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.

OCTOBER 2015

Updates from the Attorney General Community

In late September, Arkansas Attorney General Leslie Rutledge, together with the Children’s Advocacy Centers of Arkansas, hosted the Technologically Facilitated Crimes Against Children Training, which was attended by law enforcement, child advocacy service providers, and representatives of child serving organizations.

California Attorney General Kamala D. Harris’ office has selected the California Department of Justice’s Rapid DNA Service Team as the recipient of grant funds awarded through a New York County District Attorney’s Office initiative, which awards funding to eliminate rape kit backlogs.

Florida Attorney General Pam Bondi has committed broad support for testing unprocessed rape kits. Last month, she was joined by state lawmakers, law enforcement, and a victim advocate to announce a plan to review an ongoing statewide assessment of the untested kits and to explore legislative solutions.

General Bondi, together with Orange County, Florida, Sheriff Jerry Demings and the Metropolitan Bureau of Investigation, also announced the arrest of 21 people in connection with a massive drug and human trafficking ring operating in central Florida. The underlying investigation lasted two years and involved the execution of search warrants which led to the seizure of large amounts of marijuana, cocaine, heroin, and several stolen weapons, as well as cash.

Indiana Attorney General Greg Zoeller announced that a new organization has been created to focus on ending sexual assault and serve victims in Indiana. The Indiana Coalition to End Sexual Assault, Inc. (ICESA) will replace the Indiana Coalition Against Sexual Assault, Inc. (INCASA) which suspended operations due to financial insolvency in June 2014.

On October 1-2, 2015, NAAG Midwestern Region Chair and Illinois Attorney General Lisa Madigan and NAAG Midwestern Region Vice-Chair and Wisconsin Attorney General Brad Schimel hosted the NAAG Midwestern Region Meeting, entitled, “Gender Violence: Addressing the Challenges and Building Effective Responses.” Attendees discussed and explored methods that state attorneys general can use

Kentucky Attorney General Jack Conway announced a joint public service endeavor between his office’s Office of Victims Advocacy and the Kentucky Association of Sexual Assault Programs (KASAP). The groups hope to prevent campus sexual assault by sponsoring a college campus video competition to promote awareness of the rape crisis hotline, 1-800-656-HOPE. Funding for this endeavor is possible due to a grant that KASAP received from the National Football League (NFL).

General Conway’s Office of Victims Advocacy will also be conducting two regional trainings for law enforcement on statistics and issues involving domestic violence and sexual assault cases.

Michigan Attorney General Bill Schuette sent a letter to local prosecutors and law enforcement within his state to obtain data regarding the number of untested sexual assault kits. This was the “first step towards testing backlogged kits using $1.7 million recently appropriated by the legislature.”

The Office of Nevada Attorney General Adam Paul Laxalt has pledged $3.68 million in funding to eliminate Nevada’s rape kit backlog. The funding is a result of a statewide Sexual Assault Kit Working Group, which was led by General Laxalt’s office. The funds are made available through a Sexual Assault Initiative grant program and a Bureau of Consumer Protection settlement.

New Jersey Acting Attorney General John J. Hoffman announced the indictment of Michael Van Culin for allegedly obtaining sexually explicit photographs or videos of underage girls located in Canada and various U.S. states, after stalking them online and blackmailing them. Van Culin is charged under New Jersey’s strict new child pornography law which carries a sentence of 10 to 20 years in prison, 85 percent of which must be served without parole.

General Hoffman also announced that the New Jersey Division of Consumer Affairs issued Notices of Violation against four in-state businesses, known as “Notarios Publicos,” which allegedly defrauded consumers by offering immigration assistance services they were not legally permitted to provide.

New Mexico Attorney General Hector Balderas recently provided the New Mexico Legislature’s Courts, Corrections, and Justice Interim Committee with an update on the state of criminal affairs. The comprehensive remarks can be accessed at this link.

New York Attorney General Eric T. Schneiderman recently issued a brochure entitled “Victims of Domestic Violence: Know Your Rights!,” as well as a statement supporting domestic violence victims. The brochure is intended to raise awareness among victims and survivors of domestic violence about the laws that protect them.

General Schneiderman also announced a 32-count indictment of two defendants charged with illegally trafficking untraceable guns (also known as “ghost guns”). The indictment is the result of a joint investigation led by General Schneiderman’s Organized Crime Task Force and the New York State
The defendants allegedly ordered unfinished gun parts from different manufacturers and assembled them into ghost guns, which were then sold to undercover investigators.

Ohio Attorney General Mike DeWine announced the membership of the Attorney General’s Advisory Committee on Crime Victims with Disabilities. The group, which includes prosecutors, law enforcement partners, and members of organizations such as the Department of Youth Services and Disability Rights Ohio, among others, will advise General DeWine’s office on ways to further assist victims of crime who have special needs.

A team of prosecutors from the office of Rhode Island Attorney General Peter F. Kilmartin was dispatched to Ukraine to train a newly established anticorruption-focused unit. The Inspector General unit within the Ukrainian Prosecutor General’s Office, is being trained as part of a joint U.S. Department of State and NAAG agreement and an agreement between General Kilmartin’s Office and the State Department’s Bureau of International Narcotics and Law Enforcement Affairs (INL).

South Dakota Attorney General and NAAG President Marty Jackley reminded his constituents of the South Dakota Masons’ South Dakota Child Identification Program Event (SDCHIP), which took place on October 3, 2015 and provides parents with a package that contains various identifying items for their children at no cost, including DNA, dental impressions, and fingerprints. General Jackley’s office, as well as a number of other organizations, assists in the implementation of this program.

Wisconsin Attorney General Brad Schimel announced that the Wisconsin Department of Justice was awarded $4 million in grant funding to eliminate untested rape kits. The funding comes from two grants, one from the New York County District Attorney’s Office and one from the U.S. Department of Justice Bureau of Justice Assistance.

State News

The California legislature has passed and California Governor Jerry Brown has signed Assembly Bill 303, which limits how minors in custody may be strip searched. The bill narrows the areas of the juvenile which may be touched and limits the personnel who may conduct a physical body cavity search, in addition to other mandates.

This article highlights the details of a Kansas City, Missouri, program which law enforcement officials developed with the hope of ending violence in the community. This program, which is also used in other police departments throughout the country, uses computer algorithms to identify those most likely to commit crimes in the future and then intervenes in those individuals lives to prevent the crimes from happening. The strategy is known as “predictive policing” and incorporates “hot spot” policing, monitoring of recent parolees, and social media data, among other components. In Kansas, the initiative is called the Kansas City No Violence Alliance, or KC NoVA.
Recently, in Commonwealth v. Elvin Bastaldo, the Massachusetts Supreme Court ruled that “[i]n criminal trials that commence after the issuance of [the] opinion, a cross-racial instruction should always be included when giving the model eyewitness identification instruction [to juries], unless the parties agree that there was no cross-racial identification.”

The New York City Bar Association released a report entitled, “Mass Incarceration: Seizing the Moment for Reform.” The report urged leaders to “make the reduction of mass incarceration a top priority.”

In Utah, as part of the state’s Justice Reinvestment Initiative, inmates sentenced on or after October 1 “will be eligible for time cuts if they complete programs proven to reduce recidivism, including education, vocational training, substance abuse treatment and sex offender treatment.” Corrections officials are also focusing on how to help prisoners during the reentry process. The Initiative has also reduced penalties and increased time credits for certain offenses and created incentives for parolees to cut their supervision time.

Federal News

As a result of recent actions taken by the U.S. Sentencing Commission, approximately 6,000 federal inmates will be released early from prison between October 30 and November 2.

This article examines some of the details of the recently-introduced Sentencing Reform and Corrections Act of 2015.

United States Attorney General Loretta Lynch issued a policy announcement directing federal investigators of white-collar crimes to focus on individuals, rather than corporations.

Attorney General Lynch also announced a new Intellectual Property Enforcement Program Initiative while speaking at the MassChallenge Roundtable Discussion. As part of the Initiative, the Office of Justice Programs will provide more than $3.2 million to state and local law enforcement agencies in ten jurisdictions.

The U.S. Department of Justice also announced $53 million in grant awards to 43 jurisdictions. The funding is intended for programs which will reduce recidivism among adults and youth returning to communities after incarceration. The Department of Justice also awarded $26 million in grants to develop and strengthen criminal justice and community partnerships to address sexual assault, domestic violence, dating, and stalking. This funding was awarded through the Office on Violence Against Women’s Grants to Encourage Arrest Policies and Enforcement of Protection Orders Program. Last, the U.S. Department of Justice announced that it awarded more than $2 million in grant funding for the Smart Policing Initiative (SPI), which will support four jurisdictions in building “evidence-based, data-driven tactics and strategies to ensure law enforcement agencies are effective, efficient and economical.”
Research and Training

This article provides an interesting overview of the cases in which the U.S. Supreme Court has granted review and which involve Eighth Amendment Issues.

On October 29-30, 2015, NAAG Eastern Region Chair Rhode Island Attorney General Peter F. Kilmartin and New York Attorney General Eric T. Schneiderman will host the NAAG Eastern Region Meeting, where attendees will discuss best practices for combatting the opioid epidemic in the Northeast United States and nationally. The event will be held at New York University Law School. Law enforcement participants will also be provided with the opportunity to tour the New York/New Jersey High-Intensity Drug Trafficking Area (HIDTA) headquarters on Thursday afternoon. For more information and to register, please click on this link.

According to the FBI, both violent crimes and property crimes dropped last year (compared with 2013). These figures are “largely consistent” with the National Crime Victimization Survey of the Justice Department’s Bureau of Justice Statistics.

According to a study published in Preventive Medicine, more than 32,000 people die each year from firearm injuries in the U.S. and most are young, male, and members of minority groups. Annual costs stemming from firearm injuries exceed $48 billion.

Other News of Interest

Last month, the Association of Prosecuting Attorneys (APA) hosted a webinar which highlighted the Multnomah County, Oregon, model for procedures relating to the response to and investigation of officer use of force. I viewed the webinar and found it helpful. Please feel free to email me at fliquori@naag.org.

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