

LEX QUOD ORDO

ASSOCIATION OF PROSECUTING ATTORNEYS QUARTERLY NEWSLETTER | SPRING 2012 VOLUME III ISSUE I

WELCOME TO THE FIRST EDITION OF VOLUME III OF LEX QUOD ORDO (LAW AND ORDER), THE ASSOCIATION OF PROSECUTING ATTORNEYS' (APA) QUARTERLY NEWSLETTER DEDICATED TO THE FIELD OF COMMUNITY PROSECUTION. THIS SPRING AT APA WE ARE EXCITED TO ANNOUNCE A VARIETY OF UPCOMING PROJECTS AND TRAINING OPPORTUNITIES IN THE FIELD OF COMMUNITY PROSECUTION.

THIS MAY, APA IN PARTNERSHIP WITH THE BUREAU OF JUSTICE ASSISTANCE (BJA) AND THE CENTER FOR COURT INNOVATION (CCI), WILL HOST THE 7TH NATIONAL COMMUNITY PROSECUTION CONFERENCE: A FRAMEWORK FOR HIGH PERFORMANCE PROSECUTORIAL SERVICES FROM MAY 7-8, 2012 IN MINNEAPOLIS, MN. THE CONFERENCE WILL TAKE PLACE AT TARGET CORPORATE HEADQUARTERS. REGISTRATION IS AVAILABLE ON A FIRST COME, FIRST SERVED BASIS. WE ENCOURAGE YOU TO REGISTER BY VISITING [HTTP://WWW.APAINC.ORG/](http://www.apainc.org/). A DRAFT CONFERENCE AGENDA AND CONFERENCE FLYER ARE ALSO AVAILABLE ON OUR WEBSITE. AFTER THE SUCCESS OF THE 6TH NATIONAL COMMUNITY PROSECUTION CONFERENCE AND LAST YEAR'S INNOVATIONS IN CRIMINAL JUSTICE SUMMIT, WE LOOK FORWARD TO ANOTHER TRAINING OPPORTUNITY AIMED AT ASSISTING PROSECUTORS IN IDENTIFYING AND IMPLEMENTING INNOVATIVE, COST EFFECTIVE PROGRAMS THAT SHOW PROMISE IN REDUCING OR PREVENTING CRIME AND ENHANCING PUBLIC SAFETY.

IN OTHER IMPORTANT NEWS, THE COMMUNITY PROSECUTION ADVISORY COUNCIL (CPAC) RECENTLY CONVENED AT APA HEADQUARTERS IN WASHINGTON, DC FOR A ROUNDTABLE ON MARCH 24TH. CPAC SERVES AS A COLLABORATIVE BODY DESIGNED TO PROVIDE NATIONAL TECHNICAL ASSISTANCE, PUBLIC AWARENESS AND OUTREACH STRATEGIES TO ASSIST STATE AND LOCAL JURISDICTIONS IN THEIR EFFORTS TO STRENGTHEN COMMUNITY PROSECUTION AND THE LINKS BETWEEN THE COMMUNITY AND THE CRIMINAL JUSTICE SYSTEM. THE ROUNDTABLE DISCUSSION NOT ONLY FINALIZED THE UPCOMING TRAINING CURRICULUM FOR THE 7TH NATIONAL COMMUNITY PROSECUTION CONFERENCE, BUT ALSO SERVED TO IDENTIFY GAPS AND CHALLENGES, DOCUMENT POTENTIAL SOLUTIONS, AND DEVELOP A PROGRAM FOR TEACHING AND DISSEMINATING THE HIGH PERFORMANCE PROSECUTION

MODEL. CPAC WAS ASKED TO DISCUSS DATA INTEGRATION AND INFORMATION SHARING WITHIN THE CRIMINAL JUSTICE SYSTEM, THE PROSECUTOR'S ROLE IN THIS PROCESS AND THE CURRENT STATE OF DATA INTEGRATION IN VARIOUS OFFICES. WE WOULD LIKE TO THANK ALL OF THE PROSECUTORS WHO PARTICIPATED IN THIS VALUABLE AND WE LOOK FORWARD TO USING THE IDEAS AND STRATEGIES DISCUSSED TO FURTHER BENEFIT THE FIELD.

LASTLY, WE HOPE YOU WERE ABLE CATCH THE LATEST CP "FINAL FRIDAYS" WEBINAR ON "DATA INTEGRATION FOR THE HIGH PERFORMANCE PROSECUTOR," ON MARCH 30TH PRESENTED WITH THE ASSISTANCE OF SEARCH, THE NATIONAL CONSORTIUM FOR JUSTICE INFORMATION AND STATISTICS. MARK

PERBIX, DIRECTOR OF INFORMATION SHARING PROGRAMS AT SEARCH, PRESENTED ON WHY INFORMATION SHARING IN THE CRIMINAL JUSTICE SYSTEM IS IMPORTANT, WHAT THE PROSECUTOR'S ROLE IN INFORMATION SHARING SHOULD BE, WHAT THE NATIONAL STANDARDS FOR INFORMATION AND DATA SHARING ARE, AND HOW A HIGH PERFORMING OFFICE CAN BEGIN TO INCREASE ITS INFORMATION SHARING CAPABILITIES. IF YOU MISSED THIS WEBINAR, WE ENCOURAGE YOU CHECK OUT THE MATERIALS AND PRESENTATION RECORDING LOCATED UNDER THE MEMBERS LOGIN SECTION. IF YOU ARE NOT CURRENTLY

AN APA MEMBER BUT WOULD STILL LIKE ACCESS TO THE WEBINAR, PLEASE CONTACT WEBINARS@APAINC.ORG FOR A TEMPORARY MEMBERSHIP.

WE WOULD LIKE TO THANK AND RECOGNIZE ALL WHO CONTRIBUTED TO THIS NEWSLETTER. SPECIFICALLY, OUR PARTNERS AT THE CENTER FOR COURT INNOVATION FOR THEIR CONTINUED SUPPORT IN THE FIELD OF COMMUNITY PROSECUTION, AS WELL AS THE OFFICE OF THE NORFOLK COMMONWEALTH'S ATTORNEY FOR THEIR INITIAL ACCOMPLISHMENTS IN COMMUNITY PROSECUTION. AS ALWAYS, WE ENCOURAGE YOU TO REACH OUT TO US AT OUR WEBSITE WWW.APAINC.ORG, CONNECT WITH US ON OUR FACEBOOK FAN PAGE AND FOLLOW US ON TWITTER. PLEASE FEEL FREE TO CONTACT ME AT ROBERT.HOOD@APAINC.ORG IF YOU NEED ASSISTANCE, HAVE QUESTIONS, OR SUGGESTIONS FOR FUTURE ISSUES, TRAININGS AND PUBLICATIONS.

- ROBERT HOOD, APA
DIRECTOR, COMMUNITY PROSECUTION & VIOLENT CRIME DIVISION



A NEIGHBORHOOD-BASED RESPONSE TO SEX TRAFFICKING IN PORTLAND, OREGON

BY DANIELLE MALANGONE, CENTER FOR COURT INNOVATION

Portland, Oregon's anti-sex trafficking efforts began in 2008 when Deputy District Attorney Glen (JR) Ujifusa, a neighborhood prosecutor, was assigned to a newly created position in the Multnomah County District Attorney's Office. At the time, street prostitution and other quality-of-life crimes had become top community concerns in the East District neighborhood of Portland, and residents were beginning to question the justice system's ability to handle this persistent problem. In response, Multnomah County District Attorney Michael Schrunk gave Ujifusa jurisdiction over all prostitution-related crimes. This responsibility forced Ujifusa to rethink how prostitution cases were handled and prompted him to develop a collaborative, victim-centered approach that has yielded real results.

Victim-Centered Approach

Like victims of domestic violence, prostituted women are often held captive by manipulation, force, and coercion. As a result of this coercive control, they can develop a strong attachment and loyalty to their pimp, making it hard for them to leave. Looking through this lens, the Multnomah County District Attorney's Office began viewing most prostituted women not as criminals but as trafficking victims forced into the sex trade.

Ujifusa worked with Schrunk to develop new tactics that would identify victims as soon as possible, protect them from further violence, and connect them to services, regardless of whether these efforts result in a conviction against the trafficker. "We had to completely rethink how these cases were being handled," Ujifusa said. "Because most of these women were unwilling to get help on their own, we decided to use the leverage of the justice system to link them to crucial services."

Instead of criminalizing prostituted women through short-term jail sentences, the Portland program offers them

probation with the condition that they engage in free services at New Options for Women, a community-based treatment provider that offers a wide range of options, including mental health counseling, psychiatric services, drug treatment, a survivor-led mentor program, and case management that includes referrals to educational and housing services. Women are mandated to an average of six to eight months of treatment depending on the length of their probation and how well they progress in the program. According to Carey Cogswell, the clinical supervisor for New Options for Women, many of the women continue receiving voluntary services even after their mandate is completed. "Without this program," said Carey, "these women would have nowhere to go."

The Multnomah County District Attorney's Office also believes that accountability is an important part of a victim-centered approach. That's because many victims will return to their perpetrators and to prostitution, just as addicts often relapse as part of their recovery. To ensure that participants adhere to treatment and achieve long-term success, Ujifusa works closely with law enforcement to identify and return women to court who have gone back to the streets. In addition, judges have the power to revoke their probation and resentence them to up to a year in jail, with the possibility of early release if they consent to further treatment. This can extricate the victims from pimps' control, while continuing to make rehabilitative options available.

Sometimes the prostituted women cooperate and provide testimony to help the Multnomah County District Attorney's Office achieve its other goal: prosecuting traffickers. To encourage cooperation, Ujifusa is patient and consistent. He takes time to build trust, show that he cares, and connect the women to vital services.

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When a victim is willing to testify, he has found that the window of opportunity can be brief, so he works quickly to secure testimony before a grand jury. He also tries to avoid the need for multiple testimonies to spare victims from an extended and potentially re-traumatizing process. Over time, Ujifusa has established a solid reputation, one that he feels has encouraged more women to come forward. The Multnomah County District Attorney's Office secured 13 indictments against traffickers in 2011 alone.

Cogswell believes it helps to have one prosecutor handling all of the cases. "My clients all know JR [Ujifusa] and would rather talk to him than to their attorney," said Carey.

Promoting Interagency Collaboration

In addition to enhancing alternatives to incarceration for women charged with prostitution, the Multnomah County District Attorney's Office promotes collaboration among government agencies to develop a more coordinated response. Ujifusa has cultivated relationships with federal, state, and local law enforcement to help strengthen trafficking investigations. In addition, the County Sheriff's Office, which oversees the local jail, monitors all jail correspondence to protect victims from being intimidated and threatened and collects intelligence to support investigations.

Ujifusa not only partners with law enforcement, he works side-by-side with them. As a neighborhood prosecutor, he is stationed at a local police precinct, working closely with a team of officers, detectives, and federal agents. This means that as soon as an officer identifies a trafficking victim, the victim can speak to a prosecutor. This also helps build a rapport with the victim, expedite case processing and returns on warrants, and improve communication between law enforcement and prosecutors.

The District Attorney's Office brokered new relationships with treatment providers to address victims' many needs. In addition to working with the women as a condition of their probation, these service providers meet weekly with the police and Ujifusa to review progress reports and probation status. Ongoing collaboration has also helped

maximize resources and encouraged other agencies, such as domestic violence organizations, to accept referrals for prostituted women.

"The collaboration is why this works," said Cogswell. "Without it, the women would not participate in or have access to these services. These women need an interdisciplinary team of people that know how to engage them and that can work together effectively."

The Multnomah County District Attorney's Office has also enlisted the support of the community by attending local community and business meetings. As the eyes and ears of the neighborhood, community members know what to look for and whom to call if they recognize something suspicious. Hotel staff and cab drivers, for example, have been approached by Ujifusa and instructed to report any prostitution-related activities being conducted through their businesses. "It happens on a personal level," Ujifusa said. "When a community member believes that something is going on in their neighborhood, they feel empowered to call the officer they met at a community meeting, and that officer then responds quickly."

Results

Ujifusa says this neighborhood-based response to prostitution and sex trafficking is making progress. He reports that at any given time there are between 40-60 trafficking-related investigations. From 2008 to 2011, the failure-to-appear rate among prostituted women dropped by 52 percent and the amount of time from arrest to disposition was reduced by 33 percent, from an average of 170 to 115 days. Returns on warrants have been expedited. Courts have reduced their reliance on short-term jail sentences. Nearly 200 women have been referred to treatment services. And the average number of prostitution arrests dropped by 47 percent since 2005.

For further information about Multnomah County's efforts to combat sex trafficking, contact Glen (JR) Ujifusa, Deputy District Attorney, at Glen.UJIFUSA@mcda.us.

NEWS FROM THE FIELD

APA SUPPORTS DMI TRAINING IN TRAVIS COUNTY, TX

On Tuesday, March 27th, APA Director Robert Hood and other members of a Michigan State University School of Criminal Justice Drug Market Initiative (DMI) technical assistance training team, traveled to Austin, TX to provide training on the initiative to Travis County prosecutors, law enforcement, social service providers, and community representatives. Led by Professors Edmund McGarrel and Natalie Hipple, the team also included former High Point (NC) Police Chief James Fealy and Rev. Kenneth Copeland of the Rockford, IL DMI effort. Prior to joining APA, Mr. Hood led a DMI implementation in Seattle, WA in 2009. The team went to Austin at the request of Travis County District Attorney Rosemary Lehmborg.

The Drug Market Initiative is a U.S Department of Justice strategic problem solving program designed to eliminate the operation of illegal open-air drug markets, reduce the violence associated with them, return control of the neighborhood to its residents, and to improve public safety and community livability. Teams from the MSU School of Criminal Justice have trained over thirty different jurisdictions nationwide on how to implement the initiative and have helped to prove the initiative's effectiveness through multiple outcome evaluations. The DMI was featured at APA's *Innovations in Criminal Justice Summit* last fall in Chicago, Illinois.

During the visit, APA COO Steven Jansen, met with Travis County District Attorney Lehmborg and Mr. Jansen and Mr. Hood also participated in a ride along with Assistant District Attorney Jason English, a community prosecutor for the downtown area of Austin. Mr. English and the Austin Strategic Prosecutions Division Director Dayna Blazey learned of the DMI Initiative at the Chicago conference and helped bring the training to Austin.

To learn more about the Drug Market Initiative and how you can take advantage of DMI technical assistance, visit <http://dmimsu.com/index.php>.

ENHANCING EVIDENCE COLLECTION IN DOMESTIC VIOLENCE PROSECUTIONS IN NORFOLK, VA

In a partnership with the Commonwealth Attorney's Office, Norfolk's Director of Emergency Preparedness and Response is helping to provide enhanced evidence collection for domestic violence prosecutions, increase offender accountability, and thus increase victim safety.

In at least 40% of an average 1,300-1600 Domestic Violence cases that come through the Norfolk court system each year, victims minimize, change their story, or fail to appear in court due to fear of retribution. In these cases, 911 calls, which can be much closer to "the truth" than testimony presented months after the fact by the perpetrator, can be introduced into evidence thus increasing the odds of securing a conviction without the victim. Norfolk routinely engages in victim-less prosecution by relying on the introduction of 911 calls. Now, by enabling prosecutors to have access to CAD (Computer Aided Dispatch), prosecutors are able to identify a much higher volume of cases in which the 911 call will be helpful in court. Last year, the Commonwealth's Attorney's Office only requested 911 calls in a handful of cases. In 2012, the volume has already increased substantially.* This is an example of an effective unity of effort, where we are meeting a critical need with increased efficiency and success. For more information on this effort, contact: Linda L. Bryant, Deputy Commonwealth's Attorney, Norfolk Commonwealth's Attorney's Office, at linda.bryant@norfolk.gov.

*In 2011, the Norfolk CWA's office requested 123 911 tapes out of several thousand cases. Data was not collected distinguishing which of the 123 911 calls were for domestic violence cases and which of the requested 123 calls were for non-Domestic Violence cases. That number is being tracked this year.

COMMUNITY CORNER

REFORM AND RESEARCH ARE AT TOP OF AGENDA AS JUSTICE PRACTITIONERS GATHER IN NATION'S CAPITAL

WASHINGTON, D.C., Feb. 2, 2012—Prosecutors were among the more than 300 people who attended Community Justice 2012: The International Conference of Community Courts to learn about criminal justice reform strategies and research.

Washington, D.C. Mayor Vincent C. Gray's welcoming remarks included praise for his city's community court, a project started 10 years ago to handle cases from two police precincts that is being expanded to include the entire city. "What the community court has done for us ... is to reduce recidivism. It's reduced overtime among our police officers in the District of Columbia, and perhaps most importantly, it has strengthened the partnership between our judicial system, our executive branch agencies, and ... our legislative body."

Assistant Attorney General Laurie O. Robinson said community courts "exemplify American innovation" and extolled them for their reliance on evidence, their emphasis on collaboration and their pursuit of "what the system was designed to ensure – fairness for all." She said community courts "bring together the grand tradition of the American legal system – with its dual concern for the dignity of the individual and the good of the whole – and the energy and boldness of problem solvers. This remarkable – and unusual – combination of foundational values and visionary ideals has served the cause of justice well."

R. Gil Kerlikowske, the director of the White House Office of National Drug Control Policy, referred to his tour of the Red Hook Community Justice Center, saying that he "couldn't have been more impressed" by the visit. "As community

justice professionals in this room, you're aware of the power of community engagement and collaboration, and we know that's where the real work gets done." He said community courts' practice of "addressing problems with local residents and local stakeholders makes so much sense and also goes a long toward bolstering trust in our criminal justice system."

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Pictured: R. Gil Kerlikowske, director of the White House Office of National Drug Control Policy

He pointed out that the U.S. government's National Drug Control Strategy "supports alternatives to incarceration, such as community courts and, of course, the drug courts."

Denise O'Donnell, the director of the Bureau of Justice Assistance, which sponsored the conference with the Center for Court Innovation, said the conference was an example of her agency's investing "training dollars where it really matters." By learning from their collective experience, community court practitioners can "figure out how to take it to the next step," which includes making "community courts a mainstay of our judicial system."

She described her own visit to the Red Hook Community Justice as "an eye-opening experience" that "made me a believer about the importance of the work that you all do" and helped her "see that the court not only transforms the lives of people that appear before it but can really engage the entire community."

"As long as I'm director at BJA, this will remain a very important priority to us at BJA. And I know it's very important to our Attorney General Eric Holder," O'Donnell said. Other speakers included Wilson Compton of the National Institute on Drug Abuse, David Weisburd, director of the Center for Evidence Based Crime Policy, and Yale Law Professor Tom R. Tyler.

Presenters from prosecutor's offices included Gerianne Abriano of the King's County (Brooklyn) District Attorney's Office; Adam Dalrymple, Crown Counsel for British Columbia's Ministry of Justice; Steven Jansen, Vice President and Chief Operating Officer of the Association of Prosecuting Attorneys; Judy Rosenthal of the Rockland County (NY) District Attorney's Office; Tuere Sala of the Seattle City Attorney's Office; Regan Savalla of the San Diego City Attorney's Office; and Bill Stewart of the Clackamas County (OR)



Pictured: Denise O'Donnell, Director of the Bureau of Justice Assistance speaks at the conference.

District Attorney's Office. Prosecutors participated in panel discussions on legal and constitutional issues in community courts, making the most of community service, creative responses to shoplifting, and the role of mediation. Other topics addressed during panels and breakout sessions were planning community justice initiatives, engaging neighborhood stakeholders, and integrating evidence-based practices into programming to address drug addiction and other issues.

The conference was held from Jan. 31 to Feb. 2 at the Omni Shoreham Hotel in Washington D.C. To listen to prosecutor Adam Dalrymple speak from the conference about how Vancouver's Community Court uses community service assignments to match offenders with organizations that address their social service needs, follow this link: <http://bit.ly/adam-van>.

UPCOMING EVENTS & ANNOUNCEMENTS



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MISSION

SUPPORT AND ENHANCE THE EFFECTIVENESS OF PROSECUTORS IN
THEIR EFFORTS TO CREATE SAFER COMMUNITIES.

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SAVE THE DATE

THE ASSOCIATION OF PROSECUTING ATTORNEYS, IN PARTNERSHIP WITH THE U.S. DEPARTMENT OF JUSTICE'S BUREAU OF JUSTICE ASSISTANCE AND THE CENTER FOR COURT INNOVATION (CCI) PRESENT:

THE 7TH NATIONAL COMMUNITY PROSECUTION CONFERENCE :
A FRAMEWORK FOR HIGH PERFORMANCE PROSECUTORIAL SERVICES

MAY 7TH-8TH, 2012

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