

PROJECT ABSTRACT

The goal of this project is to create a special crimes division that will include a chief level felony prosecutor within the Fort Bend County District Attorney's Office (FBCDAO). The prosecutor will be responsible for prosecuting violent gang-related felony offenses, capital murder, and cold case investigations. These cases traditionally take an outsized amount of time to effectively investigate and prosecute. There is not currently a special crimes division, so these types of cases are randomly assigned to the general felony division. The average caseload for each general felony prosecutor easily exceeds 250 cases. This volume negates the ability of general felony prosecutor to thoroughly investigate and prosecute these cases. Additionally, it is imperative to have an experienced prosecutor involved in the initial stages of the investigation to assist law enforcement in investigative decisions, and preparing and reviewing warrants.

In today's society, the amount of digital evidence typically created during these offenses is overwhelming. It is important to have this time sensitive evidence procured by legal process, for which a prosecutor is a valuable investigative asset. This digital evidence includes, but is not limited to, cell phones, cell site location information, smart watches, computers, mobile devices, and automotive GPS devices. The information from these devices can be extremely valuable in an investigation but can also be very complicated and time consuming to obtain. This evidence is typically held by third parties and is only preserved for a limited amount of time. It takes special training to know what data exists, where to get it, and what legal process is necessary to obtain it.

With the creation of the Special Crimes Division, the FBCDAO will assign an experienced prosecutor and provide training for the prosecutor that is necessary to gather this evidence. Because of the reduced caseload, the assigned prosecutor will be available to support the law enforcement agencies from the initial stages of the investigation throughout the prosecution of the case. Additionally, the prosecutor will coordinate cooperation between the investigating agency and the Certified Forensic Computer Examiner currently employed within the FBCDAO.

Fort Bend County has five Qualified Opportunity Zones (QOZs). The zones will benefit from additional investigative resources and personnel in the early stages of the investigations. FBCDAO intends to create community connections to build trust with citizens who reside in these QOZs.

The Fort Bend County District Attorney's Office is requesting \$340,000.00 for this project.

PROGRAM NARRATIVE

STATEMENT OF THE PROBLEM

In Fort Bend County, the average amount of time an active murder cases has been pending is approximately 735 days. Because no special crimes division exists, murder cases are randomly assigned to the general felony division. These prosecutors also handle a wide swath of other types of felony offenses. The average caseload for each prosecutor easily exceeds 250 cases. Due to this caseload, the cases do not always get the attention necessary to be resolved in a timely fashion. According to the U.S. Census Bureau, Fort Bend County is one of the fastest growing counties in Texas and the nation. The University Of Houston Hobby School Of Public Affairs predicts that Fort Bend County will exceed a population of 1,000,000 by the year 2022. This whirlwind growth has placed a great burden on all services as criminal activity increased in proportion to the growth. The annual increase of cases indicted over the last four years (09/01/2015-08/31/2019) has increase by an average of 2.33% per year. This workload does not allow for the time consuming, hands-on investigation involved in the prosecution of these types of cases. Any delay in the resolution of these cases causes undue stress and anguish to the family members of the victims of these violent offenses. A quicker disposition may also prevent an offender from committing additional offenses. Violent offenders recidivated at a higher rate than non-violent offenders. Over 60 percent (63.8%) of violent offenders recidivated by being rearrested for a new crime or for a violation of supervision conditions. Hunt, Kim. "Recidivism Among Federal Violent Offenders." *Ussc.gov*, Jan. 2019, www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2019/20190124_Recidivism_Violence.pdf.

Additionally, these types of cases traditionally take a large amount of time, resources and effort to investigate and prosecute. The cases require a great deal of experience and expertise. The chances of a timely and successful prosecution go up when these cases are assigned to an experienced and well-trained prosecutor.

Many of the violent crimes that occur in Fort Bend County are especially difficult to prosecute due to a reluctance of witnesses to cooperate with law enforcement. This is especially true in our Qualified Opportunity Zones (QOZs). Whether due to a distrust of law enforcement or a fear of retaliation by the criminal element the frustration is the same. Without witness cooperation a case is very difficult to solve and then prosecute. It takes a hands on consistent approach to garner the trust and cooperation of many witnesses.

Currently, with the prolific use of technology by society, investigators have potential evidence in each investigation to use that can often replace the testimony of a reluctant witness. This technology includes, but is not limited to, cell phones, cell site location information, smart watches, computers, mobile devices, and automotive GPS devices. The information from these devices can be extremely valuable in an investigation but can also be very complicated and time consuming to obtain. This evidence is typically held by third parties and is only preserved for a limited amount of time. It takes special training to know what info exist, where to get it, and what legal process is necessary to obtain the information. By drafting search warrants for cellular

telephones, geolocation data, and social media accounts, we can obtain crucial evidence in the form of communications, photographs, and location data, and remove the necessity of witness cooperation from the equation. Conducting large-scale, long-term, technology-forward investigations takes considerable time and investment. Identifying relevant social media accounts takes time (sometimes weeks, depending upon the available information) and training. Cellular telephone forensic reports and returns from social media accounts are typically comprised of thousands of pages. The prosecutor assigned will coordinate with the Certified Forensic Computer Examiner to process this evidence and prepare it for presentation to a jury.

PROJECT DESIGN AND IMPLEMENTATION

The project will include a Felony Chief position over the Special Crimes Division. The prosecutor will be responsible for the handling of capital murder, murder, exceptionally violent aggravated assaults, gang related offenses in addition to Cold Case investigations. The goal is to have an experienced and trained prosecutor available to handle the case from beginning to end. This experience will allow for a more efficient prosecution of violent offender and hold them accountable for their crimes in a timely fashion.

Once hired, the prosecutor will begin to identify the appropriate pending cases to be handled by the Special Crimes Division. The cases will be reviewed and the prosecutor will make investigative and prosecutorial decisions regarding the steps that need to be taken to improve the quality of the case. The prosecutor will also request appropriate settings from the Court in an attempt to bring the case to resolution.

In regard to new cases, each agency in the jurisdiction will be provided with contact information and will be encouraged to contact the Special Crimes Prosecutor when a qualifying offense investigation begins. The prosecutor will be assigned to assist with the investigation from the onset. The prosecutor will make the scene of the offense as soon as practical, assist with the investigative decisions, provide support in the preparation of search and arrest warrants and be responsible for working with the agency in preparation for the presentation of the case to the grand jury. This cooperation with the Special Crimes Division will allow for consistent collaborations with local law enforcement agencies that will benefit of the communities they serve. Lastly, the prosecutor will be responsible for the prosecution of the case through jury trial.

In addition to being available for new cases the Special Crimes Prosecutor will also reach out to all local agencies to submit their cold cases for additional review. The 11 law enforcement agencies within Fort Bend County average approximately 12 unsolved homicide cases pending.

CAPABILITIES AND COMPETENCIES

The Fort Bend County District Attorney's Office will assign a Chief of the Special Crimes Division. This prosecutor is board certified in Criminal Law, has attended the National Computers Forensic Institute (NCFI) Digital Evidence for Prosecutors seminar and has over 25 years of prosecutorial experience. This prosecutor will work with a Certified Forensic Computer Examiner to examine the evidence obtained during the investigations. The examiner will assist with cell tower record analysis, FinCEN report analysis, dark web investigations, mobile device examinations, computer forensics imaging and analysis, and password cracking to download digital evidence from cell phones.

PLAN FOR COLLECTING DATA REQUIRED FOR THE SOLICITATIONS PERFORMANCE MEASURES

The division's measure will be collected as the cases proceed through the judicial system. The length of time between arrest and indictment, the time between indictment and dispositions will all be collected. The prosecutor assigned will be responsible for compiling the data to demonstrate the performance of the project.

BUDGET

The salary for the position of Chief of the Special Crimes Division will be

	Min \$53.08	Med \$62.46	Max \$75.22
Gross Salary	221,662.00	260,833.00	314,119.00
Payroll Taxes	16,957.00	19,954.00	24,030.00
Retirement	27,331.00	32,161.00	38,731.00
W/C - Unemployment	8,423.00	9,912.00	11,937.00
Group Insurance	21,000.00	21,000.00	21,000.00
TOTAL	295,373.00	343,860.00	409,817.00

PLAN FOR SUSTAINABILITY

Upon the expiration of the project funding the Fort Bend County District Attorney's Office will request that the Fort Bend County Commissioners Court sustain the project with County funds. Historically, the Fort Bend County Commissioner Court has provided the funding necessary to sustain projects created by grant funding.