

# THE OHIO PROSECUTOR

October 2018

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[www.ohiopa.org](http://www.ohiopa.org)  
614.221.1266

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## From your President...



Greetings again to OPAA Members, APA's and All of our great Admin Professionals, as well as our partners in the Justice System,

Amazingly, we find ourselves in the fourth quarter of 2018. The year has flown by with generally positive results for Ohio's Prosecutors. You may be reading this before the November 6 vote on Issue 1, if so please continue the opposition battle til the last minute! Or perhaps by the time you read this we will know the outcome. Either way it is safe to say, and has been said by many, that this proposed amendment is likely the most serious issue we have ever been confronted with in our careers as prosecutors. The potential impacts are, as Chief Justice O'Connor has said, "catastrophic". Regardless of the outcome, we can all be proud of the leadership role OPAA has played in the opposition to this dangerous proposal. The Legislative and Executive Committee members have all actively and aggressively participated. It also is clear that virtually every prosecutor in Ohio has worked to defeat issue 1. And, of course, Executive Director Tobin and Assistant Executive Director Hall, deserve praise for their tireless efforts on our behalf, doing so while handling the always hectic regular business of the Association !

Another positive, regardless of where Issue 1 leaves us, is the great communication and partnering that have evolved as a result of the coordinated opposition campaign. These relationships, including a newly energized social media presence, will be of great benefit to the OPAA going forward and help us to better spread the word about the important and positive work of prosecutors and their staffs all over Ohio.

It has been an Honor and Privilege to serve as 2018 OPAA President. Many thanks and much appreciation to all of our members who have participated on our various committees. If, as an elected prosecutor, you haven't been actively involved this year I encourage you to engage or re-engage in the OPAA in 2019 and beyond. I assure you that the relationships developed and experience gained will benefit you throughout your careers.

Morris

## From your Executive Director...



Dear OPAA Members –

The November election is right around the corner and Issue 1 looms large for Ohio prosecutors, judges, sheriffs, commissioners, treatment professionals, and countless others who understand the negative consequences of adopting this poorly written constitutional amendment. Prosecutors all over Ohio have exhibited great leadership in opposing Issue 1 and educating the public about its pitfalls through press conferences, social media, letters to the editor, and speaking engagements. You should be proud of your effort to create an informed debate in the face of a lot of misunderstanding and misinformation.

Now is the time to make a final push. Between the campaign to get Issue 1 on the ballot and the campaign this fall to have it adopted the proponents are likely to spend in excess of \$10 million. And that is without counting the funding that the same outside donors provide directly to the organizations behind Issue 1. Our strength is in our grassroots efforts. The proponents simply cannot compete with the coalition of organizations opposed to Issue 1. Our coalition is truly by Ohioans for Ohioans. But everyone needs to speak out.

So what can you do before election day? If you haven't yet, write a letter to the editor and/or ask to talk with your local media. Encourage your county commissioners, mayors, city council members, and trustees to have their own press event about the financial impact that Issue 1 will have on local governments. The OBM fiscal analysis of Issue 1 is ripe for a second round of local coverage. Look over the list of organizations opposed to Issue 1. Make sure that each is engaged in your county and helping to spread our message. Reach out to your own network and encourage them to vote "No."

Best wishes,  
Lou

## New and Noteworthy

### The Campaign to Defeat Issue 1

In August, the OPAA Executive Committee voted to commit funds to kickstart a campaign to defeat State Issue 1. That money helped to hire a team of three people to do fundraising, communications, and grassroots organizing. It also paid for a poll that told us where things stood and what the best arguments were both for and against Issue 1. Here is what has happened since:

### *The Opposition*

What started out as a small campaign of mostly a collaboration between the OPAA, the Ohio Judicial Conference, and the Buckeye State Sheriffs Association grew into a formidable slate of opponents. Chief Justice Maureen O'Connor came out strongly against Issue 1 with a talking point that has been perhaps the most hotly debated of the campaign – that Issue 1 will make possession of up to 19.9 grams of fentanyl, enough to kill 10,000, a misdemeanor offense subject to probation. Our other allies:

|  |   |
|--|---|
| Association of Municipal/County Judges of Ohio             | Ohio Christian Alliance   |
| Cincinnati USA Regional Chamber                            | Ohio Clerk of Courts Association                                  |
| Citizens for Community Values                              | Ohio Common Pleas Judges Association                              |
| Columbus Chamber of Commerce                               | Ohio Council of Behavioral Health & Family Services Providers     |
| CorJus, Inc.   | Ohio Council of County Officials                                  |
| County Auditors Association of Ohio                        | Ohio Crime Victim Justice Center                                  |
| County Treasurers Association of Ohio                      | Ohio Domestic Violence Association                                |
| Crime Victim Services                                      | Ohio Farm Bureau Federation                                       |
| Dayton Area Chamber of Commerce                            | Ohio Hotel & Lodging Association                                  |
| Fraternal Order of Police of Ohio, Inc.                    | Ohio Manufacturers' Association                                   |
| Greater Akron Chamber                                      | Ohio Municipal League Ohio  |
| Licking County Chamber of Commerce                         | Ohio Patrolmen's Benevolent Association                           |
| (NFIB) National Federation of Independent Business of Ohio | Ohio Recorder's Association                                       |
| Ohio Association of Chiefs of Police                       | Ohio State Bar Association  |
| Ohio Association of Domestic Relations Judges              | Ohio State Coroners Association                                   |
| Ohio Association of Probate Judges                         | Ohio Victim Witness Association                                   |
| Ohio Business Roundtable                                   | Prevention Action Alliance  |
| Ohio Chief Probation Officers Association                  | STAR Community Justice Center                                     |
| Ohio Chamber of Commerce                                   | The Ohio Council of Behavioral Health & Family Services Providers |
|  | Toledo Regional Chamber of Commerce                               |

### *The Editorials*

Newspapers from across the state endorsed a "No" vote. Here are a few:

|                            |  |
|----------------------------|--|
| The Akron Beacon Journal   | The Warren Tribune Chronicle               |
| The Columbus Dispatch      | The Intelligencer – Wheeling News-Register |
| The Canton Repository      | The Sandusky Register                      |
| The Cleveland Plain Dealer | The Newark Advocate                        |
| The Toledo Blade           | The Record Courier                         |
| The Vindicator             |  |

### *The Grassroots*

At the beginning of September, the campaign team began tracking news coverage of Issue 1 in an effort to provide information to the organizations associated with the campaign. There have been over 500 articles published statewide since that time. That's a pace of more than eight articles per day. Most of the articles are a credit to work of Ohio prosecutors, judges, sheriffs, county commissioners, and other opponents who have worked diligently to write letters to the editor, speak at public events, and conduct press conferences with opposition groups. Press conferences have taken place in at least 50 counties with participation from elected officials from both parties, law enforcement, members of the treatment community, members of the business community, and members of the faith community. These efforts are ongoing and are something that prosecutors should be particularly proud to have led the charge on.

### *The Social Media*

The Association has worked hard to expand the reach of our social media. We have tweeted and retweeted on Twitter and posted materials to Facebook on a daily basis. This drew much needed attention to the pitfalls of Issue 1. We have gained many followers on Twitter and Facebook during this campaign, which also may prove beneficial in the future for other ideas, promotions, or communications we would like to air. Individual prosecutors produced videos highlighting the problems with Issue 1. Union County Prosecutor David Phillips created a series of "chalkboard" videos that were very popular. Clark County Prosecutor Andy Wilson produced an impactful video with a recovering addict. OPAA President and Defiance County Prosecutor Morris Murray had a little fun with the proponents by turning their "scaremongering" allegations into scary Issue 1 Halloween video. I'm sure there were many other similar efforts throughout the state.

The campaign team was also hard at work with social media. They created a website, [www.votenoprotectohio.com](http://www.votenoprotectohio.com) that hosted the most popular video of the campaign, "Shea" about a young woman who was saved from addiction by a tough love judge and drug court. According to Facebook, the video has a reach of over 100,000. They created several "static display" ads for Facebook about the dangers of making possession of fentanyl and GHB a misdemeanor and one about the funding for Issue 1 coming from George Soros. Several video ads, in addition to "Shea" were produced and ran on YouTube, Twitter, and Facebook.

### *The Outcome*

The outcome is still to be determined. As I said in my Executive Director's note, there is still work that can and should be done before election day. We face a well-funded campaign that has been willing to mislead the public about the practical effect and obvious faults of Issue 1. Keep up the great work through November 6!

## Membership Services

### OPAA App

The Membership Services Committee is working on designing an OPAA app for iOS and Android. Provided the funding is available, we anticipate a first quarter 2019 rollout. Let us know if you have any items you would like included in the app.

## Community Outreach

### Meet Ezra!



Julia Bates, Prosecutor of Lucas County identified a need in the courthouse. The need was to comfort in some way the victims of traumatic circumstances, who unfortunately are a part of our work. There are times these victims are still in fight or flight mode and have no desire to open up to strangers.

Lucas County paired with Lutheran Church Charities (LCC K-9 Comfort Dog Ministry) to bring a comfort dog to their courthouse. The Comfort Dog Ministry has been a part of LCC since 2008. These dogs typically work in school settings and have been known to go to sites of disasters and where they are needed.

The pure-bred Golden Retriever named Ezra, has been with Lucas County Prosecutor's Office since January of this year. Ezra has already helped so many victims of various crimes. Of course, the younger victims are drawn to him the most. Many times, a victim will be in the courthouse with folded arms or hiding behind a parent, and once introduced to Ezra, they emerge to befriend the gentle giant and have a common safe conversation about him with the prosecutor.



Ezra has been instrumental in helping not only the victims of the cases, but the staff also. There are times after a particularly stressful case, a staff member shares a soft snuggle with Ezra. The partnership between two organizations is a good fit, and Mrs. Bates is excited to continue and see where it leads.



Pictures: Ezra and unnamed child victim, Ezra and Summer Intern Justice Williams, Miami University, Ezra and Assistant Prosecutor Patricia Wardrop, Special Victims Child

## At the Statehouse

Here is recently enacted legislation and priority legislation for 2018. For a full list of bills that we are tracking visit [www.ohioopa.org](http://www.ohioopa.org). If you have any questions about the work of the legislature or the status of any legislation please let us know!

### Enacted



(OPAA was present at the HB405 signing, with sponsor Rep. Perales, secret service, and other interested parties involved in the anti-counterfeiting bill)

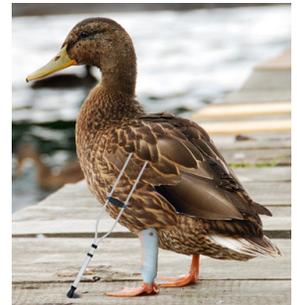
**HB 405 COUNTERFEITING OFFENSE (Perales, R)** - To create the offense of counterfeiting and to include

counterfeiting within the definition of "corrupt activity" under the Corrupt Activities Law. *Effective January 22, 2019.*  
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-405>

**HB 34 OFFICIAL NOTICE DELIVERY/PROSECUTING ATTORNEY-REGIONAL AUTHORITY ADVISER (Hambley, Ryan)** - To authorize certain state agencies, local governments, and other boards, commissions, and officers to deliver certain notices by ordinary mail and electronically instead of by certified mail. To allow a county prosecuting attorney to enter into a contract with a regional airport authority, port authority, or regional planning commission to be its legal adviser. *Effective November 2, 2018*  
<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-34>

### LOOK OUT, It's a Lame Duck!

With many elected officials term limited and leaving office this year, we get to watch the melee unfold at the Statehouse knows as lame duck. Definition of *lame duck*:



- 1: one that is weak or that falls behind in ability or achievement
- 2: an elected official or group continuing to hold political office during the period between the election and the inauguration of a successor
- 3: one whose position or term of office will soon end

So, what does this mean to our membership? Well, popular (with someone) bills that are stalled in the legislature for one reason or another could either find new life on their own or become part of a "sure to pass" bill. This sure to pass bill is typically referred to as a Christmas tree, with all the bills that become a part of it being the ornaments. This can, and typically does happen during the late night, last day sessions. This can be good for us on our legislation that has stalled, but can also go against us on bills we worked to defeat. Know we are doing what we can to make sure both scenarios benefit the membership! And as always, please contact your own legislators to express your concerns. All politics is local after all.

### Pending Priority Legislation

#### Support

**SB20 PERMANENTLY DISABLING CRIME SPECIFICATION (HACKETT R)** - To require an additional prison term of 3 to 8 years for an offender who is convicted of or pleads guilty to a felony offense of violence if the offender is convicted of or pleads guilty to a specification that the victim suffered permanent disabling harm. *See also HB 30.*

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-20>

**SB 32 CRIMINAL TRIAL PROCESS (Eklund, J)** - To provide a prosecutor an additional fourteen days to commence a trial after a person charged with a felony has been discharged because the person has not been brought to trial within the required amount of time and to authorize the court to release the person from detention in connection with those charges pending trial.

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-32>

**SB 207 FELONIOUS ASSAULT-OFFENSE EXPANSION (Kunze, S)** - To expand the offense of felonious assault to include knowingly causing or attempting to cause physical harm to another person by means of strangulation or suffocation.

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-SB-207>

**HB 296 DRUG CRIME NEAR ADDICTION SERVICES (Gavarone, T)** - To enhance penalties for certain drug offenses committed in the vicinity of a community addiction services provider.

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-296>

**Oppose**

**HB 411 WRONGFUL IMPRISONMENT LAW (Seitz, Sykes)** - To modify the state's wrongful imprisonment law. *See also SB 248.*

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-411>

**HB 228 USE OF FORCE IN SELF-DEFENSE (Johnson, LaTourette)** - To assign to the prosecution the burden of disproving a self-defense or related claim, to expand the locations at which a person has no duty to retreat before using force under both civil and criminal law, and to modify the Concealed Handgun Licensing Law regarding a licensee's duty to keep the licensee's hands in plain sight, the penalties for illegally carrying a concealed firearm or improperly handling firearms in a motor vehicle, and the posting of warning signs regarding the possession of weapons on specified premises. *See also SB 180.*

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-228>

**HB 81 DEATH SENTENCE-MENTAL ILLNESS (Seitz, Antonio)** - To provide that a person convicted of aggravated murder who shows that the person had a serious mental illness at the time of committing the offense cannot be sentenced to death for the offense and to provide a mechanism for resentencing to a life sentence a person previously sentenced to death who proves that the person had a serious mental illness at the time of committing the offense. *See also SB 40.*

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA132-HB-81>

**@ohprosecutors**

We are taking an active role in the OPAA Twitter and Facebook accounts, sharing information about our membership with the world! If you haven't followed or liked us, please take a few seconds and do so. Quick links are on the first page of this newsletter under "follow us".

**Your 2018 OPAA Officers**



Morris J. Murray  
Defiance County  
President



Carol O'Brien  
Delaware County  
President Elect



Juergen A. Waldick  
Allen County  
Vice President



Daniel R. Lutz  
Wayne County  
Treasurer



D. Andrew Wilson  
Clark County  
Secretary

The OPAA Nominating Committee will announce a new Secretary at our Annual Meeting. The other officers will move up, or in the case of the President, out to pasture...

**OPAA Awards**

It's that time of the year when we look to the membership to nominate those that deserve recognition. Award nomination forms have been sent out to all offices and the committee will meet November 16<sup>th</sup> to select recipients. If you haven't done so, please let us know who you think is deserving!

## Ohiopa.org

The "Pressroom" area of the OPAA website is being updated regularly. Check out the latest news from around the state or your hometown! <http://www.ohiopa.org/pressroom.html>

## OPAA Webinar Training

We are in the process of setting up quarterly webinars for 2018 and 2019. The first will be on Speedy Trial in mid-December, with presenter Phil Bogdanoff. These will be a one-hour pre-recorded presentations with presenters being available for chat communications, and eligible for CLE credit. Cost will be \$60 for an individual and \$900 for an office.

## 2019 OPAA Training Dates

Please join us in 2019 for our CLE training programs:

### Spring Training

April 25<sup>th</sup> and 26<sup>th</sup>

Sheraton at Capitol Square, Columbus

### Summer Workshop

June 21<sup>st</sup> and 22<sup>nd</sup>

Breakers Cedar Point, Sandusky

### Fall Training

September 26<sup>th</sup> and 27<sup>th</sup>

Crowne Plaza Playhouse Square, Cleveland

### Juvenile Prosecutor Training

TBD - Anticipated mid-October in Columbus

### Annual Meeting

December 12th and 13th

Hilton Easton Columbus

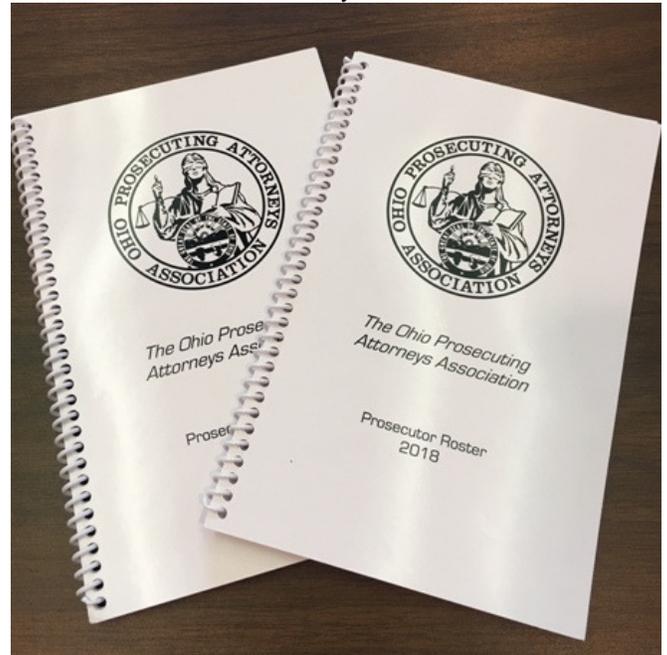
(Note new venue and later date)

## OPAA Committee Meetings

Executive and Legislative Committees

November 28 – Hilton Columbus Downtown

## OPAA Photo Directory Books



President Murray asked that we update our photo directory last published in 2009! We have printed enough for 2 per county and will have them available at the registration table at the Annual Meeting.