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INNOVATION



Photos by Alan Lessig / The Detroit News

Members of the Wayne County Prosecutor's Office Homicide Unit are: Craig Yaldao, seated on desk; Lisa Raymond, seated; and standing, from left, Kevin Simowski, Ken May, Sabrina Johnson, Paul Sinutko and Michael Lehto.

Homicide squad restores credibility and efficiency

By Jim Dyer
The Detroit News

They're confident, almost edgy.

And if you took a quick snapshot of them, you'd see a modern-day version of The Untouchables — Elliot Ness' band of G-Men, who — despite enormous odds — convicted Chicago gangster Al Capone during the 1930s on tax evasion charges.

There's no question that the five members of the newly created Homicide Unit at the Wayne County Prosecutor's Office feel the pressure.

In the wake of years of bungled homicide cases — reflected in low conviction rates and high dismissal rates — the unit is poised to “restore credibility and integrity to the Wayne County justice system,” said Craig Yaldao, a Wayne County assistant prosecutor and unit member.

With the loss of several seasoned homicide investigators at the Detroit Police Department, many homicide cases were falling apart, Yaldao said. Police and prosecutors did not properly interview witnesses, gather

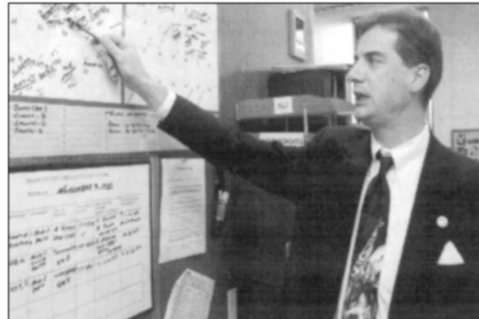
evidence or file charges. Cases were not adequately screened at the warrant stage.

There was little communication between police, prosecutors and witnesses, which, to the joy of defense attorneys, created gaping holes in cases, he said.

“There used to be this complacency in the past that the case will get better by trial,” said Kevin Simowski, a 15-year veteran prosecutor who heads the unit. “Our attitude is, ‘No, we want the case better NOW.’ That puts pressure on the suspects and their defense attorneys and keeps us from scrambling to piece everything together just before the trial.”

The concept is simple: Centralize homicide investigations and get as much of the investigation done as early as possible. The results have been so good that many trial prosecutors look enviously at the unit and ask why other serious felony cases don't receive the same kind of attention.

“In an ideal world, you'd get that type of work across the board,” said Tom Khalil, head of the trial division at the Wayne



“There used to be this complacency in the past that the case will get better by trial,” said Kevin Simowski, a veteran prosecutor who heads the new unit.

County Prosecutor's Office. “We simply do not have the manpower for it.”

In the past, a variety of prosecutors reviewed the groundwork for homicide cases. Now, every homicide in Wayne County — from first-degree murder to vehicular homicide — is funneled through the unit.

Before the warrant is even brought over, a unit prosecutor starts a file, reviewing evidence and witness statements. Then,

he or she orchestrates the follow-up investigations, making sure police, evidence technicians and medical experts have been interviewed and that the physical evidence is secure for trial.

“We want to get all of the work done up front, so we don't have to get it done six months down the road when memories are stale,” Simowski said. “The most important time period is the 14 days between the warrant and the preliminary exam-

ination.”

After charges are filed, one of the unit prosecutors typically conducts the preliminary examination, making sure that all testimony is preserved on the record, in case witnesses cannot be located later during the trial. Simowski said that ideally his unit would handle every preliminary examination, but it's not always possible when case loads are high.

One week before those exams, the unit gives discovery packets to defense attorneys, decreasing the possibility of an adjourned court hearing.

“A few years ago, 60 to 65 percent of the preliminary examinations were not going on schedule,” Simowski said. “Witnesses didn't want to come back and the charges would be dismissed.”

Now, that number stands at about 15 percent, he said.

After a case is bound over for trial, the case file is given to one of the county's 50 trial lawyers, who receive an update on any new, pertinent information. Then, weeks before the trial, witnesses are contacted again to ensure they are notified of the court date and have transporta-

tion to court.

“It sounds like an easy idea, but it wasn't getting done,” Simowski said. “We are essentially centralizing the efforts and making each case consistent.”

Now, prosecutors are better prepared early in the process, which is reflected in the significant decrease in homicide dismissals.

But with only three permanent members — Simowski, Yaldao and police investigator Ken May — and two prosecutors rotating in and out each month, there are questions about the unit's energy level and long-term success.

“Sometimes it's tough,” said Simowski. “We're on call 24 hours a day.”

Simowski has applied for outside grants and asked Wayne County to support five permanent members — a request which has been tentatively approved to begin by year's end.

Richard Padzieski, chief of operations at Wayne County Prosecutor's Office, said he would like to see the unit have five prosecutors.

“There's no question that they need more staff,” he said.