Dear APA Members,

Welcome to the Washington DC Insider 4, Summer 2012 edition. The Association of Prosecuting Attorneys (APA), would like to thank you for your continued support in helping us provide quality training and technical assistance to prosecutors and criminal justice partners nationwide.

As an important part of that training and assistance, the Association hosts a National Community Prosecution Conference each year. This year, the 7th National Community Prosecution Conference: A Framework for High Performance Prosecutorial Services was held in May at Target Headquarters in Minneapolis, MN. The conference was a great success with over 150 prosecutors and criminal justice practitioners from across the country in attendance.

Attendees heard from many jurisdictions on how they are implementing the four prongs of the high performance prosecution framework in their offices. The conference’s focus on the High Performance Prosecution model began with a plenary session on three national examples of high performing prosecution offices with Cook County (Chicago, IL) State’s Attorney Anita Alvarez, Ramsey County (St. Paul, MN) County Attorney John Choi and Minneapolis City Attorney Susan Segal serving as panelists. The first day also included a presentation on the recent University of Chicago Crime Lab evaluation of Cook County’s community prosecution program. Kings County District Attorney Charles Hynes gave the Keynote Address during lunch of the first day. Day two of the conference wrapped up the components of the high performance prosecution model with sessions on science and technology and zone prosecution, an aspect of community prosecution some high performing offices across the country have adopted.

Other sessions included training on community prosecution basics, reentry, juvenile issues and the Minneapolis Downtown 100 targeted prosecution initiative. Attendees were also privileged to take a tour of Target’s Corporate Command Center which oversees all of their operations in the United States and worldwide. APA also honored Milwaukee County Assistant District Attorney Christopher Ladwig, Chittendon County State’s Attorney Thomas Donovan, Kings County District Attorney Charles J. Hynes and Target Corporation with the 2012 Innovations in Community Engagement (I.C.E.) Awards during the conference.

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APA is also anticipating the publication of the Prosecutor’s Report VI: The Prosecutor’s Policy Guide: A Roadmap to Innovation. APA has published this most recent Prosecutor’s Report in partnership with the Public Welfare Foundation in an effort to enhance leadership capabilities of prosecutors. The monograph will be available on our website shortly.

The Final Fridays webinar series will continue in June with a presentation from APA’s Animal Cruelty and Animal Fighting Program on Baltimore’s Anti-Animal Abuse Advisory Commission and “Show Your Soft Side” media campaign. Registration information can be found on APA’s website. If you are unable to attend this training, webinar materials and a recording of the live presentation will be available through the Membership Resources page shortly after the broadcast.

APA continues to monitor Supreme Court cases impacting prosecutors and criminal justice. For a summary of relevant opinions that have been released so far this term, see the article in this edition. As always, news of released opinions will be posted on our website.

Be sure to check www.APAInc.org regularly for current news clips, notice of relevant Supreme Court opinions published, and training conference opportunities.

APA will also be hosting another national conference this year. Plans are currently underway for the 3rd National Animal Prosecution Conference: Prosecuting Animal Cruelty and Preserving Community Safety to be held in Los Angeles, California in October. Registration information and details will be available at www.APAInc.org this summer.

APA continues to provide on-site training and technical assistance to jurisdictions and is also conducting regional community prosecution trainings for interested offices. If you would like more information on technical assistance, please contact Steven Jansen at Steven.Jansen@APAInc.org or download a training and technical assistance request form from the Community Prosecution program page of our website. For other questions or comments, please contact us through the information provided above.

Best regards,

David LaBahn
President
This term, the Supreme Court took many cases of interest to criminal justice practitioners. Most notably, the juvenile life without parole cases, *Miller v. Alabama* and *Jackson v. Hobbs*, which are expected to be some of the last opinions released before the Court concludes its term in June. When those opinions are released a notice will be up on APA’s website and the opinion will be briefed. In the meantime, this edition of the Washington DC Insider will provide a brief summary of notable criminal justice opinions already released. For full briefs, contact Staff Attorney Kelsey Doty at Kelsey.Doty@APAIrc.org.

The Court addressed the Fourth Amendment in a number of cases this term. In *United States v. Jones* they ruled the use of a GPS tracking device on a vehicle does implicate the Fourth Amendment and if used without the procurement of a warrant is a violation of Fourth Amendment rights. The Court reasoned that the placing of the device on defendant’s vehicle was a physical intrusion and trespass onto their property requiring a warrant. *Florence v. Board of Freeholders* asked the Court to decide whether a strip search was permitted for arrestees of minor offenses. Balancing the safety and security needs of correctional facilities against privacy concerns of detainees, the Court ruled that any rule requiring additional reasonable suspicion to strip search arrestees of minor offenses for contraband would be unworkable.

The Court ruled in *Perry v. New Hampshire* that the due process clause was not violated by the admission of an identification, even if suggestive in nature, if the police did not create the suggestive circumstances surrounding the identification. *Howes v. Fields* determined that for *Miranda* purposes, a prisoner is not automatically “in custody,” and whether *Miranda* rights should be given is determined by looking at all aspects of the questioning to determine whether the custodial nature of the interrogation presents a serious danger of coercion and if the subject felt free to terminate the questioning. *Rehberg v. Paulk* set down the rule that witnesses entitled to absolute immunity during a criminal trial are also entitled to that same immunity in grand jury proceedings.

The Court also heard a number of habeas related cases including *Missouri v. Frye* and *Lafler v. Cooper*, both relating to plea bargains, which ruled that the right to effective assistance of counsel does extend to the plea bargaining phase, as it is a “critical” stage in the criminal justice process and set out details for how a defendant must satisfy the two-prong *Strickland* test at this stage.
This spring, former Office of Justice Programs Director Assistant Attorney General Laurie Robinson stepped down. The Association of Prosecuting Attorneys would like to extend a generous thank you to her for all her hard work and dedication to the Department of Justice and for her support.

On March 1, 2012, Mary Lou Leary was appointed Acting Assistant Attorney General and new Director of the Office of Justice Programs. APA welcomes Ms. Leary to OJP and looks forward to working with her and her office to provide meaningful training and publications to the field. Director Leary has 30 years of criminal justice experience at the federal, state, and local levels, with an extensive background in criminal prosecution, government leadership, and victim advocacy. Before joining the Office of Justice Programs in 2009, where she was most recently Principal Deputy Assistant Attorney General, she was Executive Director of the National Center for Victims of Crime, a leading victim advocacy organization in Washington, D.C. She also served in leadership roles at the Office of the United States Attorney for the District of Columbia, holding posts as Principal Assistant United States Attorney, Senior Counsel to the United States Attorney, Chief of the office’s Superior Court Division, and United States Attorney. For more information on Acting Assistant Attorney General Mary Lou Leary, please visit http://www.ojp.usdoj.gov/about/leadership_mleary.htm.

The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP), Bureau of Justice Assistance is pleased to announce that it is seeking applications for the BJA Visiting Fellows Program. This program furthers the Department’s mission by bringing talent and expertise from the field to BJA to inform policy and practice and create new tools for the field to enhance practice and knowledge of effective and innovative approaches to priority criminal justice issues. The purpose of this program is to leverage state, local, or tribal subject-matter expertise to assess areas of need and to develop strategies, tools, and policies in collaboration with BJA staff for the benefit of the criminal justice field. For more information on eligibility and application deadline and procedures, please see http://apainc.org/html/12VisitingFellowsSol.pdf