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TBI and USD Law School Continue Oral Advocacy Trainings in Mexicali

Amid the first oral trial conducted in Baja California, the University of San Diego's Trans-Border Institute (TBI) and School of Law, along with the Law Faculty at the Universidad Autónoma de Baja California (UABC) in Mexicali, completed their third Oral Advocacy Training under the partnership funded by the U.S. Agency for International Development (USAID) and Higher Education for Development (HED).

In August 2010, Baja California's new oral adversarial trial system took effect, following the example of states like Chihuahua, Nuevo León, Zacatecas and Oaxaca, where similar reforms have already implemented. The first trial conducted in Baja California took place in February, and involved a suspect accused of stealing a van. The suspect was called to appear before a three-judge panel at the court house in capital city of Mexicali



Participants in the USD-UABC Legal Education Program in February during the initiative's third oral trial skills training.

for the first case under the new system. Regretfully, the defendant did not show up on his own accord, and authorities had to take him into custody in order for the trial to proceed. Meeting privately with representatives from the USD-UABC program afterwards, the judges viewed the trial as an important milestone in

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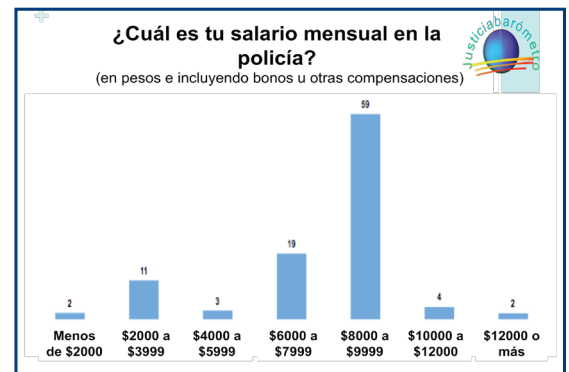
TBI Conducts First Survey of Police in Cd. Juárez

In September 2010, TBI presented the results of an unprecedented study of municipal police in Ciudad Juárez to city council members and other local authorities. The study, titled *Justiciabarómetro: Municipal Police in Ciudad Juárez*, was conducted during a two-week period in June with the support of the Open Society Institute, a private philanthropic foundation.

The study was coordinated by Dr. Maria Eugenia Suarez de Garay, Dr. David A. Shirk, and Dr. Marcos Pablo Moloeznik, and relied on the inter-institutional collaboration of Mexico's National Commission to Prevent and Eradicate Violence against Women of the Ministry of the Interior, the Municipal Government of Ciudad Juárez, the Colegio de Chihuahua, the Colegio de la Frontera Norte in Chihuahua, a bi-national team of U.S. and Mexican academic researchers, and the assistance of the polling firm Data-Opinión Pública y Mercados (Data-OPM).

The study consisted of a qualitative assessment by a team of law enforcement and security analysts led by Dr. Moloeznik, as well as a survey administered by Dr. Pablo Parás, director of Data-OPM to nearly 2,400 municipal police officers during a two-week period.

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The survey asked police officers what their monthly salary was, and most answers fell at the \$8000 to \$9999.

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A Message from TBI Director David Shirk

Returning last fall from my one-year sabbatical at the Woodrow Wilson Center in Washington, D.C., I came back with three important insights. The first is that TBI got along just fine without me. The excellent stewardship of Charles Pope as interim-director and the fine work of our team helped ensure a tremendously successful 2009-10 academic year.

The second is Trans-Border Institute's work has grown in relative importance and impact over the last few years. Thanks to the help of generous contributions from The William and Flora Hewlett Foundation, The Tinker Foundation, the Open Society Institute, and individual private donors, TBI has been able to play a significant role in working to promote a better future for Mexico and the border region as a whole. Progress may be slower than we would like, but TBI is working to inform U.S. and Mexican policymakers and encourage more effective policies on issues like immigration, security, and economic development. Under Charles's leadership, for example, TBI hosted an important economic summit where the Secretaries of Commerce from the United States, Mexico, and Canada convened for the first time. In Fall 2010, TBI presented an unprecedented and probing study of the Ciudad Juárez police force to the municipal government, with recommendations on how to improve local security. TBI also engaged USD



TBI Director David Shirk (right) with Denise Dresser at a presentation at the Wilson Center while on sabbatical [Photo by David Hawxhurst]

students by organizing a field trip to the Tijuana Innovadora conference featuring Carlos Slim and Francis Fukuyama. Presently, TBI's collaboration with the USD School of Law is helping to train lawyers working to implement new reforms intended to strengthen Mexico's judicial system. Following from all of the above is the third lesson: that TBI is not alone. TBI's success hinges critically on our strong relationships with our colleagues at the Joan B. Kroc School of Peace Studies, our board members, our partner institutions, and above all the USD faculty and students who contribute actively to our work!

Oral Advocacy Training *(Continued)*

the implementation of the new system. They noted that transition from Mexico's unique version of inquisitorial criminal procedure requires enormous investments and effort. Courtrooms have been converted, new technologies have been introduced (including sophisticated video recording equipment), and lawyers have begun to acquire new skills in negotiating the various aspects of the new system.

To help with the implementation of these reforms in Baja California, USD has partnered with UABC in a three-year initiative to provide legal training on oral advocacy skills which is funded under the auspices of the U.S.-Mexico Mérida Initiative. USD Law Professor Allen Snyder selected and led the team of trainers participating in the program, working with his counterpart Daniel Solorio.

The training that took place on February 9th, was the third conducted under the partnership thus far, and relied on local trainers—trained previously under this program—to help teach participants key steps in oral trial procedures: opening statements, examination, cross examination, and closing statements. At the end of the four-day program, the trainees applied their new skills in a mock trial presided over by actual judges, including one from the first real trial in Baja California.

The February training program in Mexicali was attended by Manny Sanchez, the initiative's program officer at Higher Education for Development, giving him a better view of the nature of the partnership and how the program works on the ground. Of note for Mr. Sanchez was the damage from the massive earthquake on April 4, 2010 that damaged the UABC law school building in Mexicali, which required some of the initial activities of the program to be relocated to other venues. During his visit, Mr. Sanchez also joined TBI Director David Shirk and UABC Law Professor María Candelaría Pelayo Torres in attending the sentencing portion of Baja California's first oral trial.



James Gailey was one of the many lawyers that participated in the Oral Advocacy Training this past February.

2011 Binational Summer Seminar in Border Studies

This summer, the USD Trans-Border Institute will collaborate with the Universidad Iberoamericana in Tijuana to host the 2011 Summer Seminar in Border Studies. The program will engage students in direct hands-on learning about the U.S.-Mexico border relationship, North American regional integration, and the dynamics of the new global economy. As its long-term goal, this program will also work to develop a network of informed leaders and stakeholders to champion the goals of greater North American cooperation and cross-border integration.

Specific topics of study will include:

1. U.S.-Mexico relations and the border;
2. North American trade and economic development;
3. immigration patterns and policy;
4. border security and law enforcement;
5. environmental sustainability; and
6. the history, arts, culture, and people of the border.

In addition to daily classroom experiences, students will tour maquiladoras and port of entry installations, meet U.S. and Mexican authorities and representatives of key business and community organizations, engage community service projects to help border communities, and visit marginalized and wealthy communities on both sides of the border.

Application Process:

Apply Online

Applications due : March 28, 2011

Applicant interviews: Week of April 4, 2011

Final Notification of program acceptance: Week of April 11, 2010

Program Requirements:

Language Proficiency in Spanish.

Passport and Visa.

Program Costs:

Full cost to be paid before the start of the program is \$2,000.00. This includes tuition, on-campus lodging in Casa Manresa (double rooms), excursion and service learning transportation (including trip to the peninsula). A limited number of scholarships (\$500) may be available for USD students who apply by March 28, 2011.

Additional Program Information:

For additional program information, please visit the website of Universidad Iberoamericana at <http://www.tij.uia.mx>, or contact the Trans-Border Institute:

Charles Pope at (619) 260-4090 or
at cpope@sandiego.edu

TBI Staff Spotlight: Charles Pope

In September 2010, Charles Pope celebrated his 5 year anniversary with the Trans-Border Institute.

Upon joining the Institute as the operations coordinator, Mr. Pope undertook a number of different initiatives that served to increase the operational efficiency of the organization. For example, he coordinated the creation of a shared network drive at TBI; established a database that centralized the contact information for the Institute's network, and that now has close to 4,000 records; and restructured and updated TBI's website, providing a more effective resource for TBI's constituents. In addition, Mr. Pope co-authored a grant proposal to The Tinker Foundation for a seminar series on "Legal Ethics and Professional Responsibility in Mexico," which was ultimately funded.

In 2008, Mr. Pope became the assistant director at TBI, where his responsibilities were expanded to include fiscal oversight and administration, program management, fundraising and business development, and human resources and personnel supervision. However, it was not long after that when Mr. Pope took on new responsibilities yet again. This time, in 2009, Charles assumed the role of interim director of the Trans-Border Institute when TBI's director, Dr. David A. Shirk, went on sabbatical for the 2009-10 academic year. During Mr. Pope's year as interim director, TBI organized a number of groundbreaking educational programs including "A Vision for US-Mexico Border Security" with Border Czar Alan Bersin of the U.S. Department of Homeland Security; the "North American Competitiveness, Innovation and Clean Energy Conference 2010" with the three sitting North American Secretaries of Commerce; and the exhibit "Changing Boundaries: Historic Maps of the U.S.-Mexico Frontier," which featured a collection of original historical maps that demonstrated the evolution of the U.S.-Mexico border over the last four centuries.

Prior to the Trans-Border Institute, Mr. Pope started his career at Seating Concepts as a purchasing agent, buying fabric, cupholders, and hardware for theatre and auditorium seating. However, he soon after took a position as the Border Program Assistant at an organization known as San Diego Dialogue, which is an academic research institute at the University of California, San Diego (UCSD) dedicated to furthering the economic development of the San Diego/Baja California region. It was at San Diego Dialogue where Mr. Pope first met Dr. Shirk, who also collaborated with San Diego Dialogue during his time as a doctoral student.

Mr. Pope received a bachelor of arts in industrial relations from the University of North Carolina, as well as a masters degree in international relations from UCSD. He is also currently enrolled as an MBA student in USD's School of Business. Upon receiving his MBA, Mr. Pope would like to re-enter the private sector in the area of corporate social responsibility or emerging market research. He speaks both Spanish and Portuguese, and is an avid Over-The-Line (OTL) player.



Ending Prohibition? Proposition 19, Marijuana Legalization, and The Implications for Mexico

On October 14, 2010, the Trans-Border Institute organized a half-day conference on “Ending Prohibition? Proposition 19, Marijuana Legalization, and the Implications for Mexico.” The objective of the conference was not only to provide a forum for a balanced discussion of the pros and cons of Proposition 19, which would legalize marijuana in California if passed, but also to deliberate the potential effects of the initiative on the escalating drug war in Mexico.

Proposition 19 was an initiative that appeared on the November 2, 2010 ballot in the state of California, which was defeated. If it had passed, the initiative would have allowed the possession, cultivation, and transportation of marijuana for personal use for adults 21 years of age or older. The regulation, taxing, and control of marijuana production and distribution would have fallen under local jurisdictions and current laws that prohibit driving while impaired would have been maintained.

There were three different panels, each of them focusing on a specific implication of the proposition. The first panel was on the current counter-narcotic efforts in the U.S.-Mexico context. The second panel pertained to the proposed initiative to legalize the use of marijuana in California. The final panel presented the potential implication for U.S. and Mexican drug policy. Each panel was comprised of a group of experts ranging from professors, directors of non-profit organizations, as well as colleagues from Mexico.

The discussion that was carried out throughout the conference involved contrasting supporting and opposing views regarding Proposition 19. Professor Kathleen Staudt, from the University of Texas-El Paso, argued that the current approach to the war on drugs, by both the United States and Mexico, is not succeeding. Therefore, legalization would allow the U.S. government to use its law enforcement resources more efficiently and focus interdiction efforts on harder drugs like cocaine, heroin, and methamphetamine.

On the other hand, Roger Morgan, Chairman and Executive Director for a Drug-Free California, provided a number of arguments against marijuana legalization in California. For example, because municipal governments would manage the regulation, control and taxing of marijuana, the state of California would not realize any financial benefit from legalization. Viridiana Rios, a Mexican Ph.D. Candidate in Government at Harvard University, also noted that, while marijuana legalization in California could be expected to cause a reduction in the profits of Mexican drug trafficking organizations, it would not likely affect their overall capacity for violence and corruption significantly given the profitability of other drugs that would remain illegal.

The conference was coordinated by TBI Visiting Scholar Gayle Hazard, a masters candidate from the University of Peace in Costa Rica, with the goal of providing USD students and the San Diego community diverse perspectives on a complex issue. Ultimately, the proposition was favored by only 46% of Californians, given reservations about such a radical departure from current drug policy and concerns that the proposition itself was not well designed to prevent abuses such as workplace consumption of marijuana.

Shared Responsibility

On December 15, 2010, Andrew Selee, director of the Mexico Institute the Woodrow Wilson Center, and TBI director David Shirk presented their most recent co-edited publication, *Shared Responsibility: U.S.-Mexico Policy Options for Confronting Organized Crime*, the result of a joint collaboration between the two institutes, co-edited with Eric Olson.



As part of this project, twelve authors were commissioned to provide background information on organized crime in Mexico, the United States, and Central America. Their research focused on specific challenges for cooperation between the United States and Mexico, including issues such as the consumption of illicit drugs, firearms trafficking, money laundering, intelligence sharing, police and judicial reform, and the protection of journalists. The authors included many of the leading U.S. and Mexican experts on these issues, including former-Mexican security advisor Sigrid Arzt, renowned journalist Douglas Farrah, security experts John Bailey and Roderic Camp, drug policy analyst Peter Reuter, U.S. journalist Steven Dudley, and Mexican newspaper reporters Jose Díaz-Briseño and Dolia Estévez.

The book asserts the need for U.S.-Mexico cooperation to address the shared security challenges confronting both countries. Dr. Selee noted the challenge of tackling fundamentally important but long-term problems, like drug consumption in the U.S. and judicial reform in Mexico. The co-editors also discussed the limits of border security in the face of trans-national phenomena like drug and firearms trafficking, which may be better addressed at the point of sale. The co-editors noted that progress has been made in U.S.-Mexico cooperation, and agreed that both countries must embrace their shared responsibilities to reduce organized crime and violence in Mexico.



Andrew Selee, co-author of Shared Responsibility, presented his most important finding to the public.

TBI Survey of Police in Cd. Juárez (continued)

The Ciudad Juárez study builds on the first *Justiciabarómetro* study, which was conducted by the Trans-Border Institute and other partner organizations in six municipalities of the Metropolitan Area of Guadalajara in 2009.

In the initial phase of the Ciudad Juárez project, the research team conducted a two-week field research visit, including a qualitative assessment of the structural and organizational conditions in the police department of Ciudad Juárez. This qualitative assessment helped inform the research team about local conditions, and provided background on organizational and operational dynamics, intelligence and counterintelligence initiatives, and the psychology, health and working environment of local officers.

The survey portion of the study utilized a 100+ questionnaire administered 2,381 officers, or 75% of the entire municipal police force (an estimated total of 3,146 persons at that time). The quantitative assessment enabled the research team to obtain a comprehensive understanding of officers' views about working conditions, crime and society, and due process and to identify their profile and trajectory. The data gathered by this study are extremely rich, making it one of the most comprehensive non-governmental inquiries into the workings and status of police ever conducted in Mexico.

The qualitative assessment found that the municipal preventive police in Ciudad Juárez are embedded in a complex and hostile environment that is marked, firstly, by a daily average of seven murders attributed to organized crime activities, and, secondly, by complaints about likely and actual cases of domestic violence and family violence, which saturate the Centre for Emergency and Rapid Response (CERI). Ciudad Juárez's problems with organized crime and family strife are very likely inter-related; broken families and inter-family violence are significant risk factors for gang activity, drug abuse, and drug-trafficking.

However, it is homicide that stands out as a major problem in Ciudad Juárez, since in 2008 and 2009, Ciudad Juárez's share of drug related homicides rose to account for 33% of the national total.

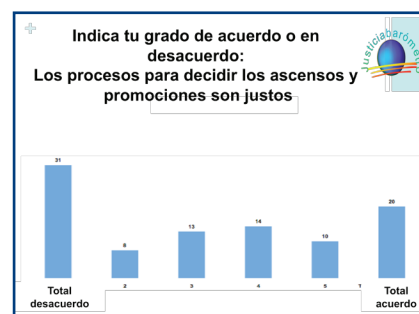
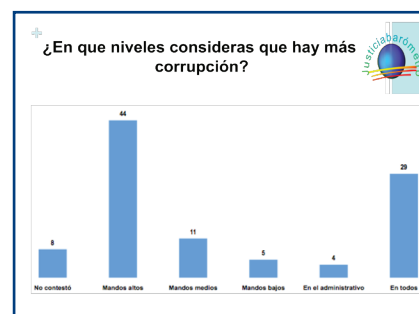
This widespread societal violence is the ultimate expression of the institutional weaknesses of Ciudad Juárez's local law enforcement agencies, since virtually 100% of these murders are not investigated, are not resolved, or do not effectively sanction those responsible. A lack of interagency cooperation and a lack of prosecutorial competence and commitment is partly to blame, local officials claim.

Yet, it also appears that municipal law enforcement authorities are overwhelmed, under-equipped, and lacking mechanisms to ensure sustained improvements to the local police force. The survey results of this study illustrated that violence directly affects the local police force on a personal level: 24% of women and 35% of men on the local police

force personally know someone who died as a result of drug related violence (the younger and more educated, the more likely they were to be connected to a victim).

The overall results of this study provide a strong empirical basis for understanding the perceptions, priorities and concerns of public servants who play the most important role in public security in Ciudad Juárez. Some key conclusions follow from the study. There is a need for authorities to reverse the prevailing negative perceptions about officers' working conditions, particularly the problems of uncertainty and job insecurity and the lack of professional standards on the force. The survey revealed that internal procedures for career advancement are not transparent and unfair. There is also a sense among officers that police themselves are involved in crimes, contributing to weak institutional integrity, especially at high levels of command. Finally, police themselves agree that better communication is required to improve community relations.

Given recent proposals in Mexico to eliminate municipal police departments around the country, this research provides much-needed data and analysis to identify the challenges confronted by local law enforcement in Mexico, as well as a baseline for measuring future improvements. Moreover, this research will be complemented by future studies conducted by the Justice in Mexico Project to examine other key judicial system personnel, including judges, prosecutors, and public defenders, in several different states throughout Mexico.



The Justicia-barómetro survey includes questions about the degree of corruption on the force, and whether or not processes for professional promotions are fair.

2010-2011 TBI Grant Awards

TBI actively encourages involvement from the USD community to address the many important issues affecting the cross border region through its small grants program. TBI provides grants to University of San Diego faculty, staff, and students for research and activities related to the U.S.-Mexican border and bilateral relationship. The following are the 2010-2011 grant awrds.



Angela Yeung, a professor at the College of Arts & Sciences, was given a faculty research grant in the amount of \$12,500.00 to sponsor the project called “Chamber Music Ensembles.”

This project is a joint tour of the USD Chamber Music Ensembles, Sinfónico Juvenil de Tijuana, and the Orquesta Sinfónica Juvenil Guadalajara during spring break of 2011.

The research and border activity will include studying and obtaining music appropriate for the joint tour, and making arrangements of music by American and Mexican composers for the combined orchestra. The activity will provide an invaluable cultural exchange between USD students and the young musicians from Mexico, help our students gain a much deeper perspective and, further their understanding of Mexican culture through visiting various parts of Mexico with native Mexicans who are similar in age.



Paulo Cortes, a student at the University of San Diego and member of the USD Dental Club, received a border activity grant in the amount of \$6,300.00 to lead the “Casa San Eugenio Dental Project.”

The University of San Diego Dental Club will assist the colonia La Morita in Tijuana, Mexico by sending four to five USD students interested in dentistry together with a local dentist in San Diego to Casa San Eugenio every other Saturday. The students will help the community by performing cleaning and sealants on patients, and teaching and promoting oral health-care to the area. The projects outputs will include a photography exhibit and a positive impact on the community by creating an outreach program with other local universities.

Grant forms, guidelines, and additional information are available on the TBI website (www.sandiego.edu/tbi).

The deadline for all materials for 2011-12 TBI grants is March 11, 2011



Judith Liu, a professor at the College of Arts & Sciences, was given a faculty research grant in the amount of \$6,600.00 to sponsor “TRAN-Sition: Globalization and its Transnational/Transcultural Effect.”

The research aspect of the project examines the increased complexity of the US/Mexico immigration flow as a result of globalization. Mexico is not the only a place from where migrants come to the US, but it is also a place of transit and destination. Also, as a part of an upper-division, undergraduate level course, Sociology 362: Social Change : Global Perspectives, students will participate in an immersion experience in Mexicali, Mexico organized by Via International. Students will get a first-hand experience of globalization and migration by being at the final staging area for the ultimate border crossing in the United States.



Melissa Fung, staff member at the Legal Research Center received a faculty research grant in the amount of \$1,450.00 to sponsor “Broader Borders: Promoting US-Mexico Scholarship at the University of San Diego.”

This project will focus on building and enhancing the Mexican Law library collection at USD, using personal contacts, a lending agreement, and web 2.0 technologies. The primary objective of this project is to increase inter-institutional and cross-border collaboration with universities in Mexico, like the Universidad Nacional Autónoma de Mexico, and also with publishers. By personally meeting with librarians and vendors, the grant recipients hope to gain a better understanding of the best collection practices for Mexican and specifically Mexican Law research materials at the University of San Diego. In addition, reciprocal lending or exchange agreements will be made in order to ensure continued access to students and faculty of scholarship materials. The main outcome of the project will be a research blog for USD students entitled, “Broader Borders: Understanding the U.S.-Mexico Border; Law, Culture, and Politics.” The blog will focus on bilateral issues like trade and immigration with a special emphasis on issues occurring in the border region.

Spring 2011 TBI Events

Drug Violence in Mexico: Recent Findings
from a New TBI Report
February 17, 2011
Institute for Peace & Justice, Room A
3:00 - 4:00 pm

Shadowlives USA: Photojournalism in the
U.S.-Mexico Context
February 24, 2011
Institute for Peace & Justice Theatre

“Satan’s Playground” Book Presentation
with Paul Vanderwood
March 23, 2011
Institute for Peace & Justice, Room H
3:00 - 4:30 pm

Border Film Week
6:00 - 8:00 pm
March 28: *Tijuaneados Anonimos*
Warren Auditorium, SOLES

March 29: *Tijuana Jews*,
commentary by Isaac Artenstein
UC Forums A/B

March 30: *La Mama*,
commentary by Judy Hammond
Warren Auditorium, SOLES

March 31: *On the Edge*,
commentary by Steev Hise
Warren Auditorium, SOLES

The Mexicali Earthquake: A Geological Perspec-
tive One Year Later
April 4, 2011
Institute for Peace & Justice Theatre
4:00 - 6:00 pm

15th Annual Sister Sally Furay Lecture:
Advancing US-Mexican Relations in the 21st
Century
Keynote Address by Former President of Mexico,
Vicente Fox
April 7, 2011
Institute for Peace & Justice Theatre
4:00 pm, Keynote Address
5:30, Light Reception

Student Reflection: Gladys Avalos



The first time I heard of the Trans-Border Institute was at a work-study job fair during the fall semester of my freshman year. Due to my Mexican descent and inevitable interest in U.S.-Mexico relations, I was immediately drawn to TBI. I started as a work-study employee in the Fall 2009 helping out at TBI events, updating the contacts database, fixing broken links on the TBI website, among other tasks. I returned this past Fall as the events coordinator responsible for setting up any necessary logistics in order for events to run smoothly.

After three semesters of working at TBI, I’ve gained invaluable knowledge about important issues that affect the border, and I have had the privilege to meet incredible individuals who have dedicated their work to researching these issues and to finding solutions. I have learned numerous highly transferable skills that will help me succeed in the future, and the importance of dedication and responsibility. The experience and knowledge of international issues attained while working at TBI have been a great benefit to my undergraduate studies as I pursue an International Relations major.

It has been a privilege to work with such a genuine group of individuals who constantly show dedication and respect for their work with the eagerness and exclusive interest to help make a difference. The Institute has had great accomplishments in the short time it has been in existence, and I strongly believe this is a result of the collaborative spirit of its entire staff. The staffs’ leadership and commitment to TBI is reflected in its incessant efforts to stay true to the Institute’s mission and goals.

Though I will be participating in the USD study abroad program in Italy during the Spring 2011 semester, I hope to continue working at TBI upon my return. It has been a pleasure and an honor to be part of the Trans-Border Institute and to be able to contribute and to share its accomplishments with such a remarkable work team.



TBI Events Coordinator Gladys Avalos and Bridget O’Riordan at the presentation of TBI’s recent book on Police and Public Security in Mexico.

Mission Statement

The Trans-Border Institute (TBI) was founded at the University of San Diego in Fall 1994 thanks to the vision and leadership of former Provost Sister Sally Furay. The USD Trans-Border Institute has two overarching objectives:

- 1) to promote border-related scholarship, activities, and community at USD, and
- 2) to promote a positive and active leadership role for USD in the cross-border community in a manner consistent with the nature, mission, and values of the University.

In order to carry out its mission, the TBI provides (and encourages others to provide) faculty, students, and staff of the University of San Diego, as well as people who live on both sides of the border, with information, contacts, seminars, opportunities for study, research grants, internships, academic exchange partnerships and service-learning opportunities.

TBI Staff, Spring 2011

David A. Shirk: Director

Charles Pope: Assistant Director

Octavio Rodriguez: Justice Project Coordinator

Stephanie Borrowdale: Administrative Assistant

Anna Cearley, Research Associate

Danielle Farias: Intern

Theresa Firestone: Research Associate

Felicia Gomez: Intern

Kim Heinle: Research Associate

Morayma Jiménez: Student Worker

Anna Lizano: Intern

Cory Molzahn: Research Associate

Lorena Quezada: Promotions Assistant

Nicole Ramos: Justice Project Research Assistant

Ernesto Reyes-Hernandez: Intern



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