

The Kansas Prosecutor



The official publication of the Kansas County and District Attorneys Association
Volume 19, No. 1, Spring 2022



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Our mission:

The purpose of the KCDAA is to promote,
improve and facilitate the administration
of justice in the state of Kansas.

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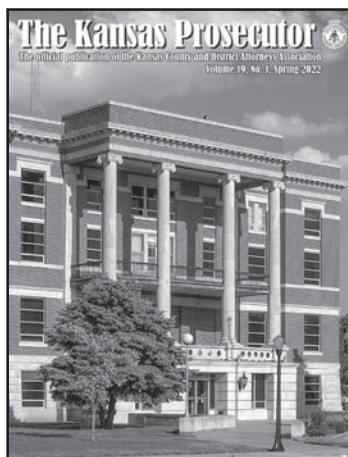
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About the Cover

The Pratt County Courthouse is a four-story building
designed by architect George P. Washburn. It was
constructed between 1909 and 1910. Designed in
the Romanesque style, the structure featured square
tower blocks with pyramidal shape roofs. A statue
of the Roman goddess Justitia was visible over the
front entrance of the roof.

In 1923, fire destroyed the roof and the top two floors
of the courthouse. The building was rebuilt and still
serves as a courthouse. During rebuilding, the square
tower blocks were removed, and the roof is now flat
in appearance.

*Photo by John D. Morrison, Prairie
Vistas Photography*



President's Column

By Darrin Devinney, KCDA President
Butler County Attorney

Back to Normal

I'm desperate for things to get back to normal – the way things were a few years ago. It would seem, however, that “normal” is not a return to the past. Rather, “normal” is the ever-progressing interface of changes in society, including the judicial process. Global pandemics, criminal justice reform, political landscapes, and economics all play a part in what a local prosecutor must contemplate as they seek to protect and serve his or her community.


The advent of computer technology has been a growing force to be incorporated into our daily routines. The Kansas Court system requires us to e-file documents and be necessarily dependent upon our communication stream being in an electronic format. The changes have been revolutionary to many offices and as a result, a new system has been born for attorneys to communicate with the judicial branch.

Case management software is now commonplace for a prosecutor's office. Wrangling years of case files in manila file folders and shelved for storage is slowly fading from view as we maintain servers with scanned copies. Dictation, typewriters, and a Rolodex by the phone are also becoming subject matter for an old man's fireside story.

The excitement of stepping into a courtroom and sitting at a counsel table to present a case has turned into a series of e-mails and hyperlinks to take part in a hearing conducted via Zoom. In so many ways, our collective use of this technology has made us more efficient. Dockets are conducted without transporting inmates to the local courthouse and cases are heard with all parties being in more diverse settings. However, the nuances of all parties being in the same room are lost when transmitted in a multi-screen jumble on a monitor or smartphone.

Support staff training has undergone a monumental shift as well. E-mails, e-filing, document templates, downloading, uploading, file types and file conversion, dash cams, body cams,

airdropping...the list could go on forever. Learning, implementing, and teaching staff to use technology successfully is its own full-time job for most of us. My experience has been that with my office of moderate size, I am not just the county attorney, but also the in-house expert on technology. Making sure that support staff and attorneys have what they need to understand and use the electronic tools at their disposal is my new “normal.”

The KCDA Board and the organization's membership has persevered through the challenges of the past few years. As crime continued through the pandemic, so did our legal system in a dynamic way. The use of technology has assisted us all with becoming more responsive and able to fulfill our duties, regardless of the obstacles. “Normal” today looks very different than it did two years ago, and I am confident that the future will continue to have new challenges. Let us face those challenges together as an organization and work toward maintaining a strong, stable network of prosecutors for Kansas. 





KCDAA Award Nominations

Start thinking about who you want to nominate and watch www.kcdaa.org for the nomination form for 2022. Please take time this year to nominate a member of the KCDAA whom you believe to be deserving of an award. This is the opportunity to recognize the accomplishments of the hard-working prosecutors who make up the membership of the KCDAA, and a policy maker who has championed the interests of the KCDAA.

FOUR categories of awards are eligible for nomination: Prosecutor of the Year, Lifetime Achievement Award, Associate Member Prosecutor of the Year, and Policymaker of the Year. The awards winners are chosen by the KCDAA Board of Directors. *

Award Qualifications:

The Prosecutor of the Year Award is presented to a prosecutor for outstanding prosecution of a case or cases throughout the year. Nominations may be made by either the prosecutor himself/herself or by a colleague. The nominee must be a regular member of the KCDAA.

The Lifetime Achievement Award is presented to a regular KCDAA member for his/her longevity as a prosecutor. The nominee must have served no less than 25 years in a prosecutor position, and not previously received this award. Nominations may be made by either the prosecutor himself/herself or by a colleague.

The Associate Member Prosecutor of the Year Award is presented to a prosecutor for outstanding prosecution of a case or cases throughout the year from an office other than a County or District Attorney's office. Nominations may be made by either the prosecutor himself/herself or by a colleague. The nominee must be an associate member of the KCDAA.

The Policymaker of the Year Award is presented to an individual who is determined to have made the most significant impact on policy related to county and district attorneys either during the past year or over an extended career of public service. One award is presented each year. The award is open to individuals having public policy making authority as evidenced by legislative support of the KCDAA.

To nominate yourself or one of your colleagues, find the nomination form at www.kcdaa.org ***once it is available for 2022***. You may send your nominations to:

KCDAA
1200 SW 10th Ave.
Topeka, KS 66604
Fax: (785) 234-2433
E-mail: kcdaa10@gmail.com

For questions, please contact Melissa M. at (785) 232-5822 or via e-mail at kcdaa10@gmail.com

*The Board of Directors reserves the right to choose which awards categories are granted each year, if any.

Guest Article

By **Duston J. Slinkard**
United States Attorney, District of Kansas



Violent Crime in Kansas

Unfortunately, the likelihood of becoming a murder victim in Kansas is greater now than at any other period in modern times. In 2020 (the most recently available reports), there were 193 murders, the most since the FBI began collecting this information in 1959. Worth noting is that with advances in emergency medicine and equipment, nowadays more violent crime victims are surviving who in past years may have likely been counted among the homicide statistics. It's not just murders that are on the rise in our state. The Kansas Bureau of Investigation compiled the 2020 Kansas Crime Index Report, which indicates that violent crime increased by 9.5% from 2019. Law enforcement from across the state reported 13,896 violent crimes including murder, rape, robbery, aggravated assault, and battery. These stats place the current violent crime rate for Kansas at 24.4% higher than its 10-year average.

Kansas' numbers are consistent with the trends around the United States. While crime rates have varied over the years, there were sharp increases nationally through the early 1900s, which began to peak between the 1970s and 1990s. After 1991, the crime rates began to fall slightly each year, and continued to decline until 2015, when the rate started to climb again. In 2018 and 2019, these rates began to decline again until 2020, when the rate reversed and started to climb once again.

This reality is what has led the Department of Justice to establish and prioritize a comprehensive violent crime reduction strategy that emphasizes cooperation with state, local, and tribal partners to prevent, disrupt, and prosecute violent crime. A central piece of this strategy is the Project Safe Neighborhoods Initiative (PSN), which the United States Attorney's Office (USAO) has implemented in Kansas. PSN is a DOJ-funded nationwide initiative that brings together federal, state, local, and tribal law enforcement officials, prosecutors, and community leaders to identify the most pressing violent crime problems in a community and develop comprehensive solutions to address them. The foundations of the strategy include making the program community-based to fit the local community crime problems as opposed to a "one size fits all" approach. Additionally, PSN uses law enforcement, community data and intelligence, and cutting edge technology, to identify and target the most violent offenders and high crime areas in a community. Finally, PSN establishes meaningful partnerships with law enforcement leaders combating violent crime through prevention and re-entry strategies. The original national evaluation of PSN found that the program was associated with significant declines in violent crime. PSN target areas have experienced violent crime declines ranging from 4% to 42%.

Another recently implemented initiative in the District of Kansas is the Wichita Crime Gun Intelligence Center (CGIC). As a DOJ funded initiative, the CGIC is a cooperative effort between the Wichita Police Department, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and Wichita State University. Analysts can develop leads to help

Multi-Year Index Crime Comparison

	Part I Crimes	10 YR Avg	2017*			% Change	2018			% Change	2019			% Change
			2017*	2018	2019		2018	2019	2020		2018	2019	2020	
VIOLENT CRIME	Murder	135	176	146	146	(17.0)	146	130	130	48.5	130	193	48.5	
	Rape	1,144	1,214	1,346	1,346	10.9	1,346	1,297	1,297	(8.2)	1,297	1,190	1,190	(8.2)
	Robbery	1,521	1,747	1,599	1,599	(8.5)	1,599	1,422	1,422	(7.7)	1,422	1,312	1,312	(7.7)
	Aggravated Assault/Battery	8,366	8,605	9,276	9,276	7.8	9,276	9,845	9,845	13.8	9,845	11,201	11,201	13.8
	Total Violent Offenses	11,166	11,742	12,367	12,367	5.3	12,367	12,694	12,694	9.5	12,694	13,896	13,896	9.5
	Violent Crime Rate/1,000	3.8	4.0	4.2	4.2	5.0	4.2	4.3	4.3	2.4	4.3	4.7	4.7	9.3

Courtesy of the KBI 2020 Kansas Crime Index Report - www.kansas.gov/kbi/stats/docs/pdf/2020%20Crime%20Index.pdf


solve violent crimes in which a firearm was used by examining the shell casings found at the scene of a shooting or other violent crime involving a firearm, inputting the results into a database, and comparing those casings to others in the database. To date, this technology has generated more than 1,000 new leads related to crime guns and has led to numerous arrests, furthering the prosecutions of violent offenders.

In 2019, Wichita was selected to take part in the DOJ funded initiative Public Safety Partnerships (PSP). This multi-year program provides mentorship opportunities by connecting Wichita with other cities that have faced similar violent crime issues and found successes in their fight against violent criminal behavior. Through virtual bi-monthly meetings with mentors, Wichita Police Commanders and criminal intelligence analysts discuss what is working in efforts to curb violent crime. Programs such as WPD's "Focused Deterrence," which uses a call-in for juveniles and adults identified as being at risk for becoming involved in violent criminal behavior, have been discovered through PSP mentoring and found to have been successful in curbing some of the violent crime.

As the U.S. Attorney, I offer this information and data to provide insight into the kind of work going on to combat violent crime in the District of Kansas. I also want to tell you about our offices in Kansas and our Criminal Division supervisory team. First Assistant United States Attorney Carrie Capwell, who offices in Kansas City, serves as the Chief of the Criminal Division. In each of our three offices we have a Criminal Coordinator who supervises the criminal staff and handles case inquiries and intake for that office's area of responsibility.

- AUSA Scott Rask is Criminal Coordinator for the Kansas City office, which covers the Kansas City Metropolitan area and the northeastern counties of Kansas.
- AUSA Jared Maag is Criminal Coordinator for the Topeka office, which covers the north central counties of Kansas.
- AUSA Aaron Smith is the Criminal Coordinator for the Wichita office, which covers the northwestern and southern counties of Kansas.

In addition to our Criminal Division, the U.S. Attorney's office also maintains a Law Enforcement Coordination (LEC) Program to create, strengthen, and maintain communication, cooperation, and collaboration with our state, local, tribal, and federal law enforcement partners. The LEC program is overseen by our Outreach Manager and Law Enforcement Coordinator Scott Nace, and its priorities are Project Safe Neighborhoods, Public Safety Partnerships, law enforcement and community outreach, and providing training and technical assistance opportunities for law enforcement.

There is no question that at this time in our history we have significant challenges with violent crime, and we can best meet those challenges by working together as partners to maximize our impact. To that end, we at the USAO welcome hearing from you, and Carrie, Scott, Jared, Aaron, Scott, or I are always happy to assist you in making an impact in your communities. 

About the Author

Duston J. Slinkard is the United States Attorney for the District of Kansas, serving by virtue of the Vacancies Reform Act since March 1, 2021.

As United States Attorney, Slinkard is in charge of the U.S. Attorney's Office for the District of Kansas, which comprises approximately 50 Assistant U.S. Attorneys and 50 support staff members working in offices in Topeka, Kansas City, Kan., and Wichita. His main office is in Topeka, and he travels frequently to the other offices.

Slinkard has served in the United States Attorney's Office for approximately 12 years, serving as a Special Assistant and Assistant United States Attorney, Topeka Criminal Supervisor, District Criminal Chief, and since 2018, as First Assistant United States Attorney. He began his career as Judicial Law Clerk to the Honorable K. Gary Sebelius, United States Magistrate Judge, District of Kansas, and has worked as Assistant Kansas Revisor of Statutes, Assistant District Attorney for the Kansas Third Judicial District (Shawnee County), and Deputy Kansas Attorney Disciplinary Administrator. Mr. Slinkard has served as an adjunct professor at the Washburn University School of Law since 2004. Slinkard received a bachelor's degree in 1995 from the University of Kansas and a law degree in 2003 from the Washburn University School of Law.

Member Highlight: KCDA Board Members

By Laura Miser, Assistant Lyon County Attorney

For this issue of the *Kansas Prosecutor*, we would like to introduce you to two of the KCDA board members. We want you to get to know KCDA President Darrin Devinney, and the newest member of the board in the Director IV position, Mike Kagay.

KCDA President Darrin Devinney

KCDA's current president, Darrin Devinney, was headed for tax law before participating in a moot court competition in law school. It piqued his interest in courtroom work, and he landed a job at the Butler County Attorney's Office. He has remained there ever since. He wasn't always on track to become a lawyer, however, with a short detour to Emporia State University for a music major then a break from college to work. Upon returning to college, he changed to political science then went on to law school at Washburn University.

Reaching the Butler County Attorney's Office in 2000, he handled juvenile and CINC cases. His interests, then and now, lie in the family law aspect involving juveniles and prosecuting crimes against children. Influenced by the birth of his daughter and marriage to a teacher, he has worked toward protecting the most vulnerable of our society his entire career. A desire to lead and willingness to step in led this self-proclaimed "government junkie" to become appointed county attorney in 2010. With his new responsibilities, his caseload shifted, now mainly consisting of second chair trials and helping new attorneys learn the ropes. He describes the changes as requiring a broader lens of review. The concepts of consistency and fairness had to be established for the office as a whole, not just his particular caseload. Always ready for a new challenge, he took to the elected

position and all the responsibilities that come with it.

One major challenge he faced was technology transitions in his office. Changing over to case management software, transitioning paper files to digital, and modernizing storage capabilities was a huge undertaking for the office as a whole. Another challenge was the establishment of the Child



*Darrin Devinney
KCDA President
Butler County Attorney*

Advocacy Center for Butler County. His passion and belief in CAC's is absolute, and he considers them to be the "biggest tool we have available to support the children and be effective in helping them thrive after trauma." Through his work on the Children's Advocacy Centers of Kansas (CAKKS) and on the ground at home, Butler County established a Child Advocacy Center and has been able to expand funding opportunities to help serve the victims in his community. His dedication to the children of his community did not end there, however, having also served as a president of a bond organization to fund school projects in USD 375.

Darrin has been a past board member with KCDA and embraced being a voice for the smaller prosecution offices in our state. As President, he sees challenges ahead for the KCDA in the legislative arena. He hopes to aid in making sure criminal justice reforms are responsible and effective, not just reforms for reform sake. He also sees the privatization of care for children in the foster system as a failure. To him, it will

be important to reform the model and make improvements in what he sees as an important public concept, which is currently showing numerous deficiencies. The KCDAA Board has been busy this past year with planning for spring and fall conferences, weighing in on several pieces of legislation, continuing to build legislative partnerships, and reviewing the organization's policies and procedures.

Learning the hard way that sheer number of hours didn't always equal quality work product,

this father of two quickly learned to focus at work to have a healthy work/life balance. His downtime involves music or catching a Steelers game. He enjoys connecting with the people of his community while being a positive voice for prosecution in a time public sentiment is not always favorable to his side of the aisle. Aided by his background in music performance and a compassion for those he serves, he appreciates the opportunities his job grants him to speak to the public and provide education on the important work of prosecutors. 📍

KCDAA Director IV Mike Kagay

A passion for debate and standing up for those in need was a direct path to prosecution for KCDAA's new board member Mike Kagay, Shawnee County District Attorney. He graduated with an English degree from Washburn and pursued his passion for the law there as well. During law school, he was a research and writing intern for various judges, which allowed him to observe some court hearings. He recalls that time as informative for his career goals as he felt the prosecutors seemed well prepared and were impressive lawyers. As a side note, he flew in the face of conventional wisdom about work and law school; working a full-time sales position while balancing the responsibilities of a young family and law school.

The Shawnee County District Attorney's Office was his first attorney position, and he has never left. After his predecessor decided to retire, Mike considered his options and his aspirations. From the start, as a public servant, he has held himself to a higher standard. Those high expectations coupled with an opportunity to implement his vision of justice, enticed him to seek input from trusted colleagues, ultimately becoming the youngest DA in the State

of Kansas. While he doesn't see himself as a politician, he recognizes the value of connecting with the public. Naturally reserved, he has found satisfaction in personal connections with the public

as the face of the DA's office. He enjoys the opportunity to educate the general public about the prosecutor's office and how it works, while simultaneously receiving feedback.

He credits his prior work experience with helping him meet the obligations of his multi-faceted job. His sales experience was instrumental in learning to connect to different members of the community, including both businesses and private individuals. This real-world experience of working outside the legal sector sharpened his awareness of the impact our system has on the lives of everyday people. He also believes his prior experiences helped prepare him for his current responsibilities by enhancing his communications skills and his ability

to work within a variety of situations.

While he is no longer in the courtroom as much as he would like, he still covers some dockets and has maintained a fair amount of casework. As the boss, he has been able to implement some changes that were beneficial to both defendants and judicial



*Mike Kagay
KCDAA Director IV
Shawnee County District Attorney*

efficiency. One of those is an accelerated diversion docket, in which cases are screened immediately, there is no fee to apply, and a docket is maintained solely for those people who meet the appropriate criteria.

As a member of KCDA, he has not had any prior appointments or committee assignments. He has presented CLE during a past KCDA conference, and he has done some work on legislative proposals. He would like to keep working toward those goals as a new board member. He hopes his strong work ethic and desire to serve will be beneficial for the organization, along with his creativity in addressing

widespread problems. For new members of the KCDA, he recommends knowing the rules of evidence and not being afraid to ask questions. He hopes young prosecutors will make sure to surround themselves with trusted colleagues and mentors who can recognize when stress may be taking a toll. He notes prosecutors also have to recognize this in themselves and address it as “in the end, it can affect the way you connect with victims and the relationships you maintain with colleagues.” Mike credits his family with helping him maintain a healthy work/life balance. “My family is my support system, and I couldn’t do this job without them,” he said. 📷

KCDA Milestones - News from Across the State

Sedgwick County

Sedgwick County would like to recognize several promotions within the office. Following the retirement of Ann Swegle after 40 years of service to the citizens of Sedgwick County, Aaron Breitenbach has now been promoted to Deputy District Attorney. Chief Attorney Robert Short has now inherited Aaron’s general trial group after leading the Economic Crime Trial group for the last nine years.

Following the retirement of Margaret (Maggie) McIntire, Becky Hurtig has been promoted to the position of Chief Attorney over Charging. Additional promotions included Avery Elofsson being promoted to replace Robert Short as Chief Attorney over Economic Crime, and Jason Roach being promoted to the position of Chief Attorney over the Consumer Protection Division.

Wyandotte County

Wyandotte Deputy District Attorney Karen Wittman was one of only 15 recipients of the National Highway Transportation Safety Administration’s 2021 NHTSA Public Service Awards. She received the award for her commitment to reducing impaired driving through traffic safety education, advocacy, enforcement and prosecution. Congratulations Karen! 📷



We want to share your news!

If you have something you would like to share with the KCDA membership, please keep us informed.



We’d like to publish baby announcements, new attorneys, anniversaries, retirements, awards won, office moves, if you’ve been published or anything else worth sharing

with the KCDA! Information submitted is subject to space availability and the editorial board reserves the right to edit material.

Send your information and photos to:
Editor Mary Napier
mary@napiercommunications.com

Next Deadline: Summer 2022: July 1

NDAAs Report

By Marc Bennett, Sedgwick County District Attorney & Brandon Jones, Franklin County Attorney

As the Kansas representative to the NDAA, I have attended the January Capital Conference in Washington D.C. the past several years with other members of the KCDA. This year, I was scheduled to be in a jury trial and was unable to attend. Brandon Jones, Franklin County Attorney, attended the conference and graciously agreed to provide the following update:

On January 25 and 26, 2022, Wyandotte County District Attorney Mark Dupree, Douglas County District Attorney Suzanne Valdez, and I attended the National District Attorney Association's Capital Conference in Washington D.C. The first day of the conference was filled with presentations from several speakers on various national issues affecting prosecutors. We heard from Deputy Attorney General Lisa Monaco, U.S. Senator Chuck Grassley of Iowa, Acting Deputy Director of the A.T.F. Tom Chittum, and several others. We also heard from Frank Russo, NDAA's Director of Government & Legislative Affairs, who talked about the NDAA's legislative priorities for this legislative session.


On the second day, we met with our Kansas legislative delegation to advocate for the NDAA prioritized policies and legislation that we felt were most important to Kansas prosecutors. With the COVID pandemic still in full swing back in January, all but two of our meetings were done virtually through Zoom. For the other two meetings, we headed to "The Hill" to meet in-person like we have in past years. While we were only able to meet with one actual legislator, Rep. Sharice Davids, due to Congress being on recess at the time, we were able to meet with staffers for our remaining five legislators. We advocated for continued and/or increased funding for the Byrne-JAG and John R. Justice Student Loan Repayment Program



Wyandotte County District Attorney Mark Dupree, Franklin County Attorney Brandon Jones, and Douglas County District Attorney Suzanne Valdez at the NDAA Capital Conference in Washington D.C.

both which help eliminate student loan debt for those who choose a career in prosecution. We also advocated for bills related to electronic communications and encryption issues to ensure law enforcement has proper access to electronic evidence as essential pieces of any investigation into criminal activity in an increasingly digital environment. Also, to allow the use of cell phone jamming systems in prisons to ensure cell phones are not used to direct illegal activities outside prison walls. Finally, as in past years, we continued to advocate for the desperate need for funding to support mental health and drug treatment programs and facilities as a way to get people into treatment instead of in our jails or prisons that are not equipped to handle these issues.

As always, I want to remind all KCDA members that membership in the NDAA offers many opportunities and resources.

If I can ever be of assistance in connecting you to the NDAA, let me know. You can contact me at marc.bennett@sedgwick.gov. 

Forensic Science Standards Development

Get Informed & Stay Involved

By Jennifer Limoges

Associate Director of Forensic Science/Toxicology, New York State Police Forensic Laboratory System

This article was published in The Prosecutor, a publication of the National District Attorneys Association, Volume 56, Number 1 - January 2022. It has also been printed in NTLC's Between the Lines newsletter and other magazines. Reprinted with Permission.

The use of science in the courtroom is more critical than ever in today's criminal justice system, and forensic science standards can help improve the consistency and reliability of the forensic evidence and expert testimony that is introduced into the courts. This article provides a general introduction to forensic standards and the work of the National Institute of Standards and Technology (NIST) Organization of Scientific Area Committees (OSAC) and the Academy Standards Board (ASB) to develop these documents. Then detailed information is presented on Forensic Toxicology standards that impact impaired driving investigations.

The Call for Standards in Forensics

The 2009 National Research Council (NRC) report, *Strengthening Forensic Science: A Path Forward*, critically reviewed the forensic sciences in the United States, and encouraged the development and implementation of standards.

*"Standards and best practices create a professional environment that allows organizations and professions to create quality systems, policies, and procedures and maintain autonomy from vested interest groups. Standards ensure desirable characteristics of services and techniques such as quality, reliability, efficiency, and consistency among practitioners."*¹

In response to the NRC report, the NIST created the Organization of Scientific Area Committees

(OSAC) for forensic science, with the goal of *"Strengthening the nation's use of forensic science by facilitating the development of technically sound standards and guidelines and encouraging their use throughout the forensic science community."*²

The various OSAC Subcommittees draft discipline specific documents. The OSAC also provides legal, human factors, statistics, and quality task groups to support the various subcommittees in their efforts. Their seed documents are then forwarded to a standards developing organization (SDO) to be developed and published through consensus based processes. The OSAC subcommittees currently work with four different SDOs:

- Academy Standards Board (ASB)
- American Dental Association (ADA)
- ASTM International
- National Fire Protection Association (NFPA)

The Academy Standards Board (ASB)

The American Academy of Forensic Sciences (AAFS) is a multidisciplinary professional organization that provides leadership to advance science and its application to the legal system. Following the NRC report and the creation of the OSAC, the AAFS immediately recognized the unique and important role it should have in forensic science standards. The AAFS created the ASB as the first US SDO dedicated entirely to the development and maintenance of forensic science standards. The ASB is accredited by the American National Standards Institute (ANSI). Its procedures provide for due process based on openness,

Footnotes

1. <https://www.nap.edu/catalog/12589/strengthening-forensic-science-in-the-united-states-a-path-forward>
2. <https://www.nist.gov/osac>

balance, and consensus; and they ensure that all interested and affected parties have an opportunity to participate. The ASB currently has 13 consensus bodies:

- Anthropology
- Bloodstain Pattern Analysis
- Crime Scene Investigation
- Disaster Victim Identification
- DNA
- Dogs and Sensors
- Firearms and Toolmarks
- Footwear and Tire
- Forensic Document Examination
- Friction Ridge
- Medicolegal Death Investigation
- Toxicology
- Wildlife Forensics

Each consensus body is comprised of up to 25 voting members representing one of seven interest categories.

- Academics and Researchers
- General Interest
- Jurisprudence and Criminal Justice
- Organizations
- Producer
- User - Government
- User - Non-Government

In addition to the open and balanced development process, the American National Standards published by the ASB are currently *available at no charge to the general public*. Anyone can go to the ASB website and access the standards.³

Your Role in the Process

These standards will have a direct and substantial impact on your work. They can help provide confidence that the forensic testing performed was sufficiently validated and properly conducted; that the personnel involved are properly trained and qualified; and that the testimony provided is within the constraints of scientific capabilities and limitations.

So as a key stakeholder of forensic science

3. <https://www.aafs.org/academy-standards-board>

services, it is imperative that the legal community participate in the standards development process. In particular, the public comment period is critical to improving the documents and ensuring all views have the opportunity to be considered. Documents open for public comment can be found on the ASB website.³

You can subscribe to the ASB Newsletter to remain current on when documents are open for comment, and when they are published as American National Standards. Email asb@aafs.org to get added to the distribution list. To stay current on OSAC activities, visit their News & Communications page at <https://www.nist.gov/osac/news-communications>.

Members of the legal community can also apply to serve on ASB Consensus Bodies or the OSAC Legal Task Group. The ASB announces a Call for Members annually, and more participation from the Jurisprudence and Criminal Justice interest category is needed. Go to the ASB website for details and subscribe to their newsletter to know when the call is opened. Details about volunteering for OSAC can be found at <https://www.nist.gov/osac/apply-join-osac>.

Forensic Toxicology Standards and DUI Cases

Toxicology testing and expert testimony are key elements in impaired driving investigations. The testing performed must be relevant, reliable, and based on sound scientific principles. The subsequent expert opinions and testimony must be unbiased and supported by the scientific literature. Forensic science standards play an important role in ensuring these priorities are met, and the ASB has published several American National Standards on these topics. They can be downloaded for free from the ASB website.³

Of particular importance is **ANSI/ASB Best Practice Recommendation 037, Guidelines for Opinions and Testimony in Forensic Toxicology**, First Edition, 2019. This guideline discusses written and oral expert opinions and testimony in forensic toxicology. It provides examples of what would generally be considered appropriate within the field. It also discusses areas that may not have sufficient scientific consensus, or may be beyond a forensic toxicologist's expertise, and are therefore

generally considered to be inappropriate opinions and testimony to offer.

The guideline can help attorneys develop their direct examination questions to be consistent with what is considered appropriate expert opinion and testimony. It can also help to cross exam witnesses whose testimony may be inconsistent with the best practice recommendations.

The ASB has also published toxicology standards related to testing and reporting. The following are some of the most relevant ones for impaired driving, along with a brief description of their purpose.

ANSI/ASB Standard 120, *Standard for the Analytical Scope and Sensitivity of Forensic Toxicological Testing of Blood in Impaired Driving Investigations*, First Edition, 2021

This standard establishes the drugs that need to be tested for in blood from suspected impaired drivers, including how sensitive the tests need to be for those drugs. Adherence to this standard will ensure that the drugs most relevant to impaired driving investigations (based on prevalence and effects) are tested for at appropriate levels. The standard was adapted from the more comprehensive DUID lab recommendations that have been published in the *Journal of Analytical Toxicology (JAT)*, and are regularly updated by the National Safety Council's Alcohol, Drugs, and Impairment Division. The 2021 recommendations update is available as open access from JAT: <https://doi.org/10.1093/jat/bkab064>.

ANSI/ASB Standard 036, *Standard Practices for Method Validation in Forensic Toxicology*, First Edition, 2019

Validation provides objective evidence that a test method is fit for its intended use, and it identifies the method's limitations. Before using a method for testing casework samples, the laboratory must conduct experiments related to bias, precision, interference, limits of detection, and limits of quantitation, among other criteria.

ANSI/ASB Standard 054, *Standard for a Quality Control Program in Forensic Toxicology*

Laboratories, First Edition, 2021

Quality control (QC) practices are essential to demonstrating that a validated method continues to be fit for purpose. QC provides concurrent objective evidence to support the reliability of an individual test result, as well as to monitor a test method's performance over time.

ANSI/ASB Standard 017, *Standard Practices for Measurement Traceability in Forensic Toxicology*, First Edition, 2018

Traceability provides confidence and reliability in test results. Laboratories can establish measurement traceability through the use of certified reference materials and calibrated equipment.

ANSI/ASB Standard 053, *Standard for Report Content in Forensic Toxicology*, First Edition, 2020

Forensic toxicology results must be reported in a clear, comprehensive, and accurate manner.

As these standards get developed and published, it will take time for laboratories to reach full

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compliance. Labs must dedicate resources to review each standard and identify potential gaps within the laboratory operations. Addressing those gaps may mean additional validation studies need to be performed, or budgets need to be increased to support calibration services. New methods may need to be developed and validated to add new drugs or lower the detection limits. These improvements always need to be balanced with turnaround time and backlog reduction demands.

Forensic toxicology labs are committed to continuous improvement, and there is widespread support and involvement in the standards process. Professional organizations are providing training and tools to help labs fully implement these standards. Advocates are working at the national level to increase funding for toxicology labs, and grant sources are allocating funds to support standards adoption. You can support this process by contributing to the development of the standards during public comment periods, volunteering for a consensus body or working group, and collaborating with your toxicology labs and expert witnesses to encourage adoption of the standards. 

About the Author

Jennifer Limoges (Jennifer.Limoges@troopers.ny.gov) has over 25 years of experience in forensic toxicology and regularly provides training at both the local and national level to toxicologists, law enforcement officers, and attorneys on impaired driving topics.

Ms. Limoges is an active member of the Society of Forensic Toxicologists (SOFT) and the American Academy of Forensic Sciences (AAFS), and is a longstanding member of the SOFT/AAFS Drugs & Driving Committee. She is part of the National Safety Council's Alcohol, Drugs, and Impairment Division, and serves on their Executive Committee. She co-authored the 2013 Journal of Analytical Toxicology (JAT) publication "Recommendations for Toxicological Investigation of Drug Impaired Driving and Motor Vehicle Fatalities," as well as the 2017 and 2021 updates.

Ms. Limoges is also very active in standards development within the forensic science community. She worked to establish the Academy Standards Board (ASB), the AAFS's accredited standards development organization, and currently serves on the ASB's Board. She also serves on the ASB Toxicology Consensus Body and is an affiliate of the NIST Organization of Scientific Area Committees (OSAC) Forensic Toxicology Subcommittee.



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Innovative Ways to Address the Changing Culture of Prosecution: Victim Services Unit Advocates

By Kevin Salzman and Tiffanie Askew
Ford County Attorney's Office

Editor's Note: The Kansas Prosecutor is going to publish a multi-part series on innovative ways to address the changing culture of prosecution. In this first article, we invited the Ford County Attorney's Office to provide insight into a way they have found effective in meeting victims' needs. We will also invite others to submit articles on topics such as meeting victims' needs, addressing mental health concerns with defendants, approaches in reducing violence within communities, most effective ways of dealing with addiction, or any other topic that could be helpful in improving the criminal justice system. If you have an idea you would like to contribute, please contact Editor Mary Napier at mary@napiercommunications.com.

For over a decade, the Ford County Attorney's Office has maintained an in-house Victim Services Unit (VSU) comprised of system-based advocates. The activities of the unit are funded primarily through the Victims of Crime Act (VOCA) grant program. For this grant program, the county is required to contribute some funds toward the unit's operations. The unit is presently comprised of four full-time victim services advocates, three of whom are bilingual. Because of VOCA program requirements, the unit's advocates are only able to work with cases in which someone has been the victim of either a person or property crime.

In 2019, the unit expanded its services beyond Ford County to encompass all counties in the Sixteenth Judicial District (except for Gray County). This was done with the approval and support of the county attorneys of Meade, Kiowa, Clark, and Comanche counties and allows these smaller counties to benefit from having a system-based advocate available at a fraction of the cost these counties would incur if they were to hire their own advocate.

Advocates assist with a wide variety of administrative tasks and services to victims. Advocates provide notification to victims of upcoming court hearings in their cases and how victims may participate in those hearings, schedule meetings between victims and the prosecutors handling their cases, assist victims in filing claims with the Crime Victim Compensation Fund, and make travel arrangements for victims needing to

travel to court from outside the local area. Advocates will attend court hearings and report to the victims regarding the outcome and orders of the court made at any hearing that the victim is not able to attend.

Advocates work a regular Monday through Friday work schedule. In addition, advocates share responsibility for being "on call" during evenings and weekends. Generally speaking, law enforcement agencies call and request an advocate to be present and to speak with victims whenever a victim is present at the law enforcement agency's office or another secure and safe location. That advocate will remain assigned to the case throughout the case's duration.

Advocates also share in staffing a satellite office, located in the main office building of the Dodge City Police Department. The advocate assigned to staff this office is present during normal business hours and is available to respond immediately if officers with the Dodge City Police Department need assistance in making contact with or speaking to a crime victim.

The unit is overseen by a full-time director. In addition to serving as an advocate in certain high-profile cases, the director is also responsible for the hiring, training, and supervision of the unit's advocates. The director's duties also include managing the office's VOCA grant that funds the victim services unit. This involves applying for the VOCA grant annually, collecting and maintaining records necessary to comply with the grant's requirements, and participating in audits of the unit's

activities and records. These administrative duties make the director ineligible to be funded through the VOCA grant. As a result, the director is paid a salary through the county attorney's office budget as approved each year by the county commissioners.

Prosecutors in the Ford County Attorney's Office have realized numerous benefits and advantages as a result of having in-house, system-based advocates working on their cases.

1. Advocates have a greater knowledge and familiarity with the criminal justice system and process through which a case progresses following the investigation phase. As a result, advocates are familiar with terms like "preliminary hearings" and "arraignments/adjudications" and are better equipped to explain these concepts to victims who have little to no legal background or knowledge.
2. Advocates handle a number of administrative tasks that can be time-consuming for prosecutors and legal staff, such as arranging meetings with victims and answering victims' questions. This frees up prosecutors and legal staff to focus on other aspects of case preparation and prosecution.
3. Having a system-based advocate within the prosecutor's office helps ensure that a

victim's rights, as set forth in statute and in the Kansas Constitution, are respected throughout the pendency of a case.

Advocates will ensure a victim is notified of all court hearings, set meetings for the victim so the victim can express their thoughts and concerns about a case to the prosecutor or court, and help the victim pursue restitution.

4. Having an advocate assigned to a case in the early stages of a case's investigation and remaining assigned to the case for its entire duration, increases rapport between the prosecutor's office and the victim. It helps the victim have a "familiar, friendly face and voice" to whom they can turn for any questions they may have.

On a personal note, the Ford County Attorney's Office wishes to thank our victim services advocates – Idania Muniz, Gretchen Webster, Marissa Ruiz, and Maria Cruz – as well as all past advocates for their tireless and sometimes thankless work in serving the victims of the Sixteenth Judicial District. The office would also like to thank Director Tiffanie Askew who was instrumental in forming the unit and has remained committed to continually growing and developing the unit over the years to better serve the Dodge City community and surrounding areas. 📍

Understanding Terrell

By Natalie Chalmers, Assistant Attorney General

On February 18, 2022, the Kansas Supreme Court released its opinion in *State v. Terrell*, No. 122,680, __ Kan. __, __ P.3d. __ (2022). There, the court ruled that under the Kansas Sentencing Guidelines Act, *all* prior convictions are to be classified as person or nonperson crimes as of the time the new crime is committed. Thus, it matters not if the prior crime is pre-1993 or post-1993 or a Kansas crime or an out-of-state crime. The person or nonperson designation is set at the time the new crime is committed.

The road to get to that opinion has been long and eventful. First, in *State v. Williams*, 291 Kan. 554,

560, 244 P.3d 667 (2010), the Kansas Supreme Court held that the date of commission of the prior out-of-state crime determines how the crime is classified for criminal history purposes. The case specifically dealt with the scoring of two post-1993 Washington identity theft convictions and subsequent changes to the Kansas classification (person versus nonperson) of those convictions.

The rule in *Williams* led to *State v. Murdock*, 299 Kan. 312, 323 P.3d 846 (2014), modified by Supreme Court order September 19, 2014. *State v. Keel*, 302 Kan. 560, 589, 357 P.3d 251 (2015) (noting that the result in *Murdock* was "dictated by

Williams”). In *Murdock*, the Kansas Supreme Court held that no pre-1993 out-of-state crime could be scored as a person felony. This meant pre-1993 crimes, including violent crimes like murder and rape, could not be scored as person felonies. 299 Kan. at 319 (“We recognize this rule results in the classification of all out-of-state pre-1993 crimes as nonperson felonies—an outcome the State characterizes as unreasonable.”).

But the Kansas Supreme Court quickly reversed course. In *Keel*, the court overruled both *Williams* and *Murdock*. In doing so, it took care to determine the intent of the Legislature in scoring prior crimes. It found: “using the date of the current crime removes the permanent effect of how prior crimes are treated for purposes of calculating criminal history, thereby providing a mechanism for sentences to reflect ever-evolving sentencing philosophies and correction goals.” 302 Kan. at 588.

Until recent opinions by the Kansas Court of Appeals, *Terrell*’s holding had effectively been the rule since *State v. Keel*, 302 Kan. 560, 357 P.3d 251 (2015), because the State had been conceding *Keel* should be the rule. Shortly after *Keel* was decided, numerous counties sought guidance from the Office of the Kansas Attorney General regarding how to score convictions which classifications had changed either from their person or nonperson designation or from felonies to misdemeanors. The Criminal Solicitor’s Division consulted with a number of appellate practitioners and decided to apply *Keel*’s rule uniformly to all prior convictions. No one could articulate a reasonable rule that would permit different rules to be applied to different convictions.

After that decision was made, briefs submitted for the requisite approval by the Office of the Kansas Attorney General that did not uniformly apply *Keel*’s rule were unlikely to be approved. Repeated discussions were had, and a firm rule was enacted that anything that might bring back *State v. Murdock*, 299 Kan. 312, 323 P.3d 846 (2014), could not be argued by an attorney representing the State of Kansas before the appellate courts.

Things then took a turn when the Court of Appeals issued *State v. Terrell*, 60 Kan. App. 2d 39, 488 P.3d 520 (2021). There, the Court of Appeals disagreed with the State and decided that *Keel*’s rule did not apply to post-1993 Kansas crimes. In reversing the Court of Appeal’s decision, the Kansas Supreme Court carefully explained why the State’s position was more tenable. 2022 WL 497319 at *4-5. Highly summarized, the Court found *Keel*’s rule followed the Legislature’s goal of treating similarly situated offenders similarly, avoided inconsistent and illogical results from out-of-state and Kansas defendants being treated differently, and that a repeal of a crime is not the same as a reclassification of that crime.

Terrell is merely the latest case attempting to settle complicated criminal history score questions. *Terrell* only directly answered the question of how to score convictions in which person and nonperson classifications have changed, and it remains unsettled how to deal with changes in the felony and misdemeanor classifications. But until a logical argument is made that the felony and misdemeanor distinctions are different, it seems plausible that *Keel* and *Terrell* will be extended to those distinctions as well. 📌

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Smart Prosecutions:

Data Driven Approaches to Gun Violence

By Katherine Fernandez Rundle, Miami-Dade County State Attorney, Miami (FL) and Stephen K. Talpins, Miami-Dade County Chief Assistant State Attorney, Miami (FL)

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Miami has come a long way from its well-known Cocaine Cowboy and Miami Vice days during the past 30 years. As of 2019, the crime rate was down almost 70%. Unfortunately, like most major urban areas, the past year and a half brought more than a virus to Miami-Dade County. *See e.g. Rosenfield, R., Abt, T., and Lopez, E., Pandemic, Social Unrest, and Crime In U.S. Cities – 2020 Year-End Update* (Council on Criminal Justice January 2021). During this time, the county has experienced a surge in the number of assaults and homicides.

Research suggests that a number of conditions contribute to gun violence, including a lack of adequate housing, healthcare, education, and employment. While prosecutors have limited ability to address these kinds of social injustices and barriers, we can make our communities safer by building relationships, working closely with those who live there, and aggressively, but appropriately, targeting the small number of people responsible for the vast majority of the crimes in the areas where they are committing them. *See e.g. Martinez, N., Lee, Y., Eck, J., and O, S., Ravenous wolves revisited: a systematic review of offending concentration*, 6 Crime Sci. 10 (2017); Braga, A., Papachristos, A., and Hureau, D., *Hot spots policing effects on crime*, 8 Campbell Systematic Reviews 1 (2012); Braga, A. and Bond, B., *Policing Crime and Disorder Hot Spots: A Randomized Controlled Trial*, 46 Criminology 577 (2008).

Like every other prosecutor's office, we assign our homicide cases to the most senior prosecutors. However, we supplement their efforts through various preventative, proactive, and reactive measures. In this article, we explore some of the less common methods we have employed during the past three decades, as well as our prevention and

enforcement strategies that have impacted future crime.

Smart Prosecutions

Consistent with our Smart Justice approach, the Miami-Dade County State Attorney's Office (SAO) employs evidence-based outcome-oriented strategies for preventing crime and addressing hardened criminals and street violence. In essence, we work hard to prevent the crimes we can, but do not hesitate to incapacitate those we must.

Community Based Initiatives to Reduce Violence

Prevention

The SAO's Community Outreach Division (COD) engages in numerous activities to prevent and address criminal activities. COD's activities have helped the SAO develop critical relationships in the community that enhance our ability to obtain justice.

The SAO also is a proud partner in Miami-Dade County's Anti-Violence Initiative, which has a strong prevention component. AVI staff give gang awareness presentations, conducting reading sessions with early learners at childcare centers, speak with youth about bullying and other forms of violence, conduct peace walks, and more. The AVI conducts "Walking One Stops," which brings together elected officials, providers, activists, faith leaders, and justice personnel to deliver federal, state, and local social and economic services to the doorstep of residents in impacted neighborhoods.

Deterrence and Suppression

As part of the AVI, the county's Group Violence Initiative (GVI) deters violent behavior by fostering

relationships between law enforcement officers and community members. Through the GVI, community members with “moral authority” deliver credible anti-violence messages to at-risk individuals in “call-ins.” These messages are supported as appropriate by local law enforcement officers.

The GVI is part of a national initiative designed to reduce gun-related deaths. It is operated by the Miami-Dade County Juvenile Services Department and closely affiliated with the National Network for Safer Communities and John Jay College Group Violence Intervention. Research suggests that focused deterrence activities, like the GVI, can have a statistically significant moderate crime reduction effect. *See e.g. Braga, A., Weisburd, D., Turchan, B., Focused Deterrence Strategies and Crime Control – An Updated Systematic Review and Meta-Analysis of the Empirical Evidence*, 17 Am. Soc. Criminology 205 (2018).

On-Call Prosecutors - Generally

The SAO actively supports local, state, and Federal agencies by providing “on-call” prosecutors 24 hours a day, seven days a week. At any given moment prosecutors are available for general questions regarding legal issues, cybercrimes, domestic crimes, environmental crimes, hate crimes, human trafficking, narcotics, police shootings, public corruption, robbery, sexual battery, traffic homicide, and, of course, homicide. On-call prosecutors answer legal questions, help police officers develop their cases, and approve arrest and search warrants.

At least one prosecutor responds to every homicide scene. The prosecutor is responsible for the case until the initial investigation is completed and an arrest is made. In some circumstances, cases may be specially assigned to a prosecutor who handles the case from start to finish.

Career Criminal/Robbery Cases

The Career Criminal and Robbery (CCR) Unit prosecutes violent crimes committed by the most recalcitrant defendants. The unit is staffed by a division chief, three assistant chiefs, five line attorneys, one repeat offender court (ROC) attorney, five secretaries, and three victim/witness coordinators. The division chief and assistant chiefs supervise all career criminal cases pending in the

County. They determine who should be enhanced under one or more of the career criminal statutes, help attorneys throughout the office analyze their cases, and approve all plea offers for enhanced defendants. The line CCR attorneys prosecute the most complex and serious (other than homicide) cases in regular felony divisions for enhanced defendants.

In 2006, at our urging, the judiciary implemented the ROC Court to prioritize particularly dangerous career criminals.

Gang Prosecutions Unit and Gang Strike Force

In 1997, State Attorney Fernandez Rundle created the Gang Strike Force (GSF) and the Gang Prosecutions Unit (GPU) to eradicate the most recalcitrant criminal street gangs, one by one. The GSF is a grant-funded prosecutor led task force that includes key local, state, and federal law enforcement agencies. Participating agencies detail officers, investigators, and agents to the SAO.

The GSF, as originally conceived and implemented, was led by one prosecutor and designed to eliminate traditional street gangs, one by one. It was the first known task force in the country that exclusively conducted racketeering (RICO) based investigations and prosecutions, effectively holding individual gang members responsible for the conduct of the entire group. During its first two years, it permanently eradicated Miami and Miami Beach’s most violent gangs, the 10th Street Thugs and South Beach Posse, along with one of Hialeah’s most active youth gangs, Cambridge Young Latin Organization (C-YLO), by indicting or informing against over 100 of their members and requiring each and every defendant to sign cooperative agreements or proceed to trial. While it may have been “cool” to be a member of the 10th Street Thugs, no one wanted to be part of the 10th Street snitches.

The combined success of local law enforcement investigations and GSF initiatives were so successful that it drove would be gang members underground. Today, it is rare to see gang members “flying their colors” publicly. Accordingly, the GSF has expanded its scope to include drug groups.

As the gangs have become more sophisticated, the GSF has expanded and evolved. Today, the

unit is staffed by six prosecutors and supported by multiple secretaries, victim/witness coordinators, a paralegal, and a crime analyst. Further, the Miami-Dade Police Department, City of Miami Police Department, Miami Gardens Police Department, Miami-Dade School Board Police, and the Florida Department of Law Enforcement have committed agents and officers to the unit. It is supported by a grant from South Florida High Intensity Drug Trafficking Area (HIDTA).

The GSF prosecutors and officers learned that RICO style investigations work well, but RICO prosecutions can be overly burdensome and time consuming. Accordingly, they adjusted their approach. They currently supplement their proactive investigations by handling reactive prosecutions (cases brought by officers or agents from outside the unit) involving the county's most dangerous gang members. Gang prosecutors and investigators rely on the most advanced technologies, along with traditional tried and true methods, to proactively investigate gang crimes and dangerous offenders.

Gang Unit attorneys also prosecute cases of individuals who are investigated and arrested by other agencies, rather than the GSF. They manage large caseloads and are regularly consulted by other agencies and prosecutors but are intimately involved in numerous investigations. In December 2019, the Gang Unit began collecting and maintaining data on a variety of performance measures. Their incredible work is reflected by the below chart, which provides a summation of data from December 2019 through April 2021.

Advice to out of division prosecutors	445
Advice to other law enforcement officers	2,655
Search Warrants	405
Pen Warrants	34
Arrest Warrants	89
Debriefings	41

Gun Violence Reduction Initiative (GVRI)

Years of violence in northern Miami-Dade County led State Attorney Fernandez Rundle to implement a pilot program where a prosecutor, victim/witness coordinator, and SAO investigator

were embedded within the Miami-Dade Police Department's (MDPD) Northside District unit.

The SAO team worked closely with MDPD personnel to establish relationships with the community and respond to contact shootings as quickly as possible. Their efforts fostered increased community trust and resulted in a large number of arrests.

Based on the program's success, we established a permanent unit to continue meeting the needs of Miami-Dade's Northside District, as well as the City of Miami's North District. In 2019, at the request of then Mayor Oliver Gilbert, we expanded the unit to include Miami Gardens. The State Attorney's Gun Violence Reduction Initiative (GVRI) is staffed by three attorneys, three investigators, a victim/witness coordinator, and a secretary. A member of the COD team provides additional support as needed. Later this year, we plan to embed another prosecutor in Miami-Dade's South District to address the increasing violence in that sector.

Our attorneys and investigators respond to every homicide and contact shooting in the targeted areas, working hand-in-hand with police officers in the field. They issue subpoenas and help draft/approve the same types of warrants as the Gangs prosecutors as needed.

GVRI prosecutors have assisted in investigations resulting in the confiscation of more than 200 illegally possessed firearms (including AR-15s, Ak-47s, and handguns with extended magazines). GVRI prosecutors work closely with police officers to ensure that charges are filed in most of their cases. Remarkably, during the past year and a half prosecutors have been able to file charges in 31 of 32 contact shootings and 21 of 22 homicides.

In 2021, the GVRI began collecting data on several performance measures on a monthly basis for each prosecutor. The below chart contains data for January through April 2021. As it reflects, GVRI prosecutors are extremely productive.

Advice to out of division prosecutors	75
Advice to other law enforcement officers	798
Search Warrants	241
Arrest Warrants	18
Debriefings	1

Operation Summer Heat

In response to the recent increase in violent crime, the County implemented Operation Summer Heat (OSH) in cooperation with local, state, and Federal law enforcement agencies, including the SAO, in June 2021.

During the initiative, the agencies are targeting a group of 100 of the county's most recalcitrant and violent offenders. Building on the successful Gangs and GVI units, State Attorney Fernandez Rundle created the Summer Heat Task Force (SHTF) to support the OSH by drafting and approving warrants and reviewing, assigning, and/or directly prosecuting OSH cases. The GVI Division Chief is coordinating the task force, which is staffed by top prosecutors from our Gangs, GVI, Narcotics, and Career

Criminal units.

Conclusion

We are committed to keeping local residents and visitors safe regardless of where they live. While the past year and a half has presented some additional challenges, we are addressing them in a smart, strategic, and evidence-based way and are confident that better days lie ahead. 🇺🇸

About the Authors

The Honorable Katherine Fernandez Rundle is State Attorney for Miami-Dade County, Florida.

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