

# NBPA

The National Black Prosecutors Association



Greetings,

Thank you for electing me as the 16<sup>th</sup> President of the National Black Prosecutors Association at our 2018 Denver Conference. I am truly honored by the trust you have instilled in me to continue the great work we are doing.

The “Power, Privilege, & the Pursuit of Justice: The Role of Prosecutors in Precarious Times” conference in Colorado was another step in producing quality prosecutors as forces of good within our community. Having the opportunity to converse with familiar and new faces, I am very excited to see the many different things we all will be accomplishing this upcoming year.

I pray that everyone was able to bring back information to their offices across the country to improve their prosecution tactics. I encourage people to reach out to the people you met at this conference, your regional directors, and executive board. Think of creative solutions to our criminal justice system, and share those ideas with your colleagues. When one of us shines, only a few can see it, but when all of us shine, the world will see it.

I hope to honor the footprints that lay before me, while creating a pathway for those to come and follow.

Thank you,

Keith Lamar Jr.  
NBPA President

# REAL TALK



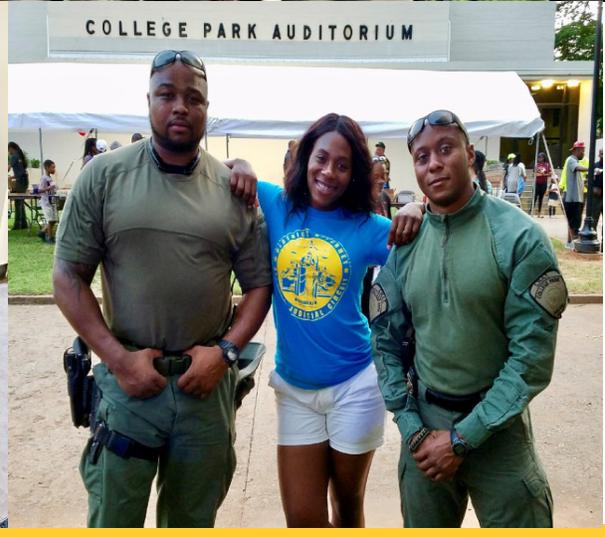
Community Prosecutors from the Fulton County District Attorney's Office conducted REAL Talk sessions at high schools in Atlanta, GA this past Spring. The Real Talk program was developed in response to concerns regarding African American youth. Their objective is to work with our young students to foster mentoring relationships, and show them alternatives to violence. Pictured is a panel with Atlanta Police Chief Erika Shields, Captain Leanne Browning, and Attorneys Tanya Miller, Cameil Reddick, Fani Willis, Erin Harris, Derisiree Lee, and Danielle Mitchell. The panel spoke to a group of girls from grades 9th to 12th. Offered advice consisting of suggestions of what to do in particular situations, the students participated in group discussions with the panelist. They were also given different scenarios where they could demonstrate what they would do. In addition, we could not leave out the boys. Pictured below are NBPA President Keith Lamar Jr, Former NFL Players Wayne Gandy and Chuck Wiley, Attorney Joseph Wilson, Fulton County Youth Commission Reginald Crossley, and BarberStar Marcus Harvey of the show Ghost Brothers The REAL Talk program continues to be a great way for us to interact with the youth.

# SOUTHERN REGION

U P D A T E



On August 4, 2018, the East Baton Rouge District Attorney's Office joined forces with Truce Baton Rouge to put on the inaugural Baton Rouge 3 on 3 "Hoopfest" Basketball Tournament. Truce Baton Rouge is a community-focused nonprofit organization led by Assistant District Attorney, Aishala Burgess, with the expressed purpose of reducing violence in Baton Rouge by: 1.) Identifying problems in the community, 2.) Bringing the community together to address the problems, and 3.) Involving the community in delivering solutions. Approximately 140 boys and girls between the ages of 8 and 18 signed up to participate in the basketball tournament that included free food, music, giveaways and other community resources. NBPA National Treasurer and Assistant District Attorney, Ron Gathe, Jr. served as a team coach for the event. Other community partners included LSU Athletics, Southern University Athletics, East Baton Rouge Sheriff's Office, Baton Rouge Police Department, and 100 Black Men among many others.



# NATIONAL NIGHT OUT

Atlanta, GA participated in the annual National Night Out on August 7, 2018. National Night Out is sponsored by the National Association of Town Watch (NATW), and cosponsored locally by Midtown Neighbors Association. The event involves over 16,500 communities from all 50 states, U.S. territories, Canadian cities and military bases around the world. In all, over 38.5 million people will participate in 'America's Night Out Against Crime'. MNA National Night Out is designed to: (1) heighten crime and drug prevention awareness; (2) generate support for, and participation in, local anti-crime efforts like the MNA Safety Patrol Program; (3) strengthen neighborhood spirit and civil servant-community partnerships; (4) provide educational materials on home and personal safety measures; and (4) send a message to criminals letting them know Midtown is organized, aware, and fighting back.

Fulton County sent different representatives from their office to different locations around the county. Some of the stops included Atlantic Station and Welcome-all Park. At the various locations, law enforcement gave out food, school supplies, and other miscellaneous items people might need. They also used the time to talk with members of the community to see what they could do to help. Community members seemed very pleased with the efforts put forth by law enforcement.

# MID-ATLANTIC REGION

U P D A T E



## MEMPHIS CHAPTER MEMBERSHIP DRIVE MIXER

**NBPA MEMPHIS MEMBERSHIP MIXER SEPTEMBER 14, 2018  
ROOFTOP ON THE RIVER**

The Memphis Chapter of the National Black Prosecutors Association kicked off its fiscal year with a membership drive and mixer. The Mid-Atlantic Regional Director, Muriel Nolen and past Mid-Atlantic Regional Directors, Reagan Taylor and Tracye Jones were in attendance with over 25 State and Federal prosecutors, law enforcement, and University of Memphis Law Students. Members and future prospective prosecutors enjoyed the great Memphis weather on a rooftop overlooking the Mississippi River. Attendees enjoyed wine, pizza, music and shared recent trial triumphs. A computer was on site allowing members to pay their 2018-2019 NBPA membership dues. Members were invigorated and prospective members were introduced to the benefits and service of the only professional membership organization dedicated to the advancement of Blacks as prosecutors. The Memphis Chapter is off to a great start and has pledged to commit time, energy, and support to the upcoming 2019 NBPA Conference and Job Fair.

# NORTHEAST REGION

U P D A T E

## WATCHERS OF THE WATCHMEN (AND WOMEN TOO)

In August, New York became the first State to pass a bill that would establish a Commission responsible for investigating allegations of prosecutorial misconduct. The bill was introduced by and continued to draw support from Republicans, but also gained support from Black and Latino Democrats within the legislature that believed it to be a possible answer to systematic racism.



The Commission will consist of eleven members, selected by the State Legislature, the Governor, and the Judiciary. The commission can investigate any of New York's sixty-two District Attorneys to determine whether their conduct is unprofessional, unethical or unlawful.

Newly re-elected Governor Andrew M. Cuomo signed the bill into law on Monday, August 20<sup>th</sup>, 2018, but with the understanding that the Legislature would amend the bill during the next legislative session to address his constitutionality concerns.

The State's District Attorneys firmly oppose this bill in its entirety, and have indicated that a lawsuit will be filed to combat the Commission, arguing that the law is unnecessary and completely unconstitutional.

After the passing of the bill, P. David Soares, District Attorney for Albany County, and current President of the District Attorneys Association of the State of New York (DAASNY), was quoted as saying, "This flawed and unconstitutional bill will unnecessarily and detrimentally interfere with the fundamental duties of our prosecutors and not bring about any meaningful oversight .... The interference will breed more public corruption and distrust of our public officials."

In an opposition letter written to the legislative majority leader in 2015, then DAASNY President Frank A. Sedita, III, Erie County District Attorney, wrote "Prosecutorial misconduct" is a term widely and promiscuously used by law enforcement critics, the media and even

some courts to describe every miscue by a prosecutor whether deliberate malfeasance, nonfeasance or a simple mistake, devoid of any negligence or bad faith. This was recognized in 2010 when the American Bar Association, in Resolution 100B, urged trial and appellate courts to differentiate between "error" and "misconduct." Willful prosecutorial misconduct is an extremely rare occurrence, especially in the State of New York and especially over the last few years. This is so because the professional prosecutors in our state, upon our own accord, have taken steps to assure that we adhere to the highest ethical standards in the nation."

The Commission would have the authority to conduct hearings, compel witnesses to testify, issue subpoenas, and request any documents or materials deemed to be relevant to their investigation. The Commission's findings will be issued through the appellate courts, and the amended version will prevent the Commission from investigating pending cases in which no charges have been filed. Only time will tell if, how, and when the commission would function, as each of the District Attorney's offices have different policies and initiatives.

# SOUTHEAST REGION

U P D A T E



## PROSECUTORS GIVE 'SECOND CHANCES' THROUGH EXPUNGEMENT SUMMITS

In August, 2018, the Fulton County Solicitor General's Office in Atlanta, Georgia and a consortium of Georgia Labor Unions and community partners offered criminal record expungements of qualifying citizen's arrest histories. Expungements, also called Record Restrictions, are a legal process that can clear arrests, charges and minor convictions from a criminal record. On-site resources included an ex-offender job fair, housing assistance, free legal consultations and voter registration.

A criminal record can be a major barrier in seeking employment, housing and education. "It is more beneficial to us as a society to allow decent citizens the opportunity to work and live productive lives than to be held back by minor, youthful missteps resulting in a misdemeanor arrest." Says Solicitor Keith Gammage. Expungement Summits continue the mission of 'Jobs Over Jails' by allowing hundreds of citizens to get a second chance at success in life.



## NEW 'CENTRAL FLORIDA' CHAPTER TO JOIN NBPA

Over 20 prosecutors in Orlando, Florida met recently to form the "Central Florida" chapter of NBPA with charter members from the 9th Judicial Circuit in Orange County, Florida. Under the leadership of State's Attorney Amaris Ayala, the interest group has petitioned to become an official chapter with plans to swear in officers in late 2018.

If you are interested in chartering a new chapter in your area, contact your Regional Director for more information.



## ETHICS CORNER

### PROSECUTORS AND SOCIAL MEDIA-WARNING TO THE WISE

**KENYA JOHNSON**  
SOUTHEAST  
REGIONAL DIRECTOR

Social media can be a valuable tool for prosecutors as they prepare evidence in criminal cases. From researching potential jurors to defendants, lots of information can be gathered from a person's social media profile. But beware, there are also pitfalls. The American Bar Association says it's ethical for lawyers to scour online for publicly available musings of citizens called for jury service – and even jurors in deliberations.

A lawyer may research a prospective or sitting juror's public social media website, account, profile, and posts. However, the ABA does warn lawyers against actively "following" or "friending" jurors or otherwise invading their private Internet areas.

A lawyer may not make misrepresentations or engage in deceit in order to be able to view the social media, account, profile, or posts of a prospective juror or sitting juror, nor may a lawyer direct others to do so.

Even a prosecutor's individual posts can raise concern beyond the 1st amendment. Recent state disciplinary rulings show that prosecutors have been terminated and even disbarred for their unethical social media activity, like the time that prosecutor told the judge she was at a funeral and her judge saw her partying on facebook or even the prosecutor under investigation for racist rants on facebook causing protestors to call for a review of each of his convictions from the last 15 years. So whether you are on social media for personal or professional reasons, remember that you represent your office at all times so know your local rules and stay safe and professional.

# GREAT LAKES REGION

U P D A T E



**AUSA PETER SALIB**

Chicago NBPA member Peter Salib, an Assistant U.S. Attorney in the Chicago U.S. Attorney's office, is the lead prosecutor in a racketeering conspiracy case of a Chicago street gang. In 2015, the lead defendant, Labar Spann, was initially charged for being a felon in possession of a firearm at a shooting range after he posted about it on Instagram. In 2017, he pleaded guilty to the firearm charge and additional obstruction of justice and drug trafficking counts. Later in 2017, after a lengthy, multi-agency investigation, Spann and eight additional members of the "Four Corner Hustlers" street gang were charged with participating in a criminal organization that is alleged to have murdered six people and violently protected drug-dealing territories in the West and Southwest sides of Chicago. The indictment further alleges that the organization dealt drugs, robbed rival drug dealers, used violence and intimidation to prevent witnesses and victims from cooperating, attempted to avoid detection by monitoring police scanners, outfitted members in its security detail with firearms, and engaged in numerous other acts of violence. Peter, along with AUSAs Timothy Storino and William Dunne, are the assigned prosecutors. Peter is also the Diversity Recruitment Coordinator for the Chicago U.S. Attorney's office

NBPA Chicago chapter is giving away its first annual Book Scholarship in October 2018. This scholarship honors Judge Arthur J. Hill, Jr., who played an important role in the establishment of the Chicago Chapter of NBPA in 1983 and has always shown an avid support to the promotion of diversity in the legal profession.

Earlier this year the National Black Prosecutors Association-Chicago Chapter's hosted its First Annual Golf Outing and Scholarship Fundraiser, with proceeds benefitting the Judge Arthur J. Hill, Jr. Book Scholarship. This scholarship is aimed at defraying some of the costs of purchasing casebooks for rising 2L and 3L minority law students with a desire to practice in public interest law. The scholarship will be awarded at the swearing in ceremony of NBPA Chicago's newest board in October 2018.



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A portrait of J. Patricia Wilson Smoot, a Black woman with curly hair, wearing a dark blue blazer over a white top. She is smiling slightly and looking towards the camera. The background is a soft, out-of-focus indoor setting.

It is with a heavy heart and deep sadness that we announce the passing of,

## **J. PATRICIA WILSON**

It is with a heavy heart and deep sadness that we announce the passing of, J. Patricia Wilson Smoot.

Patricia began her career as a prosecutor in June 1994. Under Eric Holder, Patricia served as an Assistant United States Attorney until November 2002. In that post, she served as a trial attorney, deputy chief of the misdemeanor section, senior attorney of the sex offense division, and eventually director of professional development.

In December 2002, Patricia became Deputy State's Attorney for Prince George's County, where she oversaw the Juvenile and District Court Divisions, the Domestic Violence Unit, and the Sex Offense and Child Abuse Unit.

Patricia joined the United States Parole Commission (USPC) in November 2010. She was appointed by President Barak Obama to serve as Chairperson of the Commission in 2015. As Chairperson, Patricia worked to establish the USPC Mental Health Docket, which provides non-violent criminal offenders who have mental health disorders with an alternative to incarceration. The program offers mentoring services, job training, and patient treatment opportunities.

Patricia obtained her Bachelor of Arts in English and Sociology with a concentration in Legal Studies from Bucknell University. She obtained her Juris Doctorate from Columbus School of Law, Catholic University of America.

Known by her NBPA family as "Trish" or "Smootie Smoot". Trish was a gracious advocate, and was well respected in the legal community. Aside from her professional accomplishments, she also was responsible for mentoring attorneys and women in law enforcement. "Smootie Smoot" was often the life of the party. She served the NBPA admirably as the Eastern Regional Director, under past president Bruce Brown. She also frequently served as our "Social Director." Her expressive faces, beaming smile, and infectious laugh made her a hit with everyone she met. Always down for a good time and a good laugh, "Smootie Smoot" demanded that all around her were having a good time as well. She would not allow anyone to be a stranger, but instead welcomed everyone into the NBPA family. Cut from a different cloth, she is gone too soon and will be sorely missed.

In addition to her stellar career, Patricia was beloved by her family and friends. She was known for her kind and bubbly personality, and her desire to offer mentorship to those in need. She is survived by her husband, son, and daughter. We offer them our love and prayers throughout this difficult time.

# CONGRATULATIONS TO ATLANTA

FOR YOUR SUCCESSFUL BID TO  
HOST THE NBPA IN 2019!



## NBPA

The National Black Prosecutors Association

**JULY 14 -19, 2019**  
**OMNI HOTEL AT CNN CENTER**  
**ATLANTA, GA**

