



Criminal Justice Bulletin

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NEWS/ANNOUNCEMENTS

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National Domestic Violence Month

October is National Domestic Violence Month: The Justice Department and The Office on Violence Against Women join all our partners in recognizing October as National Domestic Violence Awareness Month. Since the Sept. 13, 1994 passage of the Violence Against Women Act (VAWA), there have been significant changes in society's understanding of and response to violence against women – but there is much more that needs to be done to end domestic violence, sexual assault, dating violence and stalking.

Hundreds of thousands of victims have benefitted, and their lives forever changed, because of the resolve and commitment to end violence. This has been demonstrated not only by Congress, but by all those who have diligently worked so hard over the past 17 years to implement this legislation in their crisis centers, police departments, emergency rooms, prosecutors' offices, courtrooms and communities.

But we cannot rest upon our laurels and let slide the progress we have made, or think that we don't need to maintain our vigilance. We have an enormous responsibility, to our friends, family, colleagues, communities, strangers, people from all walks of life in every corner of this country, to continue and

broaden our efforts to end violence against women, children and men. Sadly too many continue to be victimized; and as new professionals and volunteers enter the field, we need to ensure that they have access to the best practices and training as we are faced with new challenges and tools of abuse.

In his proclamation marking October 2011 as National Domestic Violence Awareness Month, President Obama noted the effects of domestic violence, especially on young people and children:

... The ramifications of domestic violence are staggering. Young women are among the most vulnerable, suffering the highest rates of intimate partner violence. Exposure to domestic violence puts our young men and women in danger of long-term physical, psychological, and emotional harm. Children who experience domestic violence are at a higher risk for failure in school, emotional disorders, and substance abuse, and are more likely to perpetuate the cycle of violence themselves later in life.

Prevention and intervention efforts focused on breaking the cycle of abuse and violence is an important part of OVW's ongoing work. Over the past couple of years, OVW has embarked upon the

development of a new program to broaden the reach of those working to end violence against women by engaging men and boys to work together as allies with women and girls.

This is the first time in the history of OVW that a grant program focuses primarily on the prevention of sexual assault, domestic violence, dating violence and stalking by acknowledging the critical role men and boys play in addressing these issues. That, along with the program's focus on the creation of public education campaigns through the work of community-based organizations and local community partners, has generated great interest and excitement. With men as partners in this work, we have the potential to reach men and boys in new and creative ways, implementing programs most relevant to them and their communities.

We continue to work along many paths to convey the message, loud and clear, that violence against women will not be tolerated. We ask you to do the same in your own communities, at work and at home. Your efforts and voices are vital. Please join in this important dialogue.

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 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:
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>

TRAINING/TECHNICAL ASSISTANCE CON'T.

October 2012 Purple Light Nights Kick-off Breakfast National Domestic Violence Awareness Month: Join us as we recognize October as Domestic Violence Month & launch the Purple Light Nights Campaign™. This PLN campaign remembers domestic violence homicide victims, celebrates the courage of survivors and their families, and provides hope, information, and services to individuals living with abuse.

Guest Speakers:

- Thomas F. Boat, MD, University of Cincinnati College of Medicine Dean and Vice President Health Affairs
- Juwana Hall, Director, Amend, YWCA of Greater Cincinnati
- Eric H. Kearney, Senator, Ohio's 9th Senate District
- Walter McLarty, Sr. Vice President Human Resources, TriHealth
- Charlene Ventura, President & CEO, YWCA of Greater Cincinnati

Date: October 10, 2012

Time: 7:30 am - 8:45 am

Location: YWCA of Greater Cincinnati, 898 Walnut Street

RSVP by October 5 to sdemyan@ywcacin.org

2012 "An Empty Place at the Table"

This is a memorial exhibit honoring the lives of Ohio DV homicide victims.

The idea for this exhibit was conceived, developed and copyrighted by the Women's Resource Center of Scranton, Pa following the close succession of murders of three domestic violence victims in the community.

ACTION OHIO has received permission from the Women's Resource Center to replicate this exhibit, highlighting Ohio DV victims.

Exhibit hours are October 24 from 10 AM to 3 PM.

There will also be two training session October 24:
Session 1: Victim Services for Ohio's Diverse Groups from 9:15 a.m. to 12:15 p.m.

Session 2: The Lethality of Strangulation from 1 p.m. to 3:30 p.m.

Contact ACTION OHIO by phone 614-825-0551 or toll free 888 622-9315 or by e-mail actionohio@sbcglobal.net if you would like to honor the life of a DV victim you knew and loved.

These events will be at the Ohio Statehouse in the Atrium.

22nd Annual National Multidisciplinary Conference on Domestic Violence - *Creating a Future without Violence on Our Terms:*
October 29-November 2, 2012, Miami, Florida
Hyatt Regency Miami - 400 SE Second Avenue

After 21 successful years of spreading awareness and cutting edge education on the issues that touch our communities, children and families most, we are once again ready for a week of training, brainstorming, excitement, and inspirational speakers.

Eligibility: This multidisciplinary conference welcomes prosecutors, judges, law enforcement, victim advocates, therapists, probation and parole officers, members of the faith community, educators, school administrators, medical and mental health care professionals, court administrators, paralegals, survivors, grant administrators, physicians, nurses, shelter workers, social workers, dispatch operators, legislators, policy makers, men involved in the movement, child and adult protective services personnel and other professionals who work on behalf of survivors of domestic violence and their families.

Some topics for this year's conference include:

- Prosecuting Cases with Absent or Recanting Victims
- Cultural Competency
- Ethics and Professional Responsibility
- Compliance with Title VI Language Accessibility
- 21st Century Sources of Evidence – getting it... admitting it in trial
- Immigration Issues
- Prosecuting, Policing and Accountability in Rural Areas
- Promoting Victim and Public Safety
- Vicarious Trauma
- Judicial Advocacy
- Stalking and Cyber Stalking Cases
- Witness Intimidation
- Trafficking and its Intersection with Domestic Violence
- Forfeiture by Wrongdoing Conducting the Hearing
- The Visual Trial
- Electronic Research
- Interstate Enforcement of Protective Orders
- Medical Evidence and Use of Experts

Conference Tuition: The conference fee is \$595. The first attendee from an office pays full tuition. Each additional attendee from the same office is eligible to receive a standard discount of \$50.

Financial Assistance: A limited amount of financial assistance may be available upon release of funding from the Office on Violence Against Women, for those attendees expressing significant financial need. Assistance will cover: Tuition Waiver, five nights lodging and a \$300 travel stipend.

For more information, click [here](#) or email amanda-via@ndaa.org

GRANT FUNDING

OCJS Releases FY 2012 JAG LE RFP:

WHAT TO EXPECT

Application. Projects may request a maximum of \$20,000 of OCJS/JAG LE funds, and there will be a 10 percent cash match requirement on the total project cost. Agencies may submit only one application per subgrantee, multiple applications will not be considered for funding. Local law enforcement agencies are eligible to apply as the implementing agency. The unit of local government must serve as the official subgrantee (e.g., mayor or commissioner's office).

PROGRAM PURPOSE

Funds will be used for:

- Hiring, training, and employing on a continuing basis new, additional law enforcement officers and necessary support personnel.
- Paying overtime to employed law enforcement officers and necessary support personnel for the purposes of increasing the number of hours worked by such personnel.
- Procuring equipment, computer technology, and other materials directly related to law

enforcement functions. Allowable costs include equipment needed to implement OIBRS.

Funded OIBRS projects will be required to report OIBRS data within a specified time after completion of the subgrant, and the records management system vendor must be an Ohio certified OIBRS vendor.

ELIGIBLE APPLICANTS

Per Ohio Revised Code Section 5502.62 (C) (6), all law enforcement agencies must be compliant with reporting crime statistics, using either the Ohio Incident-Based Reporting System or Uniform Crime Reporting, in order to receive funding through OCJS. Note: if the applying agency is not reporting using OIBRS or Uniform Crime Reporting the application will not be reviewed and will not receive funding.

Programs under criminal justice departments that are consistently reporting crime statistics are the only law enforcement agencies eligible for OCJS funding pursuant to Ohio law. Ohio law requires all law enforcement agencies to report their crime statistics in order to be eligible for

criminal justice grants from OCJS.

AWARD

Award notifications will be made via www.ocjsgrants.com to selected projects. Before final approval, projects must complete and return all required forms. All awards will be for seven months of funding, operating from February 1, 2013 through August 31, 2013.

To apply, please visit: www.ocjsgrants.com. For technical assistance on any part of the JAG application, call OCJS at: 614.466.7782 and ask to speak to your Grants Coordinator.

Regional Contacts:

<http://www.ocjs.ohio.gov/grants.stm>

Applications must be submitted by October 31, 2012.

SPECIAL MESSAGE

A Special Message from Director David T. Daniels, Department of Agriculture: I am writing to make you aware of new legal requirements for owners of dangerous wild animals that went into effect on September 5, 2012.

The new law, the Ohio Dangerous Wild Animal Act, requires owners of dangerous wild animals in Ohio to register and microchip their animals with the Ohio Department of Agriculture no later than November 5, 2012 (Section 935.04). For information on what meets the definition of dangerous wild animal under the new law, please visit: www.OhioAgriculture.gov/TopNew/DangerousWildAnimalAct

Failure to register animals by the deadline can result in a first degree misdemeanor for the first offense, and a fifth degree felony for each

subsequent offense.

Additionally, timely registration is a requirement for anyone who wishes to receive a permit to keep any dangerous wild animal past January 1, 2014. Failure to register and microchip by November 5 will disqualify the owner from permit eligibility.

In order to help ensure dangerous wild animal owners are in compliance with the new law, particularly if they have any intentions of keeping their animals past the 2014 ban date, we are asking our state partners to help reach out to owners in their jurisdiction and provide information on the timely registration of their animals.

Attached is a copy of the registration form that must be printed, signed and returned to the Ohio Department of Agriculture no later than November 5, 2012. It is important to note that forms that do

not include microchip serial numbers will not be considered complete. **If you know of any dangerous wild animal owners in your area, we are asking you to take a copy of the registration form and instructions to them.** ODA's contact information is clearly marked on the form, and if they have questions about the process, feel free to direct them to the information provided.

If you have questions about the registration process or other requirements of the new, I encourage you to visit the department's webpage at: www.OhioAgriculture.gov/TopNew/DangerousWildAnimalAct. For more specific questions, please call ODA's Division of Animal Health at (614) 728-6220.

We appreciate any assistance your office is willing to give in this matter.

LEGAL CORNER

United States v. Skinner
No. 09-6497
(6th Circuit, August 14, 2012)

Melvin Skinner was convicted of two counts of related to drug trafficking and one count of conspiracy to commit money laundering. All three convictions were the result of Skinner's participation in a long term, large-scale drug running operation. Prior to his trial in the District Court, Skinner sought to suppress the authorities' search of his motor home (used to transport marijuana), alleging that the use of GPS information transmitted by his cell phone during his cross country operation of the motor home violated the Fourth Amendment. The District Court denied the motion to suppress. Skinner appealed his conviction, again claiming that the use of the GPS information emitted from his cell phone was a warrantless search that violated the Fourth Amendment. *Held:* The U.S. Court of Appeals for the Sixth Circuit affirmed the District Court's decision to deny the motion to suppress. The Court held that there was no reasonable expectation of privacy in the data coming from his cell phone that allowed the law enforcement agents to track his whereabouts, and there was no Constitutional violation.

Facts: In January 2006, police officers in Flagstaff, Arizona stopped an individual named Christopher Shearer, who was delivering \$362,000 to Philip Apodaca, a resident of Tucson, Arizona. Apodaca supplied marijuana to James Michael West, the head of a drug trafficking operation. Shearer was a participant in West's marijuana trafficking conspiracy. The local officers contacted federal Drug Enforcement Administration ("DEA") officials, who learned the details of West's operation from Shearer.

Specifically, the DEA agents discovered that from 2001 to 2006, Apodaca obtained marijuana in Mexico; he then sent the marijuana to West, who lived in Tennessee, via couriers. Apodaca supplied the couriers with pay-as-you-go cell phones, using false names and addresses for the phone subscriber information. The phones were used by the couriers to maintain communication with Apodaca and West while they were en route to and from Arizona and

Tennessee. After some period of time, the phones were discarded and replaced with new telephones with different numbers. Apodaca assumed that pay-as-you go phones were more difficult to track, however; he failed to realize that the phones were equipped with GPS technology.

In May and June of 2006, DEA authorities obtained court orders to intercept phone communications from two regular subscription cell phones that belonged to West. Through the interception of calls between West and Shearer which were made on those phones, the agents learned that West used a courier nicknamed "Big Foot." Big Foot was the "handle" for the defendant, Skinner, who was an over-the-road truck driver. The agents further learned by intercepting the calls that Skinner, on numerous occasions beginning in 2001, delivered money to Apodaca then transported hundreds of pounds of marijuana to West on the return trip.

In June 2006, the authorities discovered that West used one secret phone to converse with Apodaca and another to communicate with Skinner. The next month, through authorized wire communication interception, the agents determined that on July 11, 2006, Skinner would meet Apodaca in Tucson in order to pick up 900 pounds of marijuana. "Big Foot" Skinner would be driving a certain motor home, and his son would be traveling in tandem with him, operating a F-150 pickup truck. The plan was that Skinner and his son would leave Arizona on July 13 to take the marijuana back to West in Tennessee.

Based on all of the intercepted calls, and believing that Skinner had one of West's secret cell phones with him the authorities obtained a court order to have the cell phone carrier release information, including the real time GPS location and "ping" data for the phone. While monitoring that phone, the agents learned that Skinner was using one of the pay-as-you go phones to communicate with West. The agents obtained a second court order for the release of the same tracking information for the cell phone used by Skinner.

By continually "pinging" the Skinner phone, DEA agents were able to track Skinner as he traveled, leaving Tucson on July 14 and traveling across Texas

on Interstate 40. On July 16, the authorities learned from the GPS information transmitted by Skinner's cell phone that he had stopped at a location near Abilene, Texas. DEA agents from one of the Texas offices were dispatched, and the motor home described in the phone calls between West and Skinner (as well as the pickup truck) was located. Skinner denied the officers' request to search. A dog sniff of the perimeter of the motor home was conducted, and the dog alerted. Thereafter, the agents entered the motor home and discovered 61 bales of marijuana, two handguns, and two cell phones.

Legal Proceedings: Prior to his jury trial, Skinner sought to have the search of the motor home suppressed. He claimed that the agents' use of the GPS location information coming from the cell phone was a warrantless search that violated the Fourth Amendment. The magistrate judge, following the hearing on the motion to suppress, held that Skinner lacked standing to assert a protected interest because the cell phone was not registered to him, and that 'because the cell phone was utilized on public thoroughfares and was "bought by a drug supplier and provided...to Skinner as part and parcel of his drug trafficking enterprise," Skinner did not have a legitimate expectation of privacy in the phone or in the motor home that was driven on public roads.' The District Court fully adopted the magistrate's report and recommendations and denied the motion to dismiss.

Following his conviction, Skinner appealed on the basis that the evidence adduced from the search should have been suppressed and the trial court improperly overruled his motion. The U.S. Court of Appeals for the Sixth Circuit affirmed the District Court's decision. The Court stated, "There is no Fourth Amendment violation because Skinner did not have a reasonable expectation of privacy in the data given off by his voluntarily procured pay-as-you-go cell phone. If a tool used to transport contraband that gives off a signal that can be tracked for location, certainly the police can track the signal. The law cannot be that a criminal is entitled to rely on the expected untrackability of his tools."

RESEARCH, EVALUATION & STATISTICS

Domestic Violence and Children

The National Child Traumatic Stress Network has several resources available on their website (www.nctsn.org) on the impact of domestic violence on children, including the following which NCTSN highlights for Domestic Violence Awareness Month:

- *Cops, Kids, and Domestic Violence: Protecting our Future*, which provides information for law enforcement on what to do when encountering children while on the scene of a domestic violence call
- *Domestic Violence and Children: Questions and Answers for Domestic Violence Project Advocates*, a fact sheet on how children react to domestic violence
- *Helping Traumatized Children: Tips for Judges*, a fact sheet on the effects of trauma in children and adolescent and assessing the effects of trauma,

as well as choosing appropriate service providers

- *Questions about Domestic Violence*, which defines domestic violence and its effects and includes treatment options.

Click [here](#) for access to these resources.

Domestic Violence and Disabilities

Women with developmental disabilities have among the highest rates of physical, sexual, and emotional violence perpetrated by intimate partners and family members. [This resource](#), created by the national Coalition Against Domestic Violence, provides statistics on domestic abuse victims with disabilities as well as information on barriers to seeking services and protections for disabled victims of violence.

New Multimedia Resource Available on Meeting Survivors' Needs through Non-Residential Domestic Violence Services

NIJ Recently added Meeting Survivors' Needs through Non-Residential Domestic Violence Services and Supports: Results of a Multi-State Study to its list of available multimedia resources. In this audio interview (transcripts are also available) the researchers discuss their study, which focused on nonresidential domestic violence services. This research involved obtaining information from community-based programs and from some programs providing services to culturally specific organizations. In all, data was gathered from 90 programs and 1,500 survivors. Click [here](#) to access the interview.

EVIDENCE-BASED PRACTICES

Creating outcomes that adequately reflect desired results across different domestic violence related services such as shelter, support groups, counseling, or advocacy is not a simple task. Research and evaluation on domestic violence can provide useful programming information and can guide the development of evidence-based practices. Some domestic violence programs are resistant to evaluation for a variety of reasons such as:

- Misinterpretation or manipulation of research data
- General distrust of researchers
- Perception that the data will be used against their programs
- Evaluation is too expensive or difficult to do
- Program was already evaluated and there is no need to evaluate it again

The most important reason for conducting research and evaluation is to understand the impact of domestic violence service programming on women's lives. As a field, we want to build upon those efforts that are helpful to women with abusive partners; at the same time, we don't want to continue putting time and resources into efforts that

are not helpful or important. Evaluation is also important because it provides us with "hard evidence" to present to funders, encouraging them to continue and increase funding to help resolve domestic violence issues.

Each year millions of federal, state, and local dollars are expended to support the work of community-based domestic violence programs, statewide coalitions, and a network of national resource centers. In conjunction with those funding streams, funders are expected to develop and implement outcome evaluation strategies that will accurately capture the impact of those dollars on survivors' safety and wellbeing.

In 2008, a national advisory group of domestic violence stakeholder groups was convened to develop strategies for more effectively demonstrating the impact of the Family Violence Prevention and Services Act (FVPSA) program. One important contribution to the field from this collaborative effort was the development of a manual that was intended to provide programs with practical strategies for conducting outcome evaluations so that the body

of evidence-based research on domestic violence could be expanded. The manual details strategies that can be used for all outcome evaluations being conducted by domestic violence organizations. The goal was to create a resource detailing useful methods that would allow domestic violence service providers to conduct evaluations in a way that was not overly burdensome, yet were meaningful to the work that they do that informed the field about the most effective services possible to survivors of domestic violence.

The manual and handbook details research design information, data collection instruments, outcome measurements, results from the Pilot study. In addition, practical information related to data collection/analysis/interpretation, tips on how to utilize the information to justify program funding, allocating staff, or using the data to design new programs are discussed in the manual located at www.websiteinfohere.com.

OCJS CONTACT

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