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**INNOVATIVE
PROSECUTION
SOLUTIONS**

NATIONAL CONVENING ON WITNESS INTIMIDATION

**October 5-6, 2023
VIRTUAL EVENT**

Register now:
[AEquitasResource.org/Trainings](https://mailchi.mp/aequitasresource.org/ips-september-updates-trainings-and-more-5930886)



October 5-6, 2023: National Convening on Witness Intimidation

Violent criminals routinely escape justice by intimidating the witnesses to their crimes. Intimidation ranges from crude actions and behaviors, such as spontaneous verbal threats, to complex, orchestrated, multi-person efforts to prevent witnesses from participating in the criminal justice process. When intimidation is successful, criminal behavior escapes the purview of law enforcement, and offenders are emboldened to perpetrate further crimes unchecked by the justice system. Prosecutors, law enforcement, and advocates must do more to keep victims safe, hold offenders accountable, and build trust with the communities they serve.

Join us for a **National Convening on Witness Intimidation** on **October 5-6, 2023**. This virtual, interactive event will bring together multidisciplinary professionals from around the United States to discuss best and promising practices for preventing and responding to intimidation. Specific topics will include: common and emerging methods used by criminals to intimidate victims and witnesses, strategies to assess the credibility of and respond to threats, outreach and collaboration with essential criminal justice and community partners, and responding to intimidation that occurs within courthouses and courtrooms.

At the conclusion of the convening, participants will be better able to:

- Recognize and respond to criminal acts of intimidation.
- Provide a coordinated system response to the challenges presented by witness intimidation.
- Assess the credibility of threats to victims and witnesses.
- Improve the response to intimidation that takes place at court.

DATE & TIME

October 5, 2023: 12:30 – 4:00 PM ET

October 6, 2023: 12:30 – 4:00 PM ET

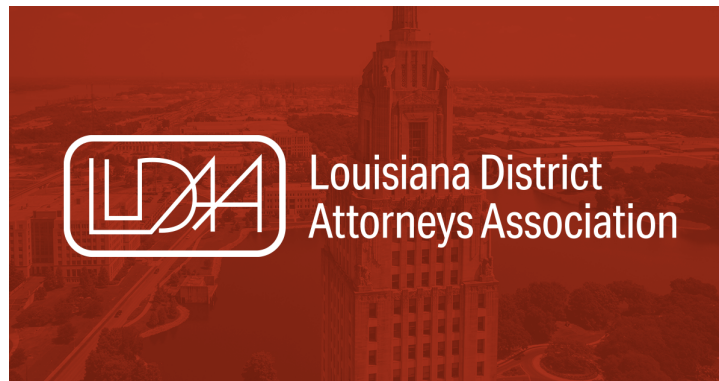
WHO SHOULD ATTEND?

Prosecutors, patrol officers, detectives, law enforcement leaders, courthouse security, and community- and system-based advocates are all welcome to attend.

[Register Here](#)

This event is supported by Grant No. 2020-YX-BX-K001 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions discussed during this event are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

STRATEGIES IN FOCUS



Louisiana District Attorneys Association

Digital evidence is an essential part of criminal investigations and prosecutions—the [Louisiana District Attorneys Association \(LDAA\)](#) conservatively estimates that it plays a role in 80% of the state's criminal cases. With smartphones, computers, vehicles, and third-party sources (like social media and call records), law enforcement can assess a suspect's identity, intent, movements, and other relevant aspects of a case. However, the amount of information can be overwhelming, and because 73% of all judicial districts in Louisiana are rural, there is a limited number of prosecutors to process the evidence. Many offices also lack the experience, training, and tools to use digital evidence effectively.

In response to this problem, the LDAA and its partners are conducting a needs assessment of all Louisiana judicial districts and selecting prosecutors from each

region to train and equip with the tools necessary to collect, analyze, and use digital evidence. The team believes that these specialized prosecutors will be instrumental in improving the digital evidence practices of their jurisdictions by serving as resource for colleagues and other allied professionals who come into contact with this type of data. Each prosecutor selected will also be provided with a Dell Precision Laptop and analytic software to increase their district's digital evidence processing capabilities.

The LDAA team is also developing a nationally-replicable training curriculum—complete with sample policies and procedures—that will enable any prosecutor's office to improve its handling and use of digital evidence. The curriculum will address how to identify potential data sources, legally collect evidence, analyze data, and present digital evidence during plea negotiations or at trial. The written policies and procedures that accompany the curriculum will assist prosecutors in framing local practices for accessing and using digital evidence.

CASE HIGHLIGHT

[Counterman v. Colorado, No. 22-1382023 2023 WL 4187751 \(U.S. June 27, 2023\).](#)

Holding: To establish that a statement is a “true threat” unprotected by the First Amendment, the government must prove that the defendant had some subjective understanding of the statement's threatening nature, based on a showing no more demanding than recklessness.

In 2017, the defendant Counterman was found guilty of stalking for communicating threats to an individual. On appeal, Counterman argued that the case was wrongly decided because he did not intend his communication to be threatening; the prosecution never proved he intended it to be threatening; and, therefore, his communication was protected under the First Amendment as free speech. Colorado disagreed, arguing that Counterman's speech would cause a reasonable person to feel fear and was therefore a “true threat” – which is not protected by the First Amendment.

On review, the U.S. Supreme Court held that, in order for a communication to be considered a “true threat”, the government must prove the offender had a subjective understanding of the communication’s threatening nature. At minimum, the prosecution must prove that the defendant was reckless — in other words, he must have consciously disregarded a substantial and unjustifiable risk that the statement would be viewed as threatening.

The Court remanded the case back to Colorado to make a factual determination regarding Counterman’s mental state.

Victims/survivors, advocates, and prosecutors are rightly concerned about the impact of *Counterman* on victim safety and well-being. However, this decision has **not** created an insurmountable hurdle to justice. In fact, many jurisdictions’ stalking statutes already have the mens rea requirement discussed in *Counterman*. Even in jurisdictions that previously didn’t have this requirement, prosecutors can demonstrate the offender’s intent by pointing to direct and circumstantial evidence. This can include evidence of consciousness of guilt, such as the offender’s efforts to conceal their identity or evade detection, as well as any disregard of victim attempts to show that the communication was unwanted.

NEW RESOURCES



Despite the recent legalization of cannabis cultivation, possession, and use in many states across the country, the illicit market for the drug is still booming. The black market cannabis industry is causing profound harm to the communities in which it operates—harm that goes far beyond simply producing off-the-books marijuana. Illicit market growers often seek to sidestep agricultural and worker regulations, causing widespread environmental harms, including blackouts, water theft, damage to flora and fauna, poisoned waterbeds, and wildfires. The human cost of illicit cannabis growth is even greater. Across the country, investigators have discovered laborers who have been forced to work in inhumane conditions—often without pay—and in close proximity to dangerous chemicals at illegal cannabis cultivation sites. Workers are often threatened with physical violence or deportation if they report to

authorities.

Pursuing these crimes often requires a specialized skill set among prosecutors and investigators. This Strategies Newsletter demonstrates how investigators and prosecutors, working in conjunction with local and federal stakeholders, can ensure that labor traffickers in the illicit marijuana industry are held accountable for the full range of their conduct.

[Read Here](#)

This article was developed under a grant awarded by the Howard G. Buffett Foundation. The opinions, findings, conclusions, and recommendations expressed in this publication are those of the author(s) and do not necessarily reflect the views of the Howard G. Buffett Foundation.

UPCOMING TRAININGS

August 17, 2023, 3:00 PM - 4:00 PM ET: Effective Protection Orders For Immigrant Survivors

*Hosted by: [National Immigrant Women's Advocacy Project, American University,](#)
[Washington College of Law](#)*

With support from trained victim advocates and attorneys, immigrant survivors are willing and able to successfully seek and obtain civil protection orders from state courts. Well-drafted protection orders play a crucial role in helping deter ongoing violence and abuse suffered by immigrant survivors of domestic violence, sexual assault, stalking, child abuse, and human trafficking, including those still living with, working for, or in the process of leaving their abusers. All immigrants are eligible to receive civil protection orders and issuance has no effect on immigration status. Attorneys, advocates, judges, and other professionals need legally accurate information about the special issues that arise at the intersection of state civil protection order and federal immigration laws in order to best help immigrant victims.

Join Hon. Lora Livingston, Hon. Rosemary Collins (Ret.), and Leslye E. Orloff for a discussion on how to use catchall provisions in state laws to issue protection orders that more effectively protect immigrant victims and their children. This national webinar will also address custody awards, U Visa certification, Special Immigrant Juvenile Status (SIJS) findings, protection order enforcement, and best practices for drafting court orders in protection proceedings.

[Register Here](#)

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August 18, 2023, 12:00 PM - 1:30 PM ET: Supporting LGBTQ+ Stalking Victims

Hosted by: [SPARC](#) and [FORGE](#)

When responding to and supporting lesbian, gay, bisexual, transgender, and queer (LGBTQ+) stalking victims, most of the same stalking information, behaviors, risks, and safety planning considerations apply as when working with the general population. However, it is critical to consider specific issues that may affect LGBTQ+ stalking victims. Join SPARC and FORGE in this webinar to discuss working with LGBTQ+ individuals who may be experiencing stalking and [our collaboratively published Guide on the same topic](#).

[Register Here](#)

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Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.



**August 23, 2023, 3:00 PM - 4:30 PM ET: Enhancing Prosecutions Involving
Survivors with Disabilities**

Hosted by: [Activating Change](#) with Jonathan Kurland, Attorney Advisor at [AEquitas](#)

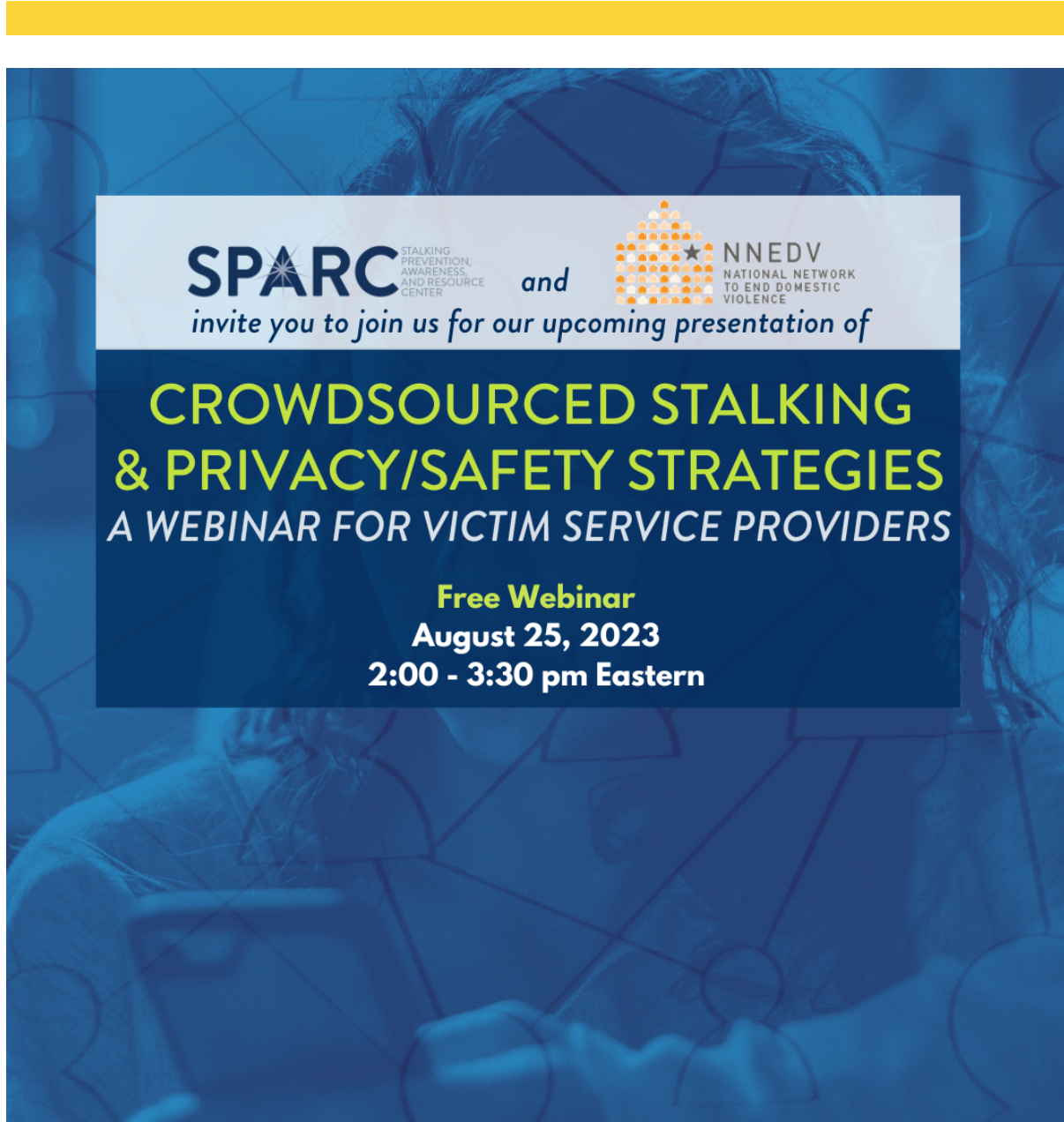
Providing effective accommodations and modifications to survivors with disabilities requires prosecutors to have knowledge of typical accommodations. It is also helpful for prosecutors to build relationships with disability providers in their community to help survivors access those accommodations in a timely manner.

In this webinar, Olga Trujillo of Activating Change and Jonathan Kurland of AEquitas, will review the range of needs survivors with disabilities may have in participating in the prosecution of gender-based violence, and the accommodations prosecutors can provide. This webinar will also identify the types of disability service providers that prosecutors can engage and partner with to help meet the needs of survivors with disabilities during the prosecution stage.

[Register Here](#)

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**August 25, 2023, 2:00 PM - 3:30 PM ET: Crowdsourced Stalking and
Privacy/Safety Strategies**

Presented by [SPARC](https://www.aequitasresource.org/)

Services for stalking survivors are often provided by victim service providers whose expertise is in domestic violence and/or sexual assault, but who may not be well-versed in the specific dynamics of stalking. The recruitment of third parties –

stalker's friends, family members, fans, followers, or other supporters – into participating in stalking activity is a known dynamic and a risk factor for escalation. Interconnectedness through tech and the Internet has made this “crowdsourced” stalking easier than ever before.

This webinar will provide advocates with foundational knowledge about crowdsourced stalking and its intersection with tech safety, and discuss safety and privacy strategies for survivors.

[Register Here](#)

This project was supported by Grant No. 15JOVW-22-GK-03986-MUMU awarded by the Office on Violence Against Women, U.S.

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August 28-29 and 30-31, 2023, Boston, MA: Strengthening Community and Organizational Responses: Serving Immigrant Victims of Domestic Violence, Sexual Assault, and Stalking

Hosted by: National Immigrant Women's Advocacy Project, American University, Washington College of Law

Overview: This two-day in-person interactive training focuses on providing attorneys, law enforcement, prosecutors, and advocates with strategies to strengthen their understanding of legal and victim services options for –and best practices– when working with immigrant survivors of domestic violence, dating violence, sexual assault, and stalking. This training offers diverse learning experiences delivered by a faculty of multi-disciplinary subject matter experts including judges, law enforcement, prosecutors, advocates, and attorneys. Immigrant victim related training topics will include: stalking; immigration, public benefits, and family law case options, case strategies, and advanced issues; prosecution best practices; primary aggressor determinations; VAWA confidentiality and discovery; police officers as witnesses; multi-disciplinary collaboration; effective outreach; and improving language access. Participants will learn and share practices and strategies to improve immigrant victim safety, increase participation in the

justice system, and enhance community safety.

Participants: Each training session is open to OVW Grantee and Subgrantee attorneys, advocates, law enforcement, prosecutors, and victim witness staff from agencies with funding from OVW –including STOP subgrantees, Legal Assistance for Victims (LAV), Campus, Culturally Specific Services Program (CSSP), Rural, and Improving Criminal Justice Response (ICJR). All other grantees and grant funded partner agencies must receive prior approval from their OVW Program Specialist to attend. Law enforcement (federal, state, local, and campus), prosecutors, and their agency’s victim witness specialists are invited to attend regardless of funding sources.

Each session is limited to 83 people and to two attendees per organization. Registration is on a first come-first served basis. Once capacity has been reached, a waitlist will be created. The training is free but participants are responsible for covering the costs of travel, meals, and accommodations. A limited number of travel scholarships are available only to STOP subgrantees who do not have travel funding in their grant budgets.

For more information, contact Rocio Molina, NIWAP Deputy Director at molina@wcl.american.edu.

[Register Here](#)

This training is supported by Grant No. 15JOVW-21-GK-02208-MUMU awarded by the Office on Violence Against Women, U.S.

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September 19-21, 2023, New Orleans, LA: National Institute on the Prosecution of Elder Abuse

Hosted by: the [Office on Violence Against Women](#), the [National Clearinghouse on Abuse in Later Life](#), and [AEquitas](#)

The National Institute on the Prosecution of Elder Abuse (NIPEA) is a three-day course designed to challenge prosecutors to reevaluate their approach to prosecuting elder abuse cases. Participants receive training on the dynamics of elder abuse as well as practical skills to successfully prosecute these cases. NIPEA explores the complex issues faced by prosecutors—balancing offender accountability with the impact of criminal prosecution on victims. In addition to case evaluation and litigation skills, the curriculum examines the benefits of developing a coordinated, victim-centered community response; explains common injuries and relevant medical evidence; provides guidance on the use of medical experts; explores ethical issues confronted by prosecutors; addresses the development and improvement of culturally-specific victim services; and offers prosecutors the ability to redefine outcomes and the very nature of justice in elder abuse cases. There is no tuition fee for the institute.

Fifty-six (56) slots are available, as are a limited number of scholarships to help defray travel and hotel expenses. The institute itself is free of charge. Attendees may qualify for approximately nineteen (19) continuing legal education (CLE) credit hours including at least one (1) hour of ethics credit, pending state approval.

Preference will be given to prosecutor offices participating in the OVW Enhanced Training and Services to End Abuse in Later in Life Program (or prosecutor offices which are partnered with organizations that receive such funds). All other applicants/prosecutors will be considered in the order in which they apply.

Registration: Interested prosecutors may apply to attend NIPEA by completing the [application](#). Submission of an application does not guarantee a spot in the Institute.

Please DO NOT make travel arrangements unless and until you have been instructed to do so. We will provide a link to the hotel room block at the time you are notified of your application acceptance.

If you need assistance completing this survey, please contact Anna Cash, NCALL Training and Technical Assistance Specialist, at acash@ncall.us.

Questions? Contact Ann Laatsch, NCALL Justice System Coordinator, alaatsch@ncall.us for more information about this program.

[Apply Here](#)

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FUNDING OPPORTUNITIES

[OJJDP FY 2023 Center for Youth Justice Transformation](#)

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Office of Juvenile Justice and Delinquency Prevention (OJJDP) seeks applications for funding under the fiscal year (FY) 2023 Center for Youth Justice Transformation (CYJT) Program. The purpose of this program is to strengthen state and territory-level compliance with the Formula Grants Program authorized under the Juvenile Justice and Delinquency Prevention (JJDP) Act; to develop and implement training and technical assistance that supports state, territorial, Tribal, and community-level juvenile justice system reform efforts; and design and implement an online education program for best practices in juvenile justice reform. This program furthers the DOJ's mission by promoting innovation and reform in the juvenile justice system. The deadline to apply is **August 14, 2023 (Grants.gov)** and **August 28, 2023 (JustGrants)**.

[FY 2023 John R. Justice \(JRJ\) Formula Grant Program](#)

With this solicitation, the Bureau of Justice Assistance seeks to make funding available to state agencies designated by the governor to improve the retention of local, state, and federal public defenders, as well as local and state prosecutors ("beneficiaries"). States receiving funding administer statewide JRJ programs by soliciting applications from eligible beneficiaries at the state level. Beneficiaries selected must commit to an additional 3 years of qualifying service in exchange for partial loan repayment directly to the beneficiary's loan service provider. The deadline to apply is **August 15, 2023 (Grants.gov)** and **August 22, 2023 (JustGrants)**.

For more grant opportunities, please visit grants.gov.



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