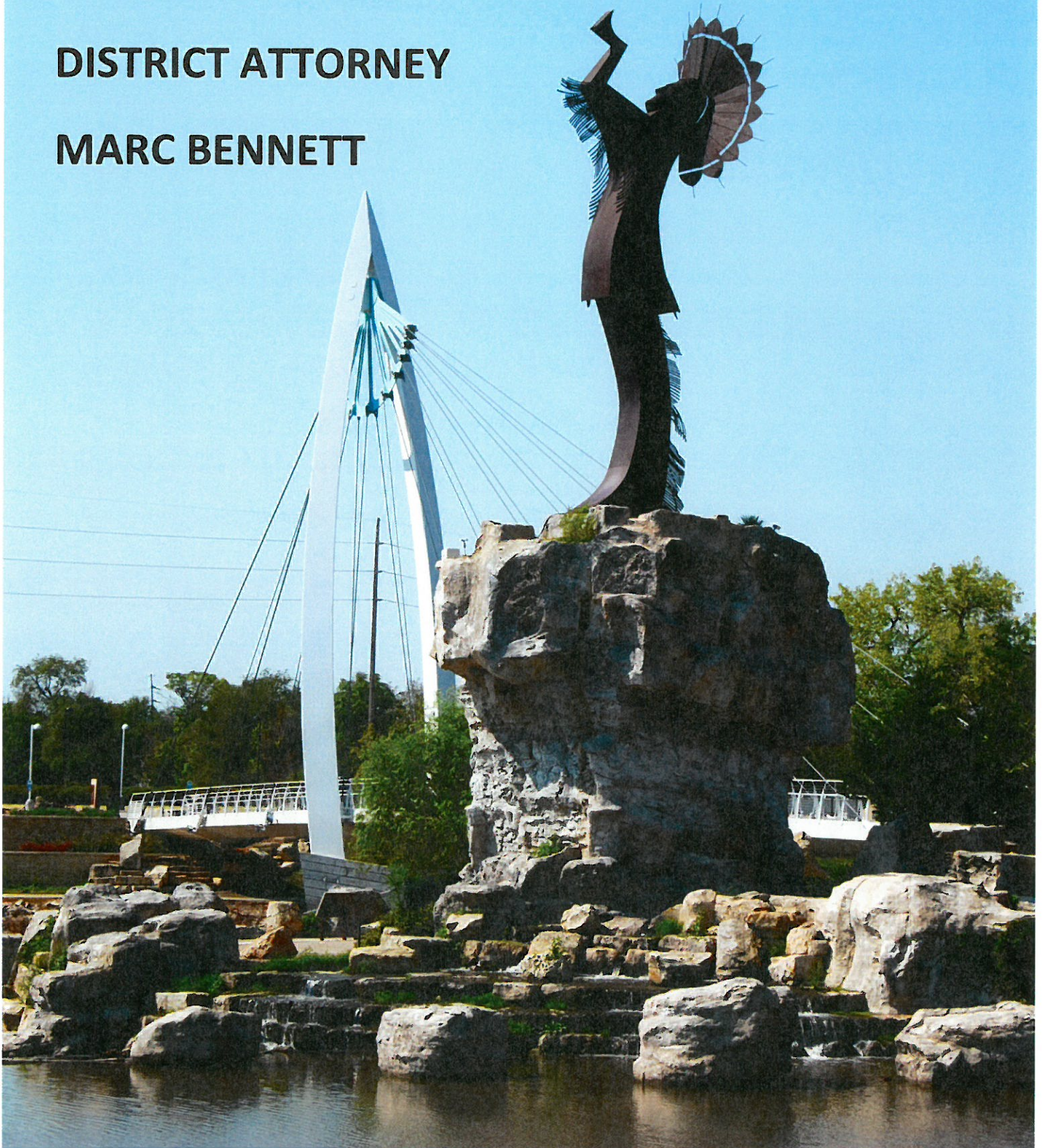


2015 YEAR IN REVIEW

A LETTER FROM

DISTRICT ATTORNEY

MARC BENNETT





At the close of each year, I have drafted and distributed a year-end update to let citizens know what we accomplished during the previous 12 months and what we expected to accomplish in the future. What follows is the update for the calendar year 2015:



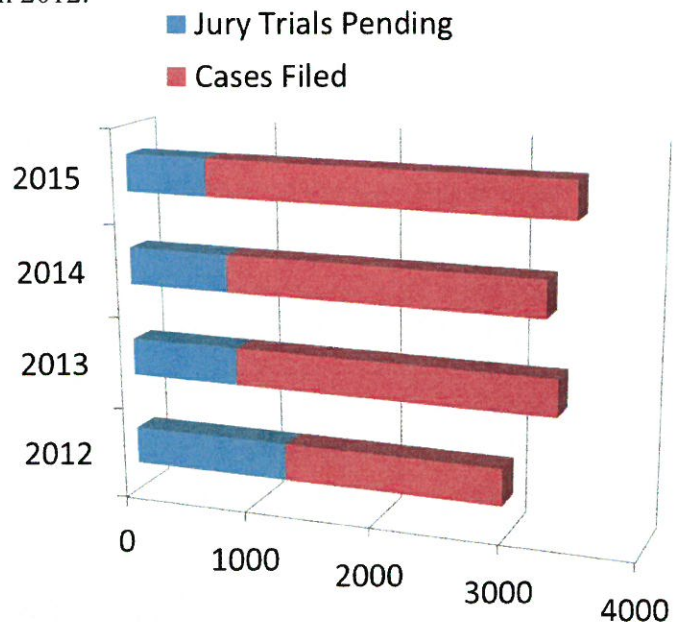
CRIMINAL DOCKET AND DATA MANAGEMENT

The Office of the District Attorney remains a busy place. The Kansas Sentencing Commission, which tracks statewide data by fiscal year, reported that in fiscal year 2014, the last year reported, Sedgwick County completed 3,073 journal entries of judgement (documents that memorialize criminal sentences). The next closest county, Johnson County, processed 1,511. As for violent crimes, Sedgwick County submitted 326 violent crime journal entries while Wyandotte County had the next highest number at 138.

The number of cases pending and unresolved on the criminal docket was a primary concern my first year in office. From a high of 1,246 cases sitting on the jury trial docket in July of 2012, we took steps during my first year to address this issue. Working with the courts and defense counsel to create the IAD (Initial Assessment Docket), we saw a 30% reduction in the number of cases pending for jury trial by the end of 2013. By the end of 2014, the reduction was over 40%. At the end of February 2016, the reduction stands at 52%, with fewer than 650 cases now pending, despite filing more cases each year than we did in 2012.

In total, 1,182 cases have been assigned to the IAD docket since 2013. Of those, 886 cases led to a plea and sentencing, while another 67 were resolved by diversion. This program has been effective in managing the docket. We believe it is safe to conclude that it has staying power.

As for the criminal cases filed by the office, in 2012 we filed 2,961 criminal cases (not including traffic, juvenile offender, child in need of care, care and treatment petitions, consumer protection actions, or appeals). In 2013, we filed 3,360 criminal cases,



in 2014, we filed 3,266 and in 2015, we filed 3,475 (3,209 felonies and 266 misdemeanors). We also reviewed 210 cases for extradition of individuals picked up in other states on Sedgwick County cases.

In 2015, our adult diversion program accepted 222 criminal cases and distributed \$70,228 in restitution to victims of crime. In addition to restitution, the adult diversion program collected \$212,662 in fees, court costs and fines.

In 2015, the office handled 102 cases in which a mental competency examination was required. This is up from 54 cases in 2012, 77 in 2013, and 69 in 2014.



We are required to provide the defense with full discovery in each case we file: i.e., reports, transcripts, videos, et cetera. In 2015, this office handled, on average, more than 15 requests for discovery from defense counsel each work day for a total of 6,489 times last year that we provided discovery (or a supplemental packet) to defense counsel.

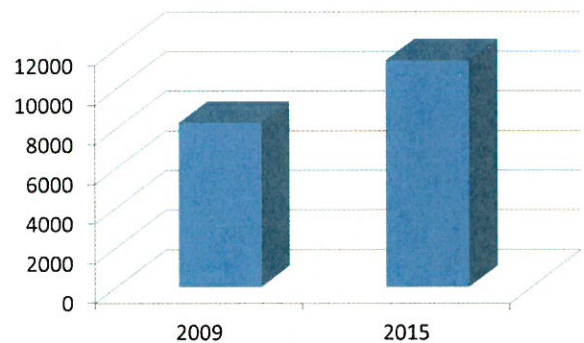
Effectively and efficiently managing the flow of information is a top priority in the office. The impending deployment of another 200+ body cameras by the Wichita Police Department will bring the total to nearly 430 cameras for that department. This will lead to an estimated 25,000 to 40,000 videos being recorded each month by that department alone. Not all videos will lead to charged cases in this office, but it is fair to assume that with 72% of our cases coming from the WPD last year, a significant number of our cases will have videos that will need to be copied, provided and reviewed. In 2015, 167 cases contained video camera footage. In the first three months of 2016, that number is already 133.



Mr. Bennett addressed law enforcement officers at Heartland Preparedness Center

Finally, each day the attorneys in our office are in court. In the criminal department alone, preliminary hearings are held three days a week and probation violations and sentencing hearings are held each morning and afternoon. Our attorneys also cover all the dockets related to child in need of care, juvenile offender, traffic and care and treatment.

Preliminary Hearings



In 2009 there were 8,283 preliminary hearings set in Sedgwick County. In 2015, the number had risen to 11,443. That does not mean that each time a case was set that it led to an actual contested hearing, but each of the 11,443 settings required the attention of our staff.

From January 1, 2016 to February 16, 2016, we have had 5,722 *settings* for preliminary hearings, bench trials, jury trials, sentencings and probation violations in the criminal department. If those numbers continue at this pace, our total number of settings this year will be 39,236 compared to 29,971 in 2015. Again, not every setting leads to an appearance in court -- continuances do play a significant role -- but each hearing does require the attention of staff and at least one attorney to ensure we are prepared.



Robert Short, Chief of the Financial Crimes Unit

FINANCIAL CRIMES AND CONSUMER PROTECTION UNITS

The creation of the Economic Crimes Unit during my first year solidified our commitment to victims of property crimes. In 2013, the unit resolved 175 cases prior to the first evidentiary hearing; increased that number to 231 in 2014 and to 302 in 2015. Meaning, the cases plead and, where applicable, restitution was ordered prior to any witnesses being called or inconvenienced.

Additionally in 2015, \$73,790 was returned directly to victims of crime at or before the time of plea (as opposed to be paid over time as a condition of probation) for a total of \$276,200 in direct payments to victims in the first three years of my term.

This unit has developed a focus on in-house business fraud filing cases including filing cases involving losses of \$500,000 and \$160,000; as well as a welfare fraud case involving a loss of more than \$95,000; and several “contractor” cases, the largest of which totaled over \$100,000.

The Consumer Protection Unit reviewed 871 cases last year. During this time, the unit recorded \$412,136 in money “returned” to consumers through the dissolution/ backing out of contracts. An additional \$35,191 was recovered by way of judgements entered against an auto seller and its advertising firm for a deceptive advertisement as well as a second judgement entered against a telecommunications firm for an unrelated violation. The unit also issued regular fraud warnings throughout the year, including information on the “IRS scam” and the “jury duty” scam.

GANG UNIT, SEX CRIMES UNIT, GENERAL TRIAL UNITS AND TRAFFIC UNIT.

The three attorneys in the Gang Unit (now four) tried 12 jury trials and handled 55% of the murder cases prosecuted by the office in 2015. In addition, the unit handled gang-related cases including drive-by shootings, aggravated assaults, robberies and gun crimes.

The five attorneys in the Sex Crimes/DV Unit tried 23 jury trials and handled 30% of the murder cases prosecuted by the office, as well as 88% of all “off-grid” cases (cases that carry a life term) prosecuted by the office. This unit also handled a high volume of rapes, child sex abuse and human trafficking cases.



Justin Edwards, Chief
of the Sex Crimes Unit

Seven attorneys in the two General Trial Units handled 19 jury trials ranging from first degree murder to DUI, along with a high volume of gun, drug, person felony and property crimes.

An assistant district attorney from a General Trial Unit is also an integral part of “Drug Court,” a docket where a District Judge and probation staff monitor individuals who agree to actively engage in drug treatment services in an effort to get them away from drugs and crime and on the path to being productive citizens. In the last three years, 269 people have processed through Drug Court.

Finally, three attorneys and one full time and one part time staff members in our traffic unit personally handled approximately half of the 18,480 traffic cases filed in Sedgwick County in 2015 -- the balance is typically resolved by plea. Also, 1,318 cases were placed into diversion.

JUVENILE AND CHILD IN NEED OF CARE

Each year, the attorneys and staff in our Child In Need of Care Unit handle some of the most taxing and emotionally draining cases in the judicial system. In 2015, the unit filed 449 cases involving children alleged to have been abused or neglected.

Our Juvenile Offender Unit handled 1,227 juvenile offender cases in 2015, up from 1,154 in 2014. In addition to their regular tasks, attorneys at the juvenile division also covered truancy cases as well as more than 500 care and treatment cases (involuntary mental commitments) involving adult mental health patients.

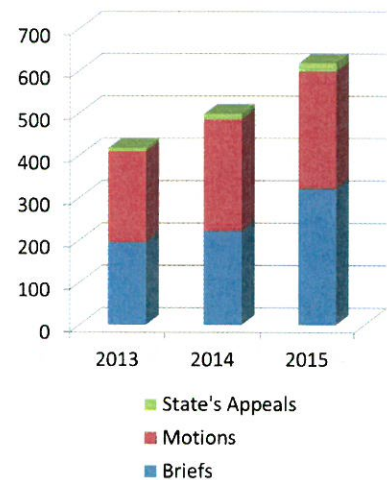
In an effort to steer kids away from the criminal justice system, our juvenile department accepted 289 juveniles into diversion programs in 2013, 260 in 2014 and 298 in 2015.

INVESTIGATIONS UNIT

In 2015, the investigations unit personally served over 650 subpoenas, assisted outside agencies with 75 criminal investigations, conducted 5,870 pre-charging background checks and 397 expungements background checks, and opened 140 inquisitions.

APPELLATE UNIT

In 2013, the five attorneys in our Appellate Unit filed 195 briefs, 215 motions and seven State's appeals. In 2014, they filed 222 briefs, 263 motions and 13 State's appeals. In 2015, the number had risen to 322 briefs (100 more than 2014), 277 motions and 19 State's appeals. Notably, the unit maintained an overall success rate of 92.90% in 2015. Another attorney handles “post-conviction” challenges at the district court (as opposed to the appellate courts). In 2015, he handled approximately 1,500 *pro se* motions (filed by defendants personally), writing 500 responses and filing 200 agreed-to orders. He also filed 28 responses to ineffective assistance of counsel claims.



In October, I had the opportunity to travel with several members of our staff, to the United States Supreme Court for oral arguments in the Kansas vs. Carr cases. Our Appellate Unit was instrumental in drafting the state's appeal at the state level, and then assisted the Kansas Attorney General in formulating the petitions and arguments before the United States Supreme Court. On January 20, 2016, the State of Kansas prevailed in an 8-1 opinion delivered by now deceased Justice Scalia.



Appellate Division Chief Boyd Isherwood, Appellate Attorneys Lesley Isherwood & David Lowden, DA Marc Bennett, Deputy DA Ann Swegle & Chief Deputy DA Kim Parker

CASES PROSECUTED BY THE DISTRICT ATTORNEY

In February, Chief Deputy Kim Parker and I successfully tried Daniel Perez, the described leader of a commune in the north end of Sedgwick County. Mr. Perez was convicted of 28 crimes including murder, child sex offenses, and a litany of fraud related charges. He received two life sentences, plus more than 33 years in prison for his crimes. The case was later profiled on the NBC national news program, Dateline.

This past summer, all the defendants involved in the murder of Roger and Melissa Bluml in Valley Center entered pleas and were sentenced. Two defendants received terms of life without the possibility of parole.

In August, I traveled to Butler County with Assistant District Attorney Mandee Schauf, to prosecute Jason Perez for his role in the attempted murder of a Sedgwick County Deputy who was shot and injured following a high speed car chase that began in Sedgwick County. Perez (no relation to Daniel), was convicted of 11 counts, including attempted murder and sentenced to 35 years in prison.

In short, as promised during my election, I have stayed active in the courtroom, having now tried five cases to jury since being sworn in.

CONCLUSION AND FUTURE GOALS

In May I was pleased to accept the Kansas Bar Association “Courageous Attorney Award” on behalf of the Office of the District Attorney, 18th Judicial District.

We continued to work with our local legislators to improve laws to protect our citizens, including SB 11, the metal theft bill passed in 2015 which included a database for scrap metal sales, and brought uniformity to metal theft penalties statewide and uniformity of fees and compliance oversight to the business owners.

In 2015, The District Attorney's Office was instrumental in assisting in the formation of a statewide “Best Practices Committee” for the Kansas County and District Attorney's Association. The committee meets regularly to work on improvements to the criminal justice system. A recent success of this committee involved working with the Innocence Project during the current legislative session to assist in the promulgation of statewide policy on several criminal justice topics.



In 2015, we worked with the Wichita Bar Association to assist citizens seeking to expunge eligible criminal records. By state law, certain offenses are eligible for “expungement” if the person has paid their debt to society (including debts to the court and restitution to victims) in an effort to assist the citizen in obtaining gainful employment and housing. Over 900 people arrived at the courthouse on March 4, 2016 for “Clean Slate Day.” After screening for eligibility, nearly 150 expungements were processed and another 500 are still under review.



Next year, we intend to complete the upgrade to “e-subpoenas” for law enforcement witnesses to electronically send subpoenas rather than taking the extra step of mailing or hand-delivering. With over 100,000 subpoenas sent each year by the office, we expect to see cost savings from this effort.

On a personal note, after several years of service on the board of directors for the Child Advocacy Center of Sedgwick County, including membership on the capital campaign leadership committee, we reached the \$7,000,000.00 fundraising effort. The Child Advocacy Center is scheduled to open in the newly renovated Lincoln Elementary School building in the summer of 2016. I also completed a six year term on the board of W.A.S.A.C., the Wichita Area Sexual Assault Center.

Finally, I was elected President of the Kansas County and District Attorney's Association in 2015, a position I will hold until the end of 2016.

Running one of the busiest offices in the state is a daily challenge. I continue to be energized by the responsibility. Thank you for this opportunity.

Sincerely,

Marc Bennett
District Attorney