

STRATEGIES

The Prosecutors' Newsletter on Violence Against Women



ÆQUITAS

Established to Promote Justice in Violence Against Women Prosecution

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INTRODUCTION

The criminal justice system is a critical resource for victims of sexual assault, domestic violence, stalking, and dating violence. If it is ineffective or indifferent to victims, they may be left vulnerable while offenders are not held accountable, communities become less safe, and justice is not achieved.¹ In criminal prosecutions, justice is traditionally equated with obtaining a conviction while vigorously safeguarding a defendant's rights. As experienced prosecutors recognize, the concept of justice must also consider the victim's safety, experience, and perspective.

ACHIEVING JUSTICE

"But justice, though due the accused, is due the accuser also. The concept of fairness must not be strained till it is narrowed to a filament. We are to keep the balance true."
Justice Benjamin N. Cardozo, Snyder v. Massachusetts, 291 U.S. 97 (1934).

Sexual assault, domestic violence, stalking, and dating violence are complex crimes that require an informed criminal justice response that considers and accounts for the effect of collateral consequences on victims. All too often, the criminal justice response produces

UPCOMING AEQUITAS TRAINING EVENTS

NATIONAL INSTITUTE ON THE PROSECUTION OF SEXUAL VIOLENCE

December 1-4, 2009 in Miami, FL

This Institute is presented in partnership with the Pennsylvania Coalition Against Rape and the U.S. Department of Justice Office on Violence Against Women.

Seating is limited, so please apply early.

This course is open to all prosecutors and attendance is free of charge; however, priority will be given to OVW grantees.

There is no limit to the number of attendees from any jurisdiction.

Applicants will be notified of acceptance by email on or before the application deadline of October 30, 2009.

NATIONAL INSTITUTE ON THE PROSECUTION OF DOMESTIC VIOLENCE

January 12-15, 2010 in Dallas, TX

This Institute is presented in partnership with the Battered Women's Justice Project and the U.S. Department of Justice Office on Violence Against Women. Seating is limited, so please apply early. This course is open to all prosecutors and attendance is free of charge; however, priority will be given to OVW grantees. There is no limit to the number of attendees from any jurisdiction. Applicants will be notified of acceptance by email on or before the application deadline of December 4, 2009.

outcomes for victims that leave frustrated – and at times outraged – prosecutors, allied professionals, and victims asking: “Has justice been achieved?” For example, it cannot be said that justice has been achieved when a domestic violence abuser is vigorously prosecuted, but his wife and children are left homeless, without health care or in greater danger. Nor is justice achieved when a sexual assault victim’s behavior and judgment become the focus of an investigation or a trial, while a judge and jury minimize or overlook the offender’s crimes. Justice also is not achieved when sexually exploited women and youth enter the criminal justice system – either as victims or as defendants charged with prostitution – and they are imprisoned or punished, while the criminals who victimized them are ignored because their crimes are minimized.

Prosecutors play a critical role in the criminal justice response.² The prosecution of violence against women is difficult, requiring not only hard work and strong trial skills, but also an acute understanding of the impact of these crimes on victims. Even in well-funded offices, prosecutors assigned to prosecute sexual assault, domestic violence, stalking, and dating violence often labor under heavy caseloads with insufficient resources. They may not have had access to the specialized training, experience, mentoring and, at times, leadership to ensure they identify and develop proper standards to guide their decisions and respond to emerging legal issues. For example, aggressive and frequently belligerent courtroom attacks against victims often prevail because they exploit inherent societal myths surrounding violence against women. Unique strategies and legal tactics, as well as a high level of collaboration with law enforcement, medical and mental health professionals, victim advocates, and agencies providing culturally and linguistically specific services are required for success in these cases.

OUR MISSION

In order to provide the nation’s prosecutors with the support, information, training, mentorship, and resources necessary to objectively evaluate and constantly refine the prosecution of violence against women, several former prosecutors, a forensic nurse examiner and two national technical assistance providers created AEQUITAS: *The Prosecutors’ Resource on Violence Against Women*.

AEQUITAS’ name originates from the Roman goddess representing equity and fairness. “In its most general sense, AEQUITAS means equality or justice; in its most technical sense it means a system of law or a body of connected legal principles, which have superseded or supplemented the common law on the ground of their intrinsic superiority.”³

AEquitas was created through funding from the U.S. Department of Justice, Office on Violence Against Women (OVW). It is a partnership between OVW, the Pennsylvania Coalition Against Rape (PCAR), and the Battered Women's Justice Project (BWJP). In the spirit of promoting a coordinated response to violence against women, AEquitas will collaborate with national, state, and local advocates and agencies to encourage a victim-centered response to these cases while giving prosecutors the tools they need to succeed in court. AEquitas will also partner with forensic healthcare professionals, law enforcement, the judiciary, and other organizations representing allied professionals to ensure the proper collection and preservation of evidence, effective use of expert witnesses, and to improve results in the criminal justice system in order to more effectively prosecute offenders.

AEquitas' staff is comprised of former prosecutors and a forensic nurse examiner with expertise in sexual assault, domestic violence – including child witnessing – stalking, and dating violence. AEquitas also has an in-house communication and operations manager with expertise in conference and event planning, program and office administration, marketing, database management, and Continued Legal Education (CLE) reporting.

Each staff member has a history of collaborating with state, federal and tribal governments and nongovernmental agencies to create a more nuanced and refined criminal justice response to violence against women. AEquitas and its partners are committed to encouraging prosecutors throughout the country to build strong partnerships with their law enforcement, medical, and victim advocacy organizations to achieve justice for victims and the communities they serve.

Regional AEquitas offices will enable staff to maintain and create close working relationships with prosecutors' offices, prosecutor associations, STOP grant administrators, and allied professionals in their geographic regions, while monitoring emerging issues and promising practices across the country. Regional offices are currently located in Philadelphia, Pennsylvania; Milwaukee, Wisconsin; Cleveland, Ohio; and Colorado Springs, Colorado with a headquarters office in Washington, DC.

At this time, AEquitas is working with the Evelyn Jacobs Ortner Center on Family Violence in the School of Social Policy and Practice at the University of Pennsylvania in Philadelphia, PA. In September, Attorney Advisor, Christopher Mallios, will be co-located in the Ortner Center where he will collaborate with staff on publications and national, state, and local trainings. Working with the Ortner Center, he will be able to both inform research on violence against women prosecution and incorporate it into AEquitas resources. His location at the University of Pennsylvania will further facilitate the collaboration of students within different disciplines (e.g., law, social work, medical, business, criminal justice, and psychology) and encourage them to recommend and participate in a multi-disciplinary approach to violence against women, in their future work. In addition, students who may not enter professions directly related to the prosecution of violence against women, will participate in prevention, and graduate with a better understanding of the relevant issues and how to inform the public dialogue.


TRAINING AND TECHNICAL ASSISTANCE

Through one-to-one case consultation, technical assistance, and mentoring,

AEquitas staff will promote a contextual, rather than uniform, approach to violence against women and develop a deeper and more meaningful understanding of these cases to increase the number of successful prosecutions. Staff will work to increase understanding and awareness of issues significant in violence against women cases. AEquitas staff also will work with prosecutors to enhance their trial skills by enabling them to better identify and use forensic and medical evidence; identify and make use of forensic, medical, and mental health experts; and use this information to better educate judges and juries.

AEquitas staff will provide direct support to prosecutors and allied professionals through legal research; condensed or state-specific training events and webinars; as well as identification and recommendation of individual experts. In addition, AEquitas staff will publish articles, monographs, and other resources on topics relevant to the prosecution of sexual assault, domestic violence, stalking, and dating violence. Issues of the AEquitas newsletter, STRATEGIES, will address specific substantive topics in the area of violence against women prosecution, discuss emerging issues faced by prosecutors and allied professionals, and present effective practices to overcome these obstacles. Many of the topics highlighted in the STRATEGIES newsletter will be accompanied by live webinars during which professionals will be able to directly address the needs in their jurisdictions.

AEquitas and its partners will host several national training events including: the National Institute on the Prosecution of Domestic Violence (NIPDV) in partnership with BWJP and the National Institute on the Prosecution of Sexual Violence (NIPSV) in partnership with PCAR. Both courses are tuition-free and scholarships for travel-related costs may be available to help prosecutors

minimize the impact the economy has had on their ability to attend trainings. AEquitas is also developing two new courses: the Prosecution of Sexual Assault in P.L. 280 Jurisdictions and the Prosecution of Domestic Violence Homicide Cases. 

FOOTNOTES

- ¹ See *Berger v. United States*, 295 U.S. 78, 88 (1935) (stating, a prosecutor's interest "in a criminal prosecution is not that [he or she] shall win a case but that justice shall be done.").
- ² Robert H. Jackson, U.S. Attorney General, The Federal Prosecutor: Address Before U.S. Attorneys Serving in Federal Judicial Districts at Second Annual Conference on U.S. Attorneys (April 1, 1940)(transcript available at <http://www.roberthjackson.org/Man/theman2-7-6-1/>), reprinted in 31 JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY 3-6 (1940), and in 24 JOURNAL OF THE AMERICAN JUDICATURE SOCIETY 18 (1940).
- ³ Online Encyclopedia, http://encyclopedia.jrank.org/EMS_EUD/EQUITY_Lat_aequitas_.html (last accessed Aug. 21, 2009).



www.AEquitasResource.org