



Criminal Justice Bulletin

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NEWS/ANNOUNCEMENTS

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House Passes Reauthorization of the Adam Walsh Act: The House has approved by voice vote a bill to reauthorize the Adam Walsh Act (AWA) and the Sex Offender Registration and Notification Act (SORNA). The bill, H.R. 3796, sponsored by Rep. James Sensenbrenner (R-WI), would extend authorization for an additional five years and make minor modifications to registration requirements under SORNA and to the grant programs authorized by the Act. Specifically, the bill modifies the juvenile registration requirement under SORNA by reducing from 25 to 15 years the time before which an adjudicated juvenile may petition the court to be removed from the registry. By an amendment adopted in mark-up by the House Judiciary Committee, the bill also codifies a provision in the SORNA Supplemental Guidelines which allows registration jurisdictions the option of placing adjudicated juveniles on law enforcement-only registries, rather than registries accessible by the public.

The committee also adopted an amendment to codify how the penalty for non-compliance is calculated and administered. Under current law, any state or territory found not to be in substantial compliance with SORNA must have 10 percent of its Byrne Justice Assistance Grant (Byrne JAG) withheld. The SMART Office withholds the penalty from the amount of the Byrne JAG formula award which may remain at the state level (after the variable pass-through percentage is calculated). This bill would codify that administrative practice in law.

Source: NCJA

Sikh Shooting Puts Focus on Hate Groups at Home: The slaying of six people at a Sikh temple by a gunman with ties to white

supremacists has raised questions about the scope of domestic terrorism and what law enforcement is doing to stop it. Federal law enforcement agencies cracked down hard on homegrown extremists after the 1995 Oklahoma City bombing, which killed 168 people, including 19 children at a day care center. Many leaders went to prison, died or went bankrupt. But in recent years, the spread of the Internet, the worsening economy and changing demographic patterns have been giving new voice to hate groups. White supremacists are generally motivated by a desire to separate themselves from people of other races and deep fears that they are losing ground. No one keeps track of exactly how many there are. But the Southern Poverty Law Center, which studies hate movements, estimated there were at least 133 racist skinhead clusters inside the United States last year.

The Anti-Defamation League, which also closely follows extremists, reports that Wisconsin shooter Wade Michael Page had been a member of the Hammerskin Nation, the most violent and well-organized of the white supremacist groups. Prospective members undergo a probationary period, pay dues to the organization and pledge their loyalty. It's such a serious promise, according to Mark Potok of the SPLC, that Hammerskin members have been known to hunt down defectors and cut the white power tattoos from their bodies.

There's no clear definition of domestic terrorism, but a May 2012 report by the Congressional Research Service suggests that law enforcement uses the term to describe extremists in the U.S. who are motivated by ideology but without strong ties to an overseas group. The U.S. government doesn't formally designate domestic extremist groups, unlike foreign terrorist organizations such as al-Qaida. But there's plenty of evidence that

American-grown haters can get access to lethal materials and deploy them inside U.S. borders. Late last year, Kevin Harpham was sentenced to spend 32 years in prison for his role in planting a sophisticated backpack bomb along a Martin Luther King Jr. Day parade route in Spokane, Wash. The bomb, studded with nails designed to blow in every direction, was discovered shortly before the start of the festivities. The FBI said Harpham had contact with neo-Nazi organizations. And in February of this year, Jeffrey Harbin of Arizona was sentenced to prison after he pleaded guilty to transporting improvised explosive devices including homemade grenades and pipe bombs he allegedly made using model rocket engines along the southwest border with Mexico. Researchers say Harbin was a member of the neo-Nazi National Socialist Movement. Analysts like Potok and agents at the FBI and the Bureau of Alcohol, Tobacco, Firearms and Explosives increasingly are sounding the alarm about sovereign citizen groups, too. They're called that because they refuse to recognize the authority of the government, by failing to pay taxes or register for driver's licenses.

But in the most extreme cases, sovereign citizens have lashed out at, and even killed, law enforcement officers who have pulled them over at traffic stops or for minor violations of the law. Two police officers in West Memphis, Ark., died that way in May 2010. If nothing else, the Wisconsin shooting has reignited a conversation about whether police, Congress and reporters should pay as much attention to domestic threats as the ones coming from Afghanistan, Yemen and elsewhere in the years after the Sept. 11, 2001, attacks.

Source: [The Crime Report](#)

TRAINING/TECHNICAL ASSISTANCE

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 re-

ceive the OCJS publication, *Grant Writing: Identifying and Applying for Funding in a Competitive Market*. Grant writing 101 trainings take place on the following dates: **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 Mo-

torcycle 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>

TRAINING/TECHNICAL ASSISTANCE CON'T.

What is Human Trafficking? (Webinar)

School counselors, educators, nurses, principals, psychologists and child therapists are at the "front line" of Ohio's fight against human trafficking. They are invited to a free webinar on Thursday, Aug. 16, from 10-11 a.m. (E.S.T) to learn how to recognize "red flags" and get help with this serious problem. University of Dayton Professor of Political Science and Human Rights Anthony Talbott and Anti-Human Trafficking Education Specialist Rachel Adkins of the Central Ohio Rescue and Restore Center will clearly and concisely define human trafficking, explain risk factors and warning signs, share easy-to-access resources, and provide guidance on how to help students in this situation.

There is no cost, but registration is required. Click [here](#) to register and for information about webinars in September and October. Upon registration, participants will receive instructions for accessing the webinar.

National Conference on Prosecuting Stalking Cases St. Louis, Missouri - August 28-29, 2012

Stalking affects 6.6 million people in the United States each year and stalking victims recount the fear and distress they have experienced as a result of this crime in courtrooms throughout the country everyday. Far too often, these victims' reports are taken seriously only after the stalkers escalate their behaviors and cause significant property damage, physical harm, or death to their victims. Stalkers create and exploit vulnerabilities in their victims while relying on technology and their abil-

ity to manipulate the justice system in order to conceal their crimes and cast doubt on their victim's credibility. This conference will address the challenges stalking crimes present, the use of technology to commit and conceal the crime and innovative strategies for investigating and prosecuting stalkers and promoting victim safety.

AEquitas is partnering with the Stalking Resource Center and the Battered Women's Justice Project to host a national conference that will include topical and skill building sessions designed to enhance the ability of participants to prosecute intimate partner stalking cases.

Register now at <https://www.signup4.net/Public/ap.aspx?EID=NAT1421E>

NCJA Webinar on Veteran Reentry Program: Please join NCJA for the next webinar is our continuing series on evidence based programs, practices and trends in criminal justice - **Veteran Specific Reentry on September 6 from 3:00-4:00 pm eastern.**

Veterans Specific Reentry will look at both state and local efforts to help veterans re-enter society, prevent recidivism, address risk factors and connect to benefits earned through service. This webinar will focus on efforts taking place within the Indiana Department of Correction's Veterans Education and Transition Program and county level efforts taking place in Washington State. The presenters for this webinar are Sarah Neidlinger, veteran's specialist for the U.S. Department of Veterans Affairs,

Alexis Dean, reentry specialist with the Indiana Department of Corrections and David Green, project manager with the Washington State Department of Veterans Affairs.

Register [here](#).

SART Annual Conference on Sexual Assault 2012:

Date: September 14, 2012

Time: 8:30 am - 4:00 pm

Location: John Carroll University, 20700 North Park Boulevard, University Heights, OH 44118

This years conference will highlight the unique challenges faced when working with the pediatric population. A child's view of the world is often much different than adults. This conference will explain specifically that view and the mindset of child abuse victims.

CEUs pending for social workers and nurses, and CLEs pending for attorneys. Your \$40 registration fee includes lunch. Check-in begins at 8 a.m.

Register here online OR mail your form to *Cleveland Rape Crisis Center: SART Registration, 526 Superior Avenue, #1400, Cleveland, OH 44115* (checks payable to the Cleveland Rape Crisis Center).

https://www.clevelandrapecrisis.org/event_registrations/register/54

Please direct any questions to SART Administrator Teresa Matthews at (216) 698-3237 or cc_sart@yahoo.com

GRANT FUNDING

Enhancing Law Enforcement Response to Children Exposed to Violence: The Office of Juvenile Justice and Delinquency Prevention (OJJDP), Office of Justice Programs, will fund a qualified, eligible applicant to establish a training and technical assistance provider for law enforcement agencies regarding children's exposure to violence. This provider will develop and disseminate an array of tools and resources targeted toward law enforcement officers, their multidisciplinary team members, and their community partners who are often the first responders to incidents of children who have been exposed to violence.

This program is a part of the Department of Justice's Defending Childhood Initiative. OJJDP will administer this program in partnership with

the Office of Community Oriented Policing Services with support from the Bureau of Justice Assistance; Office for Victims of Crime; Executive Office for U.S. Attorneys; Office on Violence Against Women; and Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. For more information, see the notes from the May 2012 Defending Childhood Working Group meeting at www.ojjdp.gov/grants/solicitations/LE-CEV-Meeting-Summary.docx. This program is authorized under the Department of Justice Appropriations Act, 2012; Pub. L. No. 112-55; 125 Stat. 552, 615.

Eligible Participants

- State governments
- County governments
- City or township governments
- Public and State controlled institutions of higher education
- Native American tribal governments (Federally recognized)
- Native American tribal organizations (other than Federally recognized tribal governments)
- Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education
- Private institutions of higher education
- For profit organizations other than small businesses
- Small businesses

GRANT FUNDING CONT.

For assistance with any other requirements of this solicitation, contact the Justice Information Center (JIC) at 1-877-927-5657, via e-mail to JIC@telesishq.com, or by live Web chat. JIC 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.

To register, click [here](#).

Juvenile Justice Reform and Reinvestment Initiative:

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) will conduct a comprehensive process and outcome evaluation of the Juvenile Justice Reform and Reinvestment Initiative. This new initiative is made possible through the Partnership Fund for Program Integrity Innovation (the Partnership Fund that the Office of Management and Budget (OMB)) administers. The initiative will fund as many as three sites to develop and implement an integrated set of

research-based and cost-measurement tools to help them realign juvenile justice services and costs. The evaluator will track the implementation and outcome of activities and determine whether the initiative has had the intended effect. The evaluator will identify and adapt, as necessary, all measurement tools for the evaluation, including cost measurement tool(s) at the site level. This Program is authorized by Pub. L. 111-117, 123 Stat. 3034, 3171 and Pub. L. 112-74, 125 Stat. 786, 898.

Eligible Participants

- State governments
- County governments
- City or township governments
- Public and State controlled institutions of higher education
- Native American tribal governments (Federally recognized)
- Native American tribal organizations (other than

- Federally recognized tribal governments)
- Nonprofits having a 501(c)(3) status with the IRS, other than institutions of higher education
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To register, click [here](#).

LEGAL CORNER

State of Ohio v. Curtis J. Elliott

2012-Ohio-3350

July 11, 2012

Defendant Curtis Elliott appealed from a Mahoning County Area Court #5 decision that overruled his motion to suppress both physical evidence found in his motor vehicle and his statements. *Held:* The Seventh District Court of Appeals found that the trial court erred in overruling the motion to suppress, and reversed Elliott's convictions for OVI, possession of drug paraphernalia, and possession of marijuana. The appellate court then remanded the case to the trial court for further proceedings wherein the evidence was ordered to be suppressed. The Court of Appeals affirmed Elliott's conviction for a missing headlight violation.

Facts: On February 7, 2011, Curtis Elliott was driving on East Main Street in Canfield, Ohio. Sergeant Scott Bennett of the Canfield Police Department noticed that Elliott's vehicle had only one working headlight and a broken taillight. Sgt. Bennett stopped the vehicle for those equipment violations.

Sgt. Bennett approached the vehicle and saw that Elliott's pupils were extremely dilated and that Elliott seemed disoriented and lethargic. The sergeant asked Elliott to step out of his car; Elliott exited his vehicle, and Sgt. Bennett testified at the motion hearing that Elliott braced himself against the car in order to steady his balance. Sgt. Bennett did not notice any odor of an alcoholic beverage or any odor of marijuana about Elliott's person.

Once Elliott was out of his car, Sgt. Bennett asked for permission to search the vehicle. Elliott refused, but allowed Bennett to search his person. Nothing illegal was found. Sgt. Bennett then called for a canine unit, with the intention of searching Elliott's car. While Elliott and Bennett were waiting for the canine unit to arrive, Elliott complained of feeling ill and asked if he might kneel down.

At that time Sgt. Bennett was notified that the canine unit was not coming. Only then did Bennett decide to administer the standardized field sobriety tests ("SFSTs") to Elliott. According to the sergeant, Elliott

failed two of the three SFSTs offered, and did not complete the third. Sgt. Bennett placed Elliott under arrest for OVI. At the time the SFSTs were conducted, more than 30 minutes had passed from the time of the initial traffic stop.

Another Canfield officer, Officer Meshula, arrived to assist with an inventory of Elliott's car. During the search Officer Meshula found a partially smoked marijuana cigarette and a metal pipe containing marijuana residue beneath the driver's seat. He also discovered a lock box inside the driver's side door pocket; in the lock box was a small vial containing methamphetamine.

Once back at the police station, Elliott admitted that the cigarette and the pipe were his, however; he denied ownership of the methamphetamine. Although Elliott was in custody and was questioned, Sgt. Bennett related at the suppression hearing that he could not recall whether Elliott had executed a written waiver of his *Miranda* rights, and was unable to produce a signed waiver form.

Legal Proceedings: Elliott was charged with OVI, possession of marijuana, possession of drug paraphernalia, and having a missing headlight. After his motion to suppress was overruled, Elliott proceeded to a jury trial. He was found guilty and sentenced on all charges. Elliott filed his notice of appeal and raised only one assignment of error, claiming that "The trial court erred in overruling [his] motion to suppress." Although Elliott offered several arguments in support of that assignment of error, the Seventh District Court of Appeals found that one of those was dispositive of the entire matter, and did not address all or the arguments. Specifically, the appellate court focused on the following: "Officer Bennett lacked reasonable suspicion to prolong the length of the traffic stop beyond the time necessary to issue a citation for a broken headlight."

The Court of Appeals, citing *Bowling Green v. Godwin*, 110 Ohio St. 3d 58, 850 N.E. 2d 698, 2006-Ohio-3563, noted that "The Fourth Amendment to the United States Constitution and Section 14, Article 1 of the Ohio Constitution prohibit unreasonable searches

and seizures, including unreasonable automobile stops." The Court went on to state that when a police officer makes a traffic stop, the officer may detain the driver for a sufficient amount of time to issue the citation and perform routine procedures like running a computer check on the motorist's driver's license and registration. In order to extend the stop, the officer must have reasonable articulable suspicion of some other illegal activity beyond the original basis for the traffic stop. The officer may then detain the driver for as long as the new articulable reasonable suspicion exists. *See, e.g., State v. Myers*, 63 Ohio App. 3d 765, 771, 580 N.E. 2d 61 (2d Dist. 1990). The continued detention of a driver without reasonable articulable suspicion of some new illegal activity constitutes an illegal seizure of that motorist. *State v. Aguirre*, 4th Dist. No. 03CA5, 2003-Ohio-4909; *State v. Robinette*, 80 Ohio St. 3d 234, 685 N.E.2d 762 (1977).

In this case, the Court of Appeals recognized that Sgt. Bennett stopped Elliott at 7:07 p.m. At 7:13 p.m., the sergeant went back to his cruiser to run a computer check of Elliott's license. Shortly thereafter, a canine unit was requested; at 7:43 p.m. Sgt. Bennett was advised that the canine unit was not coming. The Court went on to state that "For 30 minutes, Sgt. Bennett did nothing but detain the [Elliott]. He did not issue the traffic citation and he did not investigate his suspicion of OVI by asking [Elliott] to complete the field sobriety tests." The Court went on to say that "... it seems that once Sgt. Bennett learned that he would not be able to search [the car] with a canine sniff, he decided to take a different approach."

That different approach was no more than a 'fishing expedition,' and as such "Sgt. Bennett acted unreasonably in failing to write the traffic citation and in failing to conduct the field sobriety tests while detaining [Elliott] for a half-hour..." The Court held that because the prolonged stop was unreasonable, the trial court should have sustained Elliott's motion to suppress all evidence obtained as a result of the stop, including Elliott's statements, the results of the SFSTs, and the physical evidence.

RESEARCH, EVALUATION & STATISTICS

BJS Releases Report Victimization Not Reported to the Police, 2006-2010:

This week, the Bureau of Justice Statistics released a report showing that more than half, or nearly 3.4 million violent crimes per year, went unreported to police from 2006 to 2010. The data come from BJS' National Crime Victimization Survey (NCVS), which examines characteristics of unreported victimizations, the reasons they did not report crimes, and trends in the types of crimes not reported to police.

The percent of violent and property crimes that went unreported to police declined from 1994 to 2010. From 2006 to 2010, the highest percentages of unreported crime were among household theft (67%) and rape or sexual assault (65%) victimizations. The lowest percentage was among motor vehicle theft (17%) victimizations. The most common reason for not reporting a violent victimization to police is because the victim dealt with the crime in another

way, such as reporting it to another official or handling it privately. Among unreported intimate partner violent victimizations, 38% went unreported because the victim was afraid of reprisal or getting the offender in trouble.

A greater percentage of victimizations against men than women were not reported to police. Likewise, a greater percentage of violent victimizations against white non-Hispanics than black non-Hispanics went unreported to police. Youth (12-17) and young adults (18-34) were the age groups that had a higher percentage of individuals not reporting violent victimizations to the police.

To access the full report, click [here](#).

NIJ Report Looks at the Role of Police in Prisoner Reentry

In the document "Exploring the Role of the Police in Prisoner Reentry", authors Jer-

emy Travis, Ronald Davis and Sarah Lawrence examine the intersection of modern American policing and prisoner reentry. The authors discuss the reasons why law enforcement agencies should prioritize their involvement in prisoner reentry efforts, such as high recidivism rates and the disproportionate concentration of returning prisoners in a few neighborhoods. The authors also talk about the promotion of public safety and the promotion of the legitimacy of the police as rationales for engaging in prisoner reentry efforts. Examples are provided of police departments that are taking up the public safety challenge of released prisoners returning to their communities by building partnerships with other law enforcement agencies, community members, and service providers.

Click [here](#) to read the full document.

SPECIAL REPORT

Ohio Attorney General Releases In-Depth Ohio Sex Trafficking Report: Ohio Attorney General Mike DeWine today released a report outlining findings of an Ohio sex trafficking study that centered around 328 self-identified human trafficking victims.

The report, issued by the Attorney General's Human Trafficking Commission and authored by commission member and University of Toledo Professor Celia Williamson, took more than a year to compile and focuses on minor and adult sex trafficking across the state.

"My office asked the commission to go out into the community and talk with human trafficking victims," said Ohio Attorney General Mike DeWine. "Because of this report, we now have more insight into who is more likely to get trafficked and how to prevent it."

Researchers spoke with victims primarily in Cincinnati, Cleveland, Columbus, Dayton and Toledo, finding that the more than a third of the sample said they were trafficked for sex before the age of 18. A striking majority of female victims also said they were recruited by other women also involved in the sex trade or who acted like a friend.

The study also focused on the lives of the vic-

tims before they were trafficked, identifying several similar early indicators that can be viewed as high-risk factors for other Ohio youth who haven't yet been involved in the child sex trade. Of the victims who spoke retrospectively about their childhood experiences:

- 63% reported they ran away from home at least once
- 59% reported they had friends who were involved in selling themselves
- 47% reported being raped more than a year before they were trafficked
- 44% reported being victims of abuse

"The number of victims who were runaways before their involvement with sex trafficking is very telling," said DeWine. "Right now our Missing Persons Unit at the Bureau of Criminal Investigation works with local law enforcement and families to locate runaways. We need to get to the root of the problem and make sure these kids don't slip through the cracks."

The report also includes seven recommendations from the commission on how to stop future victimization.

- Establish a better response to Ohio youth who run away
- Identify child trafficking as child abuse

- Establish protocols that identify victims and divert high-risk youth
- Reduce the stigma related to youth victims
- Focus on arresting and convicting buyers
- Invest in responding to adult sex trafficking
- Engage schools in the fight against child sex trafficking

"From our sample of victims who entered the sex trade before age 18, none reported receiving assistance from a teacher," Williamson said in the report. "However, knowledgeable teachers are likely to recognize high-risk factors and intervene, before a troubled child drops out of school."

The Attorney General's Human Trafficking Commission is offering a webinar later this month to teach education professionals the signs of human trafficking. Webinars will also be offered for students, families, and community members in the fall.

Members of the Human Trafficking Commission will take the recommendations in the report into consideration in its future work to fight sex trafficking.

Source: [Ohio Attorney General's Office](#)

OCJS CONTACT

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