

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

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From: AEquitas

To: C. Ross



STRATEGIES IN FOCUS



Vanderburgh County Prosecutor's Office

Like many law enforcement agencies around the country, the [Evansville Police Department](#) (EPD) located in Vanderburgh County, Indiana, lacked the necessary funding, equipment, and manpower to extract and examine digital evidence on its own. Often, devices would be sent to the state lab which was swamped with requests. This created a backlog in the extraction of digital evidence of up to 9 months—preventing the EPD from gaining timely access to critical digital information needed for active investigations.

The Vanderburgh County Prosecutor's Office (VCPO) used its Smart Prosecution: Innovative Prosecution Solutions (IPS) grant to address this problem by creating a digital evidence crime lab with the tools and personnel necessary to extract digital evidence quickly. Specifically, the VCPO purchased forensic tools to extract and analyze digital evidence, hired a full-time criminal investigator to process digital devices, funded a part-time intern investigator to review digital evidence, and partnered with local universities to evaluate the lab's effectiveness.

The lab has been a resounding success. As of October 2023, the lab has processed 2068 pieces of electronic evidence, which have yielded over 70 terabytes of data. Furthermore, the lab has an 88% success rate of getting into devices within three to four days. These accomplishments have not only bolstered the lab's reputation as a fast and effective resource for obtaining digital evidence, but have enabled it to serve 38 different law enforcement agencies—including the Secret Service, ATF, and DEA.

CASE HIGHLIGHT

[United States v. Rahimi, 143 S. Ct. 555 \(2023\)](#)

Issue: Whether 18 U.S.C. § 922(g)(8), which prohibits the possession of firearms by persons subject to domestic violence restraining orders, violates the Second Amendment.

In 2020, a local court in Texas issued a Civil Protection Order ("CPO") against Zackey Rahimi. This order prohibited Rahimi from harassing, stalking, or threatening his ex-girlfriend and also from possessing a firearm. He was later found to have violated that order by possessing a firearm and was charged in federal district court under 18 U.S.C. § 922(g)(8), which criminalizes the possession of a firearm by persons subject to civil protection orders. After the court denied a defense motion to dismiss the indictment in the federal case as unconstitutional, Rahimi pleaded guilty.

Rahimi later filed an appeal, renewing his constitutional challenge to 18 U.S.C. § 922(g)(8) in light of the Supreme Court's decision in *N.Y. State Rifle & Pistol Ass'n, Inc. v. Bruen*, 142 S. Ct. 2111 (2022), which clarified the test for determining whether a firearm restriction is constitutional. According to *Bruen*, to pass constitutional

muster a firearm restriction must be analogous to a law restricting firearms around the time of the founding of the United States. In other words, the modern and historical firearm restrictions must (1) impose comparable burdens on the right of armed self-defense, and (2) be comparably justified.

On March 2, 2023, the United States Court of Appeals for the Fifth Circuit (covering Texas, Louisiana, and Mississippi) issued its decision in *United States v. Rahimi*, 61 F.4th 443 (5th Cir. 2023). After applying an analysis under the framework provided by the Supreme Court in *Bruen*, the court held that 18 U.S.C. § 922(g)(8) was unconstitutional under the Second Amendment, reasoning that the statute did not have a sufficiently similar historical analogue.

The U.S. Supreme Court granted the government's petition for a writ of certiorari in the case and heard oral arguments on November 7th. If upheld, *Rahimi* will have a significant impact on the assignment and enforcement of domestic violence protection orders across the country.

For a detailed analysis of *Rahimi*, as well as guidance for handling the impact of the decision, click [here](#).

UPCOMING TRAININGS

National Institute on the Prosecution of Domestic Violence



May 7-10, 2024
New Orleans, LA

SAVE THE
DATE!

Save the Date

Pending OVW Approval of our Conference Request Form, **The National Institute on the Prosecution of Domestic Violence (NIPDV)** will be in person from **May 7-10, 2024 at the [Hotel Monteleone](#) in New Orleans, LA.**

The NIPDV is a 3 ½ -day highly interactive course designed to challenge participants to re-evaluate their approach to prosecuting domestic violence. The curriculum, facilitated by a multidisciplinary faculty, is grounded in evidence-based prosecution, equipping prosecutors with the skills and strategies to hold offenders accountable regardless of whether victims are able to testify at trial. In addition to practical case evaluation and litigation skills, the NIPDV focuses on risk assessment, coordinated community responses, trauma-informed interviewing, strangulation, intimate

partner sexual assault, co-occurring crimes, witness intimidation and forfeiture by wrongdoing, presentation of evidence at trial, expert testimony, cultural humility, jury selection, and ethical considerations. Through a combination of hypothetical case scenarios, participant exercises, small group discussions, interactive lectures, and faculty demonstrations, participants will re-examine their own beliefs about domestic violence and refine their prosecution practices.

AEquitas will send out further information inviting prospective participants to apply at a later date.

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FUNDING OPPORTUNITIES

[BJA COSSUP Reaching Rural: Advancing Collaborative Solutions](#)

The one-year planning initiative is designed for rural justice and public safety practitioners; public health and behavioral health practitioners; city, county, and tribal leaders; and community groups. The planning initiative empowers rural practitioners to build deeper networks, particularly across sectors; adopt bold solutions to the persistent challenge of substance use and misuse in rural communities; and reimagine how diverse systems with different missions can engage with one another to more effectively serve justice-involved individuals with substance use or co-occurring disorders. Applications are due **December 15, 2023**.

For more available funding opportunities, please visit [grants.gov](https://www.grants.gov).



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