

*INVESTIGATING AND PROSECUTING
NON-FATAL SHOOTINGS:
CHALLENGES AND STRATEGIES*



Investigating and Prosecuting Non-Fatal Shootings: Challenges and Strategies

There are approximately six non-fatal shootings (NFS) for every gunshot homicide in the United States.¹ However, whereas most gun homicides are reported to law enforcement, only 61% of NFS were reported in 2007–2011.² Another study notes the frequency and low reporting of NFS cases: “for every person killed by guns, two more are injured.”³ The most common weapon is a handgun, which is used 90% of the time for reported NFS.⁴

Although NFS declined 69% from 1993 to 2008 (1.5 million to 331,618 reported cases) experts believe less NFS were reported at that time due to fears of retaliation.⁵ Unfortunately, according to the National Institute for Justice (NIJ), NFS began rising again in 2011, with 414,562 incidents reported in that year.⁶ However, it is difficult to understand and track the numbers of NFS, primarily due to underreporting; one news article noted a discrepancy between the Department of Justice’s National Crime Victimization Study—that “show[ed], from an average of about 22,000 nonfatal shootings in 2002, to roughly 12,000 a year from 2007 to 2011,” whereas a CDC study showed “the number of Americans coming to hospitals with nonfatal, violent gun injuries has actually gone up: from an estimated 37,321 nonfatal gunshot injuries in 2002 to 55,544 in 2011. These numbers include only injuries caused by violent assault, not accidents, self-inflicted injuries, or shootings by police.”⁷

Shelby County Assistant District Attorney Colin Campbell explains how hard it can be for prosecutors in Memphis, Tennessee, to track NFS cases. In his jurisdiction, most NFS are charged as aggravated assaults, and aggravated assaults can include crimes involving other dangerous instruments such as knives, bricks, and baseball bats. There is no separate statute for firearms used in the commission of an aggravated assault, and Mr. Campbell would like to see a statutory change made to address this issue. To help track firearm-related aggravated assaults in Memphis, the Memphis Police Department can check a box indicating a firearm was used in the crime; however, Mr. Campbell says “reporting is only as accurate as when the box gets checked.”

Just as NFS are difficult to track, they are equally problematic to investigate and prosecute. A New Jersey Star Ledger report tracked NFS police data from 2008 to 2011 and found that 2,000 NFS, or “three quarters of all nonfatal shootings in New Jersey’s most violent cities remain unsolved.”⁸ In that timeframe, The Star-Ledger determined that only 21% of NFS cases were closed, whereas “65% of the state’s homicide cases were solved.”

Marisa McKeown, Supervising Deputy District Attorney at the Santa Clara County District Attorney’s Office in Santa Clara, California, explains that her office prosecutes NFS crimes more often than homicides, due to the frequency of their occurrence. In Santa Clara County, prosecutors handle approximately 50 homicides per year, with many more NFS. According to her, the majority of the NFS have a “gang nexus,” so they are typically handled by the gang and violent felony unit, depending on the strength of the gang evidence. Portland, Oregon also experiences “vastly more” non-fatal shootings than homicides, according to Multnomah Deputy District Attorney Adam Gibbs. This remains the case even when Portland detectives do not refer all non-fatal shootings to the District Attorney. Similarly to Santa Clara County, most non-fatal shootings in Multnomah County are tied to gangs, and there is also no specific non-fatal shooting unit. Most NFS cases are either tried by Multnomah County’s Major Person’s Crime Unit or Gang Unit, depending on the gang nexus. Gang cases also bring unique challenges, as many involve witnesses and/or co-defendants from a defendant’s gang. Prosecutors must be persistent and patient when dealing with these witnesses: Mr. Gibbs describes situations in which multiple-gunman gang shootings are solved only when one of the involved defendants is able to be “flipped” through building other cases against him to testify against his accomplices. This can be an extended process that has taken up to 12-18 months in some cases and is not always successful.

1 Papachristos, A.V., et al., *Tragic, but not random: The social contagion of nonfatal gunshot injuries*, *Social Science & Medicine* (2014), <http://dx.doi.org/10.1016/j.socscimed.2014.01.056>. Accessed May 30, 2017 from: <https://www.hoplophobia.info/wp-content/uploads/2014/05/Tragic-but-not-Random-The-Social-Contagion-of-nonfatal-gunshot-injuries.pdf>

2 Planty Michael G and Truman, Jennifer L. “Firearm Violence, 1993-2011.” Bureau of Justice Statistics. Accessed May 30 2017 from: <https://www.bjs.gov/index.cfm?iid=4616&ty=pbdetail>

3 “Gun Violence by the Numbers” Everytownresearch.org. Accessed July 13, 2017 from: <https://everytownresearch.org/gun-violence-by-the-numbers/>

4 Planty Michael G and Truman, Jennifer L. “Firearm Violence, 1993-2011.” Bureau of Justice Statistics. Accessed May 30 2017 from: <https://www.bjs.gov/index.cfm?iid=4616&ty=pbdetail>

5 Id. (Planty)

6 Gun Violence” Office of Justice Programs, National Institute of Justice. Accessed May 30, 2017 from: <https://www.nij.gov/topics/crime/gun-violence/pages/welcome.aspx>

7 Beckett, Lois. “Why Don’t We Know How Many People Are Shot Each Year in America?” Propublica. May 14, 2014. Accessed July 13, 2017 from: <https://www.propublica.org/article/why-dont-we-know-how-many-people-are-shot-each-year-in-america>

8 Queally, James and Friedman, Alexi. “Nonfatal shootings continue to plague NJ cities, thousands of cases unresolved since 2008.” The New Jersey Star Ledger. September 10, 2013. Accessed May 30, 2017 from: http://www.nj.com/news/index.ssf/2013/09/nonfatal_shootings_continue_to_plague_nj_cities_thousands_unresolved_since_2008.html

NFS are critical and often foreshadow homicides and other violent crime trends. Two years ago, in Baltimore, Maryland, NFS were up 50%, according to an ABC News report. An ABC News reporter interviewed Baltimore Homicide Commander Col. Stanley Bradford who said, “We know and look at every nonfatal shooting that we get depending on the circumstances, it is a failed homicide. It is an attempt to kill someone.”⁹ In 2016, The Baltimore City State’s Attorney’s Office and Baltimore City Police Department launched a joint Gun Violence Enforcement Division (GVED) to address the city’s gun violence.

Ms. McKeown explains prosecuting NFS is important because “any shooting case is one of our most serious crimes, regardless of whether someone dies or not. People who are willing to pick up a gun, point it, and pull the trigger are the most violent offenders. Some victims in these cases are just an inch or an hour away from being another homicide statistic.” Mr. Gibbs agrees, “Usually it’s just luck that non-fatal shooting cases aren’t homicides. These are dangerous individuals who need to be off the streets before [the next crime they commit] becomes a homicide.” Mr. Campbell explains that a lot of NFS would have been homicides, but the shooter simply couldn’t fire the fatal shot, or skilled surgeons were able to save a victim. He also adds that prosecuting these cases is important because “dangerous people are being removed from the street and we may be interrupting a homicide or future homicide.”

Fortunately for Mr. Gibbs and his colleagues prosecuting NFS, Oregon law¹⁰ has mandatory gun sentencing laws for defendants convicted of using a firearm in commission of a felony. Mr. Gibbs describes the law as an “escalating three strikes gun crime, so getting someone convicted of a first felony gun offense is very important.” The first offense is five years, the second offense is ten years, and the third offense is thirty years (with higher penalties if the firearm is a machine gun, short-barreled rifle, short-barreled shotgun or is equipped with a firearms silencer).¹¹ However, in reality, most first time defendants serve probation or just a few days in jail for the first offense as judges have the discretion to “suspend the execution of the sentence or impose a lesser term of imprisonment, when the court expressly finds mitigating circumstances justifying such lesser sentence and sets forth those circumstances in its statement on sentencing.”¹² With the promise of probation for a first time non-fatal shooting offense, defendants also readily enter plea deals, so closure rates for first time non-fatal shootings are high in Multnomah County. And, if the defendant is convicted for a second firearm in the commission of a felony offense, judges by law, must impose the mandatory ten-year offense. Mr. Gibbs explains getting that first felony on the defendant’s record is “important to activating mandatory minimums” for subsequent felony gun offenses. In addition to activating the mandatory minimum for first time felony gun offenses, dangerous offenders may stay off the street even for a short period of time or be monitored while on probation. Mr. Gibbs notes all these outcomes keep violent offenders off the street, thus preventing additional NFS.

Homicide cases are treated differently than non-fatal shootings in all three jurisdictions. Ms. McKeown admits that homicide case investigations receive the “gold star treatment” and are immediately attended to by the on-call DA and the crime scene unit and are always investigated in a timely fashion. According to Mr. Gibbs, the Multnomah County District Attorney’s Office “aggressively pursues gun cases,” but prosecutors are not dispatched to NFS scenes, only homicides. Also, according to Mr. Gibbs, “Witnesses approach homicide detectives differently than [other detectives who may investigate non-fatal shooting cases].” Mr. Gibbs explains that most non-fatal shooting cases in Multnomah County fall into two camps: gang-related and non-gang-related; the latter are easier to prosecute due to less fears of retaliation. He explains that “many non-fatal shooting cases without gang influences are bar room brawls where there is frequently video evidence and cooperating witnesses who are generally not fearful of retaliation.”

In both Multnomah and Santa Clara Counties, NFS do not have their own special unit, and most are handled by each office’s respective gang unit. Both offices do not have the additional resources for NFS that are used for homicides. The Shelby County District

⁹ Kuebler, Brian. “Nearly 50 Percent Surge in Non-Fatal Shooting Could Predict Violent Summer.” ABC News Baltimore, Scripps Media. Accessed July 13, 2017 from: <http://www.abc2news.com/news/in-focus/nearly-50-percent-surge-in-non-fatal-shooting-could-predict-violent-summer>

¹⁰ ORS § 161.610 4a, b, c “Enhanced penalty for use of firearm during commission of felony.”

¹¹ *Id.*, § 161.610 4a, b, c

¹² *Id.*, § 161.610 5(a).

Attorney's Office also does not have a unit used solely to prosecute NFS, and these cases are usually handled by the office's line prosecutors along with the gang, violent crime, and domestic violence units, depending on the nature of the NFS case. However, Shelby County prosecutors receive assistance from state and county law enforcement as well as the FBI and Alcohol, Tobacco, Firearms, and Explosives (ATF). ATF for both homicides and NFS, particularly when they relate to gun crimes— as Shelby County has an operational Multi-Agency Gang Unit comprised of federal, state, and local law enforcement agencies. The federal government's efforts against gang activities can lead to assisting prosecutors with wiretaps, gun resources, overtime assistance, manpower, and interviewing and finding witnesses. However, most Memphis homicide cases, according to Mr. Campbell, are more in depth than NFS; there are usually more investigators on the case, more forensic testing conducted, and a more general effort expended on the case, such as cell phone tower mapping. Mr. Campbell also explains that it can be hard to determine whether the NFS case is gang-related, although he estimates roughly half of NFS crimes in Memphis have a gang connection.

Ms. McKeown's office uses the National Integrated Ballistic Identification Network (NIBIN) database, managed by ATF. The database collects images and information of spent bullets and cartridge casings collected at crime scenes. Ms. McKeown explained Santa Clara County has recently approved hiring new crime lab employees for a firearms unit to input information into NIBIN and be proactive. Before, Ms. McKeown's unit used NIBIN less frequently for NFS compared to homicides. Now her office is beginning to make NIBIN input of gun evidence standard protocol. This process is important, she says, because, "you never know what piece of evidence will come back to a shooting." She gives an example of a "car full for four gangsters" where a gun was collected during a routine traffic stop. In the past, the gun evidence would not always be sent to NIBIN. However, using NIBIN, the gun in the car may now be traced to bullet casings left at a crime scene from a few days ago. Ms. McKeown says "using NIBIN is such a quick thing too, and it changes the way we view collected evidence." She explains that NIBIN should also be expanded and used to track discarded guns and spent gun cartridge casings found by concerned citizens. Shelby County has been using NIBIN for the past three years. Multnomah County relies on Integrated Ballistics Identification System (IBIS), a similar automated firearms identification system. Mr. Gibbs says IBIS matched gun hits and he was able to prosecute a defendant for another crime after using IBIS to test a discarded gun at the crime scene. However, IBIS hits can also negatively affect a case; in many gang cases, according to Mr. Gibbs, "guns get passed around a lot." Mr. Gibbs recounts a case where a defendant passed the weapon used in his case to another gang member prior to arrest. The gun kept getting hits while the defendant was in custody, leading defendant's defense attorney to argue that the real offender was still at large.

Ms. McKeown explains that once the victim is known to be alive in Santa Clara County, the police department may call off resources "literally sending people home" that were sent to deploy if the case had become a homicide case. According to Ms. McKeown, this practice is due to lack of resources. In these situations, key evidence may not be collected, as law enforcement may not have the chance to canvass the scene for bullet casings, discarded weapons, capture surveillance, or interview witnesses. Victim services may also lack resources in NFS cases. Mr. Gibbs explains that although most funding assists witnesses in Portland homicide investigations, some funding may go to non-fatal shooting victim support—such as relocation. To overcome lack of resources, prosecutors should acknowledge what investigative strategies are being used in homicide investigations (such as collecting any evidence that can be tracked in NIBIN, securing the scene, interviewing witnesses, and carefully preserving evidence) and apply these strategies to NFS cases.

Resources, such as NIBIN, can be limited for NFS cases compared to homicide cases. Although most prosecutors' offices devote resources to NFS, these resources are generally different and smaller than resources and strategies devoted to homicides.¹³ To overcome this hurdle, prosecutors can apply their knowledge of prosecuting homicides

¹³ For example, in New Jersey (2012), 65% of homicides are prosecuted; whereas of the 2593 reported NFS, 593 prosecuted (22%). In Newark, New Jersey, a NFS task force was initiated in 2013, and in 2014, 33% of all NFS shootings were solved compared to 13% in 2012. See, Queally, James and Friedman, Alexi. "Staggering amount of nonfatal N.J. shootings go unresolved, statistics show." The New Jersey Star Ledger. December 28, 2012. Accessed May 30, 2017 from: http://www.nj.com/news/index.ssf/2012/12/staggering_amount_of_nonfatal.html See also, Queally, James. "NJ police find a new way to investigate nonfatal shootings." The New Jersey Star Ledger. February 2, 2014. Accessed May 30, 2017 from: http://www.nj.com/news/index.ssf/2014/02/nj_police_changing_the_way_they_investigate_shootings_after_star_ledger_series.html

to NFS. According to Ms. McKeown, vertical prosecution and specialized units, such as Gang and Crime Strategies Units (CSU) are ways to try to overcome resource issues. Prosecutors should also build strong relationships with law enforcement and community leaders. Community Prosecution is a strategy that offices use to facilitate this positive interaction. The Multnomah County District Attorney's Office, staffed with approximately 80 prosecutors, has its own Community Prosecution Unit, comprised of seven attorneys. The prosecutors are stationed in police precincts and respond to a lot of gang issues. In jurisdictions who have them, Community Prosecutors work directly with police, victim advocates, and gang officers to prosecute gang crimes and dispel fears of retaliation and anti-snitching. Shelby County also has a Community Prosecution Unit, with three ADAs covering three Memphis precincts, with six more precincts awaiting ADAs. University of Memphis researchers are currently researching whether this model is working better than traditional prosecution methods.

Even if a prosecutor's office does not have a Community Prosecution Unit, the office should try to engage with the community and know how to treat NFS victims and witnesses. Shelby County prosecutors collaborate with criminologists from the University of Memphis to work on criminal justice issues centered on gang and juvenile crime and lowering the overall crime rate in the city. The University and Memphis Police Department have built a database to track crimes, including nonfatal shootings (aggravated assaults). Mr. Campbell and other prosecutors can access the database, and Mr. Campbell generally uses it quarterly to examine NFS data. Additionally, in Memphis, the University, the District Attorney's Office and 100 other public and private stakeholders, including businesses and government leaders, are proponents of the city's Operation: Safe Community Crime Plan, which was formed in 2005 to address crime.¹⁴ Both the city and University of Memphis track data on crimes involving firearms.

Ms. McKeown advises treating NFS cases like domestic violence or sexual assault cases. Like an abused partner reconnecting with an abuser during a domestic violence case, or a sexually abused child terrified of confronting the defendant for the first time since the incident, most NFS victims will be scared to testify at trial, mainly due to fears of gang retaliation or not wanting to snitch. Ms. McKeown refers to this as the NFS victims "going sideways"— meaning the victims initially cooperate at the beginning of the investigation when they are scared and angry, but as the case progresses, they fail to make court appearances or scheduled interviews. Mr. Campbell explains it is "Important to give the witnesses level of comfort. [Prosecutors] have to know who [they're] dealing with, including undesirable witnesses, and try to get them to put their testimony in a recorded process under oath...Who knows who won't play ball in 6 months. Thus, it's very important to lock in an accurate statement immediately so the jury can hear what really happened. Juries do understand people are scared and go back out on the streets." He adds, there are many reasons a witness in an NFS won't want to testify later: "an anti-snitch mentality, the hassle of coming to court, and fears of retaliation."

As in all criminal cases, prosecutors handling NFS cases take their victims as they find them, focusing the jury's attention on the offender's unlawful conduct and accountability. Ms. McKeown explains that dealing with victims and witnesses is a major part of being a prosecutor handling NFS cases, and prosecutors must tactfully work with each victim to encourage the victim to come to court and testify truthfully. Prosecutors must look at each victim and appeal to their sensibilities, using whatever tone is appropriate in context. She recounts an episode where a victim, bleeding profusely at a crime scene initially identified his attacker, but months later was reduced to tears in the court hallway, explaining he would be killed as retaliation for testifying. During her direct examination of him, he refused to identify the defendant, but the evidence ultimately came in due to Ms. McKeown anticipating his refusal and declaring him a hostile witness (in California, evasive witnesses can be declared hostile under *California v. Greene*,¹⁵ 399 U.S. 149 (1970)) and using his prior inconsistent statements and prior recorded recollection.

¹⁴ Operation: Safe Community Crime Plan. Accessed February 8, 2018 from: <https://operationsafecommunity.org/crime-plan>

¹⁵ In *Greene*, the court held that the Confrontation Clause of the Sixth Amendment does not preclude the introduction of an out-of-court declaration, taken under oath and subject to cross-examination, to prove the truth of the matters asserted therein, when the declarant is available as a witness at trial.

“Even small amounts of exposure can dramatically increase the odds of victimization. For instance, every 1 percent increase in exposure to gunshot victims in one’s immediate network increases the odds of victimization by roughly 1.1 percent, holding all else constant...”¹⁶ In addition, “cohort and cross-sectional studies consistently find that both violent victimization and offending tend to occur within small segments of populations of individuals actively engaged in delinquent and criminal activities.”¹⁷ Thus early, proactive, victim services should be in place to assist prosecutors, communities and victims of gang violence. More prosecutors’ offices are using victim services and have programs in their offices, including Santa Clara, Shelby, and Multnomah counties. Mr. Gibbs says a victim advocate who is plugged into the community with high gang involvement is key to clearing non-fatal shooting cases, but this relationship needs time to build so that community members don’t see prosecutors as “the bad guys.” In Multnomah County, some victim advocates are assigned exclusively to gang crimes and collaborate with gang officers to work exclusively with gang victims and witnesses. The victim advocates and gang officers engage in public outreach, visiting community members and getting people to discuss “what the street is telling them and/or eventually go to court.” Mr. Gibbs says a lot of what the victim advocate learns may be inadmissible hearsay, but the information can often lend new light to an investigation. For example, a victim advocate may speak to a preacher who overheard members of his congregation identify a gang member as a shooter. The victim advocate and/or the gang officers may also observe funerals of gang victims. Ms. McKeown explains that two years ago the Santa Clara DAs office brought in a new “huge, robust, multidisciplinary” Victim Services Unit. Their victim advocates assist victims with understanding the court process, preparing for trial, collecting restitution, and arranging relocation when necessary. The unit is especially needed for survivors of domestic violence and gang crime. The unit also engages in community outreach, mental health referrals. More information is available at: <https://www.sccgov.org/sites/da/VictimServices/VSU/Pages/default.aspx>

Developing specialized training for NFS may also help to alleviate resource issues. Ms. McKeown explains that special trainings are needed for police, prosecutors and other law enforcement personnel who handle NFS cases. Prosecutors in her jurisdiction noticed that felony assault prosecutions were not as successfully prosecuted as other crimes, so her office decided to try to tailor trainings specifically to these difficult cases. Training topics covered: handling the weapon, preserving the crime scene, brushing up on self-defense laws, prepping victims and witnesses for trial, picking the right jury, and strategizing witness lineup.

Prosecutors can also utilize “no-cost” strategies from homicides and apply them to NFS. According to Ms. McKeown, every gun, bullet, and casing has a story to tell. Therefore, NFS evidence should be handled with the same skill and technique as evidence at a homicide scene. Investigators must use gloves, treating NFS evidence with respect and urgency. This involves canvassing the neighborhood for witnesses, cordoning off witnesses, police transport of witnesses to the station for statements, and documenting everything at the scene as if it could lead to a big break in the case.

Building a strong relationship with law enforcement is also critical when investigating and prosecuting NFS. Prosecutors’ offices using a CSU work closely with law enforcement and are oftentimes more likely to successfully prosecute NFS. Santa Clara County District Attorney’s CSU was funded and created for the Santa Clara County Police Chief’s Association. According to Ms. McKeown, “prosecutors in the unit are embedded in a police building, working with police from the inception to conclusion of NFS cases to “solve, capture, and prosecute violent suspects.” Mr. Gibbs explains the Multnomah County District Attorney’s Office has a “strong partnership with local law enforcement” to assist in prosecuting both homicides and non-fatal shootings. Mr. Campbell says strong police/prosecutor relationships are generally made when both police and prosecutors work together throughout cases. “We have a great relationship, especially with homicides, because we work very closely together. A senior prosecutor will go to the homicide office in the morning to advise and answer any questions.”

¹⁶ Papachristos, A.V., et al., Tragic, but not random: The social contagion of nonfatal gunshot injuries, *Social Science & Medicine* (2014), <http://dx.doi.org/10.1016/j.socscimed.2014.01.056>. Accessed May 30, 2017 from: <https://www.hoplophobia.info/wp-content/uploads/2014/05/Tragic-but-not-Random-The-Social-Contagion-of-nonfatal-gunshot-injuries.pdf>

¹⁷ Id., citing: (Kennedy, 1996; Loeber and Farrington, 2011; Thornberry et al., 2003; Wolfgang, 1958)

Filing motions and briefs in advance of trial can strengthen a tough case. Prosecutors should develop a theory of their case, discuss up front any credibility issues a less than perfect victim or witness may present to a jury, and strategically develop the order of witnesses for trial.

Filing pretrial motions for evidentiary rulings to admit certain evidence “in limine,” proposed juror *voir dire* questions, addressing witness intimidation and alerting the court to other case-related complexities is proactive and builds a case before the first witness is called to testify. Consider victim and witness vulnerabilities, their strengths and weaknesses within the context of the case for *voir dire* and jury selection. *Voir dire* is important to identify potential biases.

Many NFS victims are gang members, have criminal records, and use drugs. Mr. Campbell explains it is “important to ask the jury during *voir dire* whether a good person can tell a lie and whether a not-so-good person can tell the truth.” He explains it is “important to believe a not-so-good-person’s testimony if it corroborates with all the other evidence presented, including forensic evidence. To build off *voir dire*, the prosecutor should also include a Witness Credibility jury instruction. Jury instructions on self-defense should also be included. Ms. McKeown explains “Most people don’t catch a bullet shopping for groceries.”

Prosecutors should also strategize the order of witnesses, and whether to call expert witnesses who may testify about gang culture, retaliation, and recantation. Prosecutors must also understand self-defense laws. This helps to avoid jury confusion, especially in jurisdictions where self-defense is a common affirmative defense. Finally, Mr. Campbell advises during trial to “know your case front and back, keep it as simple as you can, and be passionate about getting the jury to understand [in a closing argument] that although this is a NFS, but for the efforts of some fantastic surgeon, this would have been a homicide trial. This is your best shot to get a really dangerous person off the street.”

Final Investigation and Prosecution Tips

1. Treat Every Gun as a Murder Weapon and every NFS Scene as a Murder Scene
2. Develop a Vertical Prosecution Model to Build a Solid Police/Prosecutor Relationship, and to Effectively Investigate and Prosecute NFS. Consider assigning a prosecutor to: **(1)** go to the NFS crime scene; **(2)** work with law enforcement during the investigation; and, **(3)** handle the case from charging to disposition
3. Utilize a Victim Advocate to Work with Witnesses, and Victims
4. Prepare the Victim/Witnesses and Anticipate Potential Issues at Trial
5. Follow a Community Prosecution Model
6. Rely on Use of NIBIN or its Equivalent
7. Identify Special Trainings for Non-Fatal Shootings
8. Understand your Jurisdiction’s Law on Self-defense
9. Plan for Trial: Use Proactive Motions, Ensure *Voir Dire* Addresses Prosecution’s Victim and Witness Issues, Select Proper Jury Instructions on Witness Credibility, and Strategize Order of Witnesses Based on Credibility and Telling the Story of the Case



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