



**INNOVATIVE
PROSECUTION
SOLUTIONS**

STRATEGIES IN FOCUS



Ninth Circuit Solicitor's Office

Over the past two years, the [Ninth Circuit Solicitor](#) for Charleston and Berkeley Counties in South Carolina has been working with the [Justice Innovation Lab \(JIL\)](#) to analyze justice system data to improve office efficiency, identify racial disparities in prosecutorial decision-making, and develop ways to reduce racial disparities if and where they exist. In part, this analysis revealed that better screening procedures would help the office promptly dismiss charges that do not meet evidentiary standards of proof. In response, the office created an initial pilot screening process through which an experienced attorney screened

low-level cases and provided feedback to law enforcement about dismissed cases.

In 2023, the Ninth Circuit Solicitor's Office was awarded a Smart Prosecution/Innovative Prosecution Solutions (IPS) grant to expand this screening process. Under the IPS project, the screening process will include involvement from additional police departments, another attorney to assist in screening, and the development of a data dashboard to monitor the impact of screening and provide feedback to law enforcement. Furthermore, the Ninth Circuit Solicitor's Office is working with JIL, which is implementing a randomized control trial process to assign cases to screening so that the effectiveness of the screening procedure can be measured against a control group.

As of February 2024, the office has run almost half of new cases through the screening procedure, and the screened cases have been resolved nearly three times as quickly as those dismissed in the control group. Going forward, JIL will assess racial disparities by monitoring dismissal rates and time to dispose of cases by the defendant's race. To quantify the effect on office efficiency, the team will track time to disposition and the dispositions of all cases—including those not screened. Finally, to improve the quality of cases referred by law enforcement, the IPS team will document the reasons for dismissals and provide this information to the participating police departments. The Solicitor's Office will also continue conducting training for law enforcement centered on common evidentiary issues that lead to case dismissals.

CASE HIGHLIGHT

[Erlinger v. United States](#)

Issue: Whether the Constitution requires a jury trial and proof beyond a reasonable doubt to find that a defendant's prior convictions were for underlying crimes that were "committed on occasions different from one another," as is necessary to impose an enhanced sentence under the Armed

Career Criminal Act.

Facts: Defendant received a 15-year prison term under the Armed Career Criminal Act (ACCA), 18 U.S.C. §924(e), for illegally possessing a firearm. The ACCA mandates a 15-year minimum sentence, but permits a maximum sentence of life imprisonment, for unlawful possession of a firearm if the defendant has three prior qualifying convictions for “offenses committed on occasions different from one another.”

This sentence was based on the defendant’s prior burglary convictions from 1991. Specifically, the defendant pleaded guilty in 1991 to four counts of burglary, which had been charged on a single complaint. The complaint stated that each burglary occurred within the same city over the course of a week at four different business locations on three different dates. The defendant received concurrent sentences for each count.

In arguing that the defendant’s previous crimes qualified for the ACCA’s sentencing enhancement, the government argued that the different dates and locations constituted separate offenses, and prosecutors provided the sentencing court with separate charging documents and pleas for each conviction.

The defendant challenged his sentence on two grounds. First, he argued that Indiana’s definition of burglary extends beyond the federal statute, making it non-applicable as a predicate offense under the ACCA. Second, he argued that these burglaries did not occur on separate occasions and that the determination of this fact should have been decided by a jury rather than a judge. He believes that contention is supported further by his Sixth Amendment right to a jury to determine whether the evidence presented met the elements of a crime. The Seventh Circuit disagreed with him on both points. Notably, on the second point, the Seventh Circuit found that there was binding circuit precedent that states that the government is not required to prove to a jury beyond a reasonable doubt that the burglaries were committed on separate occasions and must only prove that fact to the sentencing judge by a preponderance of the evidence.

Oral argument at the U.S. Supreme Court took place on March 27, 2024. The decision in this case has the potential to force significant changes in courts across the country. Both the defendant and the government are recommending new, bifurcated sentencing procedures that would alter the normal processes in many courts. It is the amicus's opinion that these new procedures might actually lead states to "remov[e] defendant-friendly 'occasions' requirements from their habitual-offender statutes altogether."

UPCOMING TRAININGS

UPCOMING WEBINAR

USING DATA & ANALYTICS
TO IDENTIFY PROLIFIC VIOLENT OFFENDERS :
*Lessons Learned from the Cuyahoga County (OH)
Prosecutor's Office's Crime Strategies Unit*



April 11, 2024
3:00 PM Eastern
AEquitasResource.org/Trainings

April 11, 2024, 3:00pm – 4:30pm ET / 12:00pm – 1:30pm PT: Using Data and Analytics to Identify Prolific Violent Offenders: Lessons Learned from the Cuyahoga County (OH) Prosecutor's Office's Crime Strategies Unit

Presented by: [AEquitas](https://AEquitas.org), Rachel Lovell, PhD, Assistant Professor of Criminology,

[Cleveland State University \(CSU\)](https://clevelandstate.edu), and Ryan Bokoch, Assistant Prosecuting Attorney and Crime Strategies Unit Supervisor, [Cuyahoga County Prosecutor's Office \(CCPO\)](https://cuyahogacountyohio.com).

Cuyahoga County is home to Cleveland, Ohio and experiences a violent crime rate that is almost four times the national average. The County includes over 50 law enforcement agencies, and given that violent crime in the county is not

confined to a single municipality, it's essential for law enforcement agencies and prosecutors to share data about violent offenders. This webinar will highlight how the Cuyahoga County Prosecutor's Office (CCPO) identified and prioritized investigation and prosecution of the county's most prolific offenders —especially those connected to firearm-related crimes. Rachel Lovell and Ryan Bokoch will discuss the creation and validation of the CCPO's Crime Strategy Unit's priority criteria, the characteristics of the county's most violent offenders, and the social network and spatial analyses used to identify links between people, places, and violent gun crimes. Specifically, they will explain how to use incident-based criteria, as opposed to criteria based on individual characteristics, to identify violent crime drivers, and they will discuss how investigators and prosecutors can use such information to triage cases more effectively and efficiently.

[Register Here](#)

This project was 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 in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

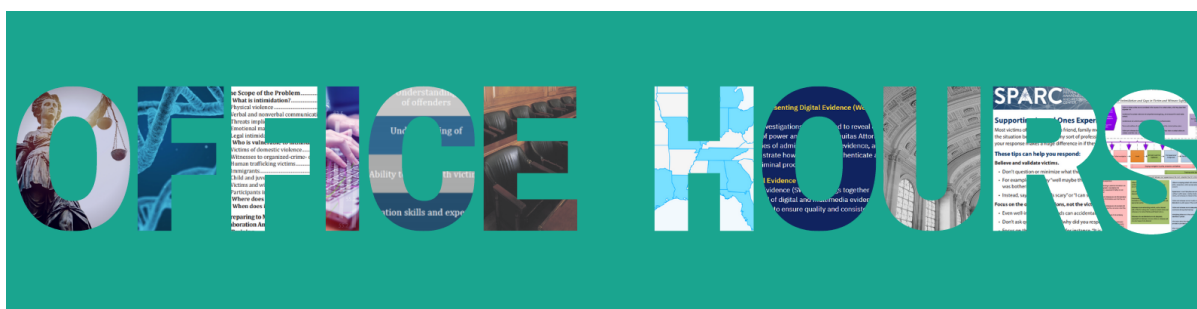
**April 18, 2024, 1:00pm – 2:00pm ET / 10:00am – 11:00am PT: Using
Community-Based Strategies to Drive Down Violent Crime: The DOJ
Roadmap and How to Receive Free TTA**

Presented by: [Police Executive Research Forum \(PERF\)](#)

In recent years, communities across the country have experienced substantial increases in gun violence. While some cities have made progress in reducing these crimes, pressing concerns remain for residents, community and business leaders, law enforcement and city officials, prosecutors, public health providers, and more. In response to these concerns, the United States Department of Justice launched the Violent Crime Reduction Roadmap (Roadmap) to provide local jurisdictions' multidisciplinary stakeholder groups with a one-stop shop for resources and assistance in implementing strategies to address violent crime, especially community gun violence.

The Police Executive Research Forum is hosting a webinar on Thursday, April 18, from 1:00-2:00 p.m. EDT to illustrate how jurisdictions have successfully reduced crime by implementing strategies in alignment with the Roadmap's 10 essential actions. PERF will also share how we can arrange no-cost training and technical assistance to jurisdictions on implementing similar strategies tailored to their community's specific needs.

[Register Here](#)



Office Hours: By Prosecutors, For Prosecutors

April 18, 2024 from 2:00 PM ET – 4:00 PM ET / 11:00 AM PT – 1:00 PM PT

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.

On April 18th, 2024, we want to hear from you about the sexual assault statutes in your jurisdiction — provisions that are working well, those that are creating barriers to justice, and laws that may be missing. On the call, we will:

- Get your feedback on sexual assault laws in your jurisdiction and their impact on survivors
- Assess your experience with the law's ability to cover “real world” scenarios
- Provide you with an opportunity to offer recommendations for what the law should include.

Your feedback will assist us in the development of a Model Sexual Assault Code, which is a project supported by the U.S. Department of Justice.

The discussion on April 18th will start at 11am PT / 2pm ET and our panelists will be available to speak with you until 1pm PT / 4pm ET.

[Register Here](#)

This project was supported by Grant No. 15JOVW-22-GK-4009-MUMU awarded by the Office on Violence Against Women, U.S. 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.

FUNDING OPPORTUNITIES

[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)**.

[OVC FY24 Enhanced Collaborative Model \(ECM\) Task Force to Combat Human Trafficking](#)

The purpose of this program is to develop, expand, or strengthen a multidisciplinary approach to better respond to human trafficking. This collaborative approach must include victim and social service providers; law enforcement; prosecution personnel; individuals with lived experience; and a range of other governmental and nongovernmental partners that work together to provide access to a diverse set of services for trafficking victims and to seek justice on their behalf. Applications are due **April 24, 2024 (Grants.gov)** and **May 6, 2024 (JustGrants)**.

[BJA FY24 Prosecuting Cold Cases Using DNA](#)

With this solicitation, BJA seeks to provide funding to support the prosecution of violent cold case crimes where a suspect (known or unknown) has been identified through DNA evidence. Provided a DNA profile attributed to a known or unknown suspect has been developed from crime scene evidence, this funding also supports investigative activities, as well as crime and forensic analyses, that could lead to the successful prosecution of violent cold case crimes. Applications are due **April 25, 2024 (Grants.gov)** and **May 2, 2024 (JustGrants)**.

[BJA FY24 Smart Prosecution – Innovative Prosecution Solutions](#)

This program furthers the Department's mission by assisting prosecutors to develop innovative and effective strategies to improve public safety. With this solicitation, BJA seeks to provide state, local, and tribal prosecutors with funding to reduce crime and increase public safety and trust in the criminal justice system. The program encourages prosecutors and agencies to use data in the development of their strategies and projects and to develop fair, effective, cost-effective, and innovative responses to crime within their jurisdictions. Applications are due **April 29, 2024 (Grants.gov)** and **May 6, 2024 (JustGrants)**.

[OVW Fiscal Year 2024 Enhancing Investigation and Prosecution of Domestic Violence, Dating Violence, Sexual Assault, and Stalking \(EIP\) Initiative](#)

This initiative is designed to promote and evaluate effective policing and prosecution responses to domestic violence, dating violence, sexual assault, and stalking. The EIP Initiative encourages law enforcement agencies and/or prosecutors' offices to expand and improve their capacity to effectively investigate and/or prosecute domestic violence, dating violence, sexual assault, and stalking, and in so doing, support victim safety and autonomy, hold offenders accountable, and promote agency trust within the surrounding community. Applications are due **April 30, 2024 (Grants.gov)** and **May 2, 2024 (JustGrants)**. Applicants must register with the **System for Award Management (SAM)** and **Grants.gov** no later than **March 26, 2024**.

[OVW Fiscal Year 2024 Grants to Improve the Criminal Justice Response \(ICJR\) Program](#)

This program is authorized by 34 U.S.C. §§ 10461 – 10465 and implemented through regulations at 28 C.F.R. Part 90, Subpart D. The Grants to Improve the Criminal Justice Response Program (ICJR Program) (Assistance Listing # 16.590) assists state, local, and tribal governments, and courts to improve the criminal justice response to domestic violence, dating violence, sexual assault, and stalking as serious violations of criminal law, and to seek safety and autonomy for victims. Applications are due **April 30, 2024 (Grants.gov)** and **May 2, 2024 (JustGrants)**.

[Print OVC's Child Victims and Witnesses Support Materials](#)

The [Child Victims and Witnesses Support Materials](#), available on the Office for Victims of Crime's website for free download, intend to support child victims and witnesses as they interact with the justice system. To further assist national distribution and use of these materials, subawards of up to \$10,000 through the Center for Justice Innovation are available to cover the cost of printing hard copies of the materials. First round of applications closes **April 30, 2024**. Future application rounds are available with the next one scheduled for August to September, 2024.

[OVW Fiscal Year 2024 Demonstration Program on Trauma-Informed, Victim-Centered Training for Law Enforcement on Domestic Violence, Dating Violence, Sexual Assault, and Stalking \(Abby Honold\) Program](#)

The Demonstration Program on Trauma-Informed, Victim-Centered Training for Law Enforcement on Domestic Violence, Dating Violence, Sexual Assault, and Stalking (Abby Honold Program) (Assistance Listing Number #16.058) supports efforts to improve law enforcement's response to allegations of domestic violence, dating violence, sexual assault, and stalking from the time of a victim's initial report throughout the entire investigation, and to promote the efforts of law enforcement in improving the response to these crimes. The Abby Honold Program awards grants to law enforcement agencies to train officers to conduct trauma-informed and victim-centered investigations, with the goal of incorporating trauma-informed techniques designed to prevent re-traumatization of the victim and to increase communication between victims and law enforcement as well as stakeholders in a coordinated community response. This program's purpose is also to evaluate the effectiveness of the training. Applications are due **May 17, 2024 (Grants.gov)** and **May 21, 2024 (JustGrants)**.

[NIJ FY24 Field-Initiated Action Research Partnerships](#)

With this solicitation, NIJ seeks research partnership proposals that meet the needs and missions of local justice and service provider entities — including police, corrections, courts, victim services, forensic science service providers, and community safety and adult and juvenile justice entities — and the communities they serve. These partnerships should apply a data-driven, problem-solving approach to challenges prioritized by agency partners; identify actionable and measurable responses; implement changes; and employ an action research evaluation approach to assessing the impact of interventions on desired outcomes that emphasizes scientific rigor and meaningful stakeholder engagement. These partnerships should also focus on developing the entity's capacity to adopt data-driven, problem-solving approaches to sustain effective practices and ongoing improvement in relevant

safety and justice outcomes. Applications are due **June 17, 2024 (Grants.gov)** and **July 1, 2024 (JustGrants)**.

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



AEquitas

1000 Vermont Avenue NW, Suite 1010 | Washington, DC 20005

AEquitasResource.org | info@aequitasresource.org

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