

JOHNSON COUNTY DISTRICT ATTORNEY'S OFFICE

2006 ANNUAL MONOGRAPH

MEASURING PROGRESS THROUGH SAFETY AND
JUSTICE



PHILL KLINE, DISTRICT ATTORNEY

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DEPARTMENT PROFILE

Meet the District Attorney

Phill Kline was elected the Johnson County District Attorney for the 10th Judicial District of Kansas in December 2006. Mr. Kline has long served the people of Kansas, first as a State Representative and later as the 41st Kansas Attorney General. In his years of public service, Mr. Kline has been recognized as a leader in the fight for crime victims' rights, welfare reform, and was recognized as Prosecutor of the Year by the National Alliance for the Mentally Ill for his role in the Kaufman House investigation and prosecution. As Attorney General, Mr. Kline was elected Chairman of the Midwest Association of Attorneys' General, President of the Republican Attorneys' General Association, and served as Co-Chairman of the National Committee for the Apprehension of Violent Sexual Predators. Mr. Kline also helped establish the Cyber Crimes Task Force in Kansas City, which is responsible for placing over 100 Internet predators of children in prison. He also established the first-ever Abuse and Exploitation Prevention Unit to protect the elderly and Public Corruption's Unit in the Office of the Attorney General.

Purpose

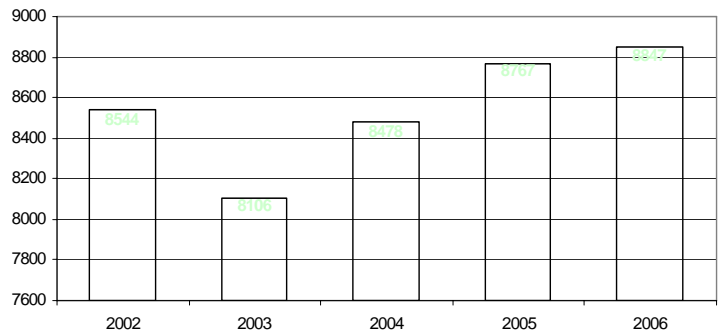
As the chief prosecutor for the 10th Judicial District, the District Attorney is both a state constitutional officer and a local elected official. As such, he represents the "People of the State of Kansas" in the prosecution of more than 8,500 adult and juvenile criminal cases in addition to the filing of hundreds of civil actions each year. The staff of the District Attorney's Office works closely with the law enforcement personnel of each of the 17 police agencies within Johnson County, providing and gaining cooperative support from these law enforcement officers. In addition to these fundamental services, the District Attorney's Office provides a number of innovative programs and services to provide community education, law enforcement training, and unique victim services.

Staffing

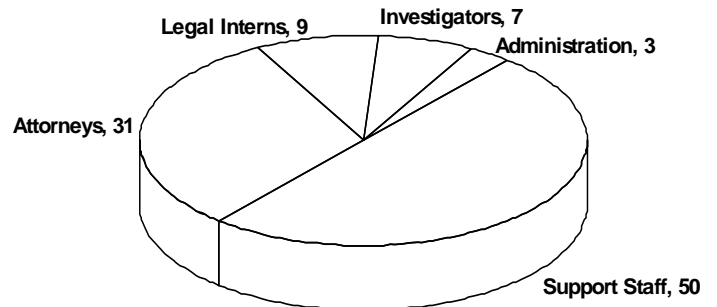
The District Attorney's Office is a team of dedicated professionals working together to help achieve its mission of protecting public safety, preserving justice, and providing a voice for victims' rights. More than 90% of this department's budget is allocated for personnel costs.

Phill Kline, District Attorney

Cases Filed



District Attorney's Office Staffing



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CASE FILING TRENDS

Total Case Filings

As demonstrated in the previous chart, the number of cases filed has experienced an overall increase of 4% from 2001 to 2006. With this increase, the number of cases filed in 2006 was approximately 20% higher than the number of cases filed just ten years ago. Not coincidentally, the population of Johnson County has increased by 20% during the same ten-year period. In consideration of these factors, it is reasonable to assume that the number of criminal cases filed in Johnson County has remained relatively constant. To capture a more in-depth vision of case filing trends, further analysis of the types of cases being filed is required.

Part I Crimes

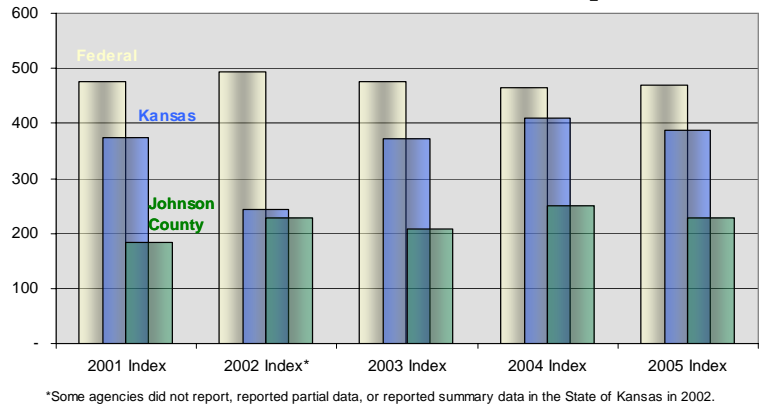
As established in the FBI's Uniform Crime Reporting System (UCR), Part I Crimes are defined as *Violent* or *Property* Crimes. UCR is the national standard for measuring safety as a key indicator of community, neighborhood, and family quality of life. Violent crime rates in Johnson County have increased from 2001 to 2005, exceeding nationwide increases in the specific violent crime categories of murder, rape and robbery. Despite this recent growth in Part I violent crimes, Johnson County remains far below state and federal averages. Whether these statistics represent an emerging trend is unclear, but the statistics bear careful monitoring.

The overwhelming majority of Part I crimes reported in Johnson County are property crimes including burglary, motor vehicle theft, and theft-larceny. Theft alone accounts for approximately 70% of all Part I crimes in Johnson County.

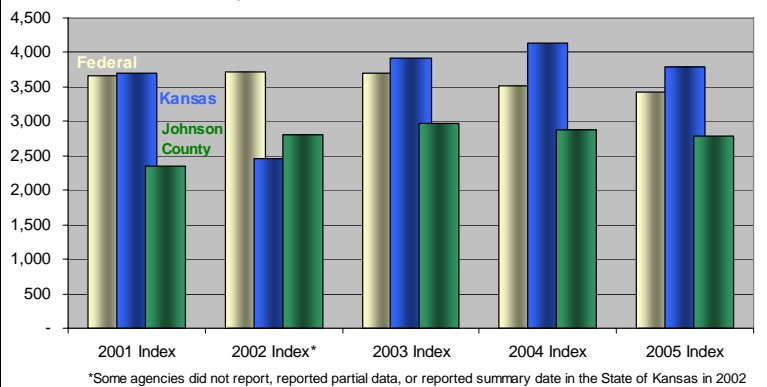
Part II Crimes

Part II Crimes comprise the balance of offenses not captured in the category of Part I Crimes. In Johnson County, this includes 3,073 cases filed in 2005, ranging from criminal damage of property to kidnapping.

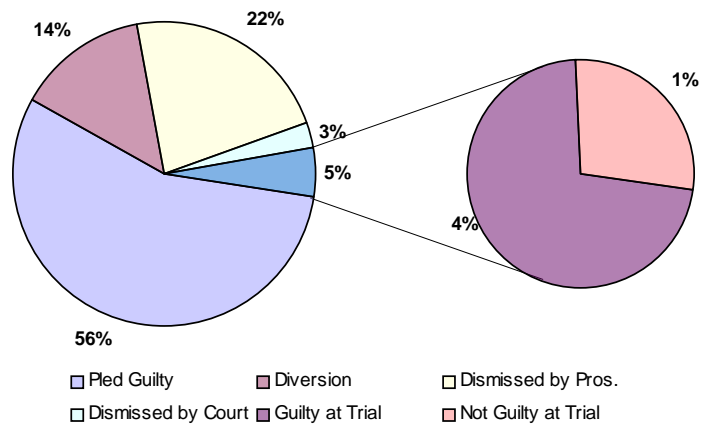
Part I Violent Crime Index Per 100,000 Population



Part I Property Crime Index Per 100,000 Population



2006 Dispositions



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LOCAL TRENDS IN ILLICIT DRUG USE

History

The Drug Enforcement Unit of the District Attorney's Office continues to fight against the use, sale, and manufacture of illegal drugs in Johnson County. According to the American Prosecutors Research Institute (APRI), 70% of all felony cases that cross a prosecutor's desk are drug related. This Unit has witnessed a consistent increase in annual drug cases filed. Between 2002 and 2006, the number of drug cases filed has increased by 24%.

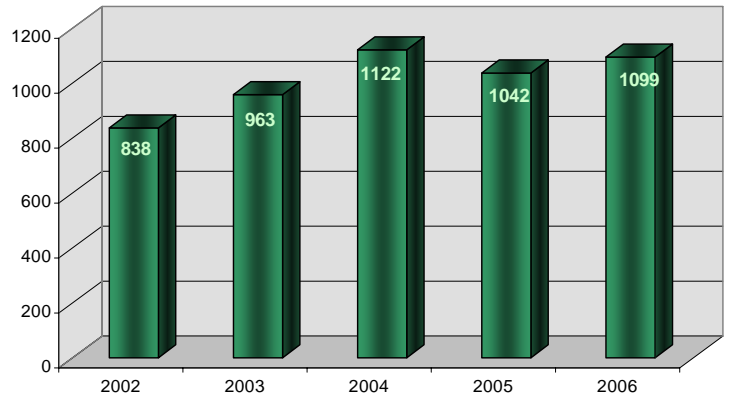
DUI Offenses

Due to recent changes made to the DUI enforcement statute, the District Attorney's Office has experienced a significant increase in the number of DUI cases filed. In fact, since 2002 the number of felony DUI cases filed in Johnson County has increased by 70%. This further strain placed upon the resources of the District Attorney's Office has stymied the ability to deal effectively with the ever-growing, time consuming DUI caseload.

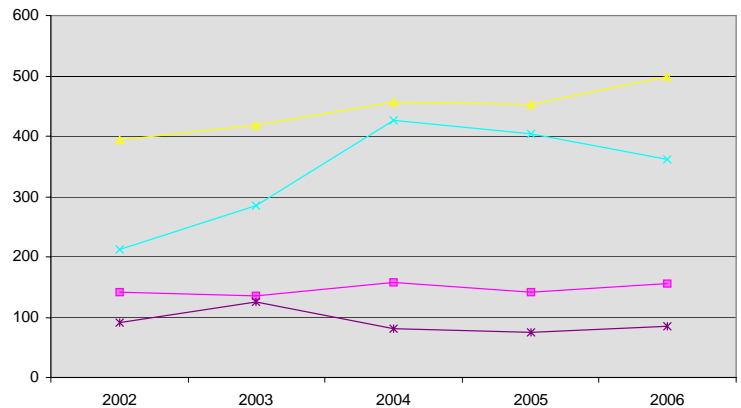
Other Trends

As noted in the chart at right, Johnson County has not escaped the growing problems related to manufacture and abuse of methamphetamines. Marijuana, however, remains the most frequently used illicit drug in the nation, with levels of use and abuse higher among adolescents and young adults. While law enforcement and prosecutorial resources have been diverted in recent years to combat the scourge of methamphetamine use and manufacture in the Midwest, marijuana has made a striking comeback to the forefront of the war on drugs. The emergence of methamphetamine, the continued abuse of marijuana, the growing abuse of prescription drugs, and Internet sales of illegal drugs are just a few of the challenges drug prosecutors continue to face.

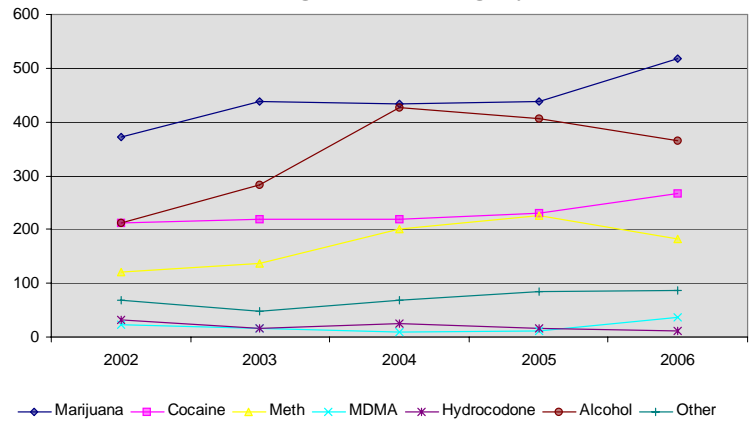
Drug Cases Filed



Drug Cases – Offense Type



Drug Cases – Drug Type



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FAMILY VIOLENCE – RESPONSE AND INTERVENTION

History

As a result of widespread public outreach and education programs enacted in recent decades, domestic violence (DV) is now accepted to be a national pandemic in desperate need of an antidote. Between 1993 and 1995, 18 of 32 states with three-year filing figures reported an increase of 20% or more in domestic violence case filings, making it the most rapidly growing case type. In light of these indicators, a specialized unit was developed including prosecutors, an investigator, victim advocates, and other support staff to deal exclusively with the unique circumstances of domestic violence.

The Coordinated Response

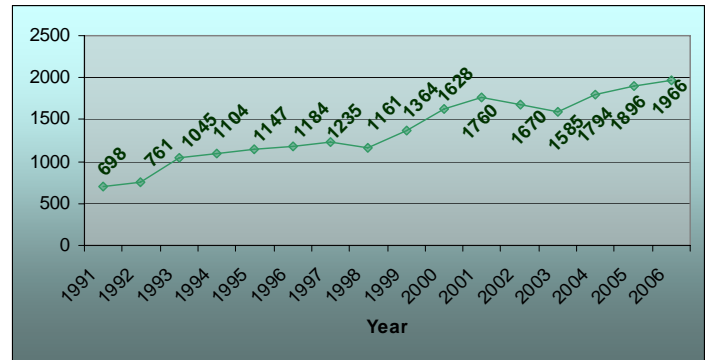
Since 1991, the number of domestic violence cases filed has consistently increased in Johnson County. In an effort to meet the needs presented by this continuously growing service area, the staff of the DV unit work closely with agencies throughout the County to provide the community with a carefully coordinated response. DV prosecutors provide intensive, thorough training to new and seasoned police officers from each of the 17 law enforcement agencies within the County. Likewise, staff including victim advocates and diversion coordinators work closely with service providers to ensure victim needs are met while also trying to implement interventions aimed at reducing repeat incidents of violence.

Areas of Concern

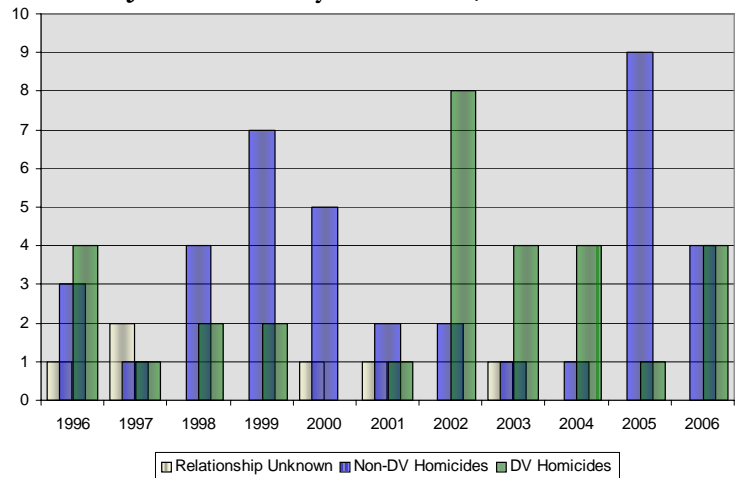
Many of the DV program indicators offer encouragement to those working against this phenomenon. The annual number of filed cases continues to rise, indicating effective police intervention and public awareness efforts. Crime victim surveys sent to more than 5,000 victims annually,

many of whom are DV victims, continue to indicate that services received are informative and helpful. Recidivism rates have also decreased 1% between 2001 and 2006. The number of DV-related homicides committed annually, however, continues to be unpredictable and difficult to control. While goals achieved by aggressive prosecution and victim advocacy are having positive results in Johnson County, development of advancing objectives will need to continue.

Domestic Violence Cases Filed



Johnson County Homicides, 1996 – 2006



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PROTECTING COMMUNITY PROSPERITY

History

Johnson County is a thriving community known throughout the Kansas City metropolitan area as a hub for business, shopping, entertainment, and recreation. These services and attractions are no small part of what draws approximately 10,000 new residents to this community each year. Unfortunately, these are also the reasons that hundreds of scam artists, fraudsters, and other white collar criminals are lured to this community every year.

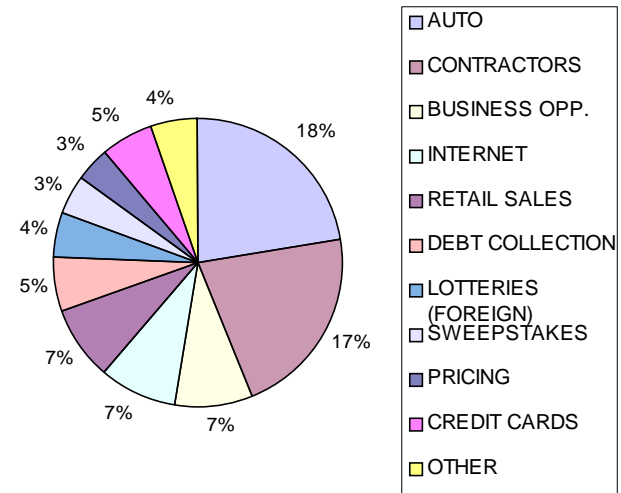
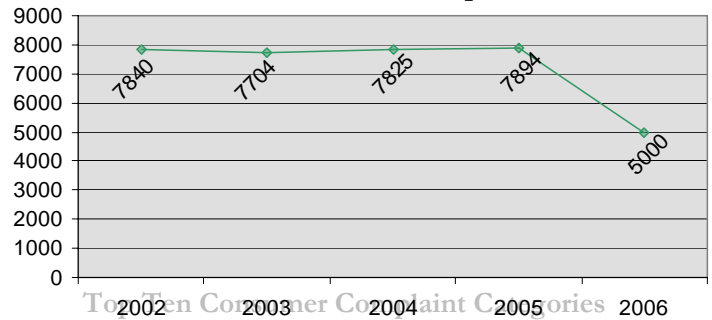
Consumer Fraud Unit

This team, consisting of one consumer fraud attorney and two investigators, focuses efforts on the enforcement of the Kansas Consumer Protection Act. Each year, thousands of complaints are received on the Consumer Fraud Hotline for false advertising, deceptive sales practices, and door-to-door sales among others. Through civil litigation and mediation, this unit works to restore consumers victimized by unfair practices.

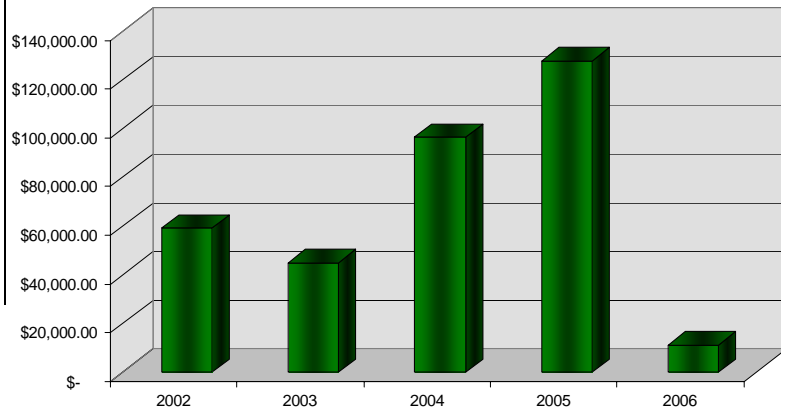
White Collar Crime Unit

In September 2002, a White Collar Crime Unit was created in the Johnson County District Attorney's Office made possible through funds awarded from the federal Edward Byrne Memorial Grant. This Unit consists of a white collar crime attorney, two financial investigators, and an administrative assistant. The White Collar Crime Unit investigates and prosecutes embezzlement schemes and like frauds. In 2006, the White collar Crime Unit recovered and obtained in excess of \$2.4 million in restitution payments and orders. Since 2002, the Economic Crime Unit's prosecutions resulted in fines and forfeitures in excess of \$300,000. The District Attorney's White Collar Crime Unit remains the only task force within Johnson County dedicated exclusively to the enforcement and prosecution of white collar crime.

Consumer Hotline Calls per Year



Economic Crime Unit Fines & Fees Generated



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YOUTH AT RISK, YOUTH IN NEED

Purpose

The goal of any juvenile case filing is to provide accountability for offenses while also emphasizing rehabilitation and reintegration to the community. The District Attorney's Office works closely with partnering agencies to ensure the unique needs of each juvenile offender are met to the full extent community resources allow. Regrettably, it is also often necessary to file court actions on behalf of young victims of neglect and abuse. These Child In Need of Care (CINC) actions attempt to keep families together, but stay focused on protecting children if the home continues to be unsafe.

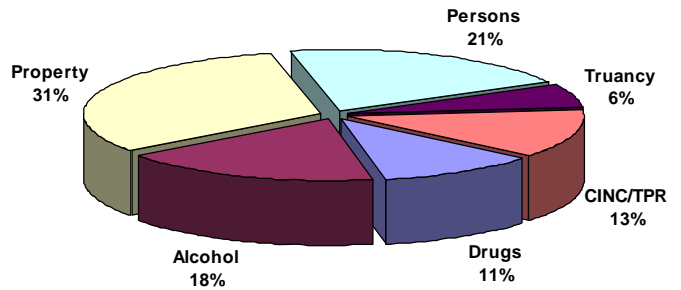
Juvenile Offender Cases

From 2000 to 2006, juvenile offender case filings have demonstrated a drop of 15% with 436 fewer cases filed in 2006 compared to 2000. Equally encouraging is the fact that the majority of juvenile offender case filings continue to fall within the Part II Crime Category, often considered to be less serious. Other statistics, however, cause concern for juvenile offenders within Johnson County. During this same period of time, for instance, juvenile offender recidivism has increased more than 10%.

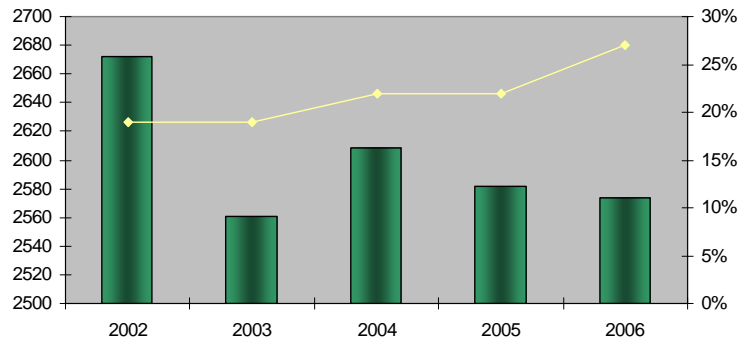
CINC Cases

Removal from the home occurs after substantiation of child abuse and neglect and a determination by the Juvenile Court that the child cannot be adequately protected in the home. Although the growing number of CINC cases filed annually has slowed in recent years, the number of cases filed in 2006 was more than double the number filed in 1996. This growth may, in part, be ascribed to the partnership developed in 2004 with TLC for Children. The case management program developed by TLC provides services to children witnessing or experiencing domestic violence in the home.

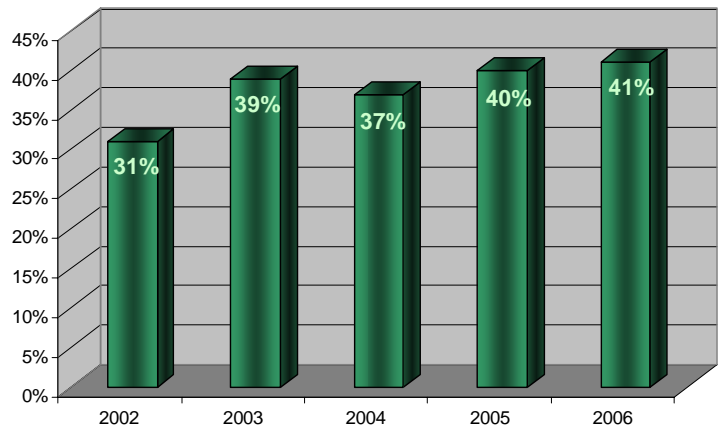
2006 Juvenile Cases Filed



Trends



Recidivism Rates



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CURRENT ISSUES AND CHALLENGES

Dynamic Community

Johnson County has for years been, and remains, a burgeoning community. Safe neighborhoods, quality schools, and employment opportunities are just a few of the reasons Johnson County continues to grow by approximately 10,000 new residents each year. As is true of any prosperous community, growth presents a unique set of challenges which must be answered by each member of County leadership. Specific to the District Attorney, a county-wide law enforcement leadership role must be maintained to ensure the safety of residents is not lessened in the face of such a rapidly changing community.

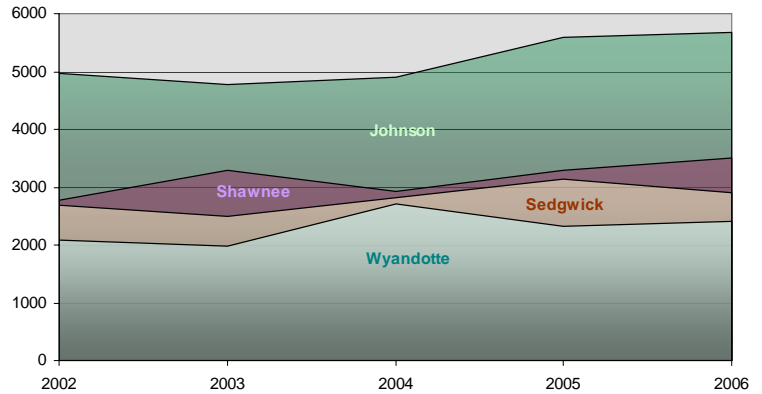
Increased Workload

Rapid community growth will always bring with it a correlating growth in crime. Responding to this increased crime rate in an effective and fiscally responsible manner is the hallmark of effective leadership. Johnson County files a greater number of criminal cases than comparable counties within Kansas and also carries the highest caseload per attorney in the state. In an effort to sustain fiscal responsibility, the District Attorney continues to seek ways to improve processes, including implementation of cutting-edge technology to conserve staff resources better spent prosecuting criminals.

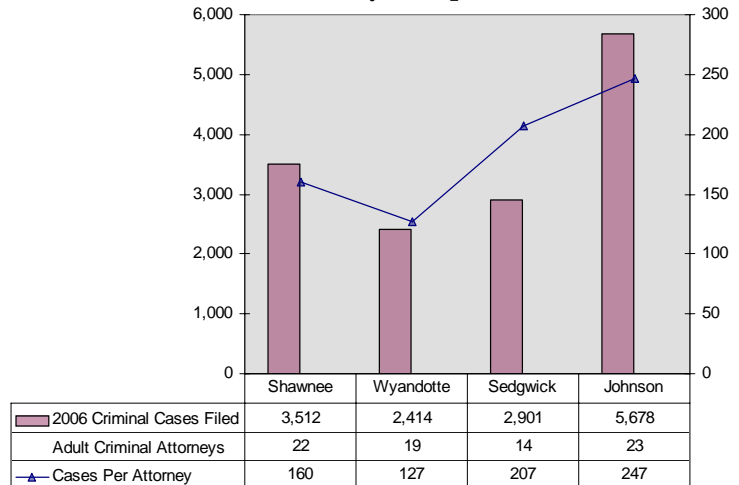
This challenge will become increasingly important in 2007, as Johnson County becomes one of only two counties in Kansas to utilize the Intoxilyzer 8000 when testing DUI suspects. Introduction of this advanced instrument will cause all DUI cases in which the Intoxilyzer 8000 was used to be referred to District Court for prosecution. The results of this change are expected to increase workloads of prosecutors specializing in DUI enforcement exponentially in 2007.

In 2006, the Supreme Court of Kansas issued a ruling in *State v. Elliott* requiring prosecution at the District Court level for certain offenders with specific prior offenses. The full impact of this decision will begin to be realized in 2007, during which time hundreds of cases previously

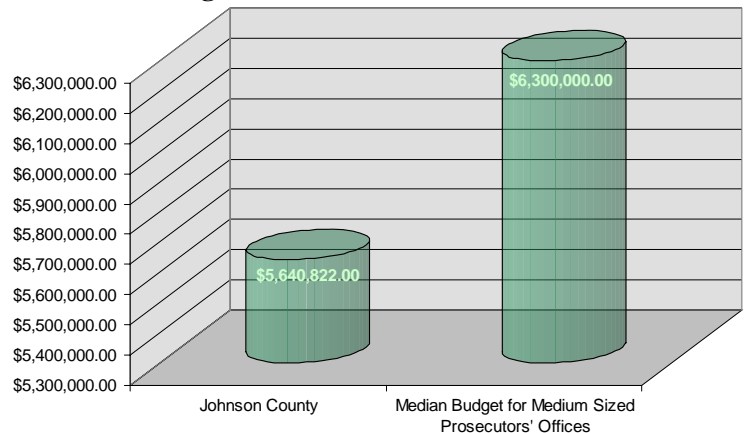
Total Criminal Cases Filed per Kansas Urban District



Peer County Comparisons



Budget for Prosecutors' Offices, 2006



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CURRENT ISSUES AND CHALLENGES

prosecuted in municipal courts will be forwarded to the Johnson County District Attorney's Office for prosecution. This dramatic increase risks overwhelming an office already experiencing prosecutor caseloads unmatched in the State of Kansas.

Fostering Interagency Cooperation

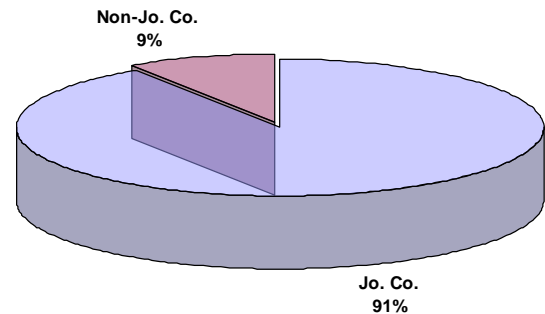
In the past, the District Attorney's Office has not participated fully or promoted cooperation with a combined federal, state, and local law enforcement approach to investigations and prosecutions. At times, this oversight jeopardized public safety by not applying all available tools to law enforcement issues. For example, drug cases that involve multi-state activity or interstate commerce will often result in a sentence of probation in state court while federal penalties offer greater sentencing options, including incarceration. Furthermore, federal law allows greater flexibility in working with, and increased incentives for, prospective informants to assist investigations in pursuit of the ultimate source of illegal activities.

These same principles apply to offenses such as gun crimes, child sex crimes, and financial or white collar crimes. Project Safe Neighborhoods allows for significant federal penalties for gun crimes that are not available at the District Court level. Likewise, harsher sentences can often be achieved at the federal level for many financial and white collar crimes. Conversely, state penalties often provide stronger penalties for child sex offenders since the passage of Jessica's Law. Utilizing this knowledge to maximize penalties leveled against convicted felons through committed inter-agency partnerships will achieve greater safety for Johnson County. To that end, the District Attorney has initiated contact with the United States Attorney for Kansas, the Federal Bureau of Investigation, and the Federal Bureau of Alcohol Tobacco and Firearms to engage in a task force approach to these issues. Additionally, the District Attorney has ensured the re-appointment of the Senior Deputy District Attorney as a Special Assistant U.S. Attorney and continues to work toward similar appointments for Assistant District Attorneys to be cross-designated as federal prosecutors.

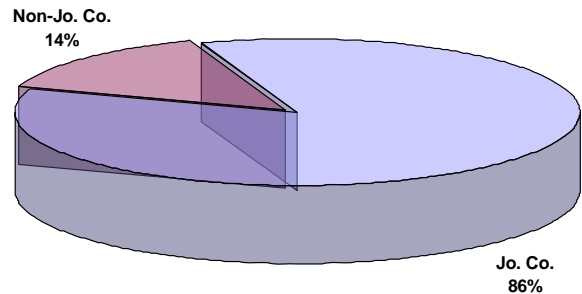
Out-of-County Offenders

The prosperity of Johnson County is known throughout the Kansas City metropolitan area. While this prosperity contributes to the continuing success of the community, problems accompany this reputation as is typically the case. In addition to combating the criminal element inherent to any community, hundreds of offenders from outside of Johnson County are drawn to this area every year by prospects of ill gain. This influx of criminal offenders is difficult if not impossible to control, but requires an immediate response on a case-by-case basis.

Criminal Offender Residency



Juvenile Offender Residency



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IN SUMMARY...

Above all else, the District Attorney and his staff continuously pursue one fundamental purpose: Seek justice. Clearly this is a simple principle though the means by which this goal is achieved is complicated. Skilled personnel with a shared vision for the preservation of public safety and personal accountability are essential to the success of the District Attorney's Office. Likewise, the support and guidance of cooperative departments have proven vital to the mission of this organization. In particular, the Justice Information Management System (JIMS) department has provided unparalleled technological support and guidance as the District Attorney's Office continues to work towards improved processes through implementation of technology. With this foundation

firmly in place, each unique challenge presented by this quickly changing and growing community will continue to be met.

The successes of the District Attorney's Office would also flounder if not supported by those whose contributions add to the success of this organization. Each of the law enforcement agencies within Johnson County work diligently to provide support and collaboration towards the betterment of the community as a whole. Likewise, the continued support of County leadership including the County Manager's Office and Board of County Commissioners has ensured on-going progress toward the mission and goals of the District Attorney's Office.