



Justice for All



Maricopa County Attorney's Office • April 2017 Newsletter



FROM THE DESK OF BILL MONTGOMERY

April is a very special month for MCAO. This month, we take time to specifically recognize victims of crime and those who work to serve them and help them seek justice. April 2-8 is National Crime Victims' Rights Week and we'll commemorate the occasion with two key events. The first is where we will gather with state and local leaders, community leaders and victims to recognize outstanding service, and in the second we will recognize the great work by those within our own ranks or in partnership with our office who have offered great service to crime victims.

April is also Sexual Assault Awareness month and we'll take a look at what Maricopa County is doing to ensure that victims receive the care they need and that evidence is handled properly and tested in a timely manner.

It's tax time too, so once you're done filing your returns, take some time to think about documents you don't need any more and how you'll safely dispose of them to prevent identity theft. Our suggestion would be to join us for MCAO's annual Mega Shred-A-Thon at the International Paper facility near downtown Phoenix on April 10.

We hope you will be informed and inspired with some of the stories of courage that we will share with you.

Bill Montgomery

Bill Montgomery, Maricopa County Attorney



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“ Our job is to ensure the guilty do not escape justice and innocence does not suffer. ”

Strength – Resilience – Justice

National Crime Victims' Rights Week

April 2-8

During the first week of April, Arizona will mark the 35th annual observance of National Crime Victims' Rights Week. Honoring and upholding the rights of crime victims and their families is something the Maricopa County Attorney's Office is committed to doing.

President Ronald Reagan proclaimed the first national "Crime Victims Week" in April of 1981 to recognize the importance of giving crime victims a voice in the criminal justice process and to educate Americans about the devastating impacts of crime on families and communities. Three years later, Congress passed the Victims of Crime Act (VOCA) which secured legal rights, protections, and services for victims of crime. In 1988, Arizona became one of the first states to introduce a constitutional amendment guaranteeing specific rights for crime victims. Our state also provides a range of support services, including financial assistance, to help crime victims and their families cope with the multiple impacts of a serious crime.

In 1990, Arizona voters overwhelmingly passed an initiative creating the Arizona Victims' Bill of Rights and in 1991 legislation was implemented guaranteeing specific rights for crime victims including the right to be present at criminal proceedings, to be heard in court and to be treated with fairness, dignity and respect.

During Crime Victims' Rights Week, MCAO will participate in two events meant to honor both those who have been victims of crime and those who serve them. The first event is a luncheon and awards presentation on April 4th at the El Zaribah Shrine Auditorium in Phoenix. State leaders and representatives from law enforcement agencies will honor and recognize individuals who have advocated on behalf of crime victims and their families. Award presenters include Governor Doug Ducey, Arizona Attorney General Mark Brnovich, Maricopa County Attorney Bill Montgomery, Arizona Department of Public Safety Director Colonel Frank Milstead, Arizona Department of Corrections Director Charles Ryan, and Arizona Department of Juvenile Corrections Interim Director Jeff Hood.

The luncheon will feature keynote speaker Brooks Douglass, a former Oklahoma State Senator as well as a crime victim. Douglass will share his story of being held captive in his home at the age of 16 after two strangers came into his home. The men robbed his family, sexually assaulted Douglass' younger sister and then shot all four members of the family, leading to the deaths of both of his parents. Douglass, who recently made a movie about his experience, now shares his story about being a crime victim and the affect it had on his life with victim groups.

On April 6th, the Maricopa County Attorney's Office will also hold an internal Victims' Rights Week Awards ceremony to recognize those within our office and externally who have excelled in providing services to victims of crime, helping to restore hope in their lives. Awards in six categories will be presented to individuals and groups for - Inspiration, Team Efforts, Resilience, Innovation, Collaboration and Special Service.



WORKING TO ENSURE JUSTICE FOR SEX ASSAULT VICTIMS

On March 20, 2017, Governor Doug Ducey signed HB 2268 into law. The new law requires law enforcement to submit all sex assault kits to be tested for potential DNA evidence. It also lists timeframes ensuring prompt submission by law enforcement for DNA testing and requires annual reports by law enforcement accounting for each sex assault kit collected. HB 2268 becoming law is the culmination of nearly two years of work in Arizona, and represents just the beginning of ensuring that justice is delivered to all victims of sex assault.

Sex assault exams are made available for all victims of sex assault at no cost to them. These exams are performed by specially trained forensic nurse examiners who provide needed medical care to victims of sex assault. One small, but important part of these medical exams involves collecting biological evidence left by the perpetrator.

Maricopa County's Effort: A Timeline

In 2014, the Maricopa County Attorney's Office (MCAO) began working with our local law enforcement partners to determine how many kits remained untested and in the possession of law enforcement.

In early 2015, MCAO began seeking funding for the testing of previously untested sex assault kits. MCAO did this to ensure that every kit would be tested and then if a DNA profile was developed that profile would be entered into a national database of DNA profiles known as CODIS (Combined DNA Index System). CODIS holds known and unknown DNA profiles and is an incredible tool for law enforcement use to solve cases, particularly sex assault cases.

In October 2015, MCAO received a \$1.9 million dollar grant from the District Attorney's Office of New York to pay for testing of 2,300 untested sex assault kits. Before any testing could happen, it was determined that the untested sex assault kits would be tested by private laboratories.

MCAO executed contracts with three private DNA labs and entered into a Memorandum of Understanding with local law enforcement agencies. Almost immediately after obtaining these agreements, law enforcement agencies began shipping previously untested kits for DNA testing.

After testing each kit for DNA, the private labs ship the kits back to the government laboratory. There, the technical work is reviewed and analyzed by scientists who upload appropriate profiles into CODIS.

Any time there is a profile match in CODIS, law enforcement is notified. At times, the match identifies a previously unidentified suspect, at other times; the profile remains unidentified or simply confirms the identity of a suspect the police already were aware of.

During 2015 and 2016, MCAO continued to work with law enforcement partners and ultimately identified over 4,000 untested kits that needed DNA testing.

In 2016 MCAO received an additional \$1.4 million dollars from the Bureau of Justice Assistance to complete the DNA testing of the remaining sex assault kits not tested under the previous grant, and to hire an experienced sex crimes detective to work with our local law enforcement partners to follow up on the dozens of leads that resulted from the testing.

To date, MCAO has filed sex assault charges against five defendants identified early during this process. One defendant pled guilty and was sentenced to prison. The others are pending trial.

Maricopa County Sex Assault Protocol Nears Finalization

During the past two years, along with working on determining the number of untested kits and then coordinating submission for testing, MCAO led efforts to create the first ever Sex Assault Protocol for Maricopa County. The ideas behind the Sex Assault Protocol are twofold: (1) Ensure that law enforcement and victims never have to confront the issue of untested sex assault kits again; (2) Provide relevant guidance and best practices to everyone involved with working with victims of sex assault and investigating the crime of sex assault. To do this, MCAO teamed up with a multidisciplinary group of nurses, forensic scientists, prosecutors, victim advocates, judges, police officers, and other interested parties who wrote, critiqued and edited what will be the first ever Sex Assault Protocol for Maricopa County. Once complete and put into effect, a victim of sex assault will be under the same standard of care from beginning to end of their case. A draft of the protocol will be posted on the Maricopa County Attorney's website to allow for public comment throughout Sex Assault Awareness Month.

AN EXAMPLE OF COURAGE AND THE POWER OF DNA EVIDENCE

DNA collection and comparison is a powerful tool used today to assist with solving sex assault cases as discussed in the previous story. In this story, DNA collected from two sex assault kits proved to be just that.

In 2003, Ashley was 19, attending ASU, and had a bright future ahead of her. Like many ASU students, she lived in an apartment off campus. During the early morning hours of August 22, 2003, an unknown intruder broke into Ashley's apartment and sexually assaulted her. The then unknown assailant threatened her and physically beat her into submission. The intruder escaped without Ashley being able to see him.

Even though Ashley never saw the defendant, there was still hope that her rapist would be held accountable.

Ashley submitted to a sex assault exam where a specially trained nurse was able to give her the medical treatment she needed for her injuries and to guard against sexually transmitted diseases. Another part of the exam included the collecting of potential DNA evidence of the defendant from the victim's body.

Four years later, in the early morning hours of September 11, 2007, another 19-year-old woman awoke in bed in her Tempe apartment to find an unknown man on top of her. The man sexually abused and assaulted her. As in Ashley's case, police recovered an unknown DNA sample belonging to the assailant, but they did not have a suspect. Eventually both cases went cold due to no further leads.

Sex assault kits from both victims were submitted to the Arizona Department of Public Safety Crime Lab for DNA analysis. The same unknown male DNA profile was obtained from each kit and was uploaded into CODIS.

On January 6, 2010, Kevin Francois was arrested in Newport Beach California for burglary-related charges. Francois was caught by the police attempting to enter into a home where three young adult females were sleeping.

Pursuant to California law, an oral swab sample of the defendant's DNA was lawfully taken following his arrest (Arizona has a similar law). Francois' DNA profile was uploaded into the CODIS database. In April 2010, the unknown DNA profiles found from evidence collected in Ashley's exam and that of the other victim was determined to match Francois' DNA profile.

Following the DNA match, the defendant was extradited back to Arizona and prosecuted. After a jury trial, the defendant was sentenced in both cases to nearly 138 years in the Arizona Department of Corrections.

It has been a long road to recovery for Ashley, but today she owns her own yoga studio in Austin, Texas, and has two beautiful children. She found yoga and meditation to be a pathway for healing to overcome the trauma of her past. By sharing her story, she strives to give others courage to find their own voice and to know they don't have to suffer in silence, that there is a pathway of light and healing available. Ashley believes, "It's not what happens to us in life that matters, it's how we rise above!"

As part of Sex Assault Awareness Month this April, Ashley will be visiting Phoenix to speak to others about her experience as a sex assault survivor. She will be speaking at an event on April 11, 2017 at 6:30 p.m. for the Arizona Foundation for Women (for more information visit: www.azfw.org/blank) and is the keynote speaker for the 14th Annual DNA Conference, Bode West 2017 on April 12, 2017.



Ashley finds peace through teaching yoga.

VALLEY VETERINARIANS PROVIDE “PRO BONE-O” CARE FOR MCAO VICTIM SUPPORT K9s

MCAO’s Victim Support Dogs have graced the pages of this newsletter since we first “hired” Sam in 2010. They fulfill an important role in ensuring that justice is achieved by helping young and vulnerable victims and nervous witnesses make their way through the court system.

This month, we’d like to take a look behind the scenes and profile some important people who help care for these great dogs: the veterinarians who are donating their time and resources to keep these pups healthy and happy.

We’d like to introduce you to Dr. Elizabeth Dutton with Blue Cross Veterinary Clinic who cares for Tori, Dr. Jeff Cook with Lookout Mountain Veterinary Clinic who cares for Elle and Drs. Dennis Heetland and John Olson with Arizona Wellness Center who care for Morgan.



Elle’s Veterinarian,
Dr. Jeff Cook with
Lookout Mountain
Veterinary Clinic



Morgan’s Veterinarians,
Dr. Dennis Heetland and Dr. John Olson
with Arizona Wellness Center

For over five years, Dr. Elizabeth Dutton has provided exceptional care to our first K9 support dog, Sam, and now for three years, our second support dog, Tori. She was the first vet who stepped in and agreed to provide pro bono services to our dogs and was recognized last year at MCAO’s National Crime Victims’ Rights Week ceremony for her dedication.

Dr. Dutton is very accommodating to Tori’s needs. She is often willing to squeeze her in between appointments just to make sure Tori can be seen and will also personally call Tori’s handler, Mary Picard at

home if needed. The staff of Blue Cross are very familiar with Tori because of her delicate ear problems and allergies--including an allergy to poultry. Dr. Dutton has a warm demeanor and Tori feels very comfortable with her. “Dr. Dutton is the gentlest vet I have experienced,” says Tori’s handler, Mary Picard, “I honestly do not know what I would do without her!”

Dr. Jeff Cook from Lookout Mountain Veterinary Clinic is a very compassionate man and upon hearing of our K9 program, he accepted our call to provide pro bono veterinary service to our beautiful K9 Elle. While walking into Dr. Jeff Cook’s office for Elle’s first visit, the staff could not wait to meet her. When they called Elle’s name, she took her sweet time walking to the consult room; her attention having been focused on two cats sprawled on the office counter. Elle sat on the bench waiting patiently to meet Dr. Jeff Cook and staring at the door to open. Dr. Cook came in with a big smile on his face; he was very excited to meet Elle. He did a very thorough check-up and Elle immediately made herself at home as if she had been going there forever.

“The kindness and enthusiasm of the staff has made it a fun place to bring her,” said Elle’s handler, Cindy Walker. “At the end of her visits, Dr. Cook offers Elle a few low calorie treats. Elle is beside herself with all the goodies.”

Morgan’s handler, Carrie Johnson, has taken her family pets to Dr. Dennis Heetland at Arizona Animal Wellness Center for many years. “Dr. Heetland has been such a huge part of my family’s lives,” said Carrie. “When I learned I would be handling Morgan, I just knew she had to see Dr. Heetland as well. Dr. John Olson at Arizona Animal Wellness Center is adorable with Morgan as well and provides great

care.” Arizona Animal Wellness Center helps out in every aspect of a pet’s life. They are very active in the community, collaborating with local emergency personnel and agencies for pet rescue and sheltering, and fostering a large number of animals a year.

Each of these veterinarians has graciously accepted the task of caring for MCAO’s Support Dogs, and has expressed an admiration for the important work they do to help victims.

IT’S MEGA SHRED-A-THON TIME AGAIN!

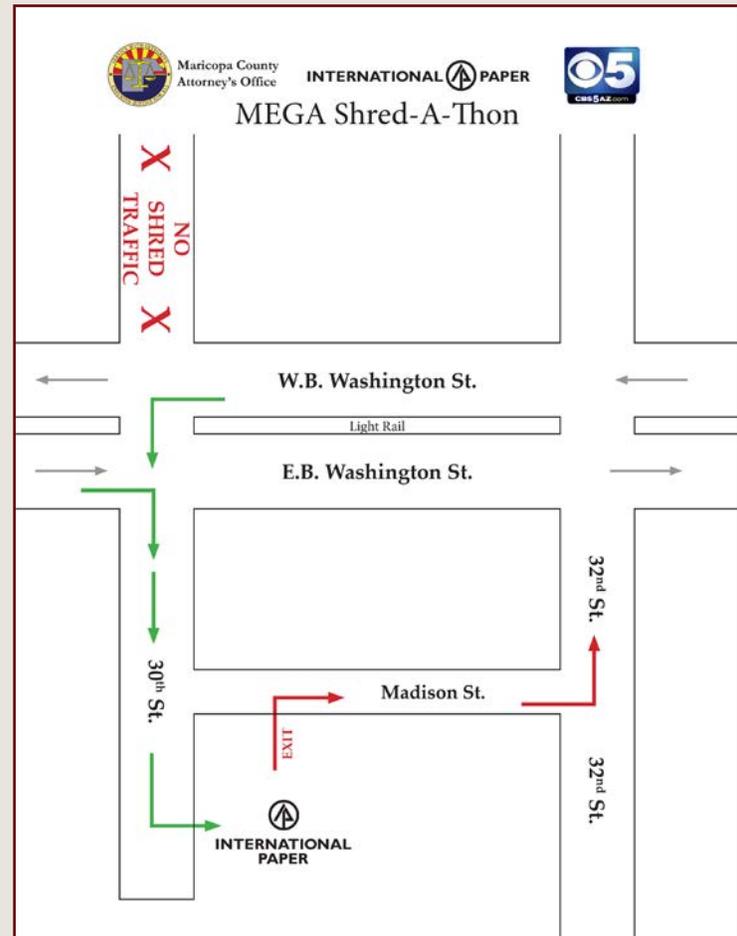
Tax season is the perfect time to get rid of unneeded documents filled with your personal and financial information. To help our community prevent identity theft, the Maricopa County Attorney’s Office is partnering with International Paper and CBS 5 News to offer a free Shred-A-Thon. This event offers our community an opportunity to safely destroy unneeded documents including financial records, medical records, and generally, tax returns older than three years.



This free event will be held on Monday, April 10 at International Paper, 301 South 30th Street in Phoenix. Each vehicle can have up to 15 banker’s boxes or 15 13-gallon kitchen trash bags of documents shredded for free. Volunteers will be ready to start assisting participants at 4:30 a.m. and will continue their work until 7:00 p.m. In years past this has proven to be a popular event and we ask you anticipate a wait time as volunteers work to collect documents from participant’s vehicles. As you plan your route to the event we ask that you follow the suggested guidelines on the event map including entering along 30th Street off of Washington Street and exiting on 32nd Street off of Madison Street.

The County Attorney’s Office encourages residents to bring the following types of documents to the Shred-A-Thon:

- Tax returns and documents older than three years
- Statements from banks and financial institutions
- Cancelled checks
- Paycheck stubs
- Unneeded medical records and billing statements
- Any other unnecessary document containing personal information



UPCOMING EVENTS CALENDAR

KIDFEST!

SATURDAY, APRIL 8

10:00 a.m. – 1:00 p.m.

Friendship Park

12325 West McDowell Road

Avondale, AZ 85323

CITIZEN SAFETY FORUM - WEST VALLEY

MONDAY, APRIL 17

8:30 a.m. – 1:00 p.m.

Sagebrush Ballroom

Sun City Grand Rec Center, Sonoran Plaza

19753 North Remington Drive

Surprise, Arizona 85374

7TH ANNUAL BATTLE OF THE BADGES HOPE

CHARITY FLAG FOOTBALL GAME

SATURDAY, APRIL 29

6:00 p.m. – 10:00 p.m.

Coronado High School Stadium

7501 East Virginia Avenue

Scottsdale, AZ 85257

MEGA SHRED-A-THON

MONDAY, APRIL 10

4:30 a.m. – 7:00 p.m.

International Paper

301 South 30th Street

Phoenix, AZ 85034

PAT'S RUN

SATURDAY, APRIL 22

7:00 a.m. – 12:00 p.m.

Arizona State University's Sun Devil Stadium

500 East Veterans Way

Tempe, AZ 85287

Events are subject to change. Check MaricopaCountyAttorney.org to stay up to date with our events.

CASES OF COMMUNITY INTEREST



Joshua Hicks Sentenced to 18.5 Years for Causing Multiple Crashes While Trying to Escape Arrest for Selling Drugs



Joshua Hicks was sentenced to 18.5 years in the Arizona Department of Corrections, followed by four years of supervised probation upon release, for 2 counts of aggravated assault, 1 count of leaving the scene of a serious injury accident, and 1 count of possession of dangerous drugs for sale.

On September 28, 2015 officers witnessed a drug transaction between Hicks and another person. To read more about what happened next, visit the link at:

<http://www.maricopacountyattorney.org/newsroom/news-releases/2017/2017-03-06-Joshua-Hicks-Sentencing.html>



**MARICOPA COUNTY
ATTORNEY'S OFFICE**

