

# LEX QUOD ORDO

ASSOCIATION OF PROSECUTING ATTORNEYS QUARTERLY NEWSLETTER | FALL 2013 VOLUME IV ISSUE II/III

WELCOME TO THE FALL 2013 EDITION OF LEX QUOD ORDO (LAW AND ORDER), THE ASSOCIATION OF PROSECUTING ATTORNEY'S (APA) QUARTERLY NEWSLETTER DEDICATED TO COMMUNITY PROSECUTION. THIS FALL HAS BEEN A BUSY AND EXCITING TIME HERE AT APA, AND WE LOOK FORWARD TO SHARING WITH YOU SOME OF OUR PROJECTS AND OTHER DEVELOPMENTS IN THE FIELD OF COMMUNITY PROSECUTION.

IN THIS EDITION, WE REVIEW HIGHLIGHTS FROM THE RECENT 8TH NATIONAL COMMUNITY PROSECUTION SUMMIT, HOSTED BY APA IN PARTNERSHIP WITH THE BUREAU OF JUSTICE ASSISTANCE (BJA) AND THE CENTER FOR COURT INNOVATION (CCI). THE SUMMIT, WHICH TOOK PLACE ON SEPT. 25-27TH IN PHILADELPHIA, PA, WAS A GREAT SUCCESS, BRINGING TOGETHER OVER 150 PROSECUTORS AND OTHER CRIMINAL JUSTICE PROFESSIONALS FROM AROUND THE NATION AND HIGHLIGHTING EXISTING INNOVATIVE COMMUNITY JUSTICE PROGRAMS THAT ARE REDUCING CRIME AND MAKING OUR COMMUNITIES SAFER. THE PROGRAM FEATURED AN ACCOMPLISHED GROUP OF FACULTY EXPERTS AND PRACTITIONERS, PROVIDING ATTENDEES WITH THE NECESSARY SKILLS AND KNOWLEDGE TO IMPLEMENT AND ENHANCE THEIR OWN COMMUNITY PROSECUTION STRATEGIES AT HOME. THE SUMMIT GENERATED IMPORTANT DISCUSSION AND FORGED POWERFUL NEW RELATIONSHIPS BETWEEN PROFESSIONALS THROUGHOUT THE COUNTRY WORKING TO STRENGTHEN LINKS BETWEEN THE CRIMINAL JUSTICE SYSTEM AND THE COMMUNITY.

THE SUMMIT ALSO PROVIDED THE OPPORTUNITY TO RECOGNIZE OUTSTANDING LEADERS IN THE FIELD OF COMMUNITY PROSECUTION. THIS YEAR, APA WAS PROUD TO HONOR PHILADELPHIA DISTRICT ATTORNEY SETH WILLIAMS AND COOK COUNTY, ILLINOIS ASSISTANT STATE'S ATTORNEY JOY REPELLA WITH INNOVATION IN COMMUNITY ENGAGEMENT (I.C.E.) AWARDS. WE WERE ALSO VERY EXCITED TO BESTOW THE INAUGURAL MICHAEL SCHRUNK CAREER ACHIEVEMENT AWARD UPON MULTNOMAH COUNTY, OREGON ASSISTANT DISTRICT ATTORNEY WAYNE PEARSON FOR HIS CONTRIBUTION TO THE FIELD OF COMMUNITY PROSECUTION. AS WAYNE PREPARES FOR HIS RETIREMENT,

IN THIS EDITION, HE OFFERS A REFLECTION ON HIS 23 YEARS AS A COMMUNITY PROSECUTOR. WE THANK WAYNE FOR HIS DEDICATION TO PUBLIC SERVICE, AND HIS OUTSTANDING CONTRIBUTIONS TO COMMUNITY PROSECUTION.

IN THIS EDITION, WE FEATURE AN ARTICLE HIGHLIGHTING ONE OF THE PROGRAMS FEATURED AT THIS YEAR'S SUMMIT, THE NOT IN OUR TOWN (NIOT) CAMPAIGN. FOR ALMOST TWO DECADES, NIOT HAS WORKED WITH DIVERSE COMMUNITY STAKEHOLDERS TO SPARK LOCAL ACTION TO STOP HATE AND PROMOTE SAFE, INCLUSIVE ENVIRONMENTS FOR ALL. NIOT UTILIZES MEDIA PROGRAMMING, ONLINE TOOLS, AND COMMUNITY ENGAGEMENT TO INCREASE KNOWLEDGE BUILD COMMUNITY PARTNERSHIPS TO RAISE AWARENESS AND HELP PREVENT HATE CRIMES. AS PART OF A NEW COLLABORATION WITH THE U.S. DEPARTMENT OF JUSTICE COMMUNITY ORIENTED POLICING SERVICES (COPS) OFFICE, NIOT IS NOW PARTNERING WITH PROSECUTORS TO ADDRESS COMMON CHALLENGES IN INVESTIGATING AND PROSECUTING HATE CRIMES.

THIS EDITION ALSO FEATURES AN ARTICLE ABOUT DENVER'S COLD CASE PROJECT, WHICH REACHED AN IMPORTANT MILESTONE LAST MONTH WHEN ITS 100TH DNA COLD CASE WAS FILED. A COLLABORATION BETWEEN THE DENVER DISTRICT ATTORNEY'S OFFICE, THE DENVER CRIME LAB, AND THE DENVER POLICE DEPARTMENT, THE DENVER COLD CASE PROJECT USES DNA TECHNOLOGY TO SUCCESSFULLY INVESTIGATE AND PROSECUTE COLD CASE CRIMES. THE PROJECT EXEMPLIFIES HOW A BETTER UNDERSTANDING OF SCIENCE AMONGST PROSECUTORS AND LAW ENFORCEMENT OFFICIALS CAN ENHANCE PUBLIC SAFETY.

AS ALWAYS, WE ENCOURAGE YOU TO REACH OUT TO US AT OUR WEBSITE, [WWW.APAINC.ORG](http://WWW.APAINC.ORG), CONNECT WITH US ON OUR FACEBOOK PAGE, AND FOLLOW US ON TWITTER.

SINCERELY,  
BOB HOOD  
DIRECTOR, COMMUNITY PROSECUTION & VIOLENT CRIME

# THE NOT IN OUR TOWN CAMPAIGN: HATE IS A COMMUNITY PROBLEM, NOT JUST A CRIMINAL JUSTICE ISSUE

By: Libby McInerny

Director, Strategic Partnerships and Campaign Development, Not In Our Town



For almost two decades, the Not In Our Town (NIOT) campaign has worked with diverse community stakeholders to spark local action to help stop hate and promote safe, inclusive environments for all. Through media programming, online tools, and community engagement, the message is clear: Hate crimes not only traumatize victims, they can terrorize the targeted population and have a devastating effect on the entire community. Don't wait for a hate crime to occur to increase knowledge and build partnerships within your community. As part of a new collaboration with the U.S. Department of Justice Community Oriented Policing Services (COPS Office), NIOT is now partnering with prosecutors to address common challenges in investigating and prosecuting hate crimes.

## Origins of Not In Our Town

When a series of hate crimes targeted Native American, African-American and Jewish residents in Billings, Montana, residents stood together and sent a strong message that hate would not be tolerated in their

community. Not In Our Town's 1995 public television special about the events inspired hundreds of communities across the country to host screenings, and launched a national network of individuals and groups committed to confronting hate. Since then, NIOT has produced additional PBS films, short online videos, action guides, lesson plans, and other tools to promote and support local action. The project website, [www.niot.org](http://www.niot.org), provides essential resources and connects a powerful network.

## New Film Profiles a Prosecutor

The "Not In Our Town: Working Together for Safe, Inclusive Communities" initiative with the COPS Office is designed to help law enforcement and community partners prevent hate crimes, improve hate crime reporting, and address underlying tensions that can lead to violence. Attendees of APA's National Community Prosecution Summit in Philadelphia got a preview of the project's film profiling San Francisco Assistant District Attorney and Hate Crimes Prosecutor Victor Hwang, *Case Against Hate: A Prosecutor's Stand*. In a workshop also featuring APA faculty member and Cook County (IL) Assistant State's Attorney Joy Repella and San Francisco District Attorney George Gascón, NIOT Executive Producer/CEO Patrice O'Neill discussed the importance of pursuing hate crime prosecutions and shared best practices from ADA Hwang.

A community activist and civil rights attorney, Hwang joined the San Francisco D.A.'s office after years of representing victims of hate. He has helped double the city's prosecutions of hate crimes and raised their conviction rate. The reticence by juries and judges to convict on hate charges doesn't discourage Hwang from pursuing hard-to-win cases.



He has witnessed the social fallout when hate violence is not addressed – and has seen how victims and their communities can move toward healing when hate is named and these crimes are vigorously investigated and prosecuted.

*Case Against Hate: A Prosecutor's Stand* examines cases involving attacks on Latino immigrants; a transgender woman; and a homeless African-American man. The film serves as a launchpad for agency trainings and public dialogues co-hosted with law enforcement and community partners. Best practices ADA Hwang advocates include:

#### Law Enforcement:

1. Be proactive in community outreach, especially to communities not used to working with police.
2. Establish a Hate Crimes Unit, including a point of contact for the D.A. and the public.
3. Form a Law Enforcement-Community Coalition to discuss ongoing prosecutions (as appropriate) and community concerns.
4. Form a Regional Hate Crimes Task Force, including local and federal agencies, parole, and community groups.
5. Work closely with Victim Witness Units, even when no perpetrator is identified, to ensure the victim's needs are addressed.

#### Community Partners:

1. Conduct outreach and education about hate crimes, so everyone understands the importance of documenting and reporting what may have been said during an incident.
2. Organize and react when a hate crime occurs. Support victims in your community and build bridges with other communities.
3. Work with Law Enforcement to help supply the context for assessing whether cases should be charged as hate crimes.
4. Be prepared to call 911, report details, and bear witness.
5. Intervene early to address the build-up of a hostile environment and/or support a victim.



*Case Against Hate: A Prosecutor's Stand* will be available for agency trainings and community screenings beginning January 2014 on the project's website at [www.NIOT.org/COPS](http://www.NIOT.org/COPS). For more information or for assistance scheduling a screening, please contact [mgkloss@niot.org](mailto:mgkloss@niot.org).

## DENVER FILES 100TH COLD CASE – ANOTHER MURDER SOLVED

By: Alexandra Kirton

Communications Assistant, Denver District Attorney's Office

Patricia Beard was a 32-year-old Denver mother found brutally murdered in her bedroom in 1981. Ironically, it was another 32 years before her family would learn the name of the man finally accused of killing her.

The Denver Cold Case Project reached an important milestone last month when its 100th DNA cold case was filed. Denver District Attorney Mitch Morrissey formally charged a 53-year-old man in connection with Patricia's murder and sexual assault. The case highlights the importance of cold case work and is the result of years of groundbreaking work by the Denver Police Department, the Denver Crime Lab and the Denver District Attorney's Office.

"Detectives, scientists, and my staff have worked tirelessly to solve this and other crimes—and have done an unbelievable job," said Morrissey. His knowledge about DNA and the criminal justice system has helped make Denver a national leader in the expanding use of DNA technology to investigate and prosecute cold cases.

This milestone is part of a journey that began in 2004 and has continued in recent years with grant funds from the Department of Justice. The Denver Cold Case Project breathes new life into unsolved cases. Criminals who thought they had gotten away with their crime may find technology and persistence have caught up with them. And victims, who thought their attacker might never be caught, have new hope.

Investigations begin with a group of highly committed Denver police detectives reviewing unsolved homicide and sexual assault cases. They have reviewed more than 5,500 cases to date that still contained biological evidence. After further review by forensic scientists at the Denver Crime Lab, those samples containing DNA are processed and the DNA profile is uploaded to the CODIS database. A match to a profile already in the database will give detectives a new lead and the opportunity to use traditional methods to further investigate the case.



In some cases, detectives are able to arrest a suspect within days of a CODIS hit, as was the case with Patricia Beard's suspected killer. The timeliness of the results and ability to take quick action can have a substantial impact on the safety of the community by getting serial rapists and murderers off the streets before they can harm other victims. Other CODIS hits may take much longer to investigate.

Victim services are another important element of the cold case project. The Denver Police Department and the DA's Office provide vital support and advocacy to victims and surviving victim family members, who are often shocked by news of a cold case arrest. Special services have been created to provide victims with resources that ensure their safety and well-being, including Victim Compensation funds, as well as connections to community-based agencies. District Attorney Morrissey has helped create a protocol that addresses the special needs of cold case victims, like Patricia's family, which is nationally recognized as the first in the nation.

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The Denver Cold Case Project has now submitted more than 400 DNA profiles to the CODIS database. The resulting matches have enabled Denver prosecutors to file their 100th cold case, which is twice as many as anywhere in the world.

The triangle of collaboration between the Denver Police Department, the Denver Crime Lab and the Denver District Attorney's Office is the foundation for the Denver Cold Case Project to be a model for future cold case investigations in the United States and abroad. The work of these agencies has brought violent, serial offenders to justice after years of undeserved freedom but more importantly has made a difference in the lives of victims and family members who thought they had been forgotten.

## **LOOKING BACK: REFLECTIONS ON A CAREER IN COMMUNITY PROSECUTION**

**By: WAYNE PEARSON**

**ASSISTANT DISTRICT ATTORNEY, MULTNOMAH COUNTY, OR**

The Association of Prosecuting Attorneys is pleased to annually recognize and honor those individuals and organizations which excel at prosecutorial innovation by hosting the Innovations in Community Engagement (I.C.E) Awards. This year's awards hosted by Target were held at the 8th National Community Prosecution Summit reception at R2L in Philadelphia, Pennsylvania. The 2013 Honorees included Philadelphia District Attorney Seth Williams and Cook County, Illinois Assistant State's Attorney Joy Repella and Multnomah County, Oregon Assistant District Attorney Wayne Pearson, who was the first recipient of the Michael Schrunk Career Achievement Award. The field of Community Prosecution would not be what it is without Wayne's service and efforts. As Wayne prepares for his retirement he reflects on his 23 years as a community prosecutor, the future of the field and the special meaning the award has for him.

*In Wayne's words:*

After receiving this award, I suppose it was natural to reflect on the 23 years I had spent as a Community Prosecutor. In fact I remember my first day meeting with a group of community members to better understand their real or perceived public safety and liveability issues. As it turned out, all of my crime statistics spoke to issues that were not on their list. In that moment I realized that my service to them would have to be different from any traditional prosecutorial services I had provided to the public in my entire career.

They didn't necessarily want prosecution for a variety of reasons; they wanted the issues associated with problem people, problem places or problem crimes fixed. If that wasn't a tall enough order, they wanted to participate in a problem solving partnership to those ends. All these years later, my assigned geographic area has faced virtually all forms of public safety and

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and liveability issues from serious gang violence, thru drug dealing/use, to public and private right of way disorder. Each problem found its own unique solution. With each solution, the majority of which did not involve prosecutions, I became more intrigued by the vast array of as yet unknown solutions to the public safety issues each diverse community faces each day.

I will retire from the Multnomah County DA's Office in January but have no intention of retiring from the national dialog on Community Prosecution. In my work with APA speaking at summits, conferences and workshops, and providing on-site technical assistance, it is clear to me that there is not a standard Community Prosecution format that works internally for all offices. Notwithstanding, it is my hope moving forward that the many different Community Prosecution formats throughout the nation not lose sight of the one point of beginning that separates Community Prosecution from all other prosecutorial services; the early and continuous involvement of the community. They know what they see and what they fear. They know what will and will not make their communities more liveable. Their individual concerns, interests and tolerances will be different with each community. By participating in the process, they understand the strategies and expand the resources available to the partnership. They know when success, by their definition, has been achieved and will become a Community Prosecutor's strongest and most vocal supporter.

I would like to again thank APA for this award which is especially meaningful because it was named after my boss, former Multnomah County District Attorney Michael Schrunk, who brokered the position of Neighborhood DA in 1990 and sent me out with a simple mission: Do the right thing for the right reason. Over the years, with his guidance and participation, Community Prosecution in its many forms achieved relevance in the ongoing discussions regarding modern day prosecutorial functions. I am pleased to have also been a part of that process.

*Wayne Pearson is a long standing Oregonian who graduated from Oregon State University and Willamette University College of Law. In October 1972, Mr. Pearson was hired by the Multnomah County District Attorney's Office as a deputy district attorney and since then he has been involved in adult criminal prosecution litigation. In November 1990, District Attorney Michael D. Schrunk tapped Wayne to set up the Neighborhood District Attorney Pilot Project in the Lloyd District. Wayne is married with three children and five grandchildren. He and his family enjoy skiing and hiking.*

Association of Prosecuting Attorneys

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