Survivors to be able to track rape kits

An electronic tracking system will soon allow sexual assault survivors to monitor the progress of their evidence kits through the testing process.

On Aug. 28, Ohio Attorney General Mike DeWine convened an advisory group to help develop the system to ensure that an accumulation of untested rape kits will never again happen in Ohio.

The “Ohio Attorney General’s Sexual Assault Kit Tracking System” will give those who have undergone a sexual assault forensic examination the option to track the status of their rape kit evidence online.

“Sexual assault survivors have already gone through unimaginable trauma, and not knowing where their cases stand can be agonizing,” DeWine said. “This new system will empower survivors by giving them the ability to instantly and anonymously find out where their evidence is located and whether or not it has been submitted for testing.”

Using a barcode, survivors who choose to use the system will be able to follow their evidence as it proceeds from collection at a medical facility, to inventory at a law enforcement agency, to analysis at a crime lab, and to storage or destruction.

Medical professionals and law enforcement officials will also have access to the system.

“Survivors can feel confident that their privacy will be protected,” DeWine said.

To help with the tracking system, Sen. Stephanie Kunze (R-Hilliard) and Rep. Dorothy Pelanda (R-Marysville) introduced companion bills — Senate Bill 323 and House Bill 719 — to require the Attorney General to create and maintain a statewide tracking system for the processing of the kits.

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Speaker draws from history to fight human trafficking

Kenneth B. Morris Jr., a descendant of both abolitionist Frederick Douglass and civil rights leader Booker T. Washington, will be the keynote speaker at the Ohio Attorney General’s 2018 Law Enforcement Conference.

The event, with the theme “Protecting Ohio Together,” will offer 30 workshops on topics ranging from law enforcement property room best practices to a guide to the darknet and feature a speech by trauma and resiliency expert Kenneth R. Yeager, Ph.D.

“Investigations are stronger with collaboration,” said Ohio Attorney General Mike DeWine about the theme. “When agencies work together, each one can bring unique talents and tools to bear on a problem and find a solution.”

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Ohio Attorney General Mike DeWine presents awards at the 2017 Law Enforcement Conference. This year’s event will continue the tradition of honoring officers from throughout the state for their contributions and bravery.
Since 2011, my office has been working to reform the process for testing sexual assault kits and to better support survivors. We formed an advisory group to study the issue of old rape kits and to offer remedies. It recommended that evidence from any rape kit associated with a crime be tested.

Ohio law at the time did not require that law enforcement submit rape kits for testing, so my office made a request to agencies asking them to voluntarily bring their untested kits to my office’s Bureau of Criminal Investigation (BCI). In exchange, forensic scientists would analyze them at no charge to the local agency.

Thanks to our Sexual Assault Kit Testing Initiative, we finished DNA testing all 13,931 kits earlier this year. The testing conducted by our BCI scientists led to DNA matches in 36 percent of the cases. Rapists who thought they had gotten away with their crimes were identified and prosecuted.

Because of the spotlight on the initiative, and the results that have followed, the value of testing these kits has been accepted. And, our laws have changed. The statute of limitations for prosecuting rape has been extended from 20 to 25 years and, by law, every rape kit associated with a crime must be submitted to a crime lab for testing within 30 days.

The next logical step in the continuing process is a sexual assault kit tracking system. The sexual assault survivors who bravely endure a forensic exam will soon be able to anonymously monitor their evidence and tell where it is in the system and whether it has been tested. The cover of this edition of Criminal Justice Update offers a story on the development of this tracking system.

In August, my office convened an advisory group to study best practices and provide advice on building the system, which will be paid for with Victims of Crime Act (VOCA) funds. The advisory group, which includes scientists, law enforcement representatives, victim advocates, and medical professionals, is now working toward its goal.

Rape survivors have gone through unimaginable trauma, and not knowing where their cases stand can also be agonizing. Soon, survivors will be able to anonymously find out if their kits are at the hospital, the police department, or a crime lab and if DNA analysis has been conducted. This added transparency will help ensure that another accumulation of untested rape kits will never again happen in Ohio.

Very respectfully yours,

Mike DeWine
Ohio Attorney General

### LEGISLATIVE INITIATIVES

**Cocaine Amounts Determination**

**House Bill 4**

- **Sponsors:** Reps. Robert Cupp, John Rogers
- **Status:** Passed by House; pending in Senate committee

House Bill 4 clarifies the penalties for the possession and trafficking of cocaine to include the total weight of the compound, mixture, preparation, or substance containing the cocaine.

**Safe Harbor — Cybersecurity Programs**

**Senate Bill 220**

- **Sponsors:** Sens. Bob Hackett, Kevin Bacon
- **Status:** Passed by the Senate and House, signed by the governor (Aug. 3)

Senate Bill 220 provides a legal safe harbor to covered entities that implement a specified cybersecurity program.

**Violent Offender Database**

**Senate Bill 231**

- **Sponsor:** Sen. Randy Gardner
- **Status:** Passed by Senate; pending in House committee

Senate Bill 231 provides for a violent offender database, requires violent offenders to enroll in the database, and names those provisions of the act “Sierah’s Law.”

**Sexual Assault Kits**

**House Bill 719**

- **Sponsor:** Rep. Dorothy Pelanda
- **Status:** Introduced in House

The companion bills require the Attorney General to create and maintain a statewide tracking system for the processing of sexual assault examination kits.

- **Senate Bill 323**

- **Sponsor:** Sen. Stephanie Kunze
- **Status:** Pending in Senate committee

Ohio Attorney General Mike DeWine attends a back-to-school event in Toledo. (See photo, Page 8.)
OPOTC helps the Attorney General’s Office shape training and compliance standards for Ohio peace officers.

I have been serving Fayette County in various positions for 41 years. I started my law enforcement career with the Washington Court House Police Department in 1981 as a jailer/dispatcher and worked my way up to patrol. I ran for sheriff in 1996 and have been there ever since. ... I truly enjoy serving as sheriff. Meanwhile, I currently serve as treasurer of the National Sheriffs’ Association and sit on the executive board.

The commission’s primary responsibility is minimum standards for training. Minimum standards are prescribed by law as those needed to begin functioning as a peace officer. And that leads into our other responsibility, advanced training. Once an individual has had basic training, he or she has a responsibility to continue enhancing that training.

Today, the curriculum is reviewed systematically and in a compartmentalized way. When it’s time to review the curriculum, the staff will sit down and break it apart and give it to subject-matter experts who will direct the review so we know what is being done in the field. The legal experts come in and say what has been decided by the courts. With the streamlined effort, we are able to make changes immediately, when necessary.

One of my disappointments in life is I didn’t get my college degree. If you can further your education, do it now. ... Also, prepare for the academy, and get in shape.

I really like the scenario-based training being offered at OPOTA. That’s the direction we have needed to go for a long time, and I’m glad we are getting there. We should always be striving for better training and new technology.

The driving track is a big bonus. I would like to see more driving because we seem to have a lot of officers nationwide who are killed in the line of duty in traffic crashes. I think that comes from multiple things: the inexperience of pursuit driving, and when you are in a pursuit situation, you get tunnel vision. Our facility can help an officer deal with those situations.

We also provide free remote training, which is very important. We bring in the driving simulators and the shooting simulators and all agencies have to do is put people in the seats. It’s cost-effective. You don’t have to send someone a hundred miles away and put them up in a hotel. We set it up in an agency’s parking lot and they can run every staff member through it.

Advocating against distracted driving has become Sharon Montgomery’s mission in life.

Before Sept. 5, 2000, she was a wife and mom who held two part-time jobs, worried about gifted education services at the local school, and helped look after her mother-in-law. But while coming home from a 51st birthday celebration for her husband, John, their car was hit in a chain-reaction crash caused by a distracted driver.

“It wasn’t an accident,” she said. “It was foreseeable and preventable.”

Two workshops to cover topic

Two workshops being offered at the Ohio Attorney General’s 2018 Law Enforcement Conference will focus on distracted driving.

Workshop 9
The commander of the Warren Post of the Ohio State Highway Patrol, a geographic information system database administrator for the patrol, and the district deputy director of the Ohio Department of Transportation will discuss how to identify, engineer, and implement a Distracted Driving Safety Corridor.

Workshop 23
John P.T. Gordon, who is retired from the Marion Police Department, will share the story of his son, John T. “Rusty” Gordon, who was killed after a distracted driver crashed into his motorcycle. Gordon will discuss how officers are at risk of such accidents and how training and policy updates could help.

Foundation reaches young drivers through outreach program

To help prevent distracted driving, the Ohio Attorney General’s Office has given more than $16,000 to the Maria Tiberi Foundation.

Since 2013, the nonprofit group has purchased 44 driving simulators for school districts and law enforcement agencies throughout the state to use in distracted driving prevention programs.

The team’s goal is to provide a set of recommendations for an effective law that is backed by research, an expert’s statement, or a precedent.

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Ohio Attorney General Mike DeWine reminds drivers to be attentive behind the wheel. “No phone call or text message is worth a life,” he said.

The Gahanna mother will tell her story in a roll call video being produced by the Ohio Peace Officer Training Academy (OPOTA) for law enforcement agencies. The video is meant to encourage officers to look for signs of distracted driving.

In the Montgomery family’s case, distracted driving took a life.

A driver on a cellphone crashed into a car that then hit the Montegomerys’ vehicle at an intersection.

The driver who caused the crash was charged with failure to maintain an assured clear distance. The waiting driver and the Montegomerys were rushed to the hospital.

While John was in intensive care, Sharon had surgery for life-threatening complications of her various injuries.

“At one point, our 20-year-old only child, Andy, was standing in the hall, between the room where his father lay probably dying and the room where his mother, who had just narrowly escaped death, was having something awful and unknown happening.”

Sharon improved, but John did not. He died after six weeks in the hospital.

The driver paid a $75 fine.

Meanwhile, Sharon’s life was falling apart. No income was coming in. Sharon’s sister and a friend were visiting each night to tend her injuries, since insurance wouldn’t cover that level of home care. She had to consult with a lawyer to figure out the auto insurance payment process and later to file a lawsuit to try to collect liability insurance money to cover more of their losses.

“I wanted ‘phone use’ noted in the complaint, to establish a precedent, but the judge said he’d throw the case out if that were in there. My advocacy started with this move.”

In the end, the court ruled against Sharon.

Since then, Sharon has been working to promote tougher laws against distracted driving.

Today, she is the leader of the Legislative Team for the Distracted Driving Initiative of the Risk Institute at The Ohio State University’s Fisher College of Business.

The Risk Institute started the initiative in response to concerns from insurance companies about the rising number and cost of crash claims, with the assumption that distracted driving was a factor. But statistics to measure it were incomplete and difficult to find.

The team’s goal is to provide a set of recommendations for an effective law that is backed by research, an expert’s statement, or a precedent.

She also became a member of the Ohio Department of Transportation’s Distracted Driving Task Force’s Policy, Legislation, and Enforcement Group. The task force was started with the assumption that distracted driving was a factor in rising traffic death counts, after a few years of decline.

“…I have come to realize that officers need three things to enforce a distracted driving law: authority (a law); skills (techniques for detecting device use, understanding of the complexities of what drivers can and cannot legally do with the device); and motivation (a gut-level understanding of how devastating it can be if they don’t stop a distracted driver).”

“My message,” she said, “is that a moment of convenience for one person can cause a lifetime of problems for another.”
Forensic dive team helps ATF with firearms case

Persistence often pays off for the BCI Forensic Dive Team as it did recently when a second diligent search of a Champaign County lake turned up potential evidence in a gun store robbery case.

Gary Wilgus, who leads the team primarily made up of agents and others from the Ohio Attorney General’s Bureau of Criminal Investigation, was optimistic going into the operation at Kaiser Lake but knew there was a chance the divers would have to make a third trip to look for the disassembled firearm reportedly tossed in the 396-acre lake by suspects in the 2016 heist.

The U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives requested the dive team’s assistance after a witness provided details about the suspects’ efforts to hide their involvement in the crime by getting rid of the evidence.

At the lake, Wilgus and his team set up a jackstay, a rope with an anchor on each end, to guide divers as they search in tandem in a line from one end to the other. When the two reach the end, they advance the line by lifting the anchor and moving it a few feet before turning around and taking another sweep. They repeat the process until the search area is covered.

As the first two divers — Stephen Schumaker, deputy attorney general for law enforcement, and Pat Willoughby, an investigator for the Ohio Environmental Protection Agency, who is assigned to the team — entered the water, they found that water lilies were creating an entanglement hazard in the zero visibility water. “If you miss it by 3 inches, you might as well have missed it by 3 miles,” Wilgus said.

To overcome the visibility issue, the divers used side-scanning sonar, magnetometers, and metal detectors to locate criminal evidence.

Soon Boerner’s metal detector went off and he came up with the receiver to a Saiga 12-gauge shotgun. He placed an anchor marker to indicate where the item was found and brought the piece to shore for examination. Diver David Hornyak, a BCI special agent who was serving as the safety diver, measured the distance from the shoreline to the marker.

“‘The forensic dive team is available to offer free assistance to any Ohio law enforcement agency in the recovery of underwater criminal evidence,” Wilgus said.

For more information, or to ask for dive team assistance, call 855-BCI-OHIO (855-224-6446).
Commission votes on training rules for tactical medics

Now that tactical medical professionals are permitted to carry firearms, the Ohio Peace Officer Training Commission (OPOTC) voted in July on training rules, as required by recently passed House Bill 79.

The rules have been introduced to the Joint Committee on Agency Rule Review (JCARR) for approval.

The bill, which was signed by Gov. John Kasich on March 1, allows tactical medics who meet certain standards to carry firearms on duty.

To carry a firearm, the medic must be attached to a law enforcement agency and must be trained and certified.

Tactical medics are specially trained medical providers who respond along with law enforcement during crisis situations to provide immediate emergency care and to evacuate the wounded.

The rules — which had to be set and approved by the commission — require the medic to complete a basic firearms course and a scenario-based training course in order to be issued a certificate by OPOTC’s executive director.

The firearms course is offered every year, and the Ohio Peace Officer Training Academy (OPOTA) is creating a new scenario-based training course for medics and others that will be available by the time the rules are effective, said James Burke, director of advanced training at OPOTA.

To see OPOTA’s course catalog, visit www.OhioAttorneyGeneral.gov and click on “OPOTA.”

Videos to aid in school safety planning

A video series produced by the Ohio Peace Officer Training Academy (OPOTA) is providing guidance on how educators and law enforcement can work together to prepare for and react to a violent school incident.


A companion workbook provides summaries, definitions, discussion points, and next steps for each video to aid presenters who wish to share the series with a group.

“Schools should be safe, nurturing places for children to learn and grow,” said Ohio Attorney General Mike DeWine during a news conference in June announcing the availability of the videos. “Ensuring that students and teachers are protected during the school day is an important responsibility for all Ohio communities.”

The videos are an update to the educator training offered by OPOTA beginning in 2013. About 15,000 educators were trained on how to intervene with students who could pose a danger and how to respond in a crisis situation. A total of 98 sessions were held across the state, and training DVDs were also provided to every school district in Ohio.

To view the videos and workbook, visit www.OhioAttorneyGeneral.gov/SchoolSafety.

BCI drones available to photograph schools

The Ohio Attorney General’s Bureau of Criminal Investigation (BCI) is offering to use drones to take aerial photographs of schools for inclusion in school safety plans.

Local law enforcement, in coordination with school administrators, can request that BCI agents take free photos of schools in their area. The photos will be made available for upload to the school’s safety plan, which law enforcement can access through the Ohio Law Enforcement Gateway (OHLEG).

Ohio law requires that each school in Ohio have a school safety plan on file for law enforcement to aid authorities in responding to an emergency.

“When law enforcement responds to a school emergency, they must have as much information about the school as possible,” he said. “Right now, school safety plans must include floor plans, but I believe that aerial photos will be an effective tool to help law enforcement plan for and respond to a violent incident.”

BCI has six drones that are used primarily to document crime scenes and assist in missing person cases.

Local law enforcement, in conjunction with schools, can request drone photos by calling 855-BCI-OHIO (224-6446).
Survivors to be able to track rape kits

is most often the worst thing that has ever happened to them without having to relive it each time they want to check and see if there’s been any progress made,” Kunze said. “As we continue to help and encourage victims of sexual assault to rebuild their lives, it is imperative that we provide them the ability to check the status of the testing of their rape kits quietly and discreetly.”

The advisory group — made up of victim advocates, sexual assault nurse examiners, law enforcement officers, prosecutors, and representatives from hospital associations and crime laboratories — is studying best practices and will provide advice on how the tracking system should operate.

“We are excited to see this initiative coming from the Ohio Attorney General’s Office,” said Rosa Beltre, executive director of the Ohio Alliance to End Sexual Violence. “It is important to reform how rape kits are handled and tracked in the state of Ohio, despite the many challenges and difference of opinion. We collectively can choose to do nothing because of funding and roadblocks, or as we have done today, we can choose to take steps within our circle of influence to make a difference. We owe this to every survivor in our state.”

The development of the program, as well as any maintenance and equipment, will be financed through Victims of Crime Act (VOCA) funding. VOCA funds, which are administered by the Ohio Attorney General’s Office, are from federal settlements, fines, and fees and must be used to enhance victim rights and services.

DeWine awards grants for drug use prevention education

At total of 152 law enforcement agencies throughout the state will receive more than $3 million in grants to use for drug use prevention education programs in public schools, Ohio Attorney General Mike DeWine announced.

Sheriffs’ offices and police departments that receive money through the Drug Use Prevention Grant Fund must use it to establish or maintain drug abuse prevention education and awareness programs for students during the 2018-2019 school year.

“Age-appropriate substance abuse prevention education every year, at every grade level is key,” DeWine said during his announcement on Aug. 22.

D.A.R.E. and school resource officer drug use prevention programs were eligible to apply for the grants. The fund supports programs such as Botvin LifeSkills, D.A.R.E. Keepin’ It REAL, Reach Out Now, and Stay on Track.

To see the full list of award recipients, visit www.OhioAttorneyGeneral.gov and click on “news releases.”

Speaker draws from history to fight human trafficking

The conference, set for Oct. 25-26 at the Hyatt Regency Columbus, is designed to provide an abundance of information on the lifesaving power of teamwork and offer encouragement to attendees, too.

Morris, who will address the crowd on Oct. 25, is the president of the Atlanta-based nonprofit Frederick Douglass Family Initiatives, which was co-founded in 2007 by Morris, his mother, Nettie Washington Douglass, and Robert J. Benz.

The foundation fights modern slavery, such as human trafficking, through knowledge and strategic action.

“My ancestors were born into slavery, but slavery continues,” Morris said. “I felt that I could use my background to talk about human trafficking. At first, the movement was reacting to victimization, rehabilitation, and restoration. There was little being done to prevent victimization. Then, we decided that we needed to provide prevention education in the classroom.”

Today, Frederick Douglass Family Initiatives, in a partnership with two other nonprofit organizations, is providing grade-level-appropriate human trafficking prevention education to California schoolchildren.

During the conference, Morris said he will talk about the history of human rights and the power of one.

“All of us carry heroes and heroines in our veins, and we should fight for freedom,” he said.

Among other projects, the foundation is celebrating the 200th anniversary of Douglass’ birth with the One Million Abolitionists project.

With a collection of partners, the foundation is printing and distributing 1 million hardback copies of a bicentennial edition of the autobiography Narrative of the Life of Frederick Douglass: An American Slave. So far, 55,000 have been printed and distributed, and Morris is hoping to have distributed 100,000 by the start of 2019.
Sex offender registration guide updated

The Ohio Attorney General’s Office has updated its Guide to Ohio’s Sex Offender Registration and Notification Laws manual.

The 39-page guide is produced for sheriffs’ offices and staff members of the Ohio Attorney General’s Bureau of Criminal Investigation (BCI) to answer questions about sex offender registration laws.

The manual includes a history of the laws, information on offender classifications, and details on registration duties. It also covers notification requirements and the responsibilities of BCI, the courts, county sheriffs, and other agencies.

The manual includes several pages of frequently asked questions covering topics such as who is required to register, juvenile registrants, registrants from out of state, and rules about registrants’ proximity to children.

The new manual is available on the Ohio Law Enforcement Gateway (OHLEG) or by calling 855-BCI-OHIO (855-224-6446).

Spotlight on science

During a back-to-school event at the Toledo Lucas County Public Library, David Horn, an Ohio Bureau of Criminal Investigation (BCI) special agent, left, and Ohio Attorney General Mike DeWine presented information about BCI Science School. Students from the Wayman D. Palmer Community YMCA conducted science school experiments with help from Imagination Station. The BCI Science School curriculum is available free at www.OhioAttorneyGeneral.com/BCIScienceSchool.