

COVER STORY

A NEW STAGE IN BALLISTIC TESTING

Additional state-of-the-art imaging devices in Ohio will help law enforcement agencies link gun crimes that weren't known to be related

Statewide NIBIN units

New BCI units

Toledo

Existing units

aw enforcement agencies across the state can look forward to the addition of crucial technology to help them track down and capture criminals responsible for deadly shootings and other gun violence.

As part of a new initiative to expand ballistic testing statewide, Gov. Mike DeWine and Attorney General Dave Yost announced plans in March to increase the number of state-of-theart imaging devices that Ohio's crime labs use to determine whether firearm evidence from one case might be linked to evidence from another.

"Every bad guy's gun tells a story — and that story leads back to the bad guy," AG Yost said. "But it takes science and data and technology to be able to read that story."

The imaging devices — powered by the most advanced ballistic identification software available — are used to digitally scan spent cartridge cases and upload those images into a national database for comparison.

Because all guns etch unique microscopic marks into the cartridge cases they eject, the images in the database — the National Integrated Ballistic Information Network (NIBIN) — amount to a vast library of ballistic "fingerprints." Through NIBIN,



New State Highway Patrol units

Cleveland

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FROM THE ATTORNEY GENERAL

t's my duty as attorney general to make sure that law enforcement agencies have the tools they L need to do their jobs as safely and effectively as possible. The men and women who put their lives at risk to protect Ohioans deserve every advantage we can give them.

That's why I'm so pleased that Ohio is investing \$10.5 million in additional technology to give state and local law enforcement the ability to solve more violent crimes and take even more repeat offenders off the streets.

The technology I'm talking about is a computerassisted ballistic imaging system that stores and compares 3-D images of unique markings on fired cartridge cases. Think of these images as ballistic fingerprints, and, just like traditional fingerprints, they can be used to connect crimes that are unsolved or previously unassociated.

The power of the system — called the National Integrated Ballistic Information Network, or NIBIN — is rooted in its massive nationwide database and the advanced algorithms that can quickly compare the markings on one fired cartridge case against images of millions of other cartridge cases. As a result, NIBIN not only identifies gun cases that might be related; it also serves as a bridge to connect the various law enforcement agencies that are investigating those cases. Evidence from any one of these jurisdictions might be insufficient to identify the criminal. But if the agencies are connected through NIBIN and their evidence is shared, the totality of their work might result in an arrest.

Although NIBIN has been around since the late 1990s, its imaging technology is constantly being refined, and represents the state of the art in automated ballistic analysis.

There are seven NIBIN sites in Ohio at police departments and crime labs — a number that will increase to 11 once new units are in place at the Bureau of Criminal Investigation and the Highway Patrol. The additional NIBIN locations will make it even easier for Ohio law enforcement agencies to enter ballistic information into the system and, in turn, get investigative leads that result in more gun-related arrests. And because



Attorney General Dave Yost and Gov. Mike DeWine, right, announce the purchase of additional state-ofthe-art technology that allows law enforcement to tap into the National Integrated Ballistic Information Network (NIBIN) to determine whether firearm evidence from one case is linked to evidence from another.

the NIBIN station at BCI's Richfield crime lab is now linked to the ATF's national correlation center — as will all the new NIBIN stations once they come online in Ohio — processing time for correlation analysis will be faster.

But here's the thing: We need law enforcement to make full use of the system — especially now, as violent crime continues to increase across the nation. And to do that, we need to get the word out.

According to Matthew Sprockett of the Columbus Field Division of the Bureau of Alcohol, Tobacco, Firearms and Explosives, the agency that operates NIBIN, 369 law enforcement agencies submitted evidence to Ohio NIBIN sites in 2021, and at least a handful of these agencies were from out of state. Ohio has more than 900 law enforcement agencies.

Nationally, more than 6,000 agencies — roughly a third of all law enforcement agencies in the U.S. — submitted evidence to NIBIN sites.

That's why I'm calling on all police agencies in Ohio to use the system to the max. Make it standard practice to submit ballistic evidence to a NIBIN site in your area so it can be scanned, uploaded and compared against the images in the database.

The simple truth is, our ability to connect seemingly unrelated gun crimes and put violent repeat offenders behind bars increases with every new cartridge case image that goes into the NIBIN database. Your small investment could pay big dividends.

Yours,

Dave Yost

COVER STORY

The process

Eventually, all NIBIN stations at BCI labs will be linked to the NIBIN National Correlation and Training Center, run by ATF. Under this partnership, BCI labs will scan cartridge-case evidence and upload the images into the NIBIN database for correlation analysis by NNCTC.

Expert

Continued from Page 1

law enforcement agencies across the nation can connect gun crimes by comparing their firearm evidence against the millions of images already in the database.

The Ohio Attorney General's Bureau of Criminal Investigation (BCI), which currently operates one NIBIN station, at its Richfield lab, will add an additional imaging unit there, and establish NIBIN stations at its labs in London and Bowling Green.

The Highway Patrol will buy two NIBIN stations - one each for its Cleveland District Headquarters in Brook Park and for the Ohio Department of Public Safety headquarters in Columbus.

Besides Richfield, Ohio's NIBIN stations are currently located at police departments and crime labs in Canton, Cincinnati, Cleveland, Columbus, Dayton and Toledo. Each NIBIN station serves local law enforcement.

The timeline to buy and set up the NIBIN equipment is "as soon as possible," Yost said. Money for the hardware, software, training and related expenses — \$10.5 million in all — was awarded to the Attorney General's Office and the Highway Patrol in late April using funds provided by the American Rescue Plan Act.

Established in 1997 by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), NIBIN has become essential to any gun crime-reduction strategy and is especially useful in cases in which a shooter operates across a broad area, leaving bits of firearm evidence from city to city. There are 264 NIBIN sites nationwide — including seven in Ohio, a number that will increase to 11 when the new units are in place. The additional NIBIN locations will give local law enforcement agencies easier access to the system and provide leads that should result in more arrests.



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by Ohio Attorney General's Office 30 E. Broad St., 17th Floor Columbus, OH 43215

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The NIBIN process essentially consists of two parts: acquisition and correlation. It works like this:

- A technician puts a spent cartridge case into a BrassTrax unit, which automatically scans the evidence, uploads the digital images to the NIBIN database, and generates a ranked list of possible matches.
- Next, a correlation specialist uses software called MatchPoint to compare the image of each possible match against the image of the newly scanned cartridge case. The review is done onscreen as side-by-side comparisons. If a likely match is confirmed, the lead is passed on to the law enforcement agencies involved.

In mid-June, BCI announced a partnership with the ATF to connect the BCI crime lab in Richfield to the NIBIN National Correlation and Training Center (NNCTC) in Huntsville, Ala., which maintains a large team of highly trained specialists to conduct correlation reviews

- Eventually, when the new NIBIN stations are established at the London and Bowling Green crime labs, BCI will link those sites to the ATF's national correlation center as well.
- Besides saving time and freeing up staff at the BCI labs, linking to the correlation center provides another benefit.

"ATF can open up the borders to us," BCI Lab Director Karen Kwek said. "Let's say they trace a gun, and the gun was found to have been bought in Michigan, used in Illinois and then came to Ohio. Then the ATF has the ability to search the NIBIN database in each of those states to see where it was used."

The NIBIN database grows only if agencies submit firearm evidence — and the larger the database, the better the chances of linking gun crimes. Consequently, NIBIN's effectiveness hinges on legwork by law enforcement agencies, both on the front end and back end: They must first submit evidence for testing, then follow up on any leads generated.

"Right now, NIBIN has some amazing successes," Yost said. "But I'll be candid with you — there are too many shell casings and weapons recovered that have never been tested and, therefore, never been entered into the database."

The governor and attorney general want to see the day when Ohio law enforcement agencies make it standard practice to submit all ballistic evidence for NIBIN testing, including backlogged evidence.

"We know that, statistically, if you run everything, you're going to have more matches," Gov. DeWine said. "And that's what the goal is."



When tragedy struck, the Portsmouth PD looked after little Paula Vogel. Seventy years later, a new generation of Portsmouth cops is doing the same.

aula Vogel had just turned 3 when her father, a Portsmouth police lieutenant, was killed in a crash, leaving her and her mother to cope with a future that was suddenly dark and unpredictable.

FAMILY

Young Paula, barely out of diapers at the time, would later learn details of that fateful day from her mom and other relatives. And she would discover something else, too: how the Portsmouth Police Department responded in her time of crisis, as law enforcement always does when tragedy strikes the family.

Now, at age 73, Paula finds it hard to believe the same department is looking after her again. "I didn't know I was still part of the Blue Family," she said. "But I've learned it's forever."

Lt. Norman Vogel and his partner were responding to a call at the Norfolk and Western Railroad yards on Nov. 23, 1951, when their patrol car collided with a truck hauling steel through Portsmouth. Vogel, who was driving, was thrown from the car and died instantly; he was 38. His partner was uninjured.



Paula with her mother and fathe

The crash occurred the day after Thanksgiving, six weeks after Paula's third birthday.

In the 70 years since, she got on with the business of living — a life that has included college, marriage, motherhood, a wealth of friends, and a full-time career at Chase that continues to this day. Vogel Jones, who kept her married name after her divorce, said she always cherished her father's memory but never dwelled on the misfortune of losing him, an outlook grounded in faith and inspired by her mother's example.

Three years ago, however, an event in Portsmouth brought her father's life and death back to the forefront, in turn giving Vogel Jones a deeper appreciation of his legacy, her mother's indomitable spirit and the unending compassion of the police agency her dad so proudly served.

The catalyst was the opening of a dog park. Named in memory of a slain K-9 from the Scioto County Sheriff's Office, the park also honored the three Portsmouth police officers who have died in the line of duty, including Lt. Vogel.

A childhood friend told Vogel Jones about the opening and asked her to come down from Columbus for the day. Little did Vogel Jones know that she would become a focus of attention.

Reporters sought her out for interviews when word spread about her father. And, to her great surprise, Portsmouth officers asked to talk to her - the start of several new friendships and the renewal of a departmental commitment that began generations earlier.

"It was an honor to meet her and a privilege to hear the stories she had about the Portsmouth police," Detective Lee Bower recalled. "She talked



Jones finds her father's

Officers Memorial Wal

name on the Fallen

at OPOTA in London.

LEFT: Paula and her

dog with Portsmouth

police in 2019. From

left: Officer Rob Davis,

Vogel Jones, Detective

Lee Bower and Officer

Amy Ferguson.

Officer Mike Queen,



about her early childhood and how our guys — 'Daddy's brothers' she called them — would bring Santa Claus in a police car with its lights and siren on to deliver her Christmas presents."

Vogel Jones will always be grateful that her mother, Martha, had the Portsmouth PD to lean on.

"She was a strong, amazing woman," she said. "She didn't go moping around. None of this 'woe is me' stuff. She kept a positive attitude because she knew life had to go on no matter how hard it was."

And life was hard. Six months before Paula was born, her mother and father had buried their first child, a 6-year-old daughter who died days after a tonsillectomy.

Then, 3¹/₂ years later, Lt. Vogel was killed.

"My mom told me that when the officers came to the house to give her the news, she collapsed and had to be rushed to the hospital," Vogel Jones recalled. "And when his body was taken to the funeral home, she cried because she didn't want him to be alone overnight. So one of the Portsmouth officers stayed with my dad as a way to honor both him and my mom. It brought her so much comfort."

The Portsmouth police continued to look after Paula, and every Christmas they made sure she had a patrol car full of presents. During her senior year

of high school, they even gave her a plaque making her an honorary member of Fraternal Order of Police Scioto Lodge No. 33.

By this time, Paula thought her relationship with the Portsmouth police was over. She was headed to college, her mom had earned a degree and was nearly a decade into her career as a teacher, and there was soon to be a new father figure in the family, a minister from Columbus who would distinguish himself as a devoted husband and stepparent.

So it was a delightful surprise when, five decades after saying goodbye to the department, she reconnected with it.

Bower said Vogel Jones is a vital link in the department's history and a member of the family. "She does as much for us as we do for her," he said.

Officer Mike Queen has become another close friend. In May, he drove from Portsmouth to accompany her to the Ohio Peace Officer Training Academy (OPOTA) in London for this year's Fallen Officer Memorial Ceremony, where Attorney General Dave Yost recounted Vogel Jones' remarkable story.

It was less than a year earlier that she, her son and daughter-in-law first traveled to OPOTA to search for "Norman L. Vogel" among the names of the 800 peace officers inscribed on the memorial wall.

"World changers," she calls them.

The past three years have evoked plenty of emotions. When Queen asked for a photo of her father's badge, she gladly obliged, unaware that he intended to use it as the model for a new badge for his K-9 partner. Vogel Jones was so honored by the tribute that she plans to leave her father's badge to Queen when she dies.

"He's been so good to me," she said. "The whole department has been. They're a treasure."

One favorite story goes back 21/2 years, shortly after she got to know the Portsmouth officers. Vogel Jones had just undergone hip-replacement surgery in Columbus and was planning to recuperate at her cousin's house in Portsmouth. A friend had recommended that she arrange for help to get into the house, so she asked Queen if he could drop by.

When the appointed time came, however, just as Vogel Jones and her cousin stopped the car in front of the house, "here comes four or five police cruisers from one direction and a squad and a firetruck, all lit up, from the other direction," she said.

Embarrassed by the fuss, she insisted she just needed a hand up the steps, although in hindsight she now concedes she was "higher than a kite from the anesthetic." At that point, one of the firefighters said, 'Ma'am, you have two options: We carry you in on a stair chair, or I sling you over my shoulder.' "

Before the officers and firefighters left, she made sure they posed with her for a group photo.

"She'll always be in our police family," Bower said. "Her father made the ultimate sacrifice — he died in the line of duty. So it's our privilege to look out for her.

"That's what we do — we take care of each other."



NOTES

NEWS

Delaware police chief named assistant superintendent of BCI

With the wealth of experience he brings to the job, the new assistant superintendent of the Bureau of Criminal Investigation understands better than most the challenges that Ohio law enforcement agencies face every day.

Before coming aboard at BCI on May 23, Bruce Pijanowski served for 34 years with the Delaware Police Department, the last 10 as chief.

"Chief Pijanowski understands that BCI's job is to help local law enforcement," Attorney General Dave Yost said. "And his background as a hands-on chief gives him a front-row perspective into what's needed on the streets of Ohio."

Pijanowski joins BCI Superintendent Joe Morbitzer and replaces recently retired Assistant Superintendent Heinz von Eckartsberg.

He started his law enforcement career as a Delaware patrol officer in 1988, steadily rising through the ranks - to detective, sergeant, detective sergeant, captain, assistant chief and chief. Along the way, he learned the roles of tactical officer, crisis negotiator, crash reconstructionist and field training officer.

"That's the great thing about a midsize agency like Delaware," he said. "I got the chance to do just about everything."

Pijanowski said that being a part of BCI offers a unique opportunity to advance law enforcement statewide, a mission that ultimately makes Ohioans safer and their communities stronger.

"I've always known BCI to innovate, to push forward, to do things that not only professionalize law enforcement but also improve our ability to serve the public. My role now is to make sure our people have what they need to do their jobs to the best of their ability. Our success as an organization is a result of their dedication and talent. If they're not happy, I won't be happy."

Morbitzer said Pijanowski's commitment to strengthening law enforcement and his track record as a leader will help ensure BCI's continued success as one of the nation's outstanding crime labs.

Pijanowski, 56, is a graduate of Bowling Green State University, the FBI National Academy and the Police Executive Leadership College. He has been on the executive committee of the Ohio Association of Chiefs of Police since 2016 and served as chairman of the association's legislative committee.

He and his wife, Pam, have been married for 31 years and have two adult children.

CONSTITUTIONAL CARRY

No permit needed

With a license no longer required in Ohio to carry a concealed handgun, law enforcement agencies are making adjustments

new state law went into effect June 13 that allows qualified adults to carry a loaded, concealed handgun _without obtaining a license, taking a firearms course or undergoing a background check.

Likewise, individuals who carry a concealed handgun no longer are required to immediately reveal that they are armed if stopped by a law enforcement officer. If asked by an officer, however, they are legally required to answer truthfully.

Law enforcement agencies will be watching to see what long-term impact, if any, the law has on the public, community safety and gun violence in general. In the meantime, though, they're adapting as necessary.

With its new law, Ohio followed a trend among states toward "permitless carry," commonly referred to as constitutional carry.

Just 10 days after the law took effect, the U.S. Supreme Court on June 23 struck down a New York law making it illegal to carry a concealed gun for protection outside the home without showing a special need for protection — a ruling that affirmed Americans' right to bear arms in public and allowed states to continue to prohibit guns in certain locations, including schools and government buildings. Ohio Attorney General Dave Yost last year joined numerous other states in an amicus brief challenging the New York law.

Yost said the safety of Ohio's law enforcement officers will always be of paramount importance, a goal that can be achieved by ensuring that they receive the most advanced training and are thoroughly educated about new laws or changes in law.

The new concealed-carry law, as the attorney general points out in an online video available to law enforcement, is much the same as the one it replaces. Rules about where a concealed gun is and isn't allowed are virtually unchanged, he said, and the same is true of rules governing the transport of loaded handguns in vehicles.

In short, although the new law makes the license optional, it does not eliminate the rules that govern carrying a concealed handgun or the responsibility of a handgun owner to know those rules. That's why AG Yost encourages firearm education --- and not just a knowledge of safe gun-handling and the limits of the concealed-carry law but also an understanding of laws on self-defense and deadly force, given that most people who conceal-carry say they do it for personal safety.

Educating the public is essential, said Capt. Mitch Houser, head of the community services division for the Euclid Police Department. People who haven't studied the new law might unintentionally break it, he said — for example, by carrying a handgun into a restricted location or keeping it where someone prohibited from having a gun could easily get to it.

During the three months after the law was passed by the General Assembly, Capt. Houser noted, officers encountered several people who were carrying concealed guns without a license who didn't realize that the law had yet to take effect. To help spread the word about the new rules, the Euclid PD is primarily using social media, a tactic also being employed by other law enforcement agencies through the state as well as the Attorney General's Office.

When Ohio legalized concealed-carry in 2004, it established a licensing system through the offices of the state's 88 county sheriffs, a system that remains in place under the new law.

Forbidden carry zones

Under Ohio law, a concealed handgun may not be carried in:

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☆ Law enforcement offices.

Correctional institutions or other detention facilities. Airport passenger terminals beyond screening checkpoint, commercial airplanes. Facilities for the care of mentally ill persons.

Courthouses or buildings with a courtroom.

Universities, unless specifically permitted.

Places of worship, unless the place of worship permits otherwise.

Government facilities not used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and are not a courthouse, building or structure with a courtroom.

School safety zones, including school buildings and premises, school activities, and school buses. Private property where appropriate signage is $(\bigcirc$

conspicuously posted.

Permissible carry zones





To get a license for carrying a concealed weapon **OPOTA Online course available** (CCW), applicants must be 21 or older, pass a The Ohio Peace Officer Training Academy has created an online course titled "Concealed federal background check, take a total of eight Firearm Carry Changes." The course can hours of classroom and live-fire training from a help fulfill continuing professional training certified instructor, pass a written exam and pay requirements for the Legal Updates category a \$67 fee. and is available at opotaonline.inguisiglms.com.

As with anyone seeking to own a gun in Ohio, applicants are disqualified if they are judged to be mentally incompetent, subject to protection orders or addicted to drugs or alcohol, or have been convicted of a felony drug offense or a violent felony offense.

Law enforcement officials say it is now imperative Although Ohio no longer requires CCW licenses, that officers make it standard practice to the state will continue to issue and renew them immediately ask motorists they stop whether they under the same terms as before. That's because are carrying a concealed gun. Under the old law, a physical license is necessary in some cases and anyone with a concealed gun had to promptly convenient to have in others. disclose that fact, whether or not the officer asked. For example, under federal law, a physical license The new law eliminates this "duty to inform."

is needed to take a concealed handgun into a school safety zone (provided the gun remains in a vehicle at all times and the vehicle, if unoccupied, is locked). Additionally, some individuals might choose to obtain a CCW license as proof of training or because it exempts them from needing a background check when purchasing a firearm.

The timing of Ohio's new concealed-carry law coincides with a nationwide surge in gun violence that began in 2020. Euclid, a Cleveland suburb, has seen a dramatic increase, Capt. Houser said, but he doesn't think the new law will hinder the department's efforts to reverse the trend.

(before the June 23 Supreme Court ruling)

"It's not like this law is going to give criminals an ability they didn't have before," he said. "Criminals will be criminals, and they're going to do what they do no matter what law is passed."

"The law says I don't need a license to walk around or drive around with a weapon concealed," said Hamilton County Sheriff Charmaine McGuffey. "And if a deputy encounters me, I don't even have to tell the deputy I have a gun if I'm not asked about it. Furthermore, if the deputy finds out I do have a gun, he or she has no way of knowing whether I'm holding that gun legally."

The mere presence of a firearm, without a legally compelling reason to further investigate, may not give rise to a reasonable suspicion or probable cause under Fourth Amendment case law. Law

enforcement officers should consult their agency's legal advisers about how permitless carry may impact the circumstances under which they can stop and frisk.

Chief Elaine Bryant of the Columbus Division of Police said the new law does present some challenges for officers and detectives, "but, like any change, we will find ways to adjust and overcome."

The legal department has prepared division-wide training and legal updates, she said, and online videos and scenario-based, in-service training classes could provide other opportunities to educate her force.

Sheriff McGuffey is concerned that the law no longer mandates gun-safety education as a prerequisite to carry a concealed handgun.

"I think all of us in law enforcement are in a wait-and-see pattern," she said. "We're going to work with it, educate our deputies and do the very best we can."

Capt. Houser said the Euclid Police Department is taking the same approach.

"We're going to have to see what the numbers are," he said. "We can look at the effects of constitutional carry in other states, but at the same time we're not other states. We're Ohio, and we have a different culture than other states. We may not see an effect at all; we might see a spike - that remains to be seen.

"We will adapt as necessary, just like the rest of the officers in Ohio."



Mark Your Calendar

Save the date



2022 Law Enforcement Conference

Oct. 6-7, 2022 | Hyatt Regency Columbus

Mark your calendar to attend Ohio's preeminent gathering of state, county and municipal law enforcement. (Look for registration materials on the Ohio Attorney General's website in August.) As always, the conference will offer workshops on key topics and recognize the service of distinguished law enforcement officers. If you have questions, please email Laura.Lopez-DeLaet@OhioAGO. gov or call 800-346-7682.

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