

The Kansas Prosecutor



The official publication of the Kansas County and District Attorneys Association

Volume 14, No. 1, Spring / Summer 2017



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Our mission:

The purpose of the KCDA is to promote,
improve and facilitate the administration
of justice in the state of Kansas.

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About the Cover

Pictured on the cover is the Leavenworth
County Courthouse. In 1855, Leavenworth
County was established, and is among the first
33 counties, which were formed by the first
territorial government. It was named after Henry
Leavenworth, an officer in the War of 1812.

The courthouse is located at:
601 S 3rd St
Leavenworth, KS 66048

*Photo by John Morrison, Prairie Vistas
Gallery.*



President's Column

by Stephen M. Howe, KCDA President, Johnson County District Attorney

Prosecution: A Profession You Can Be Proud Of

Recently, the criminal justice system, including prosecutors, has been the target of negative media. We have been portrayed as political operatives or angry ogres, looking for an excuse to lock up anyone without cause. This has been highlighted by cases where prosecutors abused the authority and public trust given to them. These cases, though few and far between, grab the headlines. They not only tarnish our profession but the integrity of the system itself.

There are a lot of misperceptions about what a prosecutor does and the role we play in the criminal justice system. These ideas are developed through news, entertainment and social media. Those of us who live the life of a prosecutor know we serve important roles in making the criminal justice system work.

Our ethical duties are set forth in *Rules of Professional Conduct* 3.6 and 3.8. The comment to *Rule 3.8* states: "a prosecutor has the responsibility of a minister of justice and not simply that of an advocate. The responsibility carries with it specific obligations to see that the defendant is accorded procedural justice and that guilt is decided upon the basis of sufficient evidence."

These obligations reinforce our duty to seek justice under the facts, evidence and the law. We have immense power over people's lives. We are to uphold the law and the constitution at all costs. Even when we don't like the results.

The assault on our system has led to efforts to limit the discretion of prosecutors and judges. Discretion has been deemed to be a bad word. However, when discretion is used properly it is the

most effective way to guarantee a fair system.

Eliminating discretion does not create justice, it creates injustice by ignoring the unique facts of each case. A one size fits all approach to cases creates more injustice. It does not create a fair and just system or a safer community.

How do we start to repair the false perception that the system is broken or unjust? We can start by looking in the mirror and asking how we can be better.

The national (NDAA) and state (KCDA) prosecutor's organizations have taken active steps to change these perceptions. This began with the creation of best practices committees to address needed changes in policies. Some of this work included law enforcement. The work of these groups helped to enhance the integrity of investigation and prosecution of crimes. These best practice groups are also examining eyewitness identification, interviews, and other "hot button" issues.

Our system has evolved throughout the history of our country. We need to continue to be willing to embrace positive change.

Enacting changes through our best practice committees has staved off efforts to create reform through legislation. Thoughtful change from professionals who know the system is better than reactive change from afar.

The board also discussed how to improve the performance of Kansas prosecutors. One of the first steps we took was the implementation of best practice sessions at our KCDA conferences. These

sessions have been well received by our members.

The board also discussed the need to train our newly elected officials. Often, they become County Attorney or District Attorney without any prosecutorial experience. Kansas has a huge variety of offices, from large to small, with a range of responsibilities, from obvious to obscure.

In January, KCDAA hosted 38 people at the first-ever elected officials training. The goal of the experienced prosecutors who taught the course was to provide a basic tool kit on what to expect when you take office and how to handle various aspects of the job. Attendees received a thumb drive that contained document and policy templates used by other agencies. Hopefully, the attendees could avoid spending time “re-inventing the wheel” and instead focus on more pressing issues.

We received positive feedback from this event. One of the benefits was our ability to establish relationships with many new “electeds,” leading to follow-up phone calls, questions and conversations. The board agreed to take all the information we provided to the elected officials and post it on our website for access to all our members. You can find it in our members section under CLE materials. It is our hope to continue to expand the list of materials.

These efforts will allow us to strengthen the image of our profession and make sure that we stay true to our ethical mandates. Prosecution is still an honorable and impactful profession. We defend the Constitution and the laws of our country and state. We are the public’s defenders.

I challenge each of you to be involved in the KCDAA. It will make you a better prosecutor and allow you to lend a hand to a sister or brother in arms. Together we can raise the bar for our profession in Kansas. 🇺🇸

County Courthouse Portraits



Leavenworth County Courthouse

John D Morrison

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www.prairievistas.com

Executive Director's Column

by Steve Kearney, KCDA Executive Director

Taking KCDA to the Next Level!

During the summer and fall of 2016, the KCDA Board began the development of a strategic initiative to take today's KCDA and affiliates to another level. The pursuit of constant improvement for the KCDA and its sister organizations by the Board continues the commitment to provide the best possible public policy development, continuing legal education and community involvement anywhere in the United States.

During the planning last summer and fall, the Board identified the recruitment of a career prosecutor to act as a liaison with Kansas policymakers and other decision makers as the next logical step in the development of the KCDA. With the increasing prominence of the KCDA as the go-to resource for legislators and others on matters effecting prosecution and the administration of justice, this "prosecutor coordinator" position was determined as the lynchpin for the latest delivery of value service for the citizens of Kansas and our members.

I would commend Kim Parker's article in this issue for your review for her insight into the first six months of her tenure. Having Kim available to testify and educate policymakers on the impact of the more than 100 bills we were following for you this year already bore fruit. The timing of having a career prosecutor in the room to explain the practical reality of many of the bills introduced could not have been better as we were faced for the first time with zero attorneys in one chamber of the legislature.

Now that the 2017 legislative session is in the review mirror (assuming no special session), it is now time to send us your proposals for the 2018 Session. That RFP has already been sent to you, but it is also included in this edition of *The Kansas Prosecutor* on page 15. The legislative RFPs, once received and prioritized by the KCDA legislative

committee for the 2018 legislative session, will be forwarded to the Board of Directors to act on. The final product of that process will become the primary KCDA Legislative Agenda for 2018.

It will be a very busy 2017 interim. Topics of import to our membership are on the agenda of the legislative Joint Committee on Corrections and Juvenile Justice Oversight; the Criminal Law Advisory Committee of the Kansas Judicial Council; a Special Asset Forfeiture Advisory Committee of the Kansas Judicial Council (Marc Bennett has been tasked as the KCDA representative), the Kansas Sentencing Commission; and the newly formed Child Welfare System Task Force (KCDA appointee Sandra Lessor), all of which will be meeting over the summer and fall months to make recommendations to the 2018 Legislature.

The fall KCDA conference is scheduled for October 9th and 10th at the Doubletree Hotel in Lawrence. You will once again be able to get 12 high quality hours of CLE developed by the CLE Committee chaired by Chris McMullin. More detailed information on registration and topics will be forthcoming as the CLE Committee finalizes the agenda.

Developing organizational leaders is essential to the future continued success of the KCDA. Please consider taking active part in the association's legislative or CLE committees. You are not only welcome, but encouraged, to serve in these capacities to gain more insight into the KCDA and help shape the direction of your organization.

Thank you for your service to the citizens of the state of Kansas in the pursuit of justice for all Kansans. It is our honor to have one small part in supporting your efforts. 

Legislative Column

by Kim Parker, KCDAAs Prosecutor Coordinator

2017 Kansas Legislative Session Update

January 9, 2017, three days after retirement from 32 years as a Kansas Prosecutor, I stepped into my new role as the Prosecutor Coordinator for the Kansas County and District Attorney's Association (KCDAAs). The first six months in my new position were spent at the beautifully restored Kansas Capitol Building with the amazing Steve Kearney and Kari Presley.

Steve and Kari guided me through the ins and outs of life with the Kansas legislature. I gathered a new crowd of peeps which included many dedicated public servants and elected legislators. I was proud to see firsthand, the true commitment of our Kansas legislators to the betterment of our state. I was honored to share with them the efforts and leadership of Kansas prosecutors in protecting our communities, improving our criminal justice system, and promoting excellence in prosecution.

Significantly, the product of the KCDAAs Best Practices Committee and their work with Kansas law enforcement was prominent when the Kansas Legislature adopted as law the KCDAAs Model Policy for the Electronic Recording of Law Enforcement Interrogations. This legislation was adopted in SB112.

This session is also responsible for the enactment of the Law Enforcement Protection Act, which enhances penalties for crimes committed against law enforcement in the performance of their duties or if they are the intended target of a criminal act. The persistent work of prosecutors to provide better outcomes for victims of domestic violence, stalking, residential burglary, human trafficking and the improvement of the Crime Victims Compensation Act was successful this legislative session. These enhancements to the criminal justice system can be found in SB112, SB101, and SB40.

Kansas prosecutors consistently seek to rehabilitate offenders and reduce costs while fulfilling their number one obligation to public safety. As such, KCDAAs responded and informed Kansas legislators on mandatory minimums, juvenile criminal history decay, post release supervision, capital crime sentencing for the intellectually disabled, probation revocations, procedures in the Sexually Violent Predator Act, possession of drug paraphernalia, illegal sentencing, post release supervision, and expungement in cases of mistaken identity. These legislative enactments can be found in HB2085, HB2128, and HB2092 and SB112.

It is of note, that all of the criminal justice legislation mentioned above was enacted with the leadership of Representative Blaine Finch, Chair of the House Judiciary Committee and Senator Rick Wilborn, Chair of the Senate Judiciary Committee.

This year extraordinary efforts were directed at addressing the juvenile justice reform legislation enacted in 2016, commonly known as SB367. The expectations and implementation of this juvenile justice initiative posed many concerns among criminal justice professionals across the state. Representative Russell Jennings, Chair of the House Committee on Corrections and Juvenile Justice, opened avenues for citizens and criminal justice professionals to be heard on various problems and issues presented by this change in juvenile justice law. As such, several important amendments suggested by KCDAAs were adopted this session as part of HB2041 substitute for SB42.

Kansas prosecutors have long been concerned with treatment of individuals with mental health issues. This year the Kansas legislature

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KCDAA's Day on Capitol Hill

by Todd Thompson, Leavenworth County Attorney

Shortly after the new administration took office, members of the Kansas County and District Attorney's Association (KCDAA) went to the nation's capital to advocate for legislation to better our justice system. Marc Bennett, Sedgwick County District Attorney; Steve Howe, Johnson County District Attorney; Charles Branson, Douglas County District Attorney; Mike Kagay, Shawnee County District Attorney; Brandon Jones, Anderson and Osage County Attorney; and Todd Thompson, Leavenworth County Attorney attended the conference and met with U.S. Representatives and Senators.

Besides hearing from Senators and Representatives from around the country on issues facing the criminal justice system, our delegation had the opportunity to sit down with Representatives Yoder and Jenkins, and Senators Roberts and Moran to discuss pertinent topics affecting Kansas.

"The chance for us to sit down with our elected officials and really explain our concerns and create this relationship has really benefited us in achieving better laws for Kansas," said Todd Thompson. Our KCDAA representatives



expressed improving responses to mental health challenges in our communities and effective prosecution of crimes related to sexual assault and the illicit trafficking of drugs and narcotics. Steve Howe, President of the KCDAA said of the issues facing U.S. Congress, "The criminal justice system is forced to deal with the mentally ill and substance-abuse issues, like the opiate





epidemic. This is putting a strain on the system and costing taxpayers.”

This conference also focused on developing best practices for prosecutors. These Kansas prosecutors were joined by Amy McGowan, Assistant District Attorney and member of the Kansas Best Practices committee, to discuss national issues facing prosecutors.

At the meeting our Kansas delegation participated in a group discussion regarding a wide range of issues facing prosecutors including officer involved shootings and eyewitness identifications. Brandon Jones, County Attorney for both Anderson and Osage Counties said, “The idea of establishing procedures and protocols focusing on

investigating and the possible prosecution of officer involved shootings could be very helpful. The opportunity to discuss with other states on how to handle this issue was invaluable.”



Goodbye Focus Four, Welcome Focus Five

by Attorney General Derek Schmidt

“Once a request is made by a county attorney to the attorney general to prosecute a [criminal] case, the attorney general has discretion. If members of his staff have time to handle the prosecution, the attorney general’s office may take over that function; if staff members are otherwise occupied, the attorney general may decline the invitation. He is not bound to take over every local prosecution in which his assistance is requested.”
- *State ex rel. Stephan v. Reynolds*, 234 Kan. 574, 579 (1984)

For the past six years, our Criminal Litigation Division has used four “Focus” criteria to guide my discretion in criminal case acceptance. When a county or district attorney requests we review and potentially prosecute a homicide, Jessica’s Law child sex crime, drug manufacturing or similarly large drug case, or misconduct case involving public officials – our Focus Four areas – we usually agree. For other cases, absent exceptional circumstances, we typically decline and suggest appointment of a special prosecutor instead.

This focused approach has several advantages. It provides predictability for county and district attorneys in managing caseloads. The Kansas Supreme Court has said this has the “great benefit” of enabling our office to prosecute cases using “a pool of experienced prosecutors” who are highly skilled in these sorts of cases.¹ And through our annual “Focus Forums” with other prosecutors, it helps the Kansas prosecution community share experiences and best practices, which in turn builds competence

and capacity for these types of cases throughout the state.²

We selected these four areas of prosecutorial focus – Focus Four – based on an objective assessment of the requests we receive from county and district attorneys and a subjective assessment of areas in which we can make the most positive contribution to the state’s general welfare. In other words, these four areas are cases local prosecutors frequently ask us to handle, and our assessment has been that having the attorney general’s office available to prosecute these sorts of serious and difficult cases is in the overall best interest of public safety in Kansas.

Focus Four has worked well. And now we’re expanding to Focus Five.

Elder Abuse

The portion of the Kansas population age 65 and older rose to 14.6 percent in 2015, up from 13.2 percent in 2010.³ To translate percentages into actual people, in 2015, about 397,000 Kansans – a number greater than the entire population of the City of Wichita⁴ – were age 65 and older,⁵ up from about 356,000 in 2000.⁶ Put another way, in those 15 years, the raw number of Kansans age 65 and older increased by the equivalent of the entire population of Hutchinson.⁷ The number of Kansans age 65 and older is projected to more than double – to more than 800,000 people – over the next 50 years.⁸

1. *State ex rel. Stephan v. Reynolds*, 234 Kan. 574, 579, 673 P.2d 1188 (1984).

2. See K.S.A. 75-704 (attorney general has duty to “consult with and advise” county attorneys).

3. See <http://www.census.gov/quickfacts/table/PST045215/20>.

4. Wichita’s population was 389,965 on July 1, 2015. See <http://www.census.gov/quickfacts/table/PST045215/2079000>

5. About 397,000 Kansans were age 65 and older in 2015. See <http://kff.org/other/state-indicator/distribution-by-age/?d>

[ataView=1¤tTimeframe=0&selectedDistributions=65&selectedRows=%7B%22nested%22:%7B%22kansas%22:%7B%7D%7D%7D](http://www.ipsr.ku.edu/ksdata/ksah/population/2pop6.pdf).

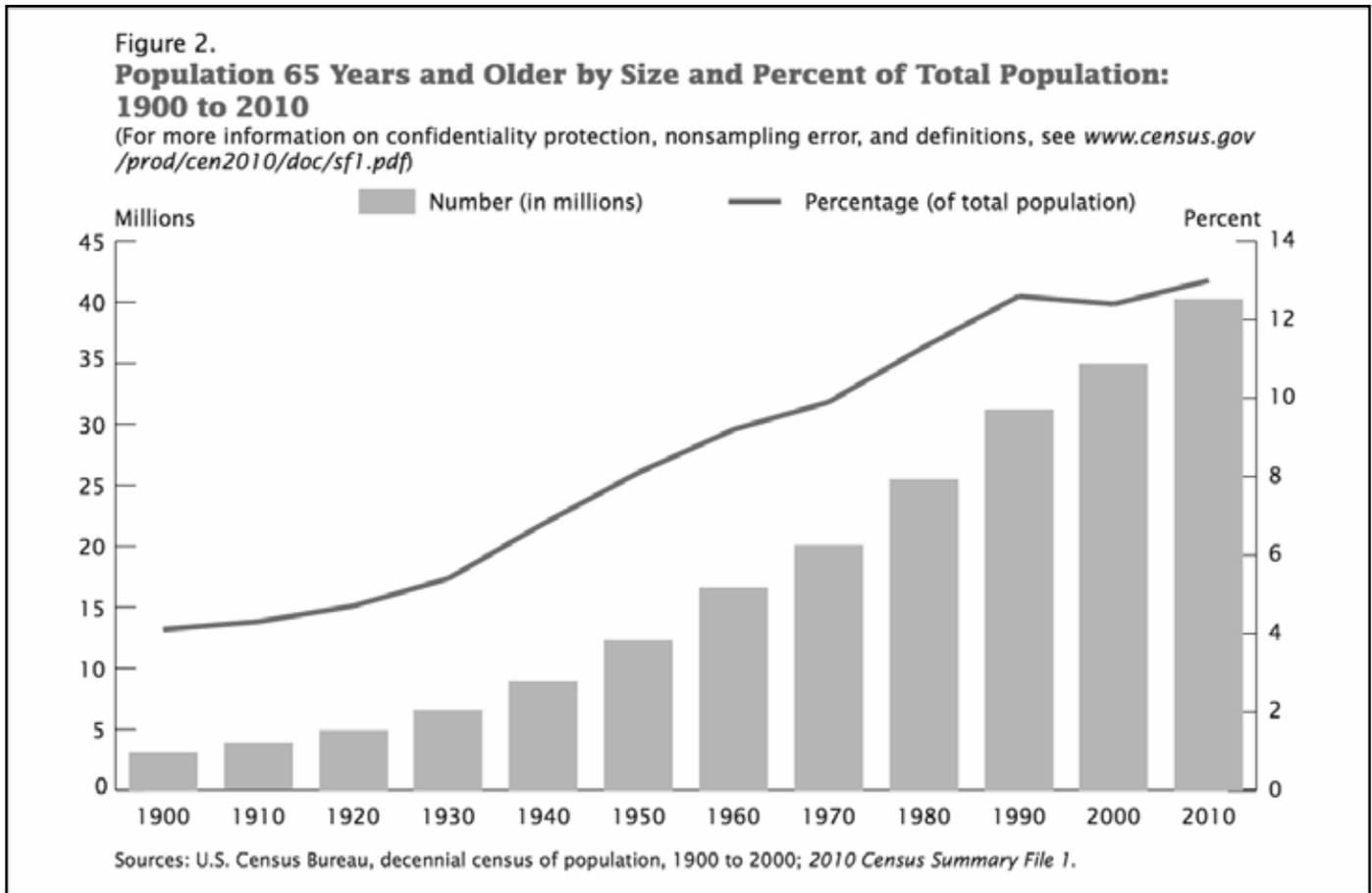
6. See <http://www.ipsr.ku.edu/ksdata/ksah/population/2pop6.pdf>.

7. Hutchinson’s 2015 population was estimated at 41,569. See <http://www.ipsr.ku.edu/ksdata/ksah/population/2pop32a.pdf>.

8. See <http://www.cedbr.org/content/2016/eConnection/Kansas%20Elderly%20Population%20Article.pdf>.

The Kansas experience mirrors the long-term national trend toward an older population. This chart from the Census Bureau captures the dynamic in a single, stark snapshot, and I include it here because

in a single image it powerfully illustrates why the long-term demographic trend requires a sustained focus on bringing justice to victims of crimes committed against older persons:



Graphic can be found at <https://www.census.gov/prod/cen2010/briefs/c2010br-09.pdf>

As the number of older Kansans continues to grow, the demographic shift will affect many aspects of Kansas life, from health care to social services to public policy.⁹ As law enforcement officials and prosecutors, we need to be especially mindful of one particular consequence of this demography: elder abuse.

A larger population of older Kansans means, statistically, a larger number of crimes with older victims. And unlike other segments of the population, older persons are more frequently targeted for abuse, neglect and exploitation, as well as for traditional scams and ripoffs.¹⁰ Statistics cited by the Centers for Disease Control and Prevention (CDC)

9. See, generally, <http://cjonline.com/news-local-state-retirement/2016-10-08/kansas-face-challenges-population-ages> (discussing various effects of the aging trend in the Kansas population).

10. In addition to the criminal prosecution capacities discussed in this article, our office maintains a robust and capable Consumer Protection Division, led by Deputy Attorney General James Welch (james.welch@ag.ks.gov), with statewide jurisdiction to investigate and civilly litigate violations

of the Kansas Consumer Protection Act and related statutes. When appropriate, our Consumer Protection Division works closely with divisions in our office that criminally prosecute elder abuse. The division typically handles about 4,000 consumer complaints annually, including many involving elder persons as victims of scams and ripoffs. For more information, see our consumer protection website at www.InYourCornerKansas.org.

suggest that 1 in 10 persons age 65 and older who live at home will become a victim of abuse. Not surprisingly, CDC figures also suggest that most elder abuse is never detected, with one study concluding that for every case of elder abuse that is detected or reported, 23 more remain hidden.¹¹

Crimes of elder abuse – whether physical, sexual or financial – readily satisfy our “Focus” assessment. There is an objective need for additional resources, and county attorneys have often requested our assistance in prosecuting these cases. We expect the demand for assistance to continue to grow along with the demographic trends. And subjectively, we have concluded that because prosecuting these crimes can be particularly difficult and benefit from specialized training and expertise, having a team of specialized prosecutors at the attorney general’s office will serve the overall needs of public safety in Kansas.

So our new, fifth “Focus” area for case acceptance is elder abuse. Over time, we will need to narrow and refine the particular types of elder abuse cases we can accept given our limited resources, but for now the door is wide open and we will assess requests on a case-by-case basis. Please be patient as we work to make our criteria in this area more clear and predictable.

The bottom line: We’re accepting elder abuse case referrals for review and potential criminal prosecution. Focus Five is open for business.

Referring an Elder Abuse Case for Review and Potential Prosecution

From your standpoint as a county or district attorney, one avenue for accessing our office’s prosecution services in this fifth Focus area should operate much the same as for the other Focus areas – contact our Criminal Litigation Division, led by Acting Deputy Attorney General Lee Davidson (lee.david-

son@ag.ks.gov),¹² and it can serve as a gateway for considering elder abuse case acceptance requests as it does with all other requests from county or district attorneys.

Although the intake gateway, if accessed through the Criminal Litigation Division, may look much the same to you, our internal process for considering elder abuse case requests is much different because of the nature and placement of our resources. It is unlikely your request for us to prosecute an elder abuse case will remain in our Criminal Litigation Division; instead, it is likely to be reviewed by one of two other divisions in our office that have resources dedicated to criminally prosecuting elder abuse. Of course, you also are welcome to contact the other divisions directly, but it’s not necessary that you do so. Our goal is to keep it simple. It’s enough that you contact our office through your ordinary point of contact; we’ll worry about getting you connected with the right people. With that said, let me describe those other divisions and the resources they can bring to bear.

Fraud and Abuse Litigation Division

Effective July 1, 2016, we organized the new Fraud and Abuse Litigation Division (FALD) in the attorney general’s office. Led by Deputy Attorney General Steve Karrer (steve.karrer@ag.ks.gov), FALD is essentially a second, smaller criminal litigation division that is dedicated exclusively to handling fraud and abuse cases. If you have an elder abuse case you would like to refer to our office for possible prosecution and you make a request to our Criminal Litigation Division, don’t be surprised if Steve Karrer and his FALD team return your call. Alternatively, you are welcome to contact Steve directly for questions or a potential case referral. In addition to prosecution capacity, our new FALD houses the Abuse, Neglect and Exploitation of

11. See <https://www.cdc.gov/violenceprevention/elderabuse/consequences.html>.

12. Deputy Attorney General Victor J. Braden, who leads the Criminal Litigation Division, is deployed with the 35th Infantry Division. Lee Davidson is acting deputy in Vic’s absence.

Persons (ANE) Unit. In 2016, the Legislature overhauled this statutorily-created unit to strengthen its authority and focus it on cases involving the abuse of adults (particularly elderly persons and disabled adults).¹³ The Unit now has express statutory authority to participate in elder abuse criminal investigations throughout the state.¹⁴

Medicaid Fraud and Abuse Division

Since the late 1990s, our office has housed the statutorily created Medicaid Fraud and Abuse Division.¹⁵ Most observers instinctively associate this division with its work on fraud, but it also has substantial capacity to prosecute abuse.¹⁶ Led by Deputy Attorney General Jackie Williams (jackie.williams@ag.ks.gov), the division is different from most of our office because it is financed by a combination of federal and state funds. Consequently, it has boundaries arising from conditions on the federal funding that limit the types of cases it can handle. But an important capacity is this: The federal government allows us to use our Medicaid Fraud and Abuse Division to prosecute elder abuse provided the abuse occurs in a “health care facilit[y].”¹⁷ That last phrase is key – if you have an abuse case that occurred in a nursing home, long-term care facility, group home, hospital, or any other facility that receives Medicaid funds (which is almost all of them in Kansas), then we can use our Medicaid Fraud and Abuse Division resources to prosecute it. The victim need not be a Medicaid recipient – he or she only needs to be the victim of a crime committed in a facility that receives Medicaid funds.

If you have an abuse case that involves a victim in a facility, feel free to contact Jackie Williams or, again, you are welcome to use our Criminal Liti-

gation Division as a one-stop gateway to our office’s resources.

Focus Forum

For several years, we have coordinated in November our annual Focus Forums. These small summit-like meetings among prosecutors who handle particular types of cases have proven valuable for building capacity and sharing best practices. Starting this year, we will add a Focus Forum on elder abuse to our annual discussions. We hope you will find this helpful, and we look forward to the discussions.

Elder abuse has aptly been called a “hidden epidemic.”¹⁸ We can, and must, do more to address it. Making the attorney general’s office available to assist with or handle the prosecution of offenders who financially, physically or sexually abuse elder Kansans is an important step forward.

Focus Five is open for business. We look forward to continuing to work with you. 



13. See K.S.A. 75-723(c).

14. See K.S.A. 75-723(b).

15. See K.S.A. 75-725 et seq.

16. A prosecutor formerly with our Medicaid Fraud & Abuse Division, former AAG Stefani Hepford, wrote an excellent analysis of the new Mistreatment of an Elder Person criminal statute, K.S.A. 21-5417, created by the Legislature in 2014. For a good introduction to the new statute, see Stefani Hepford, Getting Better with Age: Statutory Changes to Protect Our Elders, 84 J. Kan. B. Ass’n 24 (2015).

17. 42 C.F.R. § 1007.19(d).

18. See remarks of Deputy U.S. Attorney General James Cole on the occasion of World Elder Abuse Awareness Day 2012 available at <https://www.justice.gov/opa/blog/fighting-back-against-hidden-epidemic-elder-abuse> (accessed January 8, 2017).

2017 Kansas Legislative Session Update [continued]

continued from page 7

took major steps to address these issues with the enactment of the Crisis Intervention Act contained in HB2053.

Each of the bills mentioned above and enacted into law this year can be accessed online at www.kslegislature.org.

Our work as prosecutors with the Kansas legislature is critical to the improvement of our criminal justice system. Your leadership is critical as we prepare for the 2018 legislative session. There is more to be done with asset forfeiture, juvenile justice, mental health, and diversion, to name a few. We need your input for the next legislative session. Please submit your proposals and comments before August 1, 2017 to kari@kearneyandassociates.com.

In closing, as the new prosecutor coordinator for Kansas, I see many future opportunities for

our association, our profession and our state. The prosecutors of Kansas are a diverse group with variances in resources, sizes, and demographics.

Nevertheless, we have one common primary obligation to public safety. Our KCDAA allows us to come together to constantly seek avenues that promote a justice system that is fair, transparent, trustworthy and accountable to the citizens of this state. We are leaders for excellence and best practices in the criminal justice system. Opportunities abound for us. We will meet the challenge and demonstrate our commitment to these values.

In the remaining 6 months of 2017 I hope to meet with you personally and other Kansas prosecutors across this state to discuss the ways I can assist you in your obligation to public safety, pursuit of justice and excellence in prosecution. ☺



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2018 KCDAAs Legislative Request for Proposals

(One Proposal per page – use additional pages as needed)

The KCDAAs Legislative Committee is soliciting Legislative Proposals for the KCDAAs legislative agenda for the 2018 Legislative Session. This input from the membership will be considered by the Committee in making its' recommendations to the KCDAAs Board of Directors.

This RFP is the first step in the process by gaining the input of the membership in changes needed to the Kansas Statutes for the benefit of prosecutors. Please submit your proposals with the information below as a minimum. Feel free to provide other information, background or cases that will aid the Committee in selecting and targeting the most critical issues. Thank you for your prompt attention to this matter.

1. Statute to amend or affected: _____
2. Please describe the need for this change as it applies to the membership of the KCDAAs across the state as well as the specific concern in your jurisdiction.
3. Draft Language – Please attach an electronic copy of the statute with the change noted.
4. Are you aware of any previous legislative efforts similar to this proposal? If so, when and by whom?
5. Other organizations that might support this legislative proposal? Oppose?
6. Legislators or others already contacted about the proposal:
7. Your name and office in which you work and whether you would be willing to testify regarding the proposed legislation:

Submit proposals to: KCDAAs Office, 1200 W. 10th Ave, Topeka, KS 66604
Email: kcdaa10@gmail.com if you have any questions please contact Kari Presley
kari@kearneyandassociates.com or Steve Kearney steve@kearneyandassociates.com

Deadline for submission is July 31, 2017

KCDAA Member Highlight

by Todd Thompson, Leavenworth County Attorney

Marc Bennett Inducted into the Kansas Bluegrass Hall of Fame

To nearly all attorneys in Kansas the acronym, K.B.A., means only one thing: Kansas Bar Association. To Marc Bennett, Sedgwick District Attorney, it also has another meaning: Kansas Bluegrass Association. This year, my friend Marc and his family have been inducted into the Kansas Bluegrass Association's Hall of Fame.



Bluegrass music is as American as apple pie. It's a genre of country music influenced from Appalachia, but with roots from Irish, Scottish, and English traditional music, and elements of jazz. Typical bluegrass bands consist of a fiddle, five-string banjo, guitar, mandolin, and an upright bass. Famed singer Alison Krauss has said of bluegrass music, "You can't help responding to its honesty. It's music that finds its way deep into your soul because it's strings vibrating against wood and nothing else."

Marc Bennett found his way into this world of music at the age of 12. "My dad and his brother, my

Uncle Tim, brought home an upright bass they



purchased at C Major Music Store. That morning I had my one and only lesson which consisted of Uncle Tim grabbing a G chord on his guitar and telling me to 'find it,'" said Marc. "A C chord and D chord followed. Minutes later, the three of us played 'Uncle Pen' with my dad on banjo." It didn't take long before they had their first "gig" at the VFW in Belle Plain, Kansas, as the opening act.

"We played the only three songs we knew, so when we got an encore we had to play one a second time." From there, "the Bennett Brothers" popularity grew, performing at festivals, churches, parties, events, and bars. Over the years, they have performed in shows from Colby to Winfield to Southern Missouri, and everywhere in between.

It is also safe to say we would not have one of the most accomplished prosecutors in Kansas if not for bluegrass.

When Marc Bennett went to Kansas State University he ran into then Geary County Attorney, Chris Biggs. Biggs remembered Marc as a child playing with the Bennett Brothers. The two quickly became friends and began performing together. "When people ask me how I chose prosecution," says Bennett, "the truth is, I called Biggs to ask him for a reference after I passed the bar in 1995. The next day he offered me a job. He knew and trusted me after playing music with him for five years." It's easy to say, Kansas is a whole lot safer due to an upright bass and Marc finding it." 🎸

KCDAA Milestones

Babies

Sedgwick County prosecutor **Andrea Nelson Bakker** and her husband Will Bakker celebrated the birth of Eleanore Elaine Bakker on March 24, 2017.

Eleanore weighed 7 lbs. 13 oz. and was 20 in. long.



Congratulations

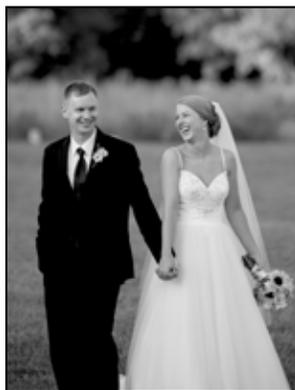
On March 14, 2017, Sedgwick County Assistant District Attorney **Amanda Marino** was elected to the Board of Governor's for the Wichita Bar Association.

Steven W. Wilhoft was awarded the first ever Drug Prosecutor of the Year Award at the Kansas Narcotics Officer's Association banquet held in Manhattan, Kansas on March 8, 2017. He is the Assistant Attorney General in the Criminal Litigation Division.

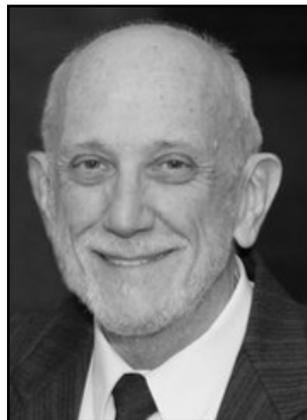


Marriage

Will Manly, Assistant Attorney General, Criminal Litigation Division in the Office of Kansas Attorney General married Courtney Cyzman in September 2016 in Topeka.



In Memoriam



Wade Bowie passed away on March 31, 2017. Following 28 years in the military, Mr. Bowie enjoyed a second career as a prosecuting attorney in several counties in Kansas, where he tirelessly worked to protect at-risk children and their families. In addition, he participated in a number of state-based initiatives and served on a committee that

successfully revised the juvenile codes of Kansas.

New Faces

Courtney Boehm was recently elected as Marion County Attorney. She was previously in private practice with Cottonwood Law Group in Hillsboro, KS. In the 8th Judicial District, there are four counties. Three have newly elected County Attorneys, and all four have female County Attorneys. The group has plans to meet quarterly.

Julia Leth-Perez and **Jason Vigil**, both recent graduates of the University of Kansas Law School have joined the Miami County Attorney's Office. Ms. Leth-Perez will be prosecuting traffic, domestic violence, and doing appellate work. Mr. Vigil will be prosecuting juvenile offenders and general felonies.

Submit your announcements for the Fall/Winter edition of The Kansas Prosecutor by October 27.

We would like to publish baby announcements, new attorneys, anniversaries, retirements, awards, office moves, if you have been published, or anything else you would like to share!

Send your milestones to nickiv@gmail.com.

The Importance of the Community Service Award



By the time of this printing, The Kansas Prosecutor's Foundation will have presented the 2017 Prosecutor Community Service Award. This award is given annually to a Kansas prosecutor who

has served the community outside the normal duties of his or her prosecution duties. The award is designed to recognize a prosecutor who has shown great dedication to serving others in the community in addition to the service we all

give as representatives of the state.

Please keep this important award in mind and consider nominating a prosecutor you know in the future; either from your own office or from an office elsewhere in the state, who has shown this type of dedication to improving the community. A nomination form is available on the KCDA website. Remember, if you do not nominate the person who came to your mind when you read the description of the award, that person may have no chance of being selected for this honor.

KCDAA Milestone

Vicky Lyon, former victim-witness coordinator for the Lyon County Attorney's Office, was recognized for her service to crime victims during Crime Victim's Rights Conference in Wichita held in May.

Lyon was presented the Outstanding System-Based Victim Advocate Award by Kansas Attorney General Derek Schmidt during the awards ceremony.

"Not only was she a point of contact for victims and witnesses for all cases in our office, but she was also a mentor to counsel and staff alike," said Marc Goodman, Lyon County Attorney.

The Kansas Crime Victims Rights Conference was hosted by Attorney General Schmidt and Governor Sam Brownback. The conference featured a number of speakers and trainers focused on raising awareness of emerging crimes and offering new approaches to respond to enduring crimes, such as child abuse, domestic violence and human trafficking.





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