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PROSECUTION
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NEW RESOURCE



Expunging and Sealing Criminal History Records: An Overview for Prosecutors

This article from the [Prosecutors' Center for Excellence \(PCE\)](#) is based on a review of expungement and sealing statutes in the 50 states and the District of Columbia, as well as interviews with prosecutors in California, Massachusetts, Nevada, New York, Pennsylvania, and West Virginia. It seeks to assist prosecutors with evaluating current and proposed legislation. It also highlights examples of how prosecutors have assisted with expungement or sealing, either through collaborative events or

developing automatic sealing.

[Read Here](#)

STRATEGIES IN FOCUS



Jefferson County District Attorney's Office

Like other major cities across the country, the city of Birmingham, Alabama and the surrounding area of Jefferson County see a substantial number of interpersonal violence reports. In 2020, Jefferson County recorded 33 homicides that were potentially connected to domestic violence, up from 24 in 2019. Data on domestic violence is extremely scarce in Alabama due to gaps in reporting, and these deficiencies impair the ability of law enforcement and prosecutors to protect victims and to effectively prosecute violent offenders.

The [Jefferson County District Attorney's Office](#) (JCDA) used its Smart Prosecution: Innovative Prosecution Solutions (IPS) grant to address this problem by creating a Domestic Violence Unit (DVU) and establishing a High-Risk Domestic Violence Team. The DVU brings together prosecutors, investigators, and intelligence analysts to support survivors of interpersonal violence. This team of experts is able to more efficiently prosecute domestic violence cases by focusing their expertise on the cases from start to finish.

The JCDA's DVU and High-Risk Domestic Violence Team have successfully worked to prioritize domestic violence cases through specialized prosecution and case review. They developed a domestic violence fatality review model and hosted two fatality reviews within the past year. The DVU also provides law enforcement training related to domestic violence and protection orders.

CASE HIGHLIGHT

[McElrath v. Georgia](#)

Issue: Whether the double jeopardy clause of the Fifth Amendment prohibits a second prosecution for a crime of which a defendant was previously acquitted.

Facts: In 2017, a jury found defendant Damien McElrath guilty but mentally ill as to felony murder, and not guilty by reason of insanity as to malice murder for brutally stabbing and killing his mother. The trial court accepted the verdicts, but the Georgia Supreme Court held that the verdicts were “repugnant” and thus vacated them. In other words, the Georgia Supreme Court felt that the two verdicts were so inconsistent with one another that they both needed to be thrown out and the state needed to prosecute the defendant again. The Court then remanded the defendant's case for retrial. On remand, the defendant made a motion that the retrial was precluded by double jeopardy, but his motion was denied.

The defendant's argument is premised on the idea that a retrial on all of the counts is barred because a jury initially found him not guilty on the count of malice murder. The Georgia Supreme Court affirmed the lower court rulings, and the defendant petitioned to the Supreme Court for review.

Oral arguments took place on November 28, 2023. Based on the questioning from the bench, a unanimous decision could be made in favor of the defendant. Justice Gorsuch repeatedly insisted that Georgia's approach in this case could not be reconciled with the Constitution, and that it was improper for courts to question or

second-guess acquittals. Justice Sotomayor bluntly stated, “I don’t know how this doesn’t fit [our] definition of what an acquittal is,” while Justice Kagan emphasized that juries have a basic right to offer leniency in the cases that they hear. Justices Kavanaugh and Gorsuch both agreed that Justice Kagan had “put her finger on it.”

The justices asked several hypothetical questions about possible implications for other states. For example, Justice Alito posed questions about Missouri’s procedure where trial judges respond to apparently inconsistent verdicts by sending the jury back to deliberate further. It does not appear that a decision in favor of the defendant would affect such a procedure, but it is a possibility.

UPCOMING TRAININGS



**May 7-10, 2024
New Orleans, LA**

Are you a prosecutor handling domestic violence cases in your community? Do you want to strengthen your skills to better serve victims and hold offenders accountable? Join us in **New Orleans, LA** this **May 7th-10th** for **the National Institute on the Prosecution of Domestic Violence (NIPDV)**!

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, 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.

THE DETAILS

Location:

Hotel Monteleone
214 Royal Street
New Orleans, LA 70130

Dates:

May 7th-10th, 2024

Times:

- May 7th: 8:00 AM – 5:00 PM CT
- May 8th: 8:30 AM – 5:00 PM CT
- May 9th: 8:30 AM – 5:00 PM CT
- May 10th: 9:00 AM – 11:00 AM CT

ELIGIBILITY

- Must currently be employed as a prosecutor in a local, state, or tribal prosecutor's office in the United States
- Must handle domestic violence crimes — all experience levels welcome
- The course will be capped at 54 participants

- Selected participants will receive an email with instructions for registration and further details

INTERESTED?

Please email info@aequitasresource.org to indicate your interest in attending the Institute.

Within your email, please include the following:

- Name
- Jurisdiction
- Number of years prosecuting domestic violence
- A commitment to attend and participate in all days of the Institute, or an explanation for any potential or confirmed conflicts
- A brief explanation (1-2 sentences) of your interest in the Institute and/or why you should be considered
- Whether your office receives funding through the U.S. DOJ Office of Violence Against Women's Improving Criminal Justice Responses to Domestic Violence, Dating Violence, Sexual Assault, and Stalking Grant Program

Successful applicants will be notified of selection no later than **March 2, 2024**. Apply today!

NEED-BASED SCHOLARSHIPS

AEquitas is able to cover airfare and up to four nights of lodging for four participants. If you are interested in a scholarship, please include in your email application an explanation of financial need.

ANY QUESTIONS?

Feel free to email us at info@aequitasresource.org

[Apply Here](#)

The National Institute on the Prosecution of Sexual Violence is supported by Grant No. 15JOVW-22-GK-03987-MUMU awarded by the

[illegible]

Calling all prosecutors and allied professionals! Connect with AEquitas Attorney Advisors and your peers on the third Thursday of every month to examine prosecution strategies, emerging issues, promising practices, and more.

If your office has been successful in working with families of homicide victims, or could use some help, then this is the Office Hours for you! This is NOT a webinar, but a chance to meet our experts to converse, brainstorm, and share best practices or challenges in a national conversation.

[Register Here](#)

The National Institute on the Prosecution of Sexual Violence is supported by Grant No. 15JOVW-22-GK-03987-MUMU awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed during the Institute are those of AEquitas and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.

FUNDING OPPORTUNITIES

[OVW Fiscal Year 2024 Local Law Enforcement Grants for Enforcement of Cybercrimes Program](#)

The Local Law Enforcement Grants for Enforcement of Cybercrimes Program (Cybercrimes Enforcement Program) supports efforts by States, Indian Tribes, and units of local government to prevent, enforce, and prosecute cybercrimes against individuals. Cybercrimes against individuals are defined as criminal offenses that involve the use of a computer to harass, threaten, stalk, extort, coerce, cause fear to, or intimidate an individual, or without consent distribute intimate images of an adult — except that use of a computer need not be an element of the offense. Applications are due **March 19, 2024 (Grants.gov)** and **March 21, 2024 (JustGrants)**.

[OVW Fiscal Year 2024 Grants for Outreach and Services to Underserved Populations Program](#)

The Grants for Outreach and Services to Underserved Populations Program (Underserved Program) supports efforts to develop or enhance population-specific outreach and victim services to adult and youth victims of domestic violence, dating violence, sexual assault, and stalking in underserved populations. Funds may be used to: develop or enhance population specific victim services; develop or enhance outreach strategies to reach underserved survivors; build the capacity of population specific organizations to serve survivors of these crimes; build the capacity of victim service providers to provide victim services that are population specific; train and educate community partners and the criminal and civil justice system on the needs of survivors from underserved populations; and develop culturally and linguistically appropriate materials for underserved survivors. Applications are due **March 26, 2024 (Grants.gov)** and **March 28, 2024 (JustGrants)**.

[OVW Fiscal Year 2024 Grants to Indian Tribal Governments Program](#)

The Grants to Indian Tribal Governments Program, referred to as the Tribal Governments Program, was authorized to assist tribal governments, and authorized designees of tribal governments, to respond to domestic violence, dating violence, sexual assault, sex trafficking, and stalking in tribal communities. Applications are due **April 24, 2024 (Grants.gov)** and **April 25, 2024 (JustGrants)**.

For more available funding opportunities, please visit grants.gov.



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