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**National District  
Attorneys Association**

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**5th National Community Pro-  
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This event is designed to provide information, education and skills development for prosecutors and other members of law enforcement interested in improving the quality of life in their communities. Topics will include an introductory track, problem-solving court initiatives, technological advances impacting public safety, working with community partners, utilizing tribal techniques, and the implementation of community prosecution methodologies in rural and small-office jurisdictions. To download registration form and agenda, go to: [http://www.ndaa.org/pdf/5th\\_National\\_CP\\_Conference\\_09.pdf](http://www.ndaa.org/pdf/5th_National_CP_Conference_09.pdf)

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### National Center for Community Prosecution

#### Contact Information

Brent Berkley, Director  
Whitney Tymas, Senior Attorney  
LaWan Hight, Project Coordinator  
Phone: 703.549.9222  
Fax: 703.836.3195  
E-mail: [communityprosecution@ndaa.org](mailto:communityprosecution@ndaa.org)  
Website: [www.ndaa.org](http://www.ndaa.org)

COMMUNITY PROSECUTION



## Virtual Communities

By Brent Berkley

Director, National Center for Community Prosecution  
and  
Alicia Coleman<sup>1</sup>

While the traditional concept of a "community" has envisioned a group of people sharing one or more common characteristics and interacting in the physical world, technological advances have led to the formation of new types of communities each day. Increasingly, people are experiencing online contact with others across the Internet as qualitatively similar to their interactions within physical environments. The concept of the Internet-based community is being referred to as a "virtual community."

As the use of the Internet rises, more people are identifying themselves as members of virtual communities. Although some researchers reject the existence of virtual communities, researchers supporting the concept cite considerable parallels between virtual and physical communities.<sup>2</sup>

One thing upon which researchers do agree, however, is the definition of a community. Stated concisely: "All communities are built around a common interest or passion."<sup>3</sup> This simple description is the

essence of nearly all definitions of a community. Additional definitions include the idea of voluntary involvement for the purposes of social interaction, collective experience, and an evolving nature.<sup>4</sup>

Proponents of the existence of virtual communities point to these definitions. Sociologist, Barry Wellman, claims that virtual communities share identical characteristics of being "intermittent, specialized and varying in strength" like physical communities.<sup>5</sup> In addition, he claims that in most Western nations the physical community no longer exists, and that the Internet can fill the void by helping people achieve a communal identity unavailable in their geographic neighborhoods.<sup>6</sup> Others add that those who feel abandoned by their current lifestyles can derive a sense of community online. This applies to homebound persons or those who do not fit into the mainstream.<sup>7</sup>

One unique aspect of a virtual community is its ability to maintain a communal feeling among its members even as relationships fluctuate between the online

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and the physical. In some cases, physical communities move to the Internet to include more members, and, in others, virtual communities eventually meet up at physical locations. Arguably, virtual communities only increase a sense of connection by promoting continued discussion among members who are unable to be physically close. This sense of physical contact has dramatically increased with the ability to chat via webcam, which captures facial expressions and sound.<sup>8</sup>

Besides filling a void for their members, virtual communities offer advantages and opportunities to outsiders, such as businesses. One such benefit is in the area of marketing. Realizing that online communities exist, businesses design advertisements around common communal bonds and target sites that members visit frequently. For example, a business seeking to reach mothers might target ads to sites visited by that demographic. Additionally, a business might create a page or discussion forum allowing users of its goods and services to talk. This can allow expression of positive feedback, potentially creating new customers.

The current trend of virtual communities is the quick, easy and spontaneous dispersal of information as it occurs. One virtual community well-known for this is Twitter. Members of the Twitter community can easily send quick updates called “tweets” whether they are on a computer or their phone. These updates are limited to a couple of sentences per tweet. In addition, members can sign up to be notified when specified other individuals tweet. Two well-known police forces, Boston and Baltimore, use Twitter as a law-enforcement tool. This is an example of how a physical community is connected online to create a virtual community. Each department tweets if a serious crime occurs. This allows members of Twitter’s virtual community to be aware if something serious is occurring or if they should avoid a certain area in the city.<sup>9</sup>

It should be noted that using virtual communities in connection with law enforcement is a fairly new approach that comes with criticism. Some claim that this strategy is a waste of money that could be spent elsewhere. Others claim that information could be given over tweets that would jeopardize suspects’ rights. Still others claim that police could invade citizens’ privacy by searching tweets for information to be used in investigations and prosecutions. Alternately, supporters counter that Twitter is a public service and that tweets are public information devoid of any reasonable expectation of privacy.<sup>10</sup>

There are other general criticisms of virtual communi-

## Introduction to Civil Gang Injunctions Monograph

NDAA’s National Center for Community Prosecution is pleased to announce the publication of its newest monograph, *Civil Gang Injunctions: A Guide for Prosecutors*.

As gang crime continues to escalate across the country, prosecutors, members of law enforcement, community leaders, and allied professionals continually seek innovative methods to reduce the spread of gang-related criminal activity. One method, pioneered by the Los Angeles City Attorney’s Office, is the use of gang injunctions. While this use of civil injunction law is certainly an expansion of the traditional purview of prosecutors, existing law in most jurisdictions should provide the necessary framework to enable prosecutors to pursue gang injunctions. And while doing so takes time and effort, the far-reaching preventative aspects of injunctions are worth the additional work required to obtain them. This publication introduces prosecutors and law enforcement agencies to the specific steps necessary to put into place this innovative and effective process.

ties. One relates the ease with which people to create fictitious names and identities online. Some assert that such false information stops true personal relationships from forming. In addition, some researchers claim that fictitious online personae create what are only imagined communities, because there is no way to determine truth from fantasy. In addition, within virtual communities, problems may arise in holding members accountable for starting conflict with others.<sup>11</sup>

Overall, the majority of researchers acknowledge the existence of virtual communities. Only recently have businesses and police forces come to realize how advantageous these communities can be to their efforts. Trial and error is the only method with which to determine how best to benefit from the tools that lay within virtual communities.

<sup>1</sup> Research and writing assistance provided by Alicia Coleman, NDAA Legal Intern.

<sup>2</sup> *Net Surfers Don’t Ride Alone: Virtual Communities as Communities*

by Barry Wellman and Milena Gulia 1999.

<sup>3</sup> *Internet Communities: Forget surfers. A new class of Netizen is settling right in.* by Robert Hof, Seanna Browder, and Peter Elstrom 1997.

<sup>4</sup> *Determinants of Success for Online Communities: An Empirical Study* by Hsiu-Fen Lin and Gwo-Guang Lee 2006; *Net Surfers Don't Ride Alone: Virtual Communities as Communities* by Barry Wellman and Milena Gulia 1999.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Communities: Virtual vs. Real* by Amitai Etzioni and Oren Etzioni 1997

<sup>8</sup> *Virtual Online Communities: A Study of Internet Based Community Interactions* by Adrian M. Budiman 2008; *The Real Key to Communities: Connecting On and Offline* by Steve Rubel 2007

<sup>9</sup> See, <http://thecrimereport.org/2009/07/06twitterthis/>

<sup>10</sup> *Id.*

<sup>11</sup> *Virtual Online Communities: A Study of Internet Based Community Interactions* by Adrian M. Budiman 2008

# Addressing Prisoner Reentry A Collaborative Response

Kate Krontiris

Coordinator for the Upper Manhattan Reentry Task Force at the Harlem Community Justice Center  
and

Christopher Watler

Project Director at the Harlem Community Justice Center

The size of our nation's prison population has skyrocketed in recent decades, such that an unprecedented 1 in 100 Americans was behind bars in 2008. Just as the rate of incarceration has grown, so too has the number of people reentering society after confinement. Each year, over 650,000 men and women return from state and federal prisons to communities around the country.<sup>1</sup> The challenges to local communities posed by such massive reentry have prompted the development of local problem-solving collaborations.

This article explores the work of one such collaboration to address prisoner reentry. (While the initiative described here is coordinated by staff at the community court, it could just as easily be chaired by a local prosecutor's office.) We answer the questions: Who should be involved? And: How does a local collaboration identify the particular challenges confronting reentrants in their community? We hope our experience will serve as a model for other jurisdictions seeking to address the reentry challenge.

This past year, the Center for Court Innovation, in partnership with the New York City Mayor's Office of the Criminal Justice Coordinator, convened the Upper Manhattan Reentry Task Force ("Task Force"), based at the Harlem Community Justice Center. Our collaboration

of state and city government agencies includes the Manhattan District Attorney's Office, New York State Division of Parole, New York State Department of Corrections, New York City Police Department, local service providers, and academic partners. Our Task Force engaged in a comprehensive needs assessment process, conducting individual interviews and focus groups with key stakeholders, making site visits to model reentry programs, reviewing current literature on reentry, and collecting and analyzing current data on crime and reentry in Upper Manhattan.

One might ask why a needs assessment is useful when so much is already known about reentry and how to assist reentrants. The most important reason why we engaged in a needs assessment was to have a solid baseline of information from which to identify key problems and propose solutions.

The Task Force's needs assessment process resulted in a comprehensive study, collecting and publicizing crime and reentry data, that will help community and agency stakeholders make the case for more effective reentry policies and programs. In addition to the challenges of poverty, illiteracy, and unemployment, Upper Manhattan communities were home to almost 50% of all violent adult felony arrests in the borough in 2006 and

more than 50% of all juvenile felony arrests in the same year—even though this area contained only 36% of Manhattan’s population. Additionally, the 28th precinct, serving Central Harlem, had the highest rate of prior felony convictions within the arrest population for the same year—43%, compared to 25% for the rest of Manhattan.<sup>2</sup>

Perhaps most striking is the picture the report paints of individuals returning to Upper Manhattan on parole: these individuals typically have a deeper involvement in and longer history with the criminal justice system than parolees in other areas of Manhattan. On average, over 2,200 formerly incarcerated persons on parole—or roughly half the total for all of Manhattan—are assigned to the bureaus serving Upper Manhattan neighborhoods each year.<sup>3</sup> Compared to parolees in the rest of Manhattan, parolees in Upper Manhattan are:

- older;
- *less* likely to have a drug and alcohol history;
- *more* likely to be unemployed;
- *less* involved in support programming, especially drug and alcohol programs, and significantly *less* likely to be engaged in mental health programs;
- slightly *more* violent in terms of original conviction offense;
- *more* likely to have been returned previously on their sentence; and
- typically out *longer* than parolees in the rest of Manhattan.<sup>4</sup>

Another key reason to conduct a formal needs assessment was to engage community stakeholders. From the ivory towers of academic and government institutions, the reentry challenge is often reduced to a set of research briefs and policy recommendations produced absent community participation. However, in neighborhoods like Harlem or Washington Heights, reentry has a human face. It is the mother, brother, son, or father who leaves prison without a job or the connections to find one, needing a place to stay, confronted with old friends and old addictions. It is also the community struggling under burdens of poverty and lack of opportunity for residents, despite the good intentions of government-led efforts. On reentry matters, communities now want greater transparency, better outcomes, involvement as partners and to have their voices heard.

In assessing reentry in Upper Manhattan, we engaged community stakeholders at every stage in the process, involving them in focus groups and stakeholder inter-

views, soliciting their feedback on developing recommendations, asking for their help in brokering community education activities, and making sure that they had a seat at the table on the Task Force itself. This type of engagement complements the data and perspectives of justice agency partners and lays a foundation of trust and confidence for the work ahead.

Formed to propose recommendations for how to address the myriad implications of reentry, the Task Force will begin implementing ideas from the strategic plan that resulted from the needs assessment. In the next year, we will work to develop a collaborative, place-based strategy for supervising high-risk parolees that increases public safety by reducing recidivism; start an effort to increase employment outcomes for reentrants; and engage in a public education and outreach campaign that informs the community and lessens the stigma faced by reentrants adjusting to life on the outside. We are also working to implement a “Community Reentry Scorecard” that will track key reentry indicators of safety, support, and services for a select group of high-risk persons on parole. Scorecard indicators will include: technical violations, convictions for new crimes committed by persons on parole, the number of parolees accessing drug or mental health treatment services, and the number of parolees entering the shelter system from prison. An annual reentry scorecard report to the community, documenting successes and challenges, will result.

In an effort to promote transparency, we are also publicizing Task Force activities on “Rethinking Reentry,” a new blog that tracks our progress and serves as a clearinghouse for activities in the field (<http://rethinkingreentry.blogspot.com>). We invite you to visit and to share your thoughts on our work.

<sup>1</sup> Bureau of Justice Statistics *Reentry Trends in the United States* (see: <http://www.ojp.usdoj.gov/bjs/reentry/reentry.htm#highlights>)

<sup>2</sup> New York City Criminal Justice Agency, Borough Wide and Selected Precinct Data for CJA Computed Criminal Conviction History in Cases of Prosecuted Arrests of Defendants Held for Arraignment in Manhattan Criminal Courts: Calendar Years 2004, 2005, 2006. Data obtained through the Mayor’s Office of the Criminal Justice Coordinator.

<sup>3</sup> Data from Parole for years 2003-2007 covering the Parole Bureaus II, III, and IV. These bureaus cover all NYPD Manhattan North Precincts, including some located outside of the neighborhoods that are the subject of this report. However, we suspect that the vast majority of parolees live in Greater Harlem, Inwood and Washington Heights. This figure does not include sex offenders on parole and certain parolees with special mental health designations, both classes of cases are monitored by a city-wide parole bureau.

<sup>4</sup> Snap shot of parolees under supervision for all Manhattan Parol Bureaus as of March 28, 2008.

# “Johns Schools”

## *A Community Prosecution Approach to Prostitution*

*By Brent Berkley<sup>1</sup>*

*Director, National Center for Community Prosecution*

**T**he prosecution of prostitution-related offenses was historically one-sided, as prosecutors were traditionally accustomed to bringing cases against women who prostituted themselves, but rarely against their male customers, colloquially known as “johns.”<sup>2</sup> In the 1990s, many law enforcement agencies and prosecutors began having success in reducing prostitution by expanding their focus to include johns and by targeting those who profited through prostitution, commonly known as “pimps.” While moderately successful, these efforts still left a continuing market for, and problem of, prostitution.

In light of a perceived gender bias in the enforcement of prostitution and other laws, the Florida Supreme Court created the Supreme Court Gender Bias Study Commission to examine gender disparities in the criminal justice system. The commission found that prostitution is not a victimless crime [and] legalization is not the appropriate way to confront or minimize the gender bias caused by the legal system’s current response to the problem.”<sup>3</sup> The commission made multiple recommendations including the establishment of a task force composed of law enforcement, the legal community, health officials, social workers, and others to examine prostitution-related problems affecting the larger community.<sup>4</sup> The commission recognized that law enforcement’s approach towards prostitution was neither getting prostitutes off the streets nor curbing the demand for prostitutes through active pursuit of their customers. The Florida legislature has since revised some laws and many other jurisdictions have come to the same conclusion as the commission did and have begun changing their approaches to prosecuting prostitution.<sup>5</sup> One such change was the institutionalization of programs for patrons of prostitution through the creation of “johns schools.”

### **The Origin of Johns School Programs**

The City of San Francisco, California, has been at the

forefront of the johns school approach for over a decade. The San Francisco First Offender Prostitution Program (FOPP) existed since 1995 and is one of the first programs of its kind. FOPP is an umbrella community prosecution partnership between the San Francisco District Attorney, San Francisco Police Department, and local organization SAGE (Standing Against Global Exploitation). Although FOPP offers a variety of programs and services, its most talked about is its “Johns School.”

Johns School is an eight-hour seminar that first-time male offenders arrested for solicitation may attend in lieu of prosecution. The program consists of panels on the community impact of prostitution, with presentations from members of the legal community, public health educators, and even former prostitutes. The program is designed to reduce recidivism through education on the nature of the sex industry, including the economics of pimping and the abuse and recruitment of young girls. In San Diego, the city attorney who runs the Prostitution Impact Panel, similar to the Johns School, says the program is successful because “like any intervention-type process, . . . it exposes the offender participant to viewpoints outside their own.”<sup>6</sup>

The San Francisco First Offender Prostitution Program has been duplicated in 12 other cities and has spawned numerous other adaptations and programs over the past decade, including a johns school in Washington, D.C. and San Diego’s Prostitution Impact Panel (PIP). PIP is part of the Neighborhood Prosecution Unit in San Diego and has educated almost 450 johns in just the past five years. The D.C. program was in effect for four to five years and counseled around 72 johns at each of its monthly seminars during that time.<sup>7</sup>

### **Are John Schools Effective as Part of a Community Prosecution Effort Against Prostitution?**

In 2008, Abt Associates, Inc.<sup>8</sup> published its findings from an evaluation funded by the National Institute of Justice on the First Offender Prostitution Program. The evalua-

tion looked at the effectiveness, return on investment, and transferability of one aspect of the FOPP program, the Johns School. To study the effectiveness of the Johns School program on recidivism rates for male offenders, criminal justice statistics from ten years prior to and ten years following the implementation of the program were analyzed.<sup>9</sup> Researchers found that, in San Francisco, recidivism dropped greatly in 1995, the year the program began, and those lower rates continued over the next ten years. The study also found similar results in San Diego following the implementation of PIP, where recidivism rates dropped to less than half the level as before the program began. There were no other identifiable systemic changes in the years prior to the San Francisco and San Diego programs that would explain the decrease in these cities' recidivism rates.<sup>10</sup> Likewise, in Washington, D.C., Honorable Rafael Diaz, the Superior Court judge who has been on the prostitution calendar for the past year and a half says he "can almost count on one hand" the number of defendants returning to his courtroom after participating in the Johns School program.<sup>11</sup>

Johns schools may help reduce recidivism among male offenders seeking out prostitutes, but the San Francisco program, like many others, is part of a larger community prosecution program designed to combat a neighborhood's prostitution problem from all angles. The First Offender Prostitution Program works closely with SAGE and includes the Johns School as well as the Early Intervention Prostitution Program (EIPP). EIPP is designed to work with the other half of prostitution arrests and is targeted towards young girls and women who want to avoid incarceration. Instead of being sentenced to jail time, young women sentenced through EIPP may be required by the courts to attend counseling or treatment at SAGE facilities in order to help them get off the streets and out of the commercial sex industry. Although the D.C. John school is currently not operating, that city has developed other diversion programs, such as "Project Power" which is similar to EIPP in that it is treatment centered and aimed at getting female prostitutes off the streets and out of the sex industry.<sup>12</sup>

Through the two operating branches of FOPP, the San Francisco District Attorney, Police Department and community are decreasing the demand for prostitution through suspect education, while also helping girls and women leave the sex industry, the two main goals of most prostitution diversion programs.

## **What Resources Are Necessary to Duplicate a First Offender Program?**

The main costs incurred by the Johns School branch of San Francisco's FOPP program (outside the regular enforcement of prostitution laws, in which law enforcement should be engaging regardless of program implementation) arise from conducting the actual Johns School classes, which occur only six times a year in San Francisco and bi-monthly in San Diego. To attend the Johns School in San Francisco, offenders pay fees that fully cover the costs of the classes and most processing costs for arrests of attendees.<sup>13</sup> The program also pays for all administrative costs incurred by participating departments. In addition to providing monetary support for running the class, fees have funded one-third of the San Francisco Police Department's reverse sting operations to arrest suspects and have contributed almost one million dollars to SAGE in support of survivor programs (for those who have exited the sex industry) and other programs for girls and women involved in prostitution.<sup>14</sup> Likewise, when the Washington, D.C. program was in effect, its fees went towards funding a diversion/treatment program for women in prostitution.<sup>15</sup>

In addition to revenue used to fund program services, a jurisdiction must have a steady stream of eligible participants. Law enforcement must make a commitment to enforcing prostitution laws against customers soliciting prostitution, in order to produce subjects for treatment and education. Also, a statute or local ordinance must be in place that authorizes a program as a suitable diversion or sentencing method.<sup>16</sup> A commitment must also be made by the community at large, the legal community, and the public health community to ensure that knowledgeable educators will be available at every session to present the John school curriculum.

The FOPP program in San Francisco has found great success in partnering with SAGE, a local community organization offering services and "survivor centered" programs aimed at stopping commercial sexual exploitation.<sup>17</sup> SAGE's focus on education, awareness, wellness, empowerment, safety, and support produces programs that provide counseling for abuse and trauma, disease testing, legal advocacy from area law students, and other resources to help victims of exploitation leave prostitution.<sup>18</sup> By partnering closely with a local group that had knowledge of the prostitution industry and community within the city, the San Francisco District Attorney and Police Department had access to large

amounts of information and training that helped FOPP become successful.

These resources helped the SFDA and SFPD develop the Johns School curriculum, which consists of facts on the law and prostitution on the streets, health risks of prostitution, the risks and effects of prostitution on women's lives (including stories of former prostitutes told by themselves), pimping dynamics, the impact prostitution has on the neighborhood and the role of local prostitution in the global exploitation of women, and a presentation on intimacy given by a representative from Sex Addicts Anonymous.<sup>19</sup> The San Diego PIP program has also been successful due to its partnership with local social service and health providers and concerned community members.<sup>20</sup>

Many jurisdictions across the country have implemented johns schools adapted from the San Francisco model. The programs are not all identical, however, as some consist of multiple sessions, include group and/or individual therapy, and are not voluntary but ordered as a condition of sentencing.<sup>21</sup> Other demand-reducing techniques that jurisdictions have implemented include seizing automobiles used in solicitation, issuing geographic restraining orders to both prostitutes and customers, and using "shaming" techniques by publishing the names and/or photos of johns or sending home "Dear John" letters.<sup>22</sup> The District of Columbia Superior Court now has deferred prosecution and deferred sentencing options available for offenders arrested for their first solicitation charge since the john school program is currently suspended.<sup>23</sup> In all models and adaptations, the educational aspect of the johns school has proven to have the potential to reduce recidivism in offenders who have solicited prostitutes.

### **What Improvements Can be Made to Past Program Models to Benefit the Implementation of New Programs?**

Abt Associates, Inc. has developed a number of suggestions in the study of the FOPP program that may help other programs become even more effective.<sup>24</sup> First, the study suggests expanding programs to nearby communities. A number of programs are already in place around the country, serving more than one city or stretching over an entire county. By increasing the area programs serve, more potential participants are involved and more resources may be devoted to the curriculum and educational services. The study also suggests refining

the curriculum and providing aftercare or access and referrals to other community services. Providing participants with suggestions on alternatives to seeking out prostitutes or information on addictive behaviors and referrals to other local organizations such as Sex Addicts Anonymous may help with relapse prevention and rehabilitation.<sup>25</sup> If no aftercare is available, programs should at least provide the participants with printed information they take with them upon completion of the course. Evaluators also suggest consideration of broadening the audience for FOPP programs and including repeat offenders. The report states that there is no reason why the program would not be beneficial or appropriate for a wider range of offenders.<sup>26</sup> In the same vein, the evaluation also suggests launching a broader public awareness campaign on the effects of solicitation, in order to reach men other than those who have been arrested. Finally, the study recommends implementing ongoing data collection to monitor the performance and help with future evaluation of FOPP programs.

The First Offender Prostitution Program and similar programs across the country are community prosecution efforts that are successfully combating prostitution in local neighborhoods through offender education. While programs come in various forms, they need not be identical to be successful. Many local jurisdictions have adapted the FOPP program to meet their particular needs. Early intervention and education, for both customers and victims of sexual exploitation, coupled with community support, is a recipe for decreased recidivism among male offenders seeking prostitution and a decrease in the commercial sex industry in general. "Johns" in particular are one class of offenders that can be greatly impacted by a one-day seminar like a johns school. As Kristin Beattie, the deputy city attorney in charge of San Diego's Prostitution Impact Panel, puts it, "the alternative viewpoints provided during a PIP session (those of community members, former prostitutes, former johns, health providers, social service providers and police officers), illustrate the ripple effects of a crime like prostitution. These alternative perspectives on the effects of prostitution serve to impact the offender's future choices."<sup>27</sup>

Diversion programs and services implemented under community prosecution prostitution offender programs, including johns schools, can significantly decrease prostitution by decreasing the demand for prostitution and helping women leave the commercial sex industry.

- <sup>1</sup> Research and writing assistance from Kelsey Doty, NDAA legal intern.
- <sup>2</sup> Heiser Singh, Shay-Ann M., "The Predator Accountability Act: Empowering Women in Prostitution to Pursue Their Own Justice," 56 *De Paul L. Rev.* 1035 (2007).
- <sup>3</sup> Florida Supreme Court, "Report of the Florida Supreme Court Gender Bias Study Commission" 25 (1990), available at [http://www.floridasupremecourt.org/pub\\_info/documents/bias.pdf](http://www.floridasupremecourt.org/pub_info/documents/bias.pdf).
- <sup>4</sup> *Id.* at 28.
- <sup>5</sup> Heiser Singh, Shay-Ann M., "The Predator Accountability Act: Empowering Women in Prostitution to Pursue Their Own Justice," 56 *De Paul L. Rev.* 1035, 1038 (2007).
- <sup>6</sup> E-mail from Kristin Beattie, Deputy City Attorney, San Diego City Attorney's Office, to Kelsey Doty, intern, National District Attorneys Association (Aug. 4, 2008) (on file with author).
- <sup>7</sup> Interview with Hon. Rafael Diaz, Judge, District of Columbia Superior Court, in Washington, D.C. (Aug. 1, 2008).
- <sup>8</sup> <http://www.abtassociates.com>
- <sup>9</sup> Michael Shively et al., Abt Associates, "Final Report on the Evaluation of the First Offender Prostitution Program" iv (2008), available at [http://www.abtassociates.com/reports/FOPP\\_Evaluation\\_FULL\\_REPORT.pdf](http://www.abtassociates.com/reports/FOPP_Evaluation_FULL_REPORT.pdf).
- <sup>10</sup> *Id.* at v.
- <sup>11</sup> Interview with Hon. Rafael Diaz, Judge, District of Columbia Superior Court, in Washington, D.C. (Aug. 1, 2008).
- <sup>12</sup> Interview with Hon. Rafael Diaz, Judge, District of Columbia Superior Court, in Washington, D.C. (Aug. 1, 2008).
- <sup>13</sup> Michael Shively et al., Abt Associates, "Final Report on the Evaluation of the First Offender Prostitution Program" 11 (2008), available at [http://www.abtassociates.com/reports/FOPP\\_Evaluation\\_FULL\\_REPORT.pdf](http://www.abtassociates.com/reports/FOPP_Evaluation_FULL_REPORT.pdf).
- <sup>14</sup> *Id.* at v.
- <sup>15</sup> Interview with Hon. Rafael Diaz, Judge, District of Columbia Superior Court, in Washington, D.C. (Aug. 1, 2008).
- <sup>16</sup> Michael Shively et al., Abt Associates, "Final Report on the Evaluation of the First Offender Prostitution Program" 12 (2008), available at [http://www.abtassociates.com/reports/FOPP\\_Evaluation\\_FULL\\_REPORT.pdf](http://www.abtassociates.com/reports/FOPP_Evaluation_FULL_REPORT.pdf).
- <sup>17</sup> SAGE, <http://www.sagesf.org> (last visited June 6, 2008).
- <sup>18</sup> *Id.*
- <sup>19</sup> Michael Shively et al., Abt Associates, "Final Report on the Evaluation of the First Offender Prostitution Program" (2008), available at [http://www.abtassociates.com/reports/FOPP\\_Evaluation\\_FULL\\_REPORT.pdf](http://www.abtassociates.com/reports/FOPP_Evaluation_FULL_REPORT.pdf).
- <sup>20</sup> San Diego City Attorney's Office, Prostitution Impact Panel Information (2008).
- <sup>21</sup> Michael Shively et al., Abt Associates, "Final Report on the Evaluation of the First Offender Prostitution Program" 114 (2008), available at [http://www.abtassociates.com/reports/FOPP\\_Evaluation\\_FULL\\_REPORT.pdf](http://www.abtassociates.com/reports/FOPP_Evaluation_FULL_REPORT.pdf).
- <sup>22</sup> *Id.*
- <sup>23</sup> Interview with Hon. Rafael Diaz, Judge, District of Columbia Superior Court, in Washington, D.C. (Aug. 1, 2008).
- <sup>24</sup> Michael Shively et al., Abt Associates, "Final Report on the Evaluation of the First Offender Prostitution Program" 13 (2008), available at [http://www.abtassociates.com/reports/FOPP\\_Evaluation\\_FULL\\_REPORT.pdf](http://www.abtassociates.com/reports/FOPP_Evaluation_FULL_REPORT.pdf).
- <sup>25</sup> *Id.* at 126.
- <sup>26</sup> *Id.* at 14.
- <sup>27</sup> E-mail from Kristin Beattie, Deputy City Attorney, San Diego City Attorney's Office, to Kelsey Doty, intern, National District Attorneys Association (Aug. 4, 2008) (on file with author).

## Staff Changes

### Brent Berkley

We are pleased to announce that, in April 2009, Brent Berkley was promoted to director of the National Center for Community Prosecution (NCCP). In his new position, Mr. Berkley oversees NCCP's work providing training, resources and technical assistance to prosecutors, law enforcement and allied professionals nationwide in the areas of community prosecution, gun violence, gang prosecution and homeland security. As director, Mr. Berkley will still be available to respond to requests for assistance, present live training, coordinate and plan conferences and meetings, conduct legislative action work, and write and edit on a variety of topics. Mr. Berkley joined the National District Attorneys Association in 2008 as a senior attorney for the Community Prosecution, Gun Violence Prosecution and Homeland Security programs.

Prior to joining NDAA, Mr. Berkley served as the Domestic Violence/Traffic Safety Resource Prosecutor

for the Utah Prosecution Council (UPC), where he provided technical assistance, public relations expertise, continuing legal education and legislative efforts on behalf of Utah's prosecution and law enforcement communities. While Mr. Berkley's primary focus was traffic and domestic violence, he worked on all manner of prosecution and law enforcement issues. In addition, he taught for UPC and other Utah entities, the states of Idaho and New Mexico, the National Association of Prosecutor Coordinators, and the National Traffic Law Center at NDAA. Mr. Berkley was also heavily involved in the Utah legislative process and many community and law enforcement coordinating committees and working groups.

Mr. Berkley served for almost eight years as a prosecutor in Fillmore, Utah, the last three of which he served as chief deputy county attorney. There, he prosecuted a wide variety of crimes from traffic and domestic violence offenses to drug cases, child abuse, sexual offenses, murder and capital murder. He was also cross-designated as a special assistant United States attorney for the District of Utah where he prosecuted federal firearms cases under the Proj-

ect Safe Neighborhoods initiative. Prior to that, Mr. Berkley started his career as a prosecutor in the cities of Ogden, Roy and Riverdale, Utah.

Mr. Berkeley graduated *summa cum laude* from Weber State University, with a degree in history and political science, and he holds a J.D. from the University of Utah. He has practiced in the private sector in a variety of civil and criminal areas and has written and edited extensively in NDAA publications read by prosecutors nationwide.

### **Whitney Tymas**

We are pleased to announce that, in July 2009, Whitney Tymas joined us as a senior attorney in the Community Prosecution and Project Safe Neighborhoods Gun Violence Prosecution programs. Ms. Tymas assists the directors of both programs in providing training, resources and technical assistance to prosecutors, law enforcement and allied professionals nationwide in the areas of community prosecution and gun and gang violence prosecution. In addition, Ms. Tymas responds to requests for assistance and participates in live training, the coordination and planning of conferences and meetings, and writing and editing publications.

Ms. Tymas has practiced criminal law for upwards of 20 years, starting in 1990 as a public defender and founding member of the Neighborhood Defender Service of Harlem, in New York City. This pilot project of the internationally renowned Vera Institute of Justice opened its doors with a mission of developing innovative methods of delivering community-based criminal defense services to indigent residents of Central Harlem. There, Ms. Tymas practiced criminal law at the trial level in criminal courts throughout Manhattan and the Bronx. She handled a wide variety of cases, from misdemeanors to murder, at this 24-hour community-based law office that also connected clients to drug treatment, mental health and family counseling, and employment assistance. Subsequently, Ms. Tymas worked at the Legal Aid Society, Criminal Appeals Bureau, and at the Office of the Appellate Defender. In both positions, she represented clients on a range of criminal issues in cases before New York State's appellate courts. Additionally, at the Office of the Appellate

Defender, Ms. Tymas was responsible for training and supervising pro bono attorneys from major law firms who, under the direction of her organization, represented criminal defendants on appeal.

Ms. Tymas moved to Virginia and, in 1998, began her career as a prosecutor. There, she served as an assistant commonwealth's attorney in the office of the Commonwealth's Attorney for the City of Richmond, a jurisdiction known at the time for its high rate of violent crime. She prosecuted all manner of cases, including traffic, drugs, sexual and other assault, DUI-related homicide and murder. She responded to many homicide scenes, offering early assistance to the police. She worked with federal, state and local partners, including the United States Attorney's office, on the delivery to prosecutors and law enforcement of a national hate crimes curriculum; and she served with local law enforcement and community partners on the Board of Richmond Weed and Seed. Ms. Tymas worked for approximately eight years as a prosecutor in Richmond, in her last year serving as chief deputy. In this capacity, Ms. Tymas also oversaw the office's appellate practice and its participation in the Richmond Drug Court program.

Ms. Tymas graduated from Columbia University, Barnard College, with a B.A. in Sociology. She received her J.D. in 1990 from New York University School of Law, where she was honored to have been selected as a Root-Tilden-Snow Scholar. She has practiced in the private sector in a variety of areas including criminal and civil rights law and has taught criminal law and procedure at Virginia Union University.

### **LaWan Hight**

We are proud to report that Ms. Hight continues in her role as program coordinator. Ms. Hight has, for years, represented NDAA with the utmost professionalism, courtesy and efficiency, coordinating the many initiatives of the Community Prosecution Program, and responding to the needs of prosecutors and allied law enforcement professionals nationwide.