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.

SEPTEMBER 2015

Updates from the Attorney General Community

Arkansas Attorney General Leslie Rutledge has announced the speakers who will take part in the 13th annual Arkansas Law Enforcement Summit on October 6-7, 2015.

California Attorney General Kamala D. Harris announced the indictment of 32 members and associates of a street gang who are allegedly tied to a $14.3 million identity theft and tax fraud scheme. The Attorney General’s eCrime Unit and Financial Frauds and Special Prosecutions Section are jointly prosecuting the case, which resulted from an investigation by the Long Beach Police Department and the United States Postal Inspection Service.

General Harris also recently unveiled OpenJustice, her office’s criminal justice open data initiative that makes available to the public criminal justice data in an interactive and easy-to-use format. The “dashboard” can be accessed here.

Illinois Attorney General Lisa Madigan is highlighting a new law, which she initiated, which prohibits health care providers from directly billing sexual assault survivors for the collection of evidence related to their attacks. Another bill initiated by General Madigan, House Bill 821, became law in August. This law requires institutes of higher education to better prevent and respond to sexual violence. Some provisions of the law include requirements that schools adopt a fair, balanced process for adjudicating sexual violence adjudications and develop a clear, comprehensive campus sexual violence policy.

In August, Indiana Attorney General Greg Zoeller visited with victim service providers to highlight the work of victim advocates in Indiana and to continue to develop his office’s newly created Victim Services and Outreach Division. He encouraged service providers to join his office’s Victim Advocates’ Network, which provides resources, support, and training to victim advocates.

Maryland Attorney General Brian E. Frosh issued a guidance memorandum designed to end discriminatory profiling by law enforcement in Maryland.
Nevada Attorney General Adam Laxalt has announced that a former correctional officer with the Nevada Department of Corrections was sentenced to 12-30 months in prison after pleading guilty to one count of furnishing a controlled substance to a state prisoner. The guard provided marijuana to inmates inside the High Desert State Prison in exchange for payment by wire transfer from inmates’ families.

New Jersey Acting Attorney General John J. Hoffman announced that former NFL wide receiver Irving Fryar and his mother were convicted of charges relating to a conspiracy to steal over $1 million. Through the conspiracy, Fryar’s mother fraudulently obtained six home equity loans on her home and one loan on Fryar’s home.

New Mexico Attorney General Hector Balderas convened the first meeting of the Multidisciplinary Violent Crime Review Team in early August. The meeting was attended by the heads of numerous state agencies as well as the wife of a police officer who was violently murdered and whose murder led to the formation of this review team. The goal of the team is to review homicides to find and implement systematic improvements to benefit the state and the criminal justice system.

North Carolina Attorney General Roy Cooper has announced that the North Carolina State Crime Laboratory has been ranked by federal officials as one of the top crime labs in the country for the use of technology, including the Integrated Ballistics Identification System (IBIS) to solve crimes involving guns. IBIS stores and compares characteristics of pieces of evidence that are left behind in these crimes.

Ohio Attorney General Mike DeWine announced that Ohio Bureau of Criminal Investigation forensic scientists have now tested more than 8,000 sexual assault kits as part of a special initiative of General DeWine’s. Hundreds of individuals have been indicted as the result of this testing. General DeWine is now accepting grant applications for several million dollars of funds directed towards strengthening sexual assault victim advocacy programs in Ohio institutions of higher education.

In August, the office of Rhode Island Attorney General Peter Kilmartin collaborated with Verizon Wireless to contribute $7,500 to the Rhode Island Coalition Against Domestic Violence. The donation is, in part, the result of a month-long recycling drive led by General Kilmartin and supported by the Verizon Wireless HopeLine phone recycling program.

General Kilmartin is also offering mobile background check services throughout the state for any individual required by statute or policy to have a national or state background check, stating that this service “provides great convenience to individuals who are busy preparing for the new school year or starting a new career.” The state’s Bureau of Criminal Identification (BCI) is part of the Attorney General’s office.

State News

In August, the Los Angeles, California, Police Department provided its first patrol division with body-worn cameras. Los Angeles is the country’s second-largest city with the third largest police department.
The City of Oakland, California, has launched the Oakland Police Department Calls for Service app, which “provides real time crime data using an interactive map available” from both the police department and the city’s website. Residents can now see data relating to 911 calls happening in real time in their communities. Officials hope that this will increase public engagement and information sharing.

Massachusetts officials are asking the U.S. Department of Justice and the Pew Charitable Trusts for assistance in conducting a review of the state’s criminal justice system in order to identify “policy recommendations to get the best public safety outcomes for each dollar spent.”

A federal district court judge in St. Paul, Minnesota found that the Minnesota’s civil commitment of sexual offenders was unconstitutional in that it failed to release certain individuals who no longer met the criteria for confinement.

New York City Mayor Bill de Blasio has announced a new mental health initiative, called NYC Safe. The $22 million plan will allow mental health experts to visit shelters, streets, and other places where the mentally ill homeless may be in order to treat those who exhibit violent behavior towards themselves or others. Numerous agencies will participate in the program, including the Department of Homeland Services and the New York City Police Department.

This article outlines the community policing project undertaken by the 101st Precinct in Far Rockaway, New York, in which officers patrol a small area with the goal of “solv[ing] problems, not simply enforc[ing] the law.” This program will soon be expanded from four test precincts to a number of other precincts throughout New York City.

The New York State Bar Association has revised its guidelines for how attorneys can properly use social media. Changes include the addition of a declaration that knowledge of how social media works should be a “core skill for a lawyer in New York.” These guidelines are instructional and designed to guide lawyers’ use of social media and address considerations not yet reflected in the State’s Rules of Professional Conduct.

This summer, South Carolina enacted a law directing every police department within the state to implement body-worn cameras. However, the footage will not be subject to the state’s open record laws, though “dash cam” footage appears to be, subject to certain exceptions. This article examines both sides of the debate relating to police camera footage and open records laws.

A Tennessee court recently overturned a University of Tennessee-Chattanooga decision that found that a former student committed sexual assault, on the grounds that a school cannot require the accused student to prove that a crime did not occur.

The Supreme Court of Washington State recently denied Backpage.com immunity under the Communications Decency Act (CDA) by refusing to dismiss a lawsuit brought by three minor women who claim they were raped by customers of Backpage.com and allege the site designs its advertising content to facilitate sex trafficking. The 5-4 decision affirms a lower court’s previous denial of a motion to dismiss.
Federal News

The U.S. Department of Justice’s Office on Violence Against Women (OVW) has launched an online clearinghouse on sexual assault, domestic violence, dating violence, and stalking on campus. It is called The Center for Changing Our Campus Culture, and can be accessed at this link. The office also announced 27 awards totaling $8.5 million, made with funds from the Grants to Reduce Sexual Assault, Domestic Violence, Dating Violence, and Stalking on Campus Program, to enhance victims services and to develop programs to prevent, investigate, and respond to sexual assault, domestic violence, dating violence, and stalking on campus.

In September, the OVW also announced the release of a $2.8 million funding opportunity as part of its Sexual Assault Justice Initiative, which improves how the justice system in general, and prosecution in particular, handles sexual assault cases. The funding will support up to eight pilot sights, which will receive funding to implement performance measures that reflect promising practices in this regard.

A recent study conducted by the Bureau of Justice Statistics found that national violent crime totals did not change significantly in 2014. This study is based on a survey of households and is different from the FBI data, which is based on police department reports.

Research and Training

A new Bureau of Justice Statistics report shows that the number of inmates who died in state prisons and jails increased in 2013, for the third year in a row. The report also found that the increasing number of elderly inmates contributed to the rise.

This article examines the sufficiency of forensic odontology (dentistry) evidence in homicide cases. Testimony involving bite mark comparisons is being scrutinized because “[t]he very foundations on which the field rests have never been tested or scientifically proven. . . first, that human bites are unique, and second, that human skin can accurately record bite marks.”

The National Association of State Chief Information Officers (NASCIO) is offering a free webinar on the Pennsylvania CIOs use of cyber analytics to bolster their cyber security efforts. The webinar is on Sept. 15, 2015 at 3 pm ET. Registration information for the webinar can be found at this link.

The National Center for the Victims of Crime 2015 National Training Institute will be held in Orange County, California, on September 9-11. For more information, click on the following link.

The National Institute on the Prosecution of Elder Abuse is holding a three and one-half day course on November 10-13, 2015, “designed to challenge prosecutors to reevaluate their approach to prosecuting elder abuse cases.” More information can be found at the following link.
Other News of Interest

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** invite you to attend the NAAG Midwestern Region Meeting, which is entitled, “Gender Violence: Addressing the Challenges and Building Effective Responses.” The Meeting will be held in Chicago, Illinois, at The Aloft Chicago City Center. Attendees will discuss and explore methods that state attorneys general can use to combat gender-based violence and discrimination. For more information and to register, please click on the following [link](#).

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](#).

This [article](#) details the fees that Taser is charging to law enforcement agencies for video licensing and storage. The article describes the services that law enforcement receives in exchange for the high cost.

**Francesca Liquori is the Editor of the Criminal Law Newsletter and may be reached at 202-326-6041. The Criminal Law Newsletter is a publication of the National Association of Attorneys General. Any use and/or copies of this newsletter in whole or part must include the customary bibliographic citation. NAAG retains copyright and all other intellectual property rights in the material presented in this publication.**

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