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# ***THE PROSECUTOR***

published by

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## **FAMILY VIOLENCE UNIT CREATED**

### **New Initiative Will Aid Police, Prosecutor's and Victims**

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Montgomery County Prosecuting Attorney Mat Heck, Jr. has announced the creation of a Family Violence Unit to address the serious community problem of domestic violence and violence against women. The unit will focus on promoting victim safety, identifying and prosecuting offenders, and assisting law enforcement agencies with training and strategies to combat this serious problem. This unit will be funded through a grant provided under the Violence Against Women Act (VAWA) Subgrant Program administered by the Ohio Office of Criminal Justice Services.

Changes in Ohio law over the past several years have provided police and prosecutors with more flexibility in responding to domestic violence incidents. These changes are still being incorporated into police procedures in many communities. One of the major roles of the Family Violence Unit will be to provide training to local law enforcement officials regarding the changes in the law as well as new, innovative approaches to domestic

violence incidents. Prosecuting Attorney Mat Heck believes this unit will be an excellent resource for local police officers as they face the always difficult and unpredictable domestic violence scenario. "We need to provide the opportunity for police officers and other law enforcement officials to work together to make sense of the many changes which have occurred in Ohio law. At the same time, we must provide new ideas and approaches to this difficult and terrible problem", Heck said.

The Family Violence Unit will be directed by Assistant Prosecutor Linda F. Reed, a graduate of Notre Dame School of Law. Ms. Reed has previous prosecution experience in both the Juvenile and the Criminal Divisions of the Montgomery County Prosecutor's Office. She has been involved in some very important and complicated cases and is looking forward to her new responsibilities. "Family violence undermines the very fabric of our society. We need to protect victims and prosecute offenders but we also need to find ways to prevent the

violence which permeates many households", Reed noted. She added, "Stopping family violence means stopping child abuse, spousal abuse, elder abuse and all other forms of violence in the home".

Joining Ms. Reed in the Family Violence Unit will be Ms. Jamie Bailey, a Victim Advocate currently assigned to the Victim Witness Division of the Montgomery County Prosecutor's Office. Prior to joining the Victim Witness Division, Ms. Bailey spent 4 years with the Auglaize County Prosecutor's Office as a Victim Advocate. Ms. Bailey will be working with Ms. Reed to develop training and assistance services for law enforcement and prosecution, as well as support services for victims.

*For more information regarding the Family Violence Unit, contact Ms. Linda F. Reed, Assistant Prosecuting Attorney, Montgomery County Prosecutor's Office, (937) 225-5757, or, Ms. Jamie L. Bailey, Victim Advocate, Montgomery County Prosecutor's Office, (937) 496-3171.*

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## **PROSECUTOR’S OFFICE STAFF TO PARTICIPATE IN CHILD ADVOCACY CENTER**

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The Montgomery County Prosecutor’s Office will provide two Assistant Prosecutors, a Victim Advocate, and a Secretary to the staff of Care House slated to open later this year across from Children’s Medical Center. The idea for Care House, a center to coordinate the investigation and prosecution of serious child abuse and child homicide cases, has been discussed for several years. A report by the Prosecuting Attorney and Sheriff in 1994 as well as a report by the Child Protection Task Force in 1995 recommended the implementation of

a Child Advocacy Center to better address the special circumstances of this type of criminal activity and to provide for better coordination of effort by the various agencies involved in these cases. Also participating in the center will be detectives from the Sheriff’s Office, emergency room staff from the Children’s Medical Center, and caseworkers from Children Services.

Investigations into instances of serious child abuse and child homicide can become fragmented as various elements of the justice system become involved in the case.

This lack of coordination is disruptive to the investigation and prosecution and can have detrimental effects on the child victim. The Care House will be designed to eliminate duplication of effort and to protect the interests of the child. Interviews of the child will be coordinated to insure that the child is not overwhelmed by the experience.

The opening of Care House in the current Ronald McDonald House, is planned for later this year.

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## **HOMICIDE VICTIMS REMEMBERED**

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Once again this past December 8th, victims of Homicide in Montgomery County were remembered at the seventh annual Homicide Victims Memorial Service at the Westminster Presbyterian Church in Downtown Dayton. The service, which is sponsored by County Prosecutor Mat Heck, Jr. and the Victim Witness Division of the Prosecutor’s Office, featured singing by the Colonel White High School Choir and the Mt. Calvary Baptist Church Choir. The Westminster Church Handbell Choir also performed at the service. This year, 52 names of homicide victims were added to a Homicide Memorial Tree which stood at the front of the Church during the service. As the names of the victims were being read, family and friends of the victims were invited to place an ornament on the Memorial Tree in tribute to their lost loved one.

This year, a new Homicide Memorial Tree was dedicated and will serve as a permanent memorial to the victims of homicide in Montgomery County. It is painted on the wall outside the Victim Witness Division Office in the Common Pleas Court Building and features large spinning displays which hold the individual ornaments representing the victims of homicide. All the ornaments placed during this years service are now on display on the new Homicide Memorial Tree.

As it has been in the past, the Memorial Service was followed by a candlelight vigil walk and a balloon launch in front of the Common Pleas Court Building. Each balloon carries a card with a message to the loved one from a family member or friend. In past years these cards have been found as far away as Montreal Canada and Minneapolis, Minnesota.

While statistics show encouraging news regarding the decrease in the number of homicides both locally and nationally, County Prosecutor Mat Heck is quick to point out that even one death from homicide and violence is unacceptable. “We are certainly glad to see an overall reduction in the numbers but we must continue efforts to reduce violence and violent deaths in our community”, Heck said.

The Victim Witness Division of the Prosecutor’s Office sponsors monthly support groups for family members and friends designed to assist in the grieving process. Groups are available for both adults and children. Information regarding those groups as well as other services for survivors of homicide and victims of crime is available by calling 225-5623.

## APPELLATE DIVISION STAFF MOVE TO NEW OFFICES

The Appellate Division of the Prosecutor's Office has moved to new offices in the Hulman Building on West Second St. in Dayton. The nine staff members of the Appellate Division had previously occupied a very small area on the third floor of the Common Pleas Court Building. Three of the attorneys on the staff had been working out of offices in the basement of the County Jail and the Criminal Division of the Prosecutor's Office. In their new location, all staff are again located in one office. Eventually, the Appellate Division will move to the Dayton Montgomery County Courts Building where the Criminal and Civil Divisions of the Prosecutor's Office are located. That move awaits final decisions regarding the use of the Reibold

Building by Montgomery County officials.

The Appellate Division is responsible for preparing legal briefs and presenting oral arguments in criminal cases which have been appealed by defendants in the Second District Ohio Court of Appeals, the Ohio Supreme Court, United States District and Appeals Courts, and the United States Supreme Court. The division also initiates appeals of lower court rulings on matters of suppression of evidence, dismissal of cases, and writs of mandamus which compel a court to take certain action required by law. Attorneys in this division utilize online legal research facilities such as Lexis-Nexis and Westlaw as well as CD-ROM based research software.

## Gang Initiative Started by Prosecutor Heck

Montgomery County Prosecuting Attorney Mat Heck, Jr. has called together Police Chiefs and Youth Gang experts from throughout Montgomery County to improve and expedite the identification of gangs trying to establish themselves in this area. This effort will involve developing a centralized repository of gang information including gang clothing, graffiti, nicknames, and sign language. Emphasis will be placed on sharing information among law enforcement agencies and local school officials in an attempt to intercede quickly when gang activities first appear. A major focus of this new initiative will be an educational effort aimed at raising the overall knowledge of local law enforcement regarding gangs and their sub-culture.

Funding for the gang initiative will be requested from the Office of Criminal Justice Services, a state agency which administers federal funds for juvenile

## LUMP SUM PAYMENTS SETTLE CHILD SUPPORT CASES

The Support Enforcement Division of the Montgomery County Prosecutor's Office has succeeded in obtaining large lump sum payments to settle longstanding and significant overdue child support obligations.

Issac Frydman had consistently refused to pay child support for years. The case originated outside of Ohio but after the divorce decree was registered in Montgomery County, Assistant Prosecutor Steve Wagenfeld convinced Mr. Frydman to settle the matter for a payment of \$30,000. The child in the case had reached the age of 18 and no new child support was accruing. The amount owed on the case was approximately \$50,000.

In another case handled by Assistant Prosecutor Steve Wagenfeld, Jerry Flexman agreed to pay \$42,000 to settle all outstanding and future support payments for his 16 year old son. At the time of the settlement, a total of \$26,000 was due on the

case with new support accruing at the rate of \$700.00 per month. This settlement was agreed to after lengthy negotiations between Mr. Wagenfeld and Mr. Flexman's attorney.

In another case, Burns vs. Howard, the father, \_\_\_\_\_ Howard, paid \$4,780.90 in 1996 toward his back child support obligation before moving to the State of Texas and again stopping all payment of support obligations. Assistant Prosecutor John Scott managed to locate Howard in Texas and sent him a letter about his failure to pay support. Following negotiations with a Dayton attorney representing Mr. Howard, Assistant Prosecutor Scott received a lump sum payment of \$27,500 to settle the case.

These three cases are examples of success the Prosecutor's Office has had in forcing deadbeat dads to face up to their obligations. While it is unusual to be able to collect such a large amount of back child support, women who are owed support are

very willing to agree to a lump sum settlement when possible. While the amount collected is often less than the full amount, most mothers realize that settlement of the outstanding balance is more beneficial for the children than continued court action.

Montgomery County Prosecuting Attorney Mat Heck, Jr. sees the ultimate goal of the Support Enforcement Division as the requirement of all fathers and mothers to pay all Court ordered child support. He adds, however, that complete payment is not always realistic. "In those cases where we can negotiate a settlement that will provide the children with a substantial financial settlement, we should do so, provided we have the agreement of the custodial parent who has been deprived of regular support payments".

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## Technology Developments at the Prosecutor's Office

During 1997, several advances in office technology took place at the Prosecutor's Office. The entire office was upgraded to the Windows 95 desktop operating system. The capability to access Lexis-Nexis legal research was upgraded by giving every attorney access to phone modems. The access to CD-ROM legal research was also upgraded through the addition of a CD-ROM tower to the Prosecutor's Local Area Network. All secretaries have been given

upgraded 17" computer monitors to reduce eye stress. All members of the office are able to correspond through electronic mail both within the county and across the Internet.

A new case tracking database was developed by the MIS Staff of the Prosecutor's Office for the Support Enforcement/Paternity Division during 1997. This development allows for faster retrieval of case information as well as more efficient production of court filings

## TWO VICTIM ADVOCATES ADDED TO STAFF

### *WILL FOCUS ON JUVENILE CRIME*

Funding received through the Ohio Attorney General's Office from the Victims of Crime Act has been used to hire two new Victim Advocates who will specialize in working with victims of juvenile crime. This is an area which needs special attention according to County Prosecutor Mat Heck, Jr. "We have seen an increase in juvenile crime, particularly violent juvenile crime and the victims of these crimes need to know that we support them", Heck said.

According to Prosecutor

Heck, these new Victim Advocates will work closely with the Assistant Prosecutor's assigned to the Juvenile Division of the Prosecutor's Office to provide support services to victims during the preparation for trial and during the trial itself. Follow-up services and referrals to social services agencies will also be available. "These advocates will play an important role in the recovery of victims from juvenile crimes, Heck added.