The following is a compendium of news reports over the past month that may be of interest to our AG offices who are involved in criminal law issues. Neither the National Association of Attorneys General nor the National Attorneys General Training & Research Institute expresses a view as to the accuracy of news accounts, nor as to the position expounded by the authors of the hyperlinked articles.

JANUARY 2016

State News

Plaintiffs in California have recently filed a class action lawsuit in federal court arguing that the bail systems of San Francisco and the state of California “unconstitutionally treat poor and wealthy suspects differently.”

Chicago, Illinois, Mayor Rahm Emanuel announced that the city will purchase hundreds of Tasers for use by police officers. By June 2016, all officers will be trained to use Tasers and equipped with a Taser.

Authorities in the city of Indianapolis, Indiana, have outlined a plan to reduce violent crime in the city. The plan includes increasing the number of foot patrol officers and a heavy focus on neighborhood policing and data collection.

The Louisiana Supreme Court recently heard arguments in connection with the appeal of Darren Sharper, a former New Orleans Saints football player who was convicted of rape. Sharper is asking that the Supreme Court find New Orleans’ criminal case allotment system unconstitutional, arguing that the state prosecutor “manipulated the system” to ensure that the case was tried in front of a former prosecutor.

A Michigan judge recently ruled that STRmix™ software can be the subject of a DNA expert’s testimony in an armed robbery trial. The software was used to calculate the likelihood that the defendant’s DNA was part of a DNA profile “at question in the trial.”

New York State has agreed to overhaul its administration of solitary confinement in its state prisons. The agreement is part of a $62 million settlement with the New York Civil Liberties Union. Expected changes include a reduction in the number of inmates in solitary confinement and a “range of reforms, including limiting the time served to three months in most cases and providing the prisoners with certain privileges, like monthly phone calls and group recreation.”
New York Governor Andrew Cuomo announced that he would seek out and pardon thousands of individuals who were adjudicated as youthful offenders while teenagers and have since led law-abiding lives.

This article details steps that a number of cities, including Baltimore, Maryland, and Santa Ana, California, have taken or plan to take to increase their homicide clearance rates.

**Federal News**

The recently-passed Consolidated Appropriations Act of 2016, H.R. 2029, raised disbursements from the Crime Victims Fund, resulting in an increase of approximately $302 million for state VOCA assistance programs. Byrne JAG will also receive an increase in funding.

H.R. 2029 also had a huge effect on equitable sharing programs. As explained in a letter from the Chief of the Asset Forfeiture and Money Laundering Section of the U.S. Department of Justice (DOJ) to state, local, and tribal law enforcement agencies, the legislation, together with the recession of Asset Forfeiture Program Funds that was included in the November 2015 Bipartisan Budget Act of 2015, has resulted in a “$1.2 billion rescission” to the Funds. As a result, DOJ has begun deferring any equitable sharing payments from the Asset Forfeiture Program in order to “preserve [its] ability to resume equitable sharing payments at a later date should the budget picture improve.”

President Barack Obama is taking executive action regarding background checks and other measures affecting gun purchases. To learn more about the actions that will be taken, click on this link.

**Research and Training**

The Brennan Center for Justice has updated its report, entitled “Crime in 2015: A Preliminary Analysis.” The report analyzes crime trends in the country’s 30 largest cities. The original report, issued in November, can be accessed here and the update can be accessed at this link. The overall conclusion of the analysis is that crime has remained “roughly the same as in 2014,” though a “handful of cities have seen sharp rises in murder rates.”

On March 14-15, 2016, NAGTRI and the Office of the Iowa Attorney General will host a training in Tampa, Florida, entitled “Reducing Recidivism and Improving Public Health Through Effective Mental Health Programs.” The training will explore how effective mental health programs can lower recidivism rates and increase community health and quality of life. Participants will learn about a number of promising programs and discuss how similar programs may be tailored to their jurisdictions. For more information, click on this link.
Updates from the Attorney General Community

Arizona Attorney General Mark Brnovich announced that five individuals have been indicted in connection with operating a theft ring that stole from the elderly in Tucson. The total loss suffered was greater than $34,000.

California Attorney General Kamala D. Harris issued a bulletin to law enforcement agencies which outlined “new responsibilities under state law to track and report citizen complaints against peace officers, including complaints alleging racial or identity profiling.” These responsibilities are the result of a new law, AB 953, which came into effect on January 1, 2016. The annual reports will be made available to the public and disaggregated for each law enforcement agency.

Delaware Attorney General Matt Denn has renewed and revised his initial proposal to use financial crisis settlement funds for crime prevention, housing, substance abuse treatment, after school and summer school programs, prisoner reentry, and education in economically hard hit communities. The following article details General Denn’s plan for how these funds should be allocated.

In mid-December, the United States Court of Appeals for the District of Columbia Circuit “vacated a lower court’s decision against a District law requiring individuals applying for concealed-carry permits to state a ‘good reason to fear injury to his or her person or property’ or another reason for carrying a handgun.” The decision was vacated on jurisdictional grounds. District of Columbia Attorney General Karl A. Racine welcomed the decision, stating that the District’s concealed-carry law is reasonable and that the ruling “increases the likelihood that the case will be heard before a judge from [the District of Columbia] community.”

General Racine also welcomed the District’s recently passed body-camera law which will outfit approximately 2,800 city police officers with body-worn cameras by Spring 2016. The majority of the footage captured will be available to the public, with exceptions in place for sensitive footage such as videos involving domestic violence or sexual assault incidents.

The Office of Florida Attorney General Pam Bondi released its 2014 Hate Crimes in Florida Report. General Bondi’s Office of Civil Rights works to reduce hate crimes in the state through community outreach programs.

Illinois Attorney General Lisa Madigan recently highlighted a number of new laws that were initiated by her office and which went into effect on January 1, 2016. These laws allow for electronic monitoring devices to be installed in resident rooms in nursing home facilities and add more protections for victims of crime, including survivors of sexual assault.

The Office of Massachusetts Attorney General Maura Healey has selected six domestic violence and sexual assault prevention programs to receive more than $250,000 in grant funding. The funding will allow the programs to partner with and provide support to schools participating in Game Change: The Patriots Anti-Violence Partnership (“the Partnership”). The Partnership, which was launched in
September 2015 with the New England Patriots Charitable Foundation, is a program that aims to prevent youth relationship violence.

The Nevada Interim Finance Committee recently approved Nevada Attorney General Adam Paul Laxalt’s pledge of $3.68 million towards eliminating Nevada’s rape kit backlog.

New Jersey Acting Attorney General John Jay Hoffman has announced that $2.5 million has been awarded to 176 New Jersey police departments for the purchase of body worn cameras. The awards were made with criminal forfeiture funds.

New Mexico Attorney General Hector Balderas announced that legislation will be filed in the state to close New Mexico’s child pornography and exploitation loophole, which only allows prosecutors to charge defendants who possess multiple images of child pornography and exploitation in multiple forms of media and online with one count of Child Exploitation by Possession. This legislation is supported by General Balderas. The bill will also increase mandatory prison time when the image depicted in a sexual abuse case is a child under 13.

New York Attorney General Eric T. Schneiderman entered into an agreement with the City School District of Albany, New York, which will “dismantle the school to prison pipeline” by ensuring that the District’s disciplinary policies and practices do not discriminate on the basis of race, national origin, or disability status. The agreement comes as the result of an investigation into the District’s policies as well as General Schneiderman’s statewide initiative to reverse zero tolerance policies in school districts.

General Schneiderman also recently reached a settlement with 30 online retailers that sold realistic looking toy guns through Amazon.com. These guns violated a New York law which prohibits the sale of imitation weapons or toy guns that too closely resemble real guns. In total, over 5,000 imitation weapons were sold.

Ohio Attorney General Mike DeWine announced that more than $1.2 million in grants from the federal Victims of Crimes Act (VOCA) have been awarded to assist sexual assault victims on Ohio campuses.

Rhode Island Attorney General Peter Kilmartin will hold a cell phone recycling drive throughout the month of January to benefit victims of domestic violence and the Rhode Island Coalition Against Domestic Violence (RICADV). The program is supported by Verizon Wireless’ HopeLine program.

South Dakota Attorney General Marty Jackley and Gregory County States Attorney Amy Bartling announced the indictment of a South Dakota resident on charges relating to Rezac’s alleged possession of explosive devices in his residence, including a PVC pipe bomb device and other improvised explosive devices (IEDs).

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