



# Stephen M. Howe

## A MESSAGE FROM THE DISTRICT ATTORNEY:

As I start my 11th year in office, I would like to thank the people of Johnson County for the support and trust they have placed in me. I pledge that under my leadership the office will continue to focus on:

1. Pursuing public safety, not politics;
2. Running a professional office both inside and outside the courtroom;
3. Ensuring transparency in decisions made by government.

I have fulfilled those pledges and continue to make Johnson County a safer place. The job is not over. New challenges are on the horizon. Our office will continue to focus on public safety.

The population of Johnson County has increased greatly. We are the largest jurisdiction in Kansas. The challenges faced by law enforcement and my office have increased accordingly. Safety concerns can be kept to a minimum by working as a team with law enforcement agencies, community partners and many diverse groups within our county. This has been a major initiative of my office. We have made strides in reaching out to our partners and to the community at large, and it is my intention to continue to build upon this success.

The laws we enforce do not just happen. It would be easy to sit back and wait for the new statute books to arrive every July from Topeka. That's just not my nature. If I see that we have a problem, I strive to be part of the solution. Toward that end, I have advocated for a number of changes to the law which promote public safety and help victims of crime.

My office has initiated local innovative programs to reduce recidivism and protect victims, including the domestic violence lethality assessment, the F.A.S.T. team to protect our elderly, and a Veterans Treatment Court.

While we have placed great emphasis on protecting the most vulnerable of our community, we have also made it a priority to expand our efforts to combat two growing areas of criminal activity - white collar crime and violent crime directly associated with the sale of illegal narcotics.

It has been an honor to serve as your District Attorney. Our work over the past eleven years has resulted in a professional office with a renewed focus on achieving justice through the fair and open application of the law and evidence.



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## WHO WE ARE

The District Attorney is both a state constitutional officer and a locally elected official. The DA's Office represents the "People of the State of Kansas" in the prosecution of criminal cases and in various civil actions. We work closely with the police agencies of Johnson County, providing and gaining support toward public safety. In addition to these services, the DA's Office provides a number of programs and services toward community education, law

enforcement training, and victim services.

The District Attorney's Office seeks to protect the safety of the public through a fair application of the law. The office seeks to achieve this by implementing the following values:

- Earn and maintain public trust by exhibiting personal integrity and professionalism,
- Advocate for victims' rights,
- Cooperate with partner agencies,
- Responsibly manage public funds, and
- Treat all individuals with fairness and sensitivity.

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*K.S.A. 22a-101 establishes the District Attorney of the 10th Judicial District. K.S.A. 22a-104 requires the District Attorney "to prosecute or defend, on behalf of the people... all matters arising under the laws of this state, and such civil matters... in which the state or any county in such judicial district is a party or has an interest."*

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## CASE TRENDS

In 2019 case filings in many categories remained consistent. We did, however, see increases in the area of domestic violence and juvenile offender cases. Domestic violence filings handled by our office increased by almost 2.75% compared to 2018 while juvenile offender case filings increased by 4.3%.

Felony juvenile filings increased 26.5% .

## WHAT WE DO

In 2019 the District Attorney's Office consisted of 102 employees, including one District Attorney, 35 Assistant District Attorneys, 9 Legal Interns, and 58 support staff. With these resources in place, the Johnson County District Attorney's Office:

- Reviewed 11,579 cases for filing,
- Filed 3,242 criminal cases,
- Filed 1,763 domestic violence cases,
- Filed 1,501 juvenile offender cases,
- Filed 454 Child in Need of Care actions,
- Prosecuted 13,535 traffic citations,
- Diverted 573 criminal and 3,205 non-DUI traffic cases,
- Presented 65 jury trials,
- Served 10,468 new victims entering the justice system,
- Provided 34,202 victim notifications,
- Scanned 253,330 documents into the JIMS-Web document imaging program,
- Filed 55 appellate briefs and petitions for review,
- Handled 437 consumer fraud complaints,
- Juveniles who commit low level offenses participated in a wide variety of diversion/ immediate intervention programs.
- Assisted with 1,132 protection orders.

## VOLUNTEERS

The criminal justice system is overwhelming to most people who become involved as victims or witnesses. Volunteers for the District Attorney's Office serve as victim advocates, educating the public about the criminal justice process, thereby enhancing the efficiency of prosecuting the case. Volunteers help the unit to serve more victims in a timely manner and allow for more individualized time to be given to victims.

DA volunteers provide notification and information to victims concerning the victim's case and the criminal justice system. They refer victims to available services/resources to help reduce physical, social and psychological problems resulting from victimization.

Additional services include:

Assisting victims with protective orders.

Escorting victims and witnesses to court and signing them up for witness fees.

Making telephone contact with victims to answer questions and explain information they have received.

Attending first appearances to gather information for the unit.

Answering phones and performing other office tasks such as filing and entering information into the computer.

The DA has 16 active volunteers who are mainly located in the Victim Assistance Unit. In 2019, volunteers donated more than 4,000 hours to the DA. They range from high school students to retirees.

Anyone who wishes to volunteer may contact the Johnson County District Attorney Office's Volunteer Coordinator @ 913-715-3029, for further information.

## COLLABORATION EFFORTS

In September of 2019 Assistant District Attorney, Don Hymer, conducted a training for local school officials, school resource officers, court staff and corrections staff in order to provide several legal updates to include:

Senate Bills 18, 28, 77 & 367 & House Bill 2103.



## SERVING CRIME VICTIMS

In 2019 Victim Assistance staff and volunteers spoke to 2,572 victims about filing civil protection orders, an increase of 50 contacts compared to 2018, and provided over 6,915 referrals to community resources available to them. The United States Department of Justice, Bureau of Justice Statistics reports in its annual Crime Victimization study that only about 50% of violent crimes and 40% of property crimes are reported to law enforcement. This means many crime victims live and work in our community who may not be receiving sorely needed assistance to recover from their victimization or to break a cycle of violence. This is why the District Attorney's Victim Assistance Unit remains committed to serving crime victims regardless of whether or not they are involved in a criminal prosecution. Many individuals seeking a protection from abuse order involving intimate partners do not call the police. This is why we administer the lethality assessment to them during this process. Over the past 12 months 199 victims completed the lethality assessment with 186 or 93% of them scoring high lethality. Though the advocates do not provide legal advice, letting victims know what resources are available and how to access them ensures all members of the community have the opportunity to be safe. Additionally, our office has one Safehome Court Advocate imbedded in our office to provide support to plaintiffs seeking protection orders and victims of domestic violence. This collaboration has been in place over 24 years.

## PUBLIC SAFETY AWARD— SARAH HILL

### CONSUMER FRAUD UNIT

In 2019 the consumer fraud unit handled 437 consumer complaints. This resulted in:

- Our office collected a total of \$26,250 in Penalties &/or Fees.
- Fines and fees ordered from businesses who violated the act in the amount of \$156,250.
- Restitution ordered or mediated in the amount of \$609,455.60.

### COMMUNITY OUTREACH

The District Attorney's Office is a firm believer and is actively involved in community outreach. The District Attorney's office has provided information and services to the community through many different avenues. In October, the Consumer Protection Division again hosted a booth at the Live Well Age Well Expo, formerly known as Senior Fest. Over 400 Johnson County residents over the age of 60 stopped by the booth to learn tips on being safe a safe and cautious consumer, including how to spot the latest scams.

In October 2019, Assistant District Attorney Sarah Hill, along with other area law enforcement officers were recognized with a Public Safety Award. Sergeant Steve Edwards sent an email nominating several individuals for work they had done on an opioid overdose death case where an individual passed away after injecting heroin. At the onset of the case, Det. Kathleen Wedel and Det. Ron Frazier started gathering the facts concerning the dealer of this heroin in order to prosecute this type of case. Their investigative efforts consisted of gathering contact data from electronic sources and witness statements. Det. Wedel maintained contact with the family as they were dealing with the loss of the victim in this case.

Several Detectives and assistant district attorney Hill participated in gathering information to charge the suspect in this case. This information gathering included the review of cell phone data downloads to conversations and phone numbers which tied the suspect to the victim in this case. Physical surveillance was conducted by Det. Kyle Twaddle, Det. Ron Frazier, Off. Tony Latas, Off. Brian Hampton, and several agents from the DEA. The DEA assisted with the subpoena process for the phone companies and with surveillance.

Det. Frazier and Det. Twaddle made the arrest of the heroin dealer. ADA Sarah Hill prosecuted the case and was able to obtain a plea based on the solid case submitted by the above mentioned officers and detectives. This was the first opioid overdose death case prosecuted in Johnson County. Det. Frazier developed a protocol for these cases and this investigation was used at the Kansas Narcotics Association conference as an example on how to get these types of cases prosecuted.

In reviewing this submission, the Recognition Committee felt Det. Frazier, Det. Wedel, Det. Twaddle, Off. Hampton, Off. Tony Latas (Ret), and ADA Sarah Hill did an exceptional job in their extensive and consistent efforts in this first type of opioid investigation with successful prosecution. This investigation and prosecution took place over three years. Their efforts have led to the betterment of the community and/or its citizens. The Recognition Committee voted to award these individuals with the Public Safety Award.



## ABOVE AND BEYOND AWARD

September 16, 2019. District Attorney Steve Howe attended The Kansas Guard and Reserve Awards Banquet at Washburn University. He was recognized for supporting Military Service Member Employees and received the above and beyond award.

2nd Lieutenant Tim Randolph is a Trial Assistant for the Johnson County District Attorney's Office and is also a law school student.

We appreciate his service!



## MENTAL HEALTH DIVERSION PROGRAM EXPANSION

The Johnson County District Attorney's Office offers several diversion programs to eligible defendants, including Adult and Juvenile Diversion Programs, Traffic Diversion, Veteran's Treatment Court, and Mental Health Diversion. The office's Mental Health Diversion Program was established in August of 2002. The purpose of the Mental Health Diversion Program is to allow defendants who have Serious Mental Illness (SMI) to avoid a conviction while directing them into mental health treatment through a licensed provider. Since its inception, the Mental Health Diversion Program has been available only to defendants who reside in Johnson County. Recently, District Attorney Steve Howe, Diversion Chief Pete Glasser, and Diversion Coordinator Letitia Ferwalt have looked for ways to expand the current Mental Health Diversion Program to reach more defendants whose charges are related to SMI.

The District Attorney's Office is happy to announce that effective October 1, 2019, the program was expanded and now accepts applications for our Mental Health Diversion Program from defendants who reside outside of Johnson County. By eliminating the residency requirement, the District Attorney's Office hopes to allow more defendants within our greater Kansas City community to take advantage of this program. Our hope is this type of diversion program can reduce the number of SMI individuals having repeated contacts with the criminal justice system.

## VETERANS TREATMENT COURT

Our office continues to participate in the only Veterans Treatment Court in Kansas. Veterans who suffer from mental health issues associated with their military service have opportunities to enter into a diversion or probation plan tailored to meet their specific needs.

## **COMMUNITY INVOLVEMENT**

I believe we can make a difference in the courtroom, but also out in our community. That is why Johnson County District Attorney's Office staff volunteer thousands of hours of time a year to various private/public, groups and non for profit agencies to make Johnson County a safe and vibrant community.

## INNOVATOR COUNTY

As an "innovator county" Johnson County has continued to utilize multifaceted approaches to reduce mentally ill people being lodged into jail.

The Crisis Intervention Training (CIT) continues to be a successful tool to avoid confrontation between people in crisis and law enforcement. Law enforcement has also made good use of mental health workers embedded into law enforcement agencies called co-responders. This work has helped us provide care to those in crisis, while keeping the community safe. I would like to thank the law enforcement agencies and Johnson County Mental Health Department for their hard work on these efforts.



**JOHNSON COUNTY, KS  
DISTRICT ATTORNEY'S  
OFFICE**

We are grateful to our many community partners, who include, the programmers and network managers of the Justice Information Management System (JIMS), Safehome, MOCSA, Sunflower House, CASA, TLC, and many more.

To learn more, visit our website at <http://da.jocogov.org>.

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## THANK YOU

None of the work accomplished in the District Attorney's Office is done without the support, collaboration, and assistance of our many community partners. With that in mind, we would like to offer this special note of thanks to the following:

- Ed Eilert, Board of County Commissioners Chairman
- Becky Fast, 1st District County Commissioner
- Jim Allen, 2nd District County Commissioner
- Steven Klika, 3rd District County Commissioner
- Janee' Hanzlick, 4th District County Commissioner
- Michael Ashcraft, 5th District County Commissioner
- Mike Brown, 6th District County Commissioner
- Calvin Hayden, Johnson County Sheriff
- Penny Postoak Ferguson, County Manager
- Johnson County Chiefs of Police

### **District Attorney's Office Units and Divisions:**

Main Line	913-715-3000
Victim Assistance	913-715-3004
Diversion	913-715-3114
Traffic	913-715-3011
Juvenile	913-715-3149
Consumer Fraud Hotline	913-715-3003