ON THE JOB
CRIMINAL JUSTICE UPDATE
DAVE YOST
OHIO ATTORNEY GENERAL
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Special Deputy Howard Mullen of the Meigs County Sheriff's Office shows off his 1947 Ford. Learn more about his car in a video at www.OhioAttorneyGeneral.gov/Media/Videos.

COVER STORY

Record-setting deputy

Howard Mullen has volunteered with Meigs County for 66 years

At 91, Howard Mullen owns an official Meigs County deputy's uniform, a 1947 Ford kitted out like an old-time police car and the record as Ohio's longest-certified law officer.

But since he started in 1953, he has always served the sheriff's office on a part-time, volunteer basis.

"It's somewhat of a hobby related to safety-type work," said the Pomeroy resident, who also has a long history of volunteering with the local fire and emergency medical departments.

"His life has really revolved around public service and helping people," said Sheriff Keith Wood, who has known Mullen since the 1970s. "And our door will always be open for him."

When most people were using weekends to relax or catch up on household chores, Mullen would head to the sheriff's office.

"I would often come down, almost every Saturday, and ride five,

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FROM THE ATTORNEY GENERAL

Ohio is getting pounded by the opioid crisis, as many readers of this newsletter know firsthand.

And the deadly problem is expected to worsen.

Nationwide, fatal opioid overdoses are predicted to rise to 82,000 a year by 2025, according to a study published recently in the Journal of the American Medical Association. That's 72% more than the 47,600 people who died of such overdoses in 2017.

More lives are expected to be lost in the decade from 2016 through 2025 than the combined populations of Cleveland and Cincinnati — a staggering forecast when, already, resources are strained and the fight can seem endless and thankless for Ohio's first responders.

Without the hard work of our police and EMTs, the state's opioid-related deaths would be significantly higher and the damage to children, families and communities far worse. But even if the first responders could dedicate 100% of their time to battling opioids, they couldn't solve this crisis alone.

That's because they get involved after addiction has sunk its claws into people, twisting the normal functioning of their brains. Science tells us that the addiction is a disease. By this point, all sorts of damage has been done.

The solution must encompass a holistic approach — one involving law enforcement, treatment, education and prevention. That last component calls for a thorough exploration of what we can do to stop more people from falling victim to opioid addiction.

To that end, my office is undertaking two science-based initiatives aimed at prevention.

First, a study we organized seeks to identify whether a person might be susceptible to opioid addiction. With the help of Bowling Green State University and the emergency departments at the University of Cincinnati and Ohio State University, we will search for a correlation between certain genetic markers and a predisposition to substance use disorder.

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As part of the 12- to 18-month study, cheek-swab DNA samples will be collected from 1,500 ER patients and then screened for 120 genes thought to be linked to opioid addiction.

If successful, the study could help doctors choose the right pain therapy based on a patient's unique DNA. Patients believed to be susceptible would be prescribed other pain treatments; those who aren't could be prescribed opioid medication with more confidence.

In other words: Let's try to eliminate the issue before it becomes a problem.

The research project will be led by my office's new director of scientific research, Jon Sprague.

Sprague, head of the Ohio Attorney General's Center for the Future of Forensic Science at Bowling Green, also will lead the second initiative: a task force charged with finding innovative prevention techniques and strategies.

Sprague has invited experts in medicine and pharmacy practices, human relations, behavioral economics, data analysis, epidemiology and medical anthropology to join the Scientific Committee on Opioid Prevention & Education, or SCOPE.

Sprague and his team will seek to identify the circumstantial, environmental, social, behavioral and psychological factors that incline some people to substance use disorder.

We want to know why it is that two people can take the same drug in the same dosage and only one becomes addicted. We want to know how to blunt opioids' harmful effects.

Our hope is that, ultimately, breakthroughs in these areas will reduce the number of people who succumb to opioid dependence — and, correspondingly, the number who reach the crisis point and need help from first responders.

These breakthroughs also might offer better ways to treat those already in the grip of this plague.

As we work for new solutions, I thank all those who fight on the front lines of this battle — first responders, treatment and recovery experts, social services workers and children services staff.

You are saying no to death — and yes to hope.

Yours,

Dave Yost
Ohio Attorney General

ON THE JOB
CRIMINAL JUSTICE UPDATE

On the Job (Criminal Justice Update) is typically published four times a year by the Ohio Attorney General's Office.

To offer story ideas, contact Editor Jenny Applegate at **614-995-0328** or **Jennifer.Applegate@OhioAttorneyGeneral.gov**. Sign up for the electronic edition at **www.OhioAttorneyGeneral.gov/EmailUpdates**.

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www.OhioAttorneyGeneral.gov/Media/Newsletters/

Q&A

CAROL O'BRIEN

DEPUTY ATTORNEY GENERAL FOR LAW ENFORCEMENT

What does your job entail?

I oversee seven "sections" within the Attorney General's Office: the Bureau of Criminal Investigation, the Ohio Peace Officer Training Academy, Special Prosecutions, the Ohio Organized Crime Investigations Commission, Health Care Fraud, Crime Victims and Criminal Justice. There are about 670 employees within those sections, and their responsibilities are wide-ranging.

How did your experience prepare you for this role?

My experience working as a prosecutor in various places has taught me what is needed in the criminal justice process, including investigations, trial preparation and proceedings, and the appellate process. And, just as important, I have learned the value of treating everyone in the process — victims, law enforcement, defense attorneys and others — with courtesy, respect, honesty and compassion.

What are your priorities for how your sections of the Attorney General's Office will work with local law enforcement?

First, let me say that I have the utmost admiration and respect for the men and women in law enforcement, who dedicate their lives to keeping us all safe. It is an honor and privilege to work with them on a daily basis.

The primary mission of BCI and OPOTA is to support law enforcement. OPOTA supports law enforcement by making sure its educational offerings are relevant and impactful – as well as fulfilling statutory requirements, of course.

BCI provides expert criminal investigative services upon request – and the special agents, including crime-scene and other investigative agents, are on call 24/7 to offer investigative assistance at crime scenes. It is important to me that local law enforcement understands that we are here to assist. It is not our role to "butt in" and take over but, rather, to work cooperatively to solve crimes and bring criminals to justice.

What first got you interested in a career in criminal justice?

Perry Mason – and anyone under 40 (maybe even 50) will probably have to Google that name. I decided in grade school that I wanted to be Perry Mason, the defense attorney who defended dozens of falsely accused people and managed to clear each and every one of them, usually by drawing out the real criminal on the witness stand through a masterful cross-examination.

So I became the complete opposite — a prosecutor who's never had a witness confess on the stand. But I still love conducting a good courtroom cross-examination.

Why did you want this job?

Good law enforcement is all about cooperation — at every level. It is about working with other agencies to get the best result — to protect our citizens and to bring criminals to justice.

What I have learned over the past 35 years is that I cannot "do justice" on my own. Every single case I have touched has involved collaboration with police officers or sheriff's deputies, forensic scientists, analysts, advocates and myriad other people within the justice system.

I see this job as an opportunity to increase cooperation between our office and the various law enforcement entities in Ohio and to enhance our ability to protect our Ohio citizens. I see this job as an opportunity to make a difference in the lives of every citizen in Ohio.

Bio box

Hometown: Born and raised in Maumee, now lives in Delaware, Ohio

Family: husband, William Owen, first assistant prosecuting attorney for Marion County; stepson Sean Owen and his wife, Mhel, and their two daughters; son Patrick O'Brien, a tech sergeant in the U.S. Air Force, and his wife, Ashley, and their two daughters; and sons Eamon O'Brien and Timothy O'Brien

Education: Maumee High School; bachelor's degree in political science from Northwestern University in Evanston, Illinois; doctorate in law from the University of Toledo College of Law

Past roles: Delaware County prosecutor, 2011-19; assistant Delaware prosecutor, 2007-11; Ohio Attorney General's Office, assistant chief of the Civil Rights Section, assistant attorney general of the Corrections Litigation Section and chief legal officer of the Ohio Organized Crime Investigations Commission, 1995-2007; assistant Franklin County prosecutor, chief of the Economic and Organized Crime Sections, 1989-95; as well as previous roles with The Ohio State University College of Law, Neighborhood Legal Assistance Program in Charleston, South Carolina, and Advocates for Basic Legal Equality in Defiance

Brain injury hidden risk for domestic violence victims

Serious effects undermine survivors' ability to heal, Ohio-focused research finds

In 2017, Time magazine wrote about a study that found 110 of 111 deceased NFL players had a brain disorder caused by repeated head trauma.

The trauma was named as the main culprit in problems the football players had experienced with memory, bad moods, organizing simple and complicated ideas and tasks, as well as suicidal behavior.

The news was important but not surprising. Ohio, after all, had put a law on the books four years earlier outlining how concussions in young athletes should be treated because of their potentially serious effects.

Now Ohio advocates for domestic violence survivors are connecting the dots for a population whose most common injuries, according to the Centers for Disease Control and Prevention, involve the head, neck and face.

Rachel Ramirez, training director at the Ohio Domestic Violence Network, said the brain injury connection has been overlooked for far too long.

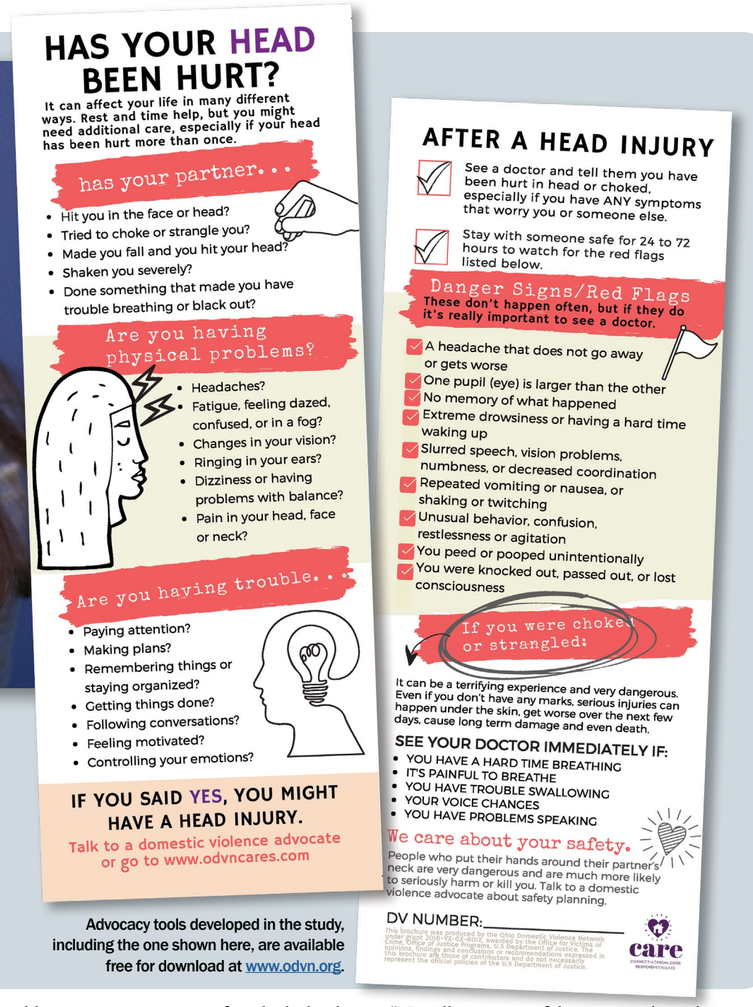
"What do we think when domestic violence survivors don't show up for appointments, when we're talking and we know they're just not getting it?" she said. "What do we think when they're not figuring out their lives? We might think they don't care about their safety, they're uncooperative, they're lazy, you know?

"We have all of these different assumptions we make, and brain injury — which can cause every one of these behaviors — is not on the list at all."

Funded by a federal grant obtained in 2016, ODVN has been researching the extent of the problem in Ohio and testing how best to alert abuse survivors — and the law enforcement, criminal justice and other professionals who work with them — to the implications of a blow to the head or strangulation.

"We talked to survivors, and 81% had experienced hits to the head before accessing service," said lead researcher Julianna Nemeth, an assistant professor at Ohio State University. "Fifty percent had experienced hits to the head so many times that they couldn't even remember how many times. And strangulation, 83% of survivors had experienced it."

> **For survivors, you have this person who is not able to do something they used to be able to do and who has no idea why. These people think they're going crazy — and, of course, they do because they've been told by their abusers that they are crazy.**
>
> **RACHEL RAMIREZ,**
> training director, Ohio Domestic Violence Network



Advocacy tools developed in the study, including the one shown here, are available free for download at www.odvn.org.

For survivors, you have this person who is not able to do something they used to be able to do and who has no idea why. These people think they're going crazy — and, of course, they do because they've been told by their abusers that they are crazy.

One survivor Ramirez knows, a woman named Paula who worked as an emergency medical technician in the Toledo area, experienced exactly that.

Amid ongoing abuse, her partner almost strangled her to death. She suffered brain injuries that she didn't know about and, as a result, nightmares, flashbacks and a sensitivity to noise that would trigger an overreaction for which she then hated herself. She self-medicated with alcohol.

"Paula went to a therapist and said: 'I think I'm crazy. Put me in a psychiatric ward,'" Ramirez said.

Paula's brain injuries went undiscovered until she was in a car accident and underwent an MRI.

Such accidental discovery is common, Ramirez said. In fact, in Nemeth's research, survivors said service providers rarely talked about brain injury and service providers — those who work with survivors every day — reported having met very few with brain injuries.

They did, however, report a disproportionate number of survivors who experienced seizures.

"Not all survivors of domestic violence have brain injuries," Nemeth said, "but our message to agencies has really become, 'You basically have to assume that a survivor coming to your services has an unmet need regarding a potential brain injury.'

"We've really stumbled upon this huge unmet need," she said.

Most of the research on people who've suffered brain injuries has involved privileged subsets of the population, such as NFL players.

"We were at a brain injury conference last week," Ramirez said, "and there was a presenter who studied 10 private schools in Connecticut with an average tuition of $50,000. The focus was educating athletic trainers."

Which isn't to say that athletes' concussion-related injuries aren't important, Ramirez and Nemeth said.

"It's just that the frameworks that have been built for intervention regarding brain injury, they don't apply to this population of survivors," Nemeth said.

Doctors tell those who've suffered brain injuries to rest and avoid stress.

"That's exactly how you do it when you have a kid who is in soccer and has a concussion," Ramirez said. "But what does that look like in the domestic violence world?"

The Ohio Domestic Violence Network didn't explore the clinical science, but it aimed to do two things: develop a care framework that recognizes victims' vulnerability to brain injuries and help advocates adjust programs to give survivors a better chance for success and thus healing.

For the research, Nemeth and her team worked with five agencies in Ohio focused on domestic violence survivors. Staff members, administrators, volunteers and survivors were interviewed.

Next came development of the care framework (named CARE, for *connect*, *acknowledge*, *respond*, *evaluate*) and support tools, which in part help survivors recognize how a brain injury might affect them. The researchers designed an evaluation process to look at whether survivors exposed to the care framework experienced better results.

With the work now in the end stages, the team is writing final reports and planning for a statewide rollout, Ramirez and Nemeth said.

The benefits of the study, Nemeth said, extend beyond domestic violence shelters.

"This doesn't just have applications for how it is that we bring survivors into shelter services," she said. "It has applications for how we're interacting with survivors in every system that they come in contact with.

"In terms of criminal justice, law enforcement, we have agencies that are using this 'Has your head been hurt' card when they go out to the scene of domestic violence calls. We have hospital emergency rooms that have called to say: 'Thank you so much for sending this card. We never would have thought about assessing for brain injury, but, because of the card, we did — and that's exactly what we needed to do.'"

For more details, contact Ramirez at rachelr@odvn.org. Funding for the study was provided by the U.S. Office for Victims of Crime under grant 2016-VX-GX-K012.

A checklist for officer-involved shootings

By Mark Kollar | For Police One

The critical first minutes after an officer-involved shooting are chaotic, commonly characterized by confusion, conflicting information and sensory overload.

The competence and leadership of first-line or mid-level supervisors are put to the test with lives and prosecutions hinging on the quality and speed of the decisions made once they arrive at the scene.

Creating order out of the chaos, taking command and exerting a calming influence necessitate a level of confidence that can come from preparation. Though it is hoped you will never experience such an event during your career, you need to plan for the possibility.

These suggestions can guide you in navigating the crucial first minutes after a shooting and in creating a departmental policy on how to handle such an event. While this list is numbered, many of the activities occur simultaneously.

1. APPROACH CAUTIOUSLY

As you arrive, know that the potential threats that led to the incident may still exist. Exercise caution to ensure no additional injuries occur. Be mindful of evidence, unsecured weapons and the possibility that additional suspects may be in the area or fleeing. Consider the presence of biological fluids and other hazards — the safety of all involved is paramount.

2. TAKE CONTROL

Take a deep breath and begin directing the activity. Remove unnecessary personnel, mitigate dangers and delegate tasks. Though you may need help from the involved officers to stabilize the situation, all attempts should be made to relieve them of scene responsibilities so they can focus on their physical and mental well-being.

3. RENDER MEDICAL AID

The preservation of life takes priority over the collection of evidence. That being said, make mental notes if alterations to the scene are necessary to care for the injured. Officers should attempt life-saving efforts and medical first responders should be summoned without delay. If practical, clear a route into the scene that is relatively free of obvious physical evidence and direct medical personnel to follow that path. If time permits without sacrificing the welfare of patients, photograph the positioning of injured persons and evidence before moving anything. Check involved officers for injuries; they may not realize they are injured.

Questions to answer before a critical incident

The development and implementation of comprehensive policies to address officer-involved shootings should include answering:

- Who will process the scene?
- Who can be called if additional manpower is needed?
- Will officers be interviewed immediately, or only after a specified "cooling off" period?
- Can officers view their body-worn camera or dash cam videos before being interviewed?
- Will the officers be mandated to submit to drug and alcohol testing?
- Will officers be physically and mentally evaluated at a hospital immediately afterwards?
- Will officers be required to attend a critical incident stress debriefing?
- Who will you call to handle the criminal and internal investigations?
- Will the names of the involved officers be released to the media and if so, when?

4. SECURE THE SCENE

Physical barriers, such as crime scene tape, should be established as quickly as possible to protect the scene and evidence. Always start larger than needed – it is easier to collapse a scene than increase it. Designate officers to maintain security and a crime scene log; establish separate areas for a command post, equipment staging and the media. Attempt to protect fragile or transient evidence from destruction, including by adverse weather. Await the arrival of crime scene processing staff to collect evidence, including firearms, unless circumstances dictate otherwise. If it becomes necessary to move a weapon, be mindful of fingerprint/DNA evidence. Do not reposition the weapon into the scene, but make detailed notes as to its location, position and status (e.g., if there was a live cartridge in the chamber).

5. IDENTIFY, SEPARATE WITNESSES

All witnesses to the incident, including officers, should be identified and separated to avoid contamination of their memories. However, separate does not necessarily mean alone. It is a good practice to assign a companion or peer to be with the involved officers to serve as a liaison and resource, but not to discuss the incident — unless the officer insists. It generally is not advisable to keep witnesses at the primary scene longer than absolutely needed. The police department, a hospital or their own residence can serve as locations for witnesses to await investigators; note where people were sent. A canvass of the area is often necessary to identify all potential witnesses; many will cooperate if asked but will not come forward on their own. Also note the presence of any recordings, such as from surveillance systems or cellphones. Attempt to obtain them or notify investigators.

6. MAKE NECESSARY NOTIFICATIONS

The seriousness of the incident or injury dictates the notifications required. Calls for additional personnel or resources (investigators, crime scene staff, scene security and traffic/crowd control) are common, as well as notifications to command staff and the public information officer. In the event of a fatality, contacting the decedent's next of kin, the coroner and the prosecutor may be warranted. Cautiously brief arriving investigators to avoid sharing statements made by the involved officers under potentially compelled circumstances.

7. COMPLY WITH POLICIES

In short, know your department's policies and follow their mandates.

8. CONSIDER LEGAL ISSUES

Just because law enforcement was called to the scene and a shooting death resulted does not necessarily give you the right to conduct further searching once any life-threatening exigency has subsided. Consult with your local legal counsel to ensure any evidence collected is done so in a constitutionally appropriate manner.

9. DOCUMENT THE SCENE

Timely and accurate documentation of the scene and of your actions are critical for the investigations that will follow. Small details, such as whether the lights were on or off, can become vitally important. Use checklists to ensure every pertinent fact has been recorded and keep notes of your observations throughout, including alterations to the scene, persons present and statements made. Have photos taken as soon as practical and throughout the response.

10. CONDUCT AN ASSESSMENT

There is always room for improvement. Conduct an honest self-assessment to identify areas where you or policies can improve. Solicit constructive criticism from officers.

Mark Kollar is a special agent supervisor for BCI's Major Crimes Division and Northeast Special Investigations Unit. Police One provides news and resources for law enforcement. This article summarizes the fuller version available at PoliceOne.com.

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six, seven hours or what have you, and … I spent most of my time being out with a deputy."

These days, when he isn't spending time in Florida, he visits three or four days a month to keep Meigs County deputies company or help direct traffic, protect crime scenes or do front office tasks. He drives his Ford in parades or to schools for safety demonstrations.

Back in his spryer days, he had his share of wild moments with deputies.

"I almost got shot in a drug raid years ago," Mullen said.

On that dark and rainy night, he and deputies were advancing across a field, not knowing that a fence with a 6- or 12-volt line stretched across their path. Mullen made a slight noise when he walked into it and felt a surprising jolt.

His reaction startled the deputies, who immediately aimed their guns at him.

"I heard *click, click, click, click*," he said. "Now that was back in the old days; they didn't use semiautomatics. It was the sound of the officers going from double-action to single-action.

"So I said: 'Hold it, boys! This is me.'"

That raid ended up being canceled, Mullen said, because out-of-county officers took a wrong turn and drove onto the suspects' property, accidentally alerting them.

Mullen's title nowadays is special deputy, Sheriff Wood said, but he functioned more like an auxiliary in years past.

Throughout the state, sheriff's offices commonly have at least a small pool of auxiliary deputies ready to help out, said Muskingum County Sheriff Matthew Lutz, president of the Buckeye State Sheriff's Association.

With certification from the Ohio Peace Officer Training Academy, the auxiliaries often have full arrest powers. They either hope to get hired or have decided that police work isn't the right full-time fit for them but they still want to help.

"I don't know that I could put a number, or a word, on their value," said Lutz, who has more than a dozen auxiliary officers working with his department. "At a moment's notice, if I need help, I just call and they come out. …

"They wear the same uniform as us, and they carry the same equipment. If we are standing side by side with an auxiliary deputy, you will not know the difference."

Howard Mullen, 91, has worked with the Meigs County Sheriff's Office since 1953. At left is a photo, likely taken in 1971, from the dedication of the Racine dam and locks. Mullen is fourth from the left.

Mullen's certification from OPOTA — which was established about a dozen years after he began helping the Meigs County Sheriff's Office — was "grandfathered in," a process that required all of the sheriffs he'd worked for to submit letters attesting to his skills.

Today, he is up-to-date on all of his continuing education requirements. "He still goes out to the range to shoot to qualify with us," Wood said.

Mullen's main value to the office, the sheriff said, is inspiring the deputies and connecting them with the history of the department and the town.

"He definitely has a history of stories to tell," Wood said.

A case in point was the time Mullen was crouched behind a back door of a cruiser, aiming his gun at a car with two criminals from Athens County who had driven south.

The sheriff at the time (not Wood) stepped out the front door of the cruiser, right in front of Mullen's gun.

Mullen didn't pull the trigger – and he declined to identify the sheriff involved.

"It embarrasses him to have someone tell about it," said Mullen, a native of Pomeroy, where his father was the postmaster.

As long as Mullen has lived in the town, the Meigs County Sheriff's Office has been in the same red-brick building, which sits a block from the Ohio River. Some of the early sheriffs he worked for lived on the second floor with their families, he said, and a landslide on the hill behind the station once caused a boulder to drop on an Ohio State Highway Patrol cruiser.

Mullen also remembers that Meigs County purchased police radios the year he got out of the Army. (He served stateside after World War II, until 1948.) Before that, sheriffs would ask local merchants to turn on special lights on their buildings when deputies needed to call in.

"We laugh about that nowadays because everything has become so technical," Mullen said. "The equipment just has completely changed, and the officers really have to have a lot of understanding about many subjects."

Mullen himself is knowledgeable about a subject or two, having worked as a bank examiner for the state of Ohio and then in the private banking industry before he retired from full-time work.

One of the reasons Mullen, who never married or had children, has stayed involved with the sheriff's office is working with people he respects so much.

"I think most officers feel that they are doing something worthwhile," he said. "They're not just locking people up — they're helping people. I think there's a lot of satisfaction in that."

That said, he was never tempted to make police work his full-time job.

"The police officers, especially in the poorer sections of the state, like we are here," he explained, "until you work your way up high, the salaries don't appear to be extra inviting."

Mullen considers that a shame.

"I would emphasize that, for the most part, any law enforcement officer you come into contact with is a rather highly trained person. It's not like the old days where you didn't really have to have any special training. These days, you are working with people who know what they're doing."

For his part, the sheriff doesn't just enjoy Mullen's company; he considers him a valuable recruitment tool.

"I try to get young people interested in the job," Wood said. "A lot of these kids who've come in here and seen Howard — I think he's a person they'll never forget. Maybe it's: 'I learned a little bit something extra from this person who is inspiring.'

"Or maybe that was it: I just learned he inspires me to want to do this, too."

Coming up

Body armor funding available

The Attorney General's Ohio Law Enforcement Body Armor Program has been extended.

Since its start in August 2018, the program has sent grants exceeding $1.7 million to local law enforcement agencies, reimbursing them for 75% of the cost of the life-saving body armor.

Originally set to close to new applications by June, the program will instead continue with the same application process in OHLEG. That's thanks to the Ohio Bureau of Workers' Compensation, which pledged new funding.

Save the date

The Ohio Attorney General's 2019 Law Enforcement Conference will take place Oct. 8-9 at the Hyatt Regency Columbus. To register online, visit www.OhioAttorneyGeneral.gov/LEConference.

Two Days in May

Some visual highlights from the annual conference on crime victim assistance, held at the Greater Columbus Convention Center on May 20-21:

Left: Jeffery Samuel Jr. was excited to win first place in the poster contest.

Below: Detective Bertina King hugs a family member after winning a Special Achievement Award.

Above: Attorney General Dave Yost congratulates all of the award winners.

Right: The Ohio National Guard's Karisa Myers talks about preventing sexual assault.