



Dennis M. Papp

Bill Analysis
Legislative Service Commission

S.B. 4

126th General Assembly
(As Introduced)

Sens. Stivers, Gardner, Jacobson, Coughlin, Goodman, Clancy

BILL SUMMARY

- Requires the Office of Criminal Justice Services to develop and maintain the Ohio Incident-Based Reporting System to facilitate the sharing of information with the FBI and participating law enforcement agencies in Ohio.
- Requires the Office of Criminal Justice Services, in connection with the Ohio Incident-Based Reporting System, to: (1) collect and organize data for reporting to the National Incident-Based Reporting System operated by the FBI, (2) analyze and highlight mapping data for, and distribute data and analyses to, participating law enforcement agencies, (3) encourage nonparticipating law enforcement agencies to participate by offering demonstrations, training, and technical assistance, (4) help develop the Ohio Law Enforcement Information Sharing Initiative in cooperation with specified state agencies and officials and law enforcement associations and, upon request of the Governor, administer any other information sharing programs related to the System, (5) provide assistance, advice, and reports requested by the Governor, the General Assembly, or the FBI, and (6) require every law enforcement agency that receives federal criminal justice grants or state criminal justice information system General Revenue Funds through the Office to participate in the System or in the FBI's Uniform Crime Reporting Program.
- Specifies that the Emergency Management Agency established within the Department of Public Safety must require every law enforcement agency that receives federal homeland security or domestic preparedness funds through the Agency to participate in the Ohio Incident-Based Reporting System or in the FBI's Uniform Crime Reporting Program.

CONTENT AND OPERATION

Office of Criminal Justice Services--development and maintenance of Ohio Incident-Based Reporting System and related duties

Existing law

Existing law creates the Office of Criminal Justice Services (OCJS). The Governor appoints the Director of OCJS, and the Director appoints OCJS's staff. Existing law assigns OCJS numerous criminal justice-related duties, including: (1) serving as the state criminal justice services agency and performing criminal justice system planning in the state, including any planning required by any federal law, (2) collecting, analyzing, and correlating information and data concerning the criminal justice system in the state, (3) cooperating with and providing technical assistance to state departments, administrative planning districts, metropolitan county criminal justice services agencies, criminal justice coordinating councils, agencies, offices, and departments of the criminal justice system in the state, and other appropriate organizations and persons, (4) encouraging and assisting agencies, offices, and departments of the criminal justice system in the state and other appropriate organizations and persons to solve problems that relate to the duties of OCJS, and (5) administering within the state any federal criminal justice acts that the Governor requires it to administer (see **COMMENT 1** for other duties assigned to, and activities authorized for, OCJS). (R.C. 181.52.)

Operation of the bill

The bill expands the duties of OCJS to also require it, subject to the provision described in the last paragraph of this part of this analysis and subject to R.C. 5120.09(D) to (F) insofar as those divisions relate to federal criminal justice acts that the Governor requires the Department of Rehabilitation and Correction to administer, to develop and maintain the Ohio Incident-Based Reporting System to facilitate the sharing of information with the Federal Bureau of Investigation (FBI) and participating law enforcement agencies in Ohio. The Reporting System is to be known as OIBRS. (R.C. 181.52(B)(16) and (C).)

The bill requires OCJS, in connection with OIBRS, to do all of the following (R.C. 181.52(C)):

(1) Collect and organize data for reporting to the National Incident-Based Reporting System operated by the FBI (see **COMMENT 2**);

(2) Analyze and highlight mapping data for, and distribute data and analyses to, participating law enforcement agencies;

(3) Encourage nonparticipating law enforcement agencies to participate in OIBRS by offering demonstrations, training, and technical assistance;

(4) Help develop the Ohio Law Enforcement Information Sharing Initiative in cooperation with the Department of Public Safety, the Attorney General (AG), the Ohio Association of Chiefs of Police, and the Buckeye State Sheriff's Association and, upon request of the Governor, administer within the state any other information sharing programs related to OIBRS;

(5) Provide assistance, advice, and reports requested by the Governor, the General Assembly, or the FBI;

(6) Require every law enforcement agency that receives federal criminal justice grants or state criminal justice information system General Revenue Funds through OCJS to participate in OIBRS or in the Uniform Crime Reporting Program of the FBI (see **COMMENT 3**).

The bill specifies that its provisions described above do not limit the discretion or authority of the AG with respect to crime victim assistance and criminal justice programs. It also expands the existing provision that states that nothing in R.C. 181.52 is intended to diminish or alter the status of the office of the AG as a criminal justice services agency so that the provision also specifies that nothing in the section is intended to diminish or alter the status or discourage the development and use of other law enforcement information systems in Ohio. (R.C. 181.52(E) and (F).)

Emergency Management Agency

Existing law

Existing law establishes within the Department of Public Safety an Emergency Management Agency (EMA). The EMA is governed under rules adopted by the Director of Public Safety under R.C. 5502.25 and is headed by an Executive Director appointed by the Director of Public Safety with the Governor's concurrence. The Executive Director is required to coordinate all activities of all agencies for emergency management within the state, maintain liaison with similar agencies of other states and of the federal government, cooperate with those agencies subject to the Governor's approval, and develop a statewide emergency operations plan that must meet any applicable federal requirements for such plans. The Executive Director has any additional authority, duties, and responsibilities prescribed by the Governor and the Director or provided by law in all matters relating to emergency management that may be reflected in other Revised Code sections. The Executive Director is required to advise the Governor and Director

on matters pertaining to emergency management on a regular basis. (See **COMMENT 4**.)

For the purposes of emergency management, the Executive Director, with the approval of the Director, may participate in federal programs, and may accept grants from, and enter into cooperative agreements or contractual arrangements with, any federal, state, or local department, agency, or subdivision thereof, or any other person or body politic. Whenever the duties of the EMA overlap with rights or duties of other federal, state, or local departments, agencies, subdivisions, or officials, or private agencies, the Executive Director must cooperate with, and not infringe upon the rights and duties of, the other public or private entities.

Funds made available by the United States for the use of the EMA must be expended by the EMA only for the purposes for which the funds were appropriated. In accepting federal funds, the EMA must abide by the terms and conditions of the grant, cooperative agreement, or contractual arrangement and must expend the funds in accordance with the laws and regulations of the United States. (R.C. 5502.22.)

Operation of the bill

The bill expands the duties of the EMA. Under the bill, in addition to the existing duties and functions of the EMA, the EMA must require every law enforcement agency that receives federal homeland security or domestic preparedness funds through the EMA to participate in the OIBRS or in the Uniform Crime Reporting Program of the FBI (see **COMMENT 3**). (R.C. 5502.22(B)(3).)

COMMENT

1. Existing R.C. 181.52 assigns other duties to, and authorizes other activities by, the Office of Criminal Justice Services.

(a) **Mandatory duties**. R.C. 181.52(B) specifies that, subject to R.C. 181.52(E), as described below in (c), and subject to R.C. 5120.09(D) to (F) insofar as those divisions relate to federal criminal justice acts that the Governor requires the Department of Rehabilitation and Correction to administer, OCJS must do all of the following, in addition to all of the duties described above in the **CONTENT AND OPERATION** portion of this analysis:

(i) Administer funds received under the federal Family Violence Prevention and Services Act, as amended, with all powers necessary for the adequate administration of those funds, including the authority to establish a family violence prevention and services program.

(ii) Implement the state comprehensive plans;

(iii) Audit grant activities of agencies, offices, organizations, and persons that are financed in whole or in part by funds granted through the office;

(iv) Monitor or evaluate the performance of criminal justice system projects and programs in the state that are financed in whole or in part by funds granted through the office;

(v) Apply for, allocate, disburse, and account for grants that are made available pursuant to federal criminal justice acts, or made available from other federal, state, or private sources, to improve the criminal justice system in the state. All money from such federal grants must, if the terms under which the money is received require that the money be deposited into an interest-bearing fund or account, be deposited in the state treasury to the credit of the Federal Program Purposes Fund.

(vi) Contract with federal, state, and local agencies, foundations, corporations, businesses, and persons when necessary to carry out the duties of OCJS;

(vii) Oversee the activities of metropolitan county criminal justice services agencies, administrative planning districts, and criminal justice coordinating councils in the state;

(viii) Advise the General Assembly and Governor on legislation and other significant matters that pertain to the improvement and reform of criminal and juvenile justice systems in the state;

(ix) Prepare and recommend legislation to the General Assembly and Governor for the improvement of the criminal and juvenile justice systems in the state;

(x) Assist, advise, and make any reports that are requested or required by the Governor, AG, or General Assembly;

(xi) Adopt rules pursuant to the Administrative Procedure Act.

(b) **Authorized activities.** R.C. 181.52(C) specifies that, upon the request of the Governor, OCJS may do any of the following: (i) collect, analyze, or correlate information and data concerning the juvenile justice system in the state, (ii) cooperate with and provide technical assistance to state departments, administrative planning districts, metropolitan county criminal justice service agencies, criminal justice coordinating councils, agency offices, and the departments of the juvenile justice system in the state and other appropriate



organizations and persons, and (iii) encourage and assist agencies, offices, and departments of the juvenile justice system in the state and other appropriate organizations and persons to solve problems that relate to the duties of OCJS.

(c) *Related provisions*. R.C. 181.52(D) provides that the existing provisions that assign duties to, and authorize activities by, OCJS do not limit the discretion or authority of the AG with respect to crime victim assistance and criminal justice programs. R.C. 181.52(E) specifies that nothing in R.C. 181.52 is intended to diminish or alter the status of the office of the AG as a criminal justice services agency.

2. According to the website of the FBI, its National Incident-Based Reporting System, or NIBRS, is (see: <http://www.fbi.gov/ucr/faqs.htm>):

. . . an incident-based reporting system through which data are collected on each single crime occurrence. NIBRS data are designed to be generated as a by-product of local, state, and federal automated records systems. Thus, an agency can build a system to suit its own needs, including any collection/storage of information required for administrative and operational purposes, in addition to reporting data required by NIBRS to the national UCR Program. NIBRS collects data on each single incident and arrest within 22 offense categories made up of 46 specific crimes called Group A offenses. For each of the offenses coming to the attention of law enforcement, specified types of facts about each crime are collected. In addition to the Group A offenses, there are 11 Group B offense categories for which only arrest data are reported.

3. According to the website of the FBI, its Uniform Crime Reporting Program, or UCR, is ". . . a city, county, and state law enforcement program which provides a nationwide view of crime based on the submission of statistics by law enforcement agencies throughout the country." The selected offenses to which the Program applies are murder and non-negligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. The Program collects data ". . . on known offenses and persons arrested by police departments. Findings of a court, coroner, jury, or the decision of a prosecutor are not recorded since the intent of the data collection is specifically to assist in identifying law enforcement problems." Participation in the program is strictly voluntary but, ". . . (d)uring 1995, law enforcement agencies active in the Program

represented nearly 251 million United States inhabitants or 95 percent of the Nation's total population." (see: <http://www.fbi.gov/ucr/ucrquest.htm>.)

4. R.C. 5502.21 to 5502.51 set forth the state's general emergency management laws. In addition to the provisions described in the **CONTENT AND OPERATION** portion of this analysis regarding the Emergency Management Agency within the Department of Public Safety, those laws provide for the designation of temporary seats of state and local government in the event of an emergency, countywide emergency management agencies, regional authorities for emergency management, cooperation between state and local agencies, programs for emergency management within political subdivisions, mutual aid arrangements between subdivisions, interstate mutual aid arrangements, private civil defense facilities, and other emergency-related functions.

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-24-05	p. 59

S0004-I-126.doc/jc

