the [Rhode Island Department of Corrections](#) and the [Bureau of Alcohol, Tobacco, Firearms and Explosives](#) to proactively target violent crime and firearms trafficking in the region. The RIAGO has also hired an intelligence analyst and assigned sworn investigators to help support related investigations and prosecutions by enhancing the office's in-house crime intelligence capacity, and conducting a "gap analysis" on existing information systems to increase prosecutorial effectiveness.

An early sign of the project's effectiveness is a recent grand jury indictment of a Rhode Island couple for firearms trafficking and ghost gun manufacturing. In July 2022, Task Force investigators arrested two Providence area individuals and seized three-dozen illegal firearms—including 3 machine guns, 5 ghost guns, 23 ghost gun kits, 16 silencers, 223 assorted magazines, 3 body armor vests, and thousands of rounds of ammunition. This investigation stemmed from intelligence on firearms trafficking developed by the Task Force as well as a previous Task Force investigation that led to the arrest of three individuals in Central Falls and Providence. Removing these weapons and related equipment from the streets has been met with praise from the community, as these arrests and seizures are a crucial part of keeping weapons out of the hands of criminals and others who are precluded from buying them.

# CASE HIGHLIGHT

[LGBTQ Jury Discrimination: SmithKline Beecham Corp. v. Abbot Laboratories, 740 F.3D 471 \(9th Cir. 2014\); Commonwealth v. Carter, 172 N.E.3D 367 \(Mass. 2021\)](#)

SmithKline Beecham Cooperation (SmithKline) filed suit against Abbot Laboratories (Abbott), a drug manufacturer producing HIV treatments, on the grounds that they artificially raised drug prices. During jury selection, Abbot exercised its first peremptory strike against the only self-identified gay person in the venire. SmithKline challenged the strike, arguing that under *Batson v. Kentucky*, 476 U.S. 79 (1986) it constituted impermissible discrimination on the basis of sexual orientation. *Id.* at 474. The district court denied the challenge, and on cross-appeal, SmithKline asserted that a new trial was warranted on all counts due to the *Batson* violation.

On appeal, the 9th Circuit agreed with SmithKline and remanded the case for a new trial, holding that classifications based on sexual orientation are subject to heightened scrutiny. *Id.* at 484. In its ruling, the court relied on the reasoning of *U.S. v. Windsor*, 133 S. Ct. 2675 (2013), in which the U.S. Supreme Court had applied heightened scrutiny to equal protection claims in order to investigate the injuries inflicted on persons who were gay and lesbian by the Defense of Marriage Act. *Id.* Thus, the 9th Circuit concluded that any state action which discriminates based on sexual orientation must be carefully examined to ensure “our most fundamental institutions neither send nor reinforce messages of stigma or second-class status.” *Id.* at 483.

Several states outside of the 9th Circuit have looked to the logic in *SmithKline Beecham Corp. v. Abbot Laboratories* to inform their own laws against LGBTQ+ jury discrimination. In *Commonwealth v. Carter*, 172 N.E.3d 367 (Mass. 2021), the Supreme Judicial Court of Massachusetts examined the use of a peremptory strike to remove a potentially lesbian venire member from the jury. Although the court ultimately found there wasn’t enough evidence on the record to determine the woman’s sexual orientation, they asserted that as a matter of first impression, a prospective juror's sexual orientation was a protected status for *Batson* purposes. *Id.* at 380-81. In coming to this conclusion, the court relied on SmithKline’s interpretation of *Windsor*, and agreed that continuing the “deplorable tradition of treating gays and lesbians as undeserving of participation in our nation's most cherished rites and rituals” violates the principles of a fair and impartial trial. *Id.* at 380.

UPCOMING WEBINAR:



**A Broader Sense of Justice:  
Respecting Victim Autonomy While  
Pursuing Offender Accountability in  
Sexual and Domestic Violence Cases**

**November 16, 2022  
2pm Eastern  
Register Now**

**November 16, 2 PM ET - 3:30 PM ET: A Broader Sense of Justice:  
Respecting Victim Autonomy While Pursuing Offender Accountability in  
Sexual and Domestic Violence Cases**

Prosecutors seeking justice in crimes of sexual and domestic violence must often balance holding perpetrators accountable and valuing victim autonomy. Many victims are unable to participate in the prosecution for reasons including fear, ongoing trauma, love for or loyalty to the perpetrator, intimidation, financial harm, self-blame, or embarrassment. Reliving the traumatization of their sexual assault or domestic abuse while feeling like they are in the spotlight can be overwhelming and lead to reluctance to participate in the process. When this happens, the pressure to ensure offenders are fully prosecuted may tempt prosecutors to utilize more extreme methods such as material witness warrants or to seek body attachments or bench warrants—without full appreciation of the impact on the victim or a consideration of




possible alternatives.

This presentation will discuss the obstacles victims face when considering whether to participate in the prosecution of domestic violence or sexual assault and will suggest strategies that prosecutors can use to minimize these barriers to facilitate victim participation. Presenters will highlight the negative impacts that pre-trial detention and other next-level measures have on victims and on the community. In circumstances when victims are unable to participate, presenters will discuss possible alternatives for the prosecutor and considerations for balancing public safety risks with victim self-determination.

[Register here](#)

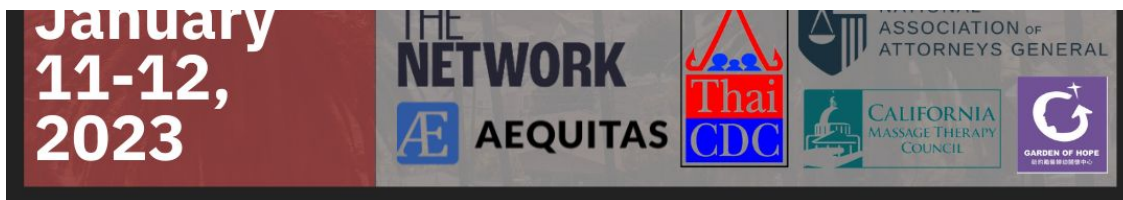
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A poster for a conference titled "National Convening: Human Trafficking in Illicit Massage". The title is in large, bold, white and red text. Below the title is a horizontal line. The text below the line describes the conference as a two-day gathering for collaborative learning and training on combating human trafficking in illicit massage businesses. At the bottom, the website "TheNetworkTeam.org/Conference/Main" is listed. The background of the poster shows palm trees.

***National Convening:  
Human Trafficking  
in Illicit Massage***

**The two-day gathering will provide a collaborative space to learn from professionals across the anti-trafficking field, along with expert training on promising and effective strategies to combat human trafficking in illicit massage businesses.**

TheNetworkTeam.org/Conference/Main



## **January 11-23, 2023 in Los Angeles, California: National Convening: Human Trafficking in Illicit Massage**

AEquitas is partnering with The Network Group, Inc., National Association of Attorneys General, Thai CDC, California Massage Therapy Council, and Garden of Hope to host a Convening on Human Trafficking within the Illicit Massage Industry. This is an opportunity for a range of stakeholders to learn, challenge themselves, and discuss promising practices with professionals from a variety of fields, including researchers, law enforcement, government agencies, and victim services.

The event will be held in-person in Los Angeles, CA 1/11-12/23. Register before 11/11 for early bird pricing.

[Register here](#)

*AEquitas' participation in this convening is supported under 15POVC-21-GK-03263-HT, awarded by the Office for Victims of Crime, Office of Justice Programs, U.S. Department of Justice. The opinions, findings, and conclusions or recommendations expressed in this presentation are those of the contributors and do not necessarily represent the official position or policies of the U.S. Department of Justice.*

## **FUNDING OPPORTUNITIES**

### [Rural Violence Crime Reduction Initiative \(RVCRI\)](#)

Funded by the Bureau of Justice Assistance (BJA), the Rural Violent Crime Reduction Initiative (RVCRI) is an effort to provide funding and assistance to rural law enforcement agencies seeking to reduce violent crime and address problems associated with violent crime. Funding and support are available for implementing violent crime reduction strategies, improving investigations, improving services to victims, and for enhancing collaboration between local stakeholders. The [RVCRI](#)

[Microgrant Application](#) will always remain open; however, the first deadline for application review is **December 15, 2022**.

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