

National District Attorneys Association Newsclips

January 26, 2012

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Clip Synopses and Links

New York Times

Op-Ed Columnist: How Pimps Use the Web to Sell Girls

The episode also shines a spotlight on how the girl was marketed — in ads on Backpage.com, a major national Web site where people place ads to sell all kinds of things, including sex. It is a godsend to pimps, allowing customers to order a girl online as if she were a pizza.

Lauren Hersh, the ace prosecutor in Brooklyn who leads the sex-trafficking unit there, says that of the 32 people she and her team have prosecuted in the last year and a half — typically involving victims aged 12 to 25 — a vast majority of the cases included girls marketed through Backpage ads.

“Pimps are turning to the Internet,” said Hersh. “They’re not putting the girls on the street so much. Backpage is a great vehicle for pimps trying to sell girls.”

Craigslist backed out of this sector after public protests. Pimps then moved to Backpage.com, which is owned by Village Voice Media, owners of The Village Voice weekly newspaper.

Attorneys general from 48 states wrote a joint letter to Backpage, warning that it had become “a hub” for sex trafficking and calling on it to stop running adult services ads. The attorneys general said that they had identified cases in 22 different states in which pimps peddled underage girls through Backpage.

While there are no reliable figures for human trafficking, the more we look, the more we find. The Brooklyn district attorney, Charles J. Hynes, says that in the year before he set up a sex-trafficking unit in June 2010, his office prosecuted no trafficking cases. Since then, the office has become a national model, indicting 32 people, with 10 convictions and no acquittals so far.

<http://www.nytimes.com/2012/01/26/opinion/how-pimps-use-the-web-to-sell-girls.html>

St. Louis Today

Missouri Authorities Navigate Castle Doctrine

He knew they would be back. So, he called police to report the burglary, but he also armed himself with his 9 mm pistol and slept in a chair in the front room that night. And when three people broke in about 3 a.m., Whitfield shot one of them, leaving the man dead on the kitchen floor.

Police investigated the shooting, but Whitfield never really faced the prospect of prosecution. Missouri’s expanded self-defense law, passed in 2007 and known as the castle doctrine, not only protected him from being charged but meant he couldn’t be sued over his actions that night.

Whitfield’s case is just one example of homeowners taking action against intruders — and burglars dying at the hands of those homeowners. Supporters say the law is working, but not all cases are clear-cut, and authorities have struggled with the evolving law and increasing numbers of shootings that seem to fall under it.

Within 72 hours in September, two burglars were fatally shot in homes on opposite ends of St. Louis. Police said both homeowners were justified. And in early December, an off-duty Beverly Hills detective who lives in St. Louis shot a burglar to death under nearly identical circumstances.

In total, there were seven fatal shootings that involved the castle doctrine or other self-defense laws in St. Louis last year, compared with two in 2010.

St. Louis police are changing how they handle apparent justifiable homicide cases in response to the spate of such shootings.

In the past, detectives and supervisors in the St. Louis Police Department's homicide unit who thought a homicide was justified would call prosecutors to run it by them, to make sure they agreed.

http://www.stltoday.com/news/local/metro/missouri-authorities-navigate-castle-doctrine/article_aa8bd816-50e5-552c-b8dd-2f6fdb79f8c6.html

Fox News

Judge Reportedly Orders Colorado Woman To Decrypt Laptop

A judge has reportedly ordered a Colorado woman to decrypt her laptop computer so prosecutors may use the files against her in a criminal case involving alleged bank fraud. The defendant, Ramona Fricosu, had unsuccessfully argued that being forced to do so would violate the Fifth Amendment protection against compelled self-incrimination, Wired reports.

“I conclude that the Fifth Amendment is not implicated by requiring production of the unencrypted contents of the Toshiba Satellite M305 laptop computer,” Colorado U.S. District Judge Robert Blackburn ruled Monday.

The case is being closely watched by civil rights groups, Wired reports, as the issue has never been fully considered by the Supreme Court. Authorities seized the laptop from Fricosu in 2010 with a court warrant while investigating financial fraud.

<http://www.foxnews.com/scitech/2012/01/24/judge-reportedly-orders-colorado-woman-to-decrypt-laptop>

Rapid City Journal

Missing, Dead Children Bill Passes SD Senate Panel

Lawmakers in South Dakota want parents or guardians of a missing or dead child to file a report within a short time frame or else face prosecution.

The Senate Judiciary Committee passed a bill Tuesday that gives parents or guardians 48 hours to report a missing child or else face a misdemeanor charge. Those who knowingly fail to report a death within six hours could face a felony.

South Dakota Attorney General Marty Jackley said the bill is modeled after “Caylee’s Law,” which is based on the high-profile case of 2-year-old Caylee Anthony and is still

passing through the Florida Legislature. Anthony's mother didn't report her missing for a month.

http://rapidcityjournal.com/news/state-and-regional/missing-dead-children-bill-passes-sd-senate-panel/article_22aed581-c5e7-5949-afc4-5c227d35ee58.html

Rapid City Journal

SD Senator: No Reporting Deadline For Rape Victims

A South Dakota senator is proposing a bill that would eliminate the statute of limitations for rape cases in the state.

Republican state Sen. Mark Johnston of Sioux Falls says rape is one of the most vile things a human being can do to another person and says there should be no limit for prosecuting the crime.

Currently, South Dakota prosecutors can only charge a suspect in a rape case up to seven years after the crime was committed or until the victim is 25, whichever is longer.

http://rapidcityjournal.com/news/state-and-regional/sd-senator-no-reporting-deadline-for-rape-victims/article_3dfea97f-490e-5fdf-964d-1320c91e2151.html

Deseret Morning News

Bill Allowing Some Sex Offender Off Register Early Approved

A bill that would allow a limited group of offenders to petition a court to get off Utah's sex offender registry after five years was approved Tuesday by the Utah House Judiciary Committee on an 8-4 vote.

Rep. Jack Draxler, R-North Logan, who is sponsoring HB13, said it gives those convicted of the "two least egregious (sexual) offenses" a chance to get off the state registry if a judge determines they're no longer a threat to society.

"I am trying to bring some opportunity for redemption from someone who's really paid the price and tried to get their life back in order," Draxler told committee members.

But other legislators expressed concerns that many who might be eligible under the proposal would be more serious offenders whose charges had been reduced by plea arrangements. Others worried that victims would be unnecessarily re-victimized.

<http://www.deseretnews.com/article/700218666/Bill-allowing-some-sex-offender-off-register-early-approved.html>

The Olympian

Legislature's Next Hot Topic: Death Penalty

Add another controversial social issue to the Legislature's growing agenda: Abolishing the death penalty.

Supporters of that cause will convene in Olympia Wednesday to rally behind Sen. Debbie Regala and other lawmakers trying to end capital punishment in Washington.

Regala knows what it's like to want justice for a violent crime. The Tacoma Democrat said her brother-in-law was killed in 1980 and his body dumped in a Seattle park. The killer was never found, she said.

Her proposal's prospects seem dim this year, especially in a key House committee. Tacoma Rep. Steve Kirby says he will withhold his vote, effectively blocking it unless his fellow Democrats can persuade a Republican to join them.

<http://www.theolympian.com/2012/01/25/1963074/legislatures-next-hot-topic-death.html>

The Olympian

Collect DNA Upon Arrest?

House Bill: Supporters say it would help reduce crime; others worry about privacy

Lawmakers are considering collecting DNA when individuals are arrested, rather than convicted, for some crimes – a proposal opponents say is unconstitutional and supporters say would prevent violent crime.

House Bill 2588 would require law enforcement to collect DNA from those arrested for major felonies and some gross misdemeanors. The DNA would be entered into a state database.

Currently, samples are taken only after a defendant has been convicted of a felony or qualifying gross misdemeanor such as stalking or violating a sexual-assault protection order.

Supporters say the new measure would stop serial criminals such as Anthony Casper Dias, who was convicted of multiple counts of rape, burglary and robbery in Pierce and King counties in 2008. For his Pierce County crimes alone, he received a sentence of 227 years in prison.

<http://www.theolympian.com/2012/01/25/1962901/collect-dna-upon-arrest.html>

Charleston Daily Mail

Group Approves Tougher Child Abuse Laws

Committee unanimously approved legislation to toughen the state's child abuse reporting laws Tuesday, moving the bill to the full Senate for passage.

Passed by a voice vote of committee members, the bill expands the categories of people who are required by law to report any suspected child abuse or neglect and increases the penalties for those who fail to do so.

The bill came about as lawmakers re-examined the state's child abuse reporting laws following the recent sexual abuse scandal that rocked Penn State University.

"We want to make sure that the law is clear that if someone is aware of sexual abuse of a kid, they have to report it," said Judiciary Chairman Corey Palumbo, D-Kanawha.

<http://www.dailymail.com/News/statehouse/201201240234>

The Star-Ledger (Newark)

Opinion: Gov. Chris Christie Makes Compelling Case For Denying Bail To Repeat Offenders

Not surprisingly, the proposal for an income tax rate cut and the forceful reiteration of the need for a dramatic and fundamental change in the state's public education system attracted most of the attention, but the more compelling part of Gov. Chris Christie's State of the State address last week was his call for denying bail to violent repeat offenders and keeping them jailed until trial.

Compelling, because it was a response to a plea from a woman who lives in Newark and who — along with her neighbors — asked the governor for help in confronting violent street crime, including gunplay, in the city.

http://www.nj.com/times-opinion/index.ssf/2012/01/opinion_gov_chris_christie_mak.html

Fairbanks Daily News-Mirror

Alaska Lawmakers Seek To Cut Crime, Costs

As the Alaska criminal justice system reaches its limits, lawmakers in Juneau are hearing new ideas on ways to cut crime rates and reduce the cost of handling criminals.

A crime summit, which finished Wednesday, included presentations from experts, local law enforcement officers and administrators of various state agencies. They floated ideas ranging from school education to community involvement.

The Department of Corrections estimates Alaska's prison population will exceed prison capacity in 2015, and costs continually rise.

http://newsminer.com/view/full_story/17296641/article-Alaska-lawmakers-seek-to-cut-crime--costs

Los Angeles Times

California Attorney General Says DNA Backlog Is Gone

The California Department of Justice will be able to analyze routine DNA evidence in only 30 days, up to four times faster than before, Atty. Gen. Kamala D. Harris announced Wednesday.

Officials whittled down the backlog by shifting cases among the state's seven crime labs that handle DNA testing. In addition, robotics helped reduce part of the process for analyzing sexual assault evidence from two days to two hours.

Last year the labs analyzed 5,400 evidence samples, up from 4,800 in 2010 and 4,100 in 2009, according to the department. The state is responsible for processing DNA evidence for prosecutions in 47 of California's 58 counties.

<http://latimesblogs.latimes.com/california-politics/2012/01/california-dna-evidence-attorney-general.html>

The News-Journal (New Castle-Wilmington)

Bath Salts Ban Permanent

Markell signs into law bill prohibiting sale, possession of designer drugs

Gov. Jack Markell on Wednesday signed into law a bill banning the possession and sale of the designer drugs known as bath salts.

The signing of Senate Bill 160 made permanent an emergency ban passed in late September following a rash of violent incidents linked to the drug.

Bath salts, so-called because they resemble actual bath salts, are a combination of up to three synthetic compounds -- mephedrone, methylene and methylenedioxypropylone. They are similar to the chemical found in the Khat plant, which is chewed by people around the world for a mild stimulant boost.

Use of bath salts can cause what medical experts have described as violent and erratic behavior. The drug has been linked to the stabbing death of New Castle County Lt. Joseph Szczerba last year.

<http://www.delawareonline.com/article/20120126/NEWS02/201260340/Bath-salts-ban-permanent>

The Miami Herald

Private-Prisons Bill Advances In Florida Senate

Lawmakers in committee voted 13-5 to put the privatization of 30 lockups across the southern end of the state on the fast track despite concerns of unions and lobbyists.

As emotions run high, lawmakers are again fast-tracking privatization of South Florida prisons while the state rushes to shut down seven others, an economic and political one-two punch that is creating anger and anxiety statewide.

The Senate Budget Committee voted 13-5 Wednesday to fast-track privatization of prisons in the southern tier of the state. Correctional officers who were not allowed to testify shouted “Shame, Shame!” as security personnel hovered near lawmakers.

Republican lawmakers are determined to overcome a judge’s rejection of last year’s privatization plan and pass a plan that can survive legal scrutiny. The current proposal, which would amount to the largest expansion of prison privatization in the country, would replace the state with for-profit vendors at 30 prisons in 18 South Florida counties. Only the South Florida Reception Center in Miami-Dade County, a point of entry for inmates, would remain state-run.

<http://www.miamiherald.com/2012/01/25/2608357/private-prisons-bill-advances.html>

The Athens Banner-Herald

State Supreme Court Justice Calls For Reform Of Juvenile System

Georgia should overhaul its juvenile justice system in the same way state leaders have proposed focusing more heavily on rehabilitating rather than jailing nonviolent adult offenders, state Supreme Court Chief Justice Carol Hunstein told lawmakers Wednesday.

Hunstein said in her annual State of the Judiciary address that putting nonviolent youth offenders into juvenile jails increases the likelihood they will commit crimes in the future, wastes public money and exposes them to violence and abuse. State funding cuts

have limited access to mental health and child welfare services along with group homes, Hunstein said. As a result, she said juvenile judges sometimes face the choice of sending young offenders to lock-up facilities or sending them home “to get nothing at all.”

She cited statistics from the Department of Juvenile Justice showing that in the past three years, nearly two-thirds of the roughly 10,000 incarcerated young people have substance abuse problems. More than one-third had mental health problems.

<http://onlineathens.com/local-news/2012-01-25/state-supreme-court-justice-calls-reform-juvenile-system>

The Athens Banner-Herald

Bill Proposed To Erase Drunk Driving Convictions

People convicted of drunk driving who stay out of serious motor vehicle trouble for five years could have their records wiped clean under a bill proposed in Georgia.

Rep. Culver “Rusty” Kidd has sponsored legislation allowing people to erase a conviction for drunk driving if they do not commit another motor vehicle offense that would put penalty points on their license for five years after their conviction.

<http://onlineathens.com/local-news/2012-01-25/bill-proposed-erase-drunk-driving-convictions>

The Courier-Journal (Louisville)

Kentucky Lawmakers Weigh Execution Halt, Task Force

Executions in Kentucky could be halted for a year or more if lawmakers decide to form a task force to study how the system works and correct problems with how death penalty cases are handled, legislators said Wednesday.

Members of the House Judiciary Committee said the proposal likely will be dealt with during the current legislative session, but the details of who would be on the task force and how long executions would be delayed remain unresolved.

The task force idea, though, drew the backing of both death penalty supporters and opponents who heard testimony that 64 percent of death sentences in Kentucky since 1976 have been overturned.

<http://www.courier-journal.com/article/20120125/NEWS01/301250117/Kentucky-lawmakers-weigh-execution-halt-task-force>

The Times Picayune

Failure To Tell Police About Child Abuse Would Be A Felony In Bill

Failure to report an act of child abuse would become a felony crime under legislation filed for the March 12 session of the Louisiana Legislature by a New Orleans lawmaker.

Senate Bill 4, by Democratic Sen. J.P. Morrell, would set a maximum fine of \$10,000, a jail sentence of five years or both for violators.

Morrell said his bill is an outgrowth of the ongoing investigation of sexual abuse involving former Penn State assistant football coach Jerry Sandusky, who is accused of abusing young boys for years without being reported.

http://www.nola.com/politics/index.ssf/2012/01/failure_to_tell_police_about_c.html

Missoulian

Circuit Court: Montana Juveniles Can Be Ordered To Register As Sex Offenders

A federal appeals court ruled Wednesday that juveniles whose identities otherwise would be protected can be required to publicly register as sex offenders.

The 9th U.S. Circuit of Appeals denied the argument by three males in Montana who said lower-court judges should not have sentenced them to register as offenders for sex crimes committed when they were children.

The defendants, in a consolidated appeal of three separate cases, cited the confidentiality provisions of the Federal Juvenile Delinquency Act. Those provisions are safeguards meant to help the child avoid the stigma of a past criminal conviction and to encourage treatment and rehabilitation.

The panel of three appellate judges said those provisions don't apply to children 14 and older when it comes to sex offender registration. Congress intended to exclude certain juveniles from confidentiality when it created the Sex Offender Registration and Notification Act, or SORNA, the judges ruled.

Juvenile justice advocates say the ruling is the first of its kind. Advocates say the decision is short-sighted and represents an erosion of confidentiality protections given to youth offenders who are generally unlikely to repeat their offenses.

http://missoulian.com/news/state-and-regional/circuit-court-montana-juveniles-can-be-ordered-to-register-as/article_5926abf4-47b5-11e1-8d6d-0019bb2963f4.html

The Virginian-Pilot

Bill Ending Limit On Gun Purchases Advances

Virginia colleges' authority to ban guns on campus appears safe for another year, but a state law that limits handgun purchases to one a month might be on its last legs.

Measures to nix that rule, change criminal background checks for certain gun purchases, and override campus gun restrictions were among those before the Senate Courts of Justice Committee on Wednesday.

Previously a killing field for gun rights bills, the panel now run by Republicans was more receptive, including the effort to repeal limitations on some gun buyers.

<http://hamptonroads.com/2012/01/bill-ending-limit-gun-purchases-advances>

Charleston Daily Mail

A Sensible Approach To Reducing Meth Labs

Electronic tracking of purchases targets criminals, not cold sufferers

West Virginia has a meth lab problem. People home-brew methamphetamine using toxic substances that can lead to chemical contamination, fires and explosions.

Rival plans are now before legislators to prevent drug abusers from buying cold remedies that contain pseudoephedrine to make methamphetamine.

One strategy would require cold sufferers to get prescriptions for over-the-counter cold medicines containing pseudoephedrine. The other plan would stop only suspicious purchasers.

Gov. Earl Ray Tomblin favors the latter plan. He would make West Virginia the 20th state to use the NPLEx, a real-time tracking system that can stop drug abusers' purchases of pseudoephedrine.

Pharmaceutical companies would provide the computer tracking system at no cost.

<http://www.dailymail.com/Opinion/Editorials/201201250218>

Upcoming Courses

To see a full list of our upcoming courses, their dates, summaries and registration forms, please visit http://ndaa.org/upcoming_courses.html

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