



STRATEGIES IN FOCUS



Tulsa County District Attorney's Office

In the years leading up to 2021, the city of Tulsa, Oklahoma, had property and violent crime rates that were two and a half times over the national rates. A significant portion of those crimes were committed by repeat offenders, with 20% of offenders being responsible for 50% of all referral cases to the [Tulsa County District Attorney's Office](#) (TCDA) from 2011-2020.

Using their grant funding provided through the Smart Prosecution Grant, the TCDA's office in Oklahoma created the Crime Strategies Unit (CSU) – an innovative unit that works to develop strategies to increase prosecution efficiency and effectiveness and to decrease the rates of property crimes and violent crimes in the community. By

hiring two prosecutors to oversee the unit, the TCDA has implemented a focused deterrence model to address repeat offenders of property crimes through crime data analysis. Additionally, the unit's team members focus on decreasing prosecutor caseloads and increasing access to resources and evidence-based prosecution strategies for the TCDA's prosecutors.

Since the start of this project, this unit has closed 190 cases and has used crime data analysis to dispose of 163 cases. The unit's prosecutors have also met with community groups to provide information about the CSU and its work, and those meetings have generated positive feedback. A total of 15 agencies and stakeholders are receiving regular reports from the CSU. Moving forward, the unit's goals include improving the TCDA's prosecution efficiency, working to reduce the office's backlog of cases, and using crime data analysis to discourage and reduce repeat offenders of property and violent crime.

CASE HIGHLIGHT

[Diaz v. United States](#)

Issue: Whether 704(b) precludes an expert witness from providing an opinion about the general practices of an organized criminal enterprise where doing so provided testimony that could impact the ultimate issue in a case.

Facts: In August 2020, the defendant, Delilah Diaz, attempted to re-enter the United States from Mexico. At a border patrol stop, an officer asked her to roll down her rear window, which the defendant explained was manual. When the officer attempted to manually roll down the window, he heard a crunching sound, which he later testified was indicative of someone having tampered with the car door, a common method for drug dealers to conceal drugs in vehicles. After a K-9 unit was brought to the scene, 54 pounds of methamphetamines were discovered concealed within the door.

At trial, one of the defendant's arguments was that she had no idea that the drugs were in the vehicle, as she was driving her boyfriend's car. She provided police with contradictory information about the boyfriend, and had a second phone, which she told officers had been "given to her by a friend." To combat this defense, the government called a Homeland Security Investigator, who testified as an expert witness regarding the common practices of Mexican drug trafficking organizations. The expert testified that in most circumstances, a driver would know that they are transporting drugs; to plan otherwise would place an organization at substantial risk, as there were no guarantees if or when the drugs would arrive. If the drugs did arrive as scheduled, the organization would then have to retrieve the drugs without alerting the driver. The defendant objected to this testimony, arguing that under rule 704(b), this opinion went to the ultimate issue of the case – her state of mind – and whether she was aware of the drugs in the vehicle she attempted to cross the border in.

The Supreme Court agreed that rule 704(b) precludes an expert from testifying as to whether the defendant did or did not have a *mens rea* that constitutes an element of an offense or defense in a criminal case. However, the Court, in examining the "ultimate issue" rule created by rule 704(b), found that it precludes a very narrow section of testimony. Further, the Homeland Security expert never testified as to whether the defendant herself knew about the drugs, or even that all couriers know about the drugs they are delivering. In fact, the defense elicited information from the expert about cases he was aware of that involved unknowing couriers. The purview of the jury therefore was not supplanted by the expert testimony, as it was still up to them to decide the ultimate issue in the case: whether this defendant was like most couriers, and aware of the drugs in her car, or if hers was like the exceptional cases where the couriers did not know they were carrying drugs. In testifying that most people in a particular position (couriers found with large amounts of illicit substances) have a particular mental state, the expert was not testifying about the defendant's state of mind, and so did not run afoul of rule 704(b). The Supreme Court therefore affirmed the defendant's conviction.

UPCOMING TRAININGS



LIVE WEBINAR

INTERDISCIPLINARY ENGAGEMENT TO ENHANCE COURT TESTIMONY



Wednesday, August 21

2:00-3:30 pm ET

Presenters: Patricia D. Powers, Laci Smith

August 21, 2024, 2:00 PM ET – 3:30 PM ET / 11:00 AM PT – 12:30 PM PT:

Interdisciplinary Engagement to Enhance Court Testimony


Presented by [IAFN](#) and [AEquitas](#)

Testimony may seem daunting to clinicians without proper preparation. This concern may exist with clinicians who are new to testimony or who have rarely been

called to testify. Appropriate and effective preparation is a process that takes more than simply reviewing a medical chart. Whether a civil or criminal proceeding, and whether called by a prosecutor, plaintiff's attorney, or defense attorney, the clinician is an independent and neutral medical professional. Clinicians play a valuable role in providing insight into the medical care and treatment conducted by the clinician, which is offered as evidence in the proceeding. In this webinar, legal and subject matter experts will share a newly-released resource for clinicians and attorneys that provides important information on engaging with professionals of each discipline while preparing for testimony.

[Register Here](#)

This project was supported by Grant No. 15JOVW-23-GK-05172-MUMU and 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 in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the U.S. Department of Justice.





October 1, 2024, 2:00 PM ET – 3:30 PM ET / 11:00 AM PT – 12:30 PM PT:

Stalking & Intimate Partner Violence

Presented by: [Stalking Prevention, Awareness, & Resource Center \(SPARC\)](#) of [AEquitas](#)

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) in October, this webinar highlights the significant connections between stalking and intimate partner violence.

[Register Here](#)

This webinar is supported by Grant No. 15JOVW-22-GK-03986-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.



**October 28, 2024, 2:00 PM ET – 3:30 PM ET / 11:00 AM PT – 12:30 PM PT:
Beyond Intimate Partner Stalking: Acquaintance, Stranger, and Family
Offenders**

Presented by: [Stalking Prevention, Awareness, & Resource Center \(SPARC\)](#) of [AEquitas](#)

About half of stalking cases are perpetrated by current or former intimate partners – which means half are not. Even when the stalking is not related to domestic violence, the response to stalking is typically housed under domestic violence or rape crisis services. Do you serve all victims of stalking – even when offenders are friends, acquaintances, family members, or strangers? This webinar explores the prevalence and dynamics of non-intimate partner stalkers, including strategies to assess risk and plan for victim safety.

[Register Here](#)

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

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FUNDING OPPORTUNITIES

[BJA FY24 Project Safe Neighborhoods Formula Grant Program](#)

With this solicitation, BJA seeks applications for funding under the Project Safe Neighborhoods (PSN) Formula Grant Program. The PSN Program is a nationwide initiative that brings together federal, state, local, tribal, and territorial law enforcement officials, prosecutors, community-based partners, and other stakeholders to identify the most pressing violent crime problems in a community and develop comprehensive solutions to address them. Applications are due **August 21, 2024 (Grants.gov)** and **August 26, 2024 (JustGrants)**.

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



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This project was supported by Grant No. 15PBJA-23-GK-00708-JAGP 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.

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