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**INNOVATIVE  
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SOLUTIONS**

# **NATIONAL CONVENING ON WITNESS INTIMIDATION**

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

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**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



### Cuyahoga County Prosecutor's Office

In Cuyahoga County, OH, just over half of the cases referred to the [Cuyahoga County Prosecutor's Office](#) (CCPO) are felony submissions from the City of Cleveland—in 2020 the city had a violent crime rate of almost four times the national average. In 2015, the CCPO formed a Crime Strategies Unit (CSU) to implement data and intelligence-driven prosecution strategies to address gun and violent crime, target priority offenders, coordinate investigation efforts between law enforcement agencies, and serve as a central repository of information collection and dissemination for allied stakeholders in the region.

In 2019, the CCPO applied for Smart Prosecution/Innovative Prosecution Solutions

(IPS) grant to build up its intelligence capabilities in order to identify and target repeat offenders. Working alongside researchers at the [Begun Center for Violence Prevention Research and Education](#) at Case Western Reserve University, CSU analysts conducted an assessment of current research and evaluated law enforcement data to develop a uniform set of standards to identify the area's most violent criminals. The criteria developed considered factors beyond criminal histories—analyzing the narratives of police reports to look for individuals who repetitively appeared at crime scenes, and paying special attention to cases where there were gun discharges at a person.

In 2020, the CCPO was awarded another Smart Prosecution/IPS grant to support the 2019 project in identifying priority places and individuals that drive crime in the region. Recognizing the importance of a research partner, the CCPO included criminologists from Cleveland State University in their project to further develop their criteria for top offenders and conduct Risk Terrain Modeling to diagnose environmental conditions that lead to crime. To aid these efforts, the office invested in new technology and added IT personnel to develop a database to merge isolated data sets and create a prioritization system for repeat offenders—such as [PenLink](#) (a program used to collect and analyze phone and social media data), [Tableau](#) (a data visualization instrument), and [Microsoft Power BI](#) (a tool used to connect and analyze different data sources). The CCPO also worked with the Bureau of Alcohol, Tobacco, Firearms and Explosives to temporarily utilize a mobile [NIBIN](#) van to automate ballistics evaluations and provide actionable investigative leads within hours, and secured a Crime Gun Intelligence Center grant to further enhance their response to violent crime. Among other crimes, the CCPO was able to deploy these technologies to identify the number of carjackings occurring in Cleveland, and give law enforcement an accurate understanding of where this violence was taking place, as well as the demographics of perpetrators and victims.

As a result of these efforts, CCPO is able to share useful analysis of crime data with their law enforcement partners. So far in 2023, the CCPO has prosecuted a record number of violent crimes utilizing evidence generated from NIBIN leads.

Additionally, carjackings within the City of Cleveland are on pace to be reduced for the second straight year.

## CASE HIGHLIGHT

*Samia v. United States*, 143 S.Ct. 542 (2022).

Issue: Whether admitting a non-testifying codefendant's redacted out-of-court confession, which inculcates the defendant, violates the defendant's rights under the confrontation clause of the Sixth Amendment.

Defendant Samia was hired by a transnational organization to murder a real estate broker in the Philippines. He stood trial with two co-defendants: the driver of the van in which Samia shot the victim, and the individual who hired the pair to carry out the murder. The driver confessed to his role in the murder, and at the joint trial, the prosecution sought to introduce that confession. The judge ruled that the confession had to be redacted to exclude any explicit references to Samia. Thus, the confession came in but referred only to "an other person" and "the other person he was with" that "pulled the trigger." The judge then instructed the jurors that the confession was only admissible as to the driver and not as to Samia.

This case brings up *Bruton v. United States* (1968), in which the Supreme Court held that in such a circumstance where one defendant's confession not only reveals that defendant's guilt but "powerfully incriminates" another co-defendant, "the risk that the jury will not, or cannot, follow instructions is so great, and the consequences of failure so vital to the defendant, that the practical and human limitations of the jury system cannot be ignored." In *Bruton*, the Court ruled that a limiting instruction was insufficient to protect the defendant's rights because the jury would likely disregard the instruction, and consider the co-defendant's confession improperly as evidence of the defendant's guilt. The Court concluded that confessions which explicitly incriminate a co-defendant violate the confrontation clause and thus cannot be admitted.

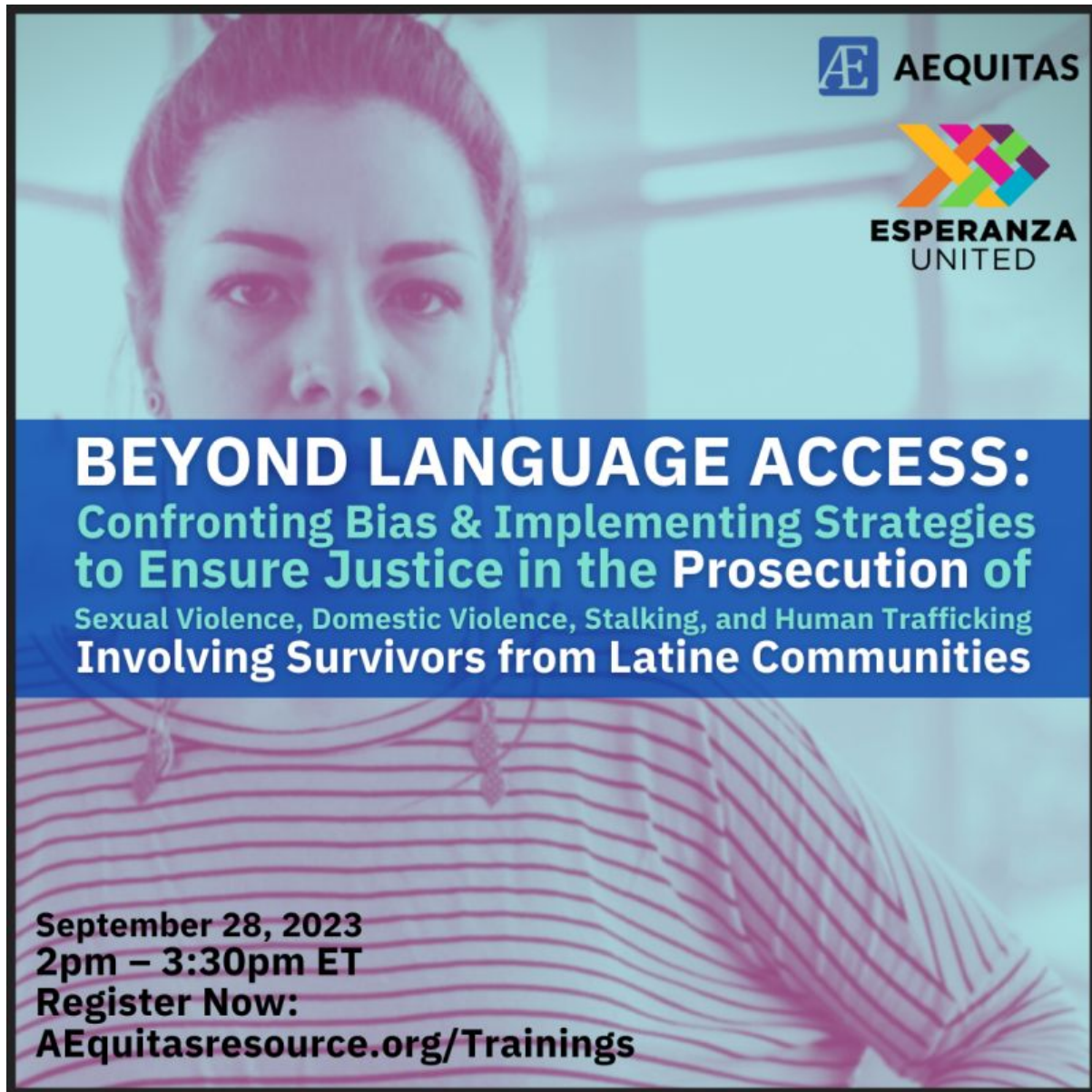
The Court heard oral arguments for *Samia* on March 29, 2023. For the most part, the justices accepted *Bruton* as ruling precedent that set the applicable constitutional

parameters, and the argument focused on where this case fits in with the Court's existing caselaw. Defense argued that the redaction of the co-defendant's confession was so ineffective that it violated the spirit if not the letter of *Bruton*, and Samia's right to confrontation was violated by the confession's admittance.

The Court attempted to find a clear rule or test for these situations, with some justices suggesting a sliding scale of admissibility while the defense attorney presented a complex multifactor test and the government the simplest test. It seems likely that the final ruling in this case will come down to the justices deciding which is more concerned with: the workability of applying *Bruton* or the right to confrontation.

## UPCOMING TRAININGS





**September 28, 2023, 2:00 PM - 3:30 PM ET: Beyond Language  
Access: Confronting Bias & Implementing Strategies to Ensure Justice in the  
Prosecution of Sexual Violence, Domestic Violence, Stalking, and Human  
Trafficking Involving Survivors from Latine Communities**

*Co-Hosted by: [AEquitas](#) and [Esperanza United](#)*

**Panelists:**

- Denise Cortes, *Executive Director, Mayor's Office to End Domestic and Gender Based Violence, New York City Family Justice Center, Bronx*
- Lillian Salcines Bright, *Former First Assistant, New Hanover County District Attorney's Office (Retired)*

- Paula Gomez Stordy, *Senior Director of Training and Technical Assistance, Esperanza United*

**Facilitators:**

- Jennifer Long, *CEO, AEquitas*
- Vivian Huelgo, *Chief Programs Officer, Esperanza United*

This web-based panel will explore the ways in which bias against survivors from Latine communities affects the investigation and prosecution of sexual assault, domestic violence, stalking and human trafficking. Panelists will address the following topics:

- Effects of inequalities and challenges that survivors from Latine communities uniquely face as victims of sexual assault, domestic violence, stalking, and human trafficking;
- Barriers to reporting crimes—such as bias and stereotypes held by law enforcement, prosecutors, judges, and jurors—that can translate into disparate outcomes for victims through unfair credibility determinations;
- Impact of bias on case assessments of the probability of conviction, and collateral consequences on a victim's ability to seek restoration;
- Strategies for prosecutors' offices to enhance justice for victims by engaging in cultural humility, improving training, and ensuring accountability reinforced by data.

As a result of this panel, participants will be better able to:

- Identify and eliminate bias impacting prosecutorial decision-making and practices.
- Refine (or develop) practices and policies that enhance public trust that the system works fairly for all individuals in the community.
- Promote fairness through cultural humility, improved training, and accountability through data-driven practices.

[Register Here](#)

This project was supported by Grant No. 15JOVW-22-GK-03987-MUMU awarded by the Office on Violence Against Women, U.S.



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**October 17, 2023, 2:00 PM - 3:30 PM ET: Context is Key: Recognizing and Responding to Stalking**

*Hosted by: [SPARC](#)*

Stalking is criminal, traumatic, dangerous, and often misunderstood. This webinar provides an introduction to the crime of stalking—focusing on the definition, prevalence, dynamics, behaviors, and intersections with other victimizations

(including intimate partner violence). This recurring webinar is offered quarterly to provide foundational knowledge on the crime of stalking.

[Register Here](#)

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**October 24, 2023, 2:00 PM - 3:30 PM ET: Intimate Partner Stalking**

*Hosted by: [SPARC](#)*

Nearly half of stalking offenders are current or former intimate partners. All stalkers can be dangerous, but current/former intimate partners are generally more threatening, violent, and interfering than other stalkers and may stalk their victims before, during, and/or after the relationship. It is important to identify stalking separate from and in addition to concurring intimate partner violence. In honor of Domestic Violence Awareness Month (DVAM), this webinar highlights the significant connections between stalking and intimate partner violence.

[Register Here](#)

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## FUNDING OPPORTUNITIES

To see available funding opportunities, please visit [grants.gov](https://grants.gov).



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