House Passes FY13 CJS Funding Bill:

Recently, the House passed its version of the FY13 Commerce, Justice, Science and Related Agencies (CJS) appropriations bill, H.R. 5326, by a vote of 247-163.

A number of amendments were offered during floor debate, including one to increase funding in the bill for the Byrne JAG program by $22.4 million. This would bring total funding for Byrne JAG to $392 million, the same level as in the Senate committee-passed version of the bill. The amendment, offered by Rep. Jon Runyan (R-NJ), passed by an overwhelming margin of 325-81, offset by funds in DOJ’s General Administrative Expenses account.

Overall, the underlying House bill increases funding for certain programs over the FY12 level, including the Second Chance, RSAT, drug court, and NICS programs. It reduces or eliminates funding for SCAAP, COPS Hiring, several OJDP programs and the Paul Coverdell forensic sciences grant program. Despite these reductions, the grant programs fare far better under the House bill than many observers predicted given that the House’s budget resolution set caps on discretionary spending well below the level agreed to in last year's Budget Control Act.

House appropriators had $731 million less than Senate appropriators when crafting its CJS bill. Because the House broke from the agreement struck last summer with the Senate and the White House, the Administration has threatened to veto the CJS bill and any other appropriations bill which falls below the spending ceiling set in that comprehensive agreement. In its Statement of Administration Policy on the CJS bill, the Administration cited its opposition to the low funding of the COPS Hiring program. The Administration also encouraged Congress “to fund the Byrne Justice Assistance Grant program at the requested level of $430 million, which will provide much-needed assistance to help State and local law enforcement address crime.”

Source: NCJA

Drug Treatment Could Help Lower U.S. Crime Rates, Data Suggests: U.S. crime statistics show illegal drugs play a central role in criminal acts, providing new evidence that tackling drugs as a public health issue could offer a powerful tool for lowering national crime rates, officials said on Thursday.

An annual drug monitoring report, released by the White House Office of National Drug Control Policy, also showed a decline in the use of cocaine since 2003, a sign that drug-interdiction efforts and public education campaigns may be curtailing the use of the drug's powder and crack forms.

The rate of overall illegal drug use in the United States has declined by roughly 30 percent since 1979.

But Thursday's report, based on thousands of arrestee interviews and drug tests, showed that on average 71 percent of men arrested in 10 U.S. metropolitan areas last year tested positive for at least one of 10 illegal drugs including marijuana, heroin and methamphetamine.

Charlotte, North Carolina, had the highest proportion of drug-related violent crime offenses at 29 percent, while New York City had the highest for drug-related property crimes at 32 percent.

Source: Huffington Post

Free Grant Writing Seminars: OCJS is hosting free Grant Writing seminars in 2012. OCJS’s grant trainings provide an overview of identifying grant sources, analyzing program objectives, creating a budget, seeking letters of support, and writing proposals. Federal and state grants available to criminal justice professionals are discussed. Attendees also receive the OCJS publication, Grant Writing: Identifying and Applying for Funding in a Competitive Market. Grant writing 101 trainings take place on the following dates: June 7, September 13 and November 8.

All trainings are held from 9 a.m. to 3:30 p.m. in the Ohio Department of Public Safety’s Motorcycle Classroom, located at 1970 W. Broad St., Columbus, on the first floor. To download and print a training registration form, visit: http://publicsafety.ohio.gov/links/ocjs_TrainingForm.pdf

Register here: is http://www.surveymonkey.com/s/OCJSregister

CONTINUED ON NEXT PAGE
Annual Human Trafficking Conference - Unlocking the Chains: The Central Ohio Rescue and Restore Coalition is happy to announce that registration is now available for the Annual Anti-Human Trafficking Conference: Unlocking the Chains. This year’s theme is “Reduce Demand. Stand Together. Create Change”.

Where: The Ohio Department of Transportation Hilltop Complex and Conference Center located at 1980 W. Broad St., Columbus

Who should attend: Concerned citizens, social service providers, health professionals, first responders, faith communities, and all other professions relevant to work with human trafficking survivors.

Conference objectives: Participants will learn how to mobilize their communities and work in partnership to combat human trafficking. Participants will also build skills to identify trafficked persons and help them restore their lives.

The agenda and registration packet are included in the attached document. Directions are included on registration and payment within the document.

You may fill out the attachment and mail it in with your payment, or you can also register online at http://utc2012.eventbrite.com

Feel free to e-mail Rachel Adkins (Rachel.adkins@use.salvationarmy.org) with any questions.

Bath Salts, Street Drugs and Other Things Prosecutors Need to Know: Columbus City Attorney Richard C. Pfeiffer, Jr. invites you to an in-house seminar about bath salts and other street drugs, presented by Operation Street Smart, [Lt. Shawn Bain, Sgt. Michael Powell (Ret.), Lt. Steven Tucker of the Franklin County Sheriff’s Office, Special Investigations Unit].

Learn about current drug trends, terminology and paraphernalia.

When: Friday, June 15 from 1 pm – 5 pm
Where: 373 S. High St., 1st floor auditorium
Cost: Free

Who Should Attend: Prosecutors, advocates, judges, probation officers who want to learn more about the street drugs that appear in our cases.

Note: This course has been approved by the Supreme Court of Ohio Commission on Continuing Legal Education for 3.50 total CLE hours instruction.

Please give the following information:
1.) Name
2.) Job title
3.) Agency, name and address
4.) Will you be requesting CLEs?

To register, contact Annie Murray at amurray@columbus.gov or call 614.645.0314.

Domestic Violence Refresher Class: This class will cover domestic violence laws, legal requirements, updates, preferred arrest policies, officer safety issues and protection orders and legal updates.

When: May 30 and June 13 from 3 - 4:30 p.m.
For more information and to register, click here.

Grant Funding

2012 OCJS JAG and VAWA Request for Proposal: FY 2012 JAG and VAWA RFPs are now available. Please visit www.ocjegrants.com to submit a grant application.

2012 OJP Program Plan: The Office of Justice Programs (OJP) has launched a new, searchable online document of current funding opportunities and new initiatives, the OJP Program Plan. It features the latest and most complete information regarding both competitive and noncompetitive grants, training and technical assistance, research, and other resources available to the justice community.

The Program Plan is divided into nine thematically organized sections:
- Initiatives to Address a Wide Range of Criminal and Juvenile Justice Issues
- Breaking the Cycles of Mental Illness, Substance Abuse, and Crime
- Preventing and Intervening in Juvenile Offending and Victimization
- Managing Offenders To Reduce Recidivism and Promote Successful Reentry
- Effective Interventions To Address Violence, Victimization, and Victims’ Rights
- Enhancing Law Enforcement Initiatives
- Supporting Innovation in Adjudication
- Advancing Technology To Prevent and Solve Crime
- Innovations in Justice Information Sharing

Also available, instructions on how to apply for Continuation and Formula Grants and assistance, a Glossary of acronyms and definitions, answers to Frequently Asked Questions, and an alphabetical index of the programs found in the plan.

Click here to get started.


Deadline: June 18, 2012, 11:59 p.m. ET.

Overview: This FY 2012 grant announcement focuses on national programs strategically targeted to address community and law enforcement needs.

Specifically, this grant announcement addresses meeting community needs and developing community partnerships to assist law enforcement in locating and working with missing persons with Alzheimer’s disease and related dementias.

Eligible Participants: Eligible applicants are limited to national, regional, state, or local public and private entities, including for-profit (commercial) and nonprofit organizations (including tribal nonprofit or for-profit organizations), faith-based and community organizations, institutions of higher education (including tribal institutions of higher education), and units of local government that support national initiatives to improve the functioning of the criminal justice system (including federally recognized Indian tribal governments as determined by the Secretary of the Interior). For-profit organizations must agree to forgo any profit or management fee.

Award Information: BJA expects to make up to one award under each Project Area, for a total of up to $893,842. Up to $300,000 is available for 4.5 CLE credit hours pending, no fee, OPOTA Certificates and light refreshments.

When: Wednesday, June 27, registration at 8:30 a.m., training starts 9 a.m. - 3 p.m.
Where: Owens Community College, 30335 Orgeon Rd., Perrysburg, OH

Registration is mandatory. Visit www.ohioattorneygeneral.gov/ OPOTAREgistration

This training is presented by Marianne Hembler, Associate Attorney General and Ron Davitt, Law Enforcement Training Officer.

Ethics for Lawyers (Webinar): The Muskie School of Public Service is pleased to announce a webinar which addresses Representing DV Survivors Experiencing Trauma and Other Mental Health Challenges. Representation of clients who struggle with trauma and stress may best be served using different interviewing techniques and novel trial strategies. The training will feature a handbook written for lawyers about the trauma and emotional stress caused by domestic violence.

This training is designed for: attorneys in your community - prosecutors, defense bar, judges, civil attorneys, and advocates working in the criminal justice system.

When: May 30 and June 13 from 3 - 4:30 p.m.
For more information and to register, click here.
GRANT FUNDING CONT.

Project Area #1, and up to $593,842 is available for Project Area #2.

Contact: BJA Justice Information Center at (877) 927–5657, JIC@telesishq.com, or by live web chat. The BJA Justice Information Center hours of operation are 8:30 a.m. to 5:00 p.m. eastern time, Monday through Friday, and 8:30 a.m. to 8:00 p.m. eastern time on the solicitation close date.


Deadline: June 25, 2012, 11:59 p.m. ET.

Overview: The purpose of this solicitation is to identify and select a TTA provider who will provide assistance to those cities that are participating in the National Forum on Youth Violence Prevention in achieving their goals and assist the sites specifically in the implementation and updating of their comprehensive youth violence prevention plans. The provider will also assist the Forum Steering Committee and the Forum Coordination Team in furthering the goals of the Forum.

Eligible Participants: Eligible applicants are limited to states (including territories), units of local government, federally recognized tribal governments, as determined by the Secretary of the Interior, nonprofit and for-profit organizations (including tribal nonprofit and for-profit organizations), and institutions of higher education (including tribal institutions of higher education). For-profit organizations must agree to forgo any profit or management fee.

Award Information: One award of as much as $900,000 with a program and budget period of 24 months.

Contact: BJA Justice Information Center at (877) 927–5657, JIC@telesishq.com, or by live web chat. The BJA Justice Information Center hours of operation are 8:30 a.m. to 5:00 p.m. eastern time, Monday through Friday, and 8:30 a.m. to 8:00 p.m. eastern time on the solicitation close date.


Deadline: June 28, 2012, 11:59 p.m. ET.

Overview: OJJDP’s Community-Based Violence Prevention (CBVP) Field-Initiated Research and Evaluation (FIRE) Program supports methodologically rigorous research and evaluation studies that inform policy and practice consistent with the Department of Justice’s mission. OJJDP will fund field-initiated studies to inform what is understood about how communities can prevent and reduce violence involving youth.

Eligible Participants: Eligible applicants are limited to states (including territories), units of local government, federally recognized tribal governments, as determined by the Secretary of the Interior, nonprofit and for-profit organizations (including tribal nonprofit and for-profit organizations), and institutions of higher education (including tribal institutions of higher education).

Award Information: OJJDP expects to award multiple grants under this solicitation that will range from $100,000 to $500,000 for a project period of as long as 36 months.

Contact: BJA Justice Information Center at (877) 927–5657, JIC@telesishq.com, or by live web chat. The BJA Justice Information Center hours of operation are 8:30 a.m. to 5:00 p.m. eastern time, Monday through Friday, and 8:30 a.m. to 8:00 p.m. eastern time on the solicitation close date.

DRUG RECOGNITION EXPERT (DRE) PROGRAM

Background on the Program
The International Association of Chiefs of Police (IACP) approved Ohio as a Drug Evaluation and Classification (DEC) state in the fall of 2011. The DEC Program began in the early 1970s and has grown to encompass 48 states (including the District of Columbia), three branches of the military, the Internal Revenue Service, and several countries around the world. The phases of the DEC training requirements for certification are established by IACP and the National Highway Traffic Safety Administration (NHTSA).

About the Program
The DRE program is funded by a federal traffic-safety grant that is provided by the Office of Criminal Justices Services and administered by the Ohio State Highway Patrol. The program focuses on the detection, apprehension and adjudication of drug-impaired drivers. A Drug Recognition Expert (DRE) is a police officer who is highly trained to recognize impairment in drivers under the influence of drugs or a combination of drugs and alcohol. A DRE undergoes specialized training in detecting and identifying the category or categories of drugs causing the impairment. The process is based on a complete set of observable signs and symptoms that are known to be reliable indicators of drug impairment.

Law enforcement officers who are interested in becoming a DRE have to meet various requirements as well as submit other materials to our office for consideration.

Training
An officer must have 5 years of service as a sworn police officer, successfully completed an approved course in the Standardized Field Sobriety Testing (SFST) and active in the apprehension of impaired drivers before beginning the three-phase DRE training. The first phase includes a 16-hour DRE pre-school, which includes an overview of the DRE evaluation procedures, the seven drug categories, eye examinations and proficiency in conducting the SFSTs.

The second phase consists of a 56-hour DRE school, which includes an overview of the drug evaluation procedures, expanded sessions on each drug category, drug combinations, examination of vital signs, case preparation and courtroom testimony. At the conclusion of the seven-day training, the officer must successfully complete a written examination before moving to the third and final phase of training. During the final phase, the candidate must complete a minimum of 12 drug evaluations under the supervision of an instructor during which the officer must identify an individual under the influence of at least three of the seven drug categories and obtain a minimum 75 percent toxicological corroboration rate. The officer must then pass a final knowledge examination and be approved by two DRE instructors before being certified as a certified DRE.

The third phase consists of a field-evaluation process that lasts between 40-60 hours. This phase will occur at the Maricopa County Jail in Arizona, which processes an average of 900 inmates per day and will provide officers the opportunity to conduct hands-on drug evaluations for all seven drug categories, which is a requirement of the course.

Ohio Information
Including the three instructors, Ohio currently has 45 DREs from 22 agencies (24 counties) in Ohio. Agencies with DREs in Central Ohio include: Delaware County Sheriff’s Office; Columbus Police Department; Dublin Police Department; Franklin County Sheriff’s Office; Ohio State University Police Department; Westerville Police Department; and the Ohio State Highway Patrol.

For additional information regarding this program, contact Sergeant Wes Stought of the Ohio State Highway Patrol Academy. Sgt. Stought is the DRE state coordinator and can be reached at 614-466-4896.

Additional resources
This link may be very helpful to you while doing your research: http://www.decp.org/
RESEARCH, EVALUATION & STATISTICS

Children’s Law Center, Inc. Releases Report on Ohio youth in the Adult Criminal Justice System:
Over the past 20 years, Ohio laws have changed to make it increasingly easier for youth to come into contact with the adult criminal justice system. As a result, over 300 youth are processed in adult court or placed in adult jails and prisons each year in Ohio.

Falling Through the Cracks: A New Look at Ohio Youth in the Adult Criminal Justice System examines national research on the harmful effects of these policies as well as the national trend toward reducing the number of youth in adult court by states across the country – including Ohio – and the U.S. Supreme Court. The report also includes extensive Ohio-specific information, including original data on outcomes for youth who are bound over to adult court and recommendations on how to change Ohio law and practice on youth in adult court.

OJJDP publishes second issue of Journal of Juvenile Justice: The Journal of Juvenile Justice is a semi-annual, peer-reviewed journal sponsored by the Office of Juvenile Justice and Delinquency Prevention (OJJDP). Articles published in the Journal address the full range of issues in juvenile justice, such as juvenile victimization, delinquency prevention, intervention, and treatment.

The current issue features articles that address truancy intervention, polygraph testing for juveniles, homeless youth and arrest history, education in juvenile detention facilities, and juvenile reentry. The Journal can be accessed online at http://www.journalofjuvenilejustice.org/

LEGAL CORNER


Facts: For approximately 40 years Cincinnati, Ohio has served as the home base for a nationwide outlaw motorcycle gang known as the Iron Horsemen. The gang has been known to deal in drugs, weapons, and prostitution. In the 1980s, the Iron Horsemen frequently threatened members of the Cincinnati Police Department, and tensions between the gang and police ran high. Since that time, the Cincinnati police have continued to monitor the activities of the Iron Horsemen, even though the confrontations between the two have lessened.

During the past few years, the Detroit Highwaymen, a rival motorcycle gang, has tried to establish a base in Cincinnati. Conflict between the two gangs has escalated. Both gangs have held “takeovers” of bars, in which members of one gang would “...enter, close the door [of the bar], detain everybody, and determine whether anyone was a rival gang member. They would then threaten and beat rival gang members who were there.”

On September 18, 2010, a Cincinnati Police Department officer was on his way to work when he spotted both motorcycles and members of the Iron Horsemen gang outside a bar known as JD’s Honky Tonk. Believing a takeover was in progress, the officer called for assistance. Approximately 14 officers, including two in uniform responded, and a gunfire ensued. In the end, two Cincinnati officers were wounded, and the national enforcer of the Iron Horsemen was killed.

Thereafter, the then Cincinnati Police Chief received confidential information that the Iron Horsemen planned to target police, especially those involved in the JD’s Honky Tonk incident, and that the threats of retaliation for killing the national enforcer would last indefinitely. Both of the wounded officers were concerned that if members of the Iron Horsemen discovered their identities, the threats of retaliation would be directed toward them or even their family members.

Following the gunfight, reporters for the Cincinnati Enquirer made a public records request to the Cincinnati Police Department for records related to the shootout at JD’s Honky Tonk. Included in the list of items sought was a request for the names of the two wounded officers, their personnel files, and an unredacted copy of the incident report about the September 18, 2010 event. The chief of police denied the request for names and identifying information about the officers. The chief stated, “We are not releasing the names of any of the officers involved in this incident due to the sensitive nature of their assignments and the sensitive nature of the investigation… [W]e are taking all necessary precautions to help protect the lives of any and all police officers; and their families, in the entire region.”

Legal Proceedings:

On December 22, 2010, the Enquirer filed a complaint in the Court of Appeals for Hamilton County, asking that the court issue a writ of mandamus to compel the police chief to make the requested records available. The Enquirer also requested attorney fees, as permitted under the Ohio Public Records Act. The Court of Appeals denied the writ and the attorney fees on September 9, 2011. The Enquirer filed an appeal as of right to the Ohio Supreme Court.

The Ohio Supreme Court affirmed the decision of the Court of Appeals in an opinion issued May 10, 2012. The Court held that the records requested by the newspaper were exempt from disclosure, and that the Court of Appeals had correctly decided the matter.

In its decision, the Court first recognized that the officers’ identifying information was exempt from disclosure under the constitutional right to privacy. Ohio Revised Code section 149.43 (A)(1)(v) excepts from disclosure those records where disclosure is prohibited by state or federal law. The Court noted that “Constitutional privacy rights” fall within the state or federal laws described in the Ohio Public Records Act. The Court went on to say that “[o]fficers have a fundamental constitutional interest in preventing the release of private information when disclosure would create a substantial risk of serious bodily harm, and possibly even death, “from a perceived likely threat, so that any such disclosure should be measured under strict scrutiny.” See Kallstrom v. Columbus, 136 F. 3d 1055, 1064 (6th Cir. 1998).

The Court then disavowed the Enquirer’s argument that it was entitled to the requested names of the officers under the “journalist exception” to the Public Records Act. The Court held that “…any rights that the Enquirer has under Revised Code section 149.43 (B)(9) cannot prevail over the officers’ constitutional right of privacy.”

Finally, the Ohio Supreme Court affirmed the Court of Appeals decision denying the request for attorney fees. Since the public records claim lacked merit, the Enquirer was not entitled to an award of attorney fees.

OCJS CONTACT

OLIVER CORBIN, EDITOR, CRIMINAL JUSTICE WEEKLY: ODCORBIN@dps.state.oh.us; 614/728.8732

http://www.ocjs.org/