

Misconceptions and Misunderstandings

- Participation in the ACE Task Force and the Greene County SWAT Team are separate and not connected.



Task Force Cases

- 65% are drug trafficking related cases
- 35% are non-drug trafficking related case
 - Bilking elderly in tree trimming case/mother board for furnaces
 - Gun trafficking
 - Human trafficking
 - Organized burglary rings such as “Band of Thieves” case
 - Gambling
 - Retail crime
 - Murder for hire
 - Car theft rings

Misconception: The Task Force takes people's money

- Before any item is forfeited to a police agency, there must first be either a hearing in front of a judge or the property must be indicted as part of the crime.
- The Ohio Revised Code allows for this, specifies on how it is done and how the proceeds can be spent or used.





Requirements

- The law requires the property must have been used in the crime or must be proceeds from a crime.
- These forfeited funds are by YSPD for training, equipment and to fund community preventative education programs, such as SPIDEE and assisting with costs associated with the Safety Patrol.



**Misconception: Yellow Springs
does not have much of a problem.**

Per capita, Yellow Springs has the same
percentage of abuse and addiction as any
where else in the county.



THIS IS NOT YELLOW
SPRINGS

Misconception: Police want all addicts in prison

Most people charged with drugs crimes, especially F4's and F5's will receive treatment, usually with the recommendation of the arresting agency.



DRUG POSSESSION – O.R.C. §2925.11

DRUG	AMOUNT	LEVEL	DIVISION	GUIDANCE
Schedule I or II*	< bulk	F-5	C(1)(a)	Div. B
	≥ bulk → <5 x bulk	F-3	C(1)(b)	In Favor
	≥ 5 → < 50 x bulk	F-2	C(1)(c)	Mandatory
	≥50 → <100 x bulk	F-1	C(1)(d)	Mandatory
	≥100 x bulk	F-1	C(1)(e)	MDO
Schedule III, IV, or V*	< bulk	M-1†	C(2)(a)	None
	≥bulk → <5 x bulk	F-4	C(2)(b)	Div. C
	≥ 5 → < 50 x bulk	F-3	C(2)(c)	In Favor
	≥ 50 x bulk	F-2	C(2)(d)	Mandatory
Marijuana	< 100 g	MM	C(3)(a)	None
	≥ 100 g → < 200 g	M-4	C(3)(b)	None
	≥ 200 g → < 1 kg	F-5	C(3)(c)	Div. B
	≥ 1 kg → < 5 kg	F-3	C(3)(d)	Div. C
	≥ 5 kg → < 20 kg	F-3	C(3)(e)	In Favor
	≥ 20 kg → < 40 kg	F-2	C(3)(f)	Mand. 5,6,7, or 8 years
Cocaine: Powder or Crack	≥ 40 kg	F-2	C(3)(g)	Mandatory 8 years
	< 5 g	F-5	C(4)(a)	Div. B
	≥ 5 g → < 10 g	F-4	C(4)(b)	Div. B
	≥ 10 g → < 20 g	F-3	C(4)(c)	In Favor*
	≥ 20 g → < 27 g	F-2	C(4)(d)	Mandatory
	≥ 27 g → < 100 g	F-1	C(4)(e)	Mandatory
	≥ 100 g	F-1	C(4)(f)	MDO

ASSEMBLY OR POSSESSION OF CHEMICALS - §2925.041

TO MAKE:	AMOUNT	LEVEL/ S or J	DIV./S or J	GUIDANCE/S or J
Sch. I or II*	Any	F-3 F-2	(C) (C)	Div. C Div. C
Methamphetamine	Any	F-3 F-2	(C)(1) (C)(2)	In Favor** Mand. 3♦

DRUG	AMOUNT	LEVEL	DIVISION	GUIDANCE
LSD: Solid	< 10 UD	F-5	C(5)(a)	Div. B
	≥ 10 UD → < 50 UD	F-4	C(5)(b)	Div. C
	≥ 50 UD → < 250 UD	F-3	C(5)(c)	In Favor
	≥ 250 UD → < 1000 UD	F-2	C(5)(d)	Mandatory
	≥ 1000 UD → < 5000 UD	F-1	C(5)(e)	Mandatory
	≥ 5000 UD	F-1	C(5)(f)	MDO
LSD: Liquid	< 1 g	F-5	C(5)(a)	Div. B
	≥ 1 g → < 5 g	F-4	C(5)(b)	Div. C
	≥ 5 g → < 25 g	F-3	C(5)(c)	In Favor
	≥ 25 g → < 100 g	F-2	C(5)(d)	Mandatory
	≥ 100 g → < 500 g	F-1	C(5)(e)	Mandatory
Heroin	≥ 500 g	F-1	C(5)(f)	MDO
	< 1 g; < 10 UD	F-5	C(6)(a)	Div. B
	≥ 1 g → < 5 g; ≥ 10 UD → < 50 UD	F-4	C(6)(b)	Div. C
	≥ 5 g → < 10 g; ≥ 50 UD → < 100 UD	F-3	C(6)(c)	In Favor
	≥ 10 g → < 50 g; ≥ 100 UD → < 500 UD	F-2	C(6)(d)	Mandatory
	≥ 50 g → < 250 g; ≥ 500 UD → < 2500 UD	F-1	C(6)(e)	Mandatory
Hashish: Solid	≥ 250 g; ≥ 2500 UD	F-1	C(6)(f)	MDO
	< 5 g	MM	C(7)(a)	None
	≥ 5 g → < 10 g	M-4	C(7)(b)	None
	≥ 10 g → < 50 g	F-5	C(7)(c)	Div. B
	≥ 50 g → < 250 g	F-3	C(7)(d)	Div. C
	≥ 250 g → < 1 kg	F-3	C(7)(e)	In Favor
Hashish: Liquid	≥ 1 kg - < 2 kg	F-2	C(7)(f)	Mand. 5,6,7, or 8
	≥ 2 kg	F-2	C(7)(g)	Mandatory 8 yrs.
	< 1 g	MM	C(7)(a)	None
	≥ 1 g → < 2 g	M-4	C(7)(b)	None
	≥ 2 g → < 10 g	F-5	C(7)(c)	Div. B
	≥ 10 g → < 50 g	F-3	C(7)(d)	Div. C
Heroin	≥ 50 g → < 200 g	F-3	C(7)(e)	In Favor
	≥ 200 g - < 400 g	F-2	C(7)(f)	Mand. 5,6,7, or 8
	≥ 400 g	F-2	C(7)(g)	Mandatory 8 yrs.

DRUG MANUFACTURING AND CULTIVATION – O.R.C. §2925.04

DRUG	AMOUNT	LEVEL/S or J	DIV./S or J	GUIDNCE/S or J
Schedule I or II*	Any	F-2 F-1	C(2)/E C(2)/E	Mand. MDO♣
Methamphetamine	Any	F-2 ♦ F-1 ∞	C(3)/E C(3)/E	Mand. 3♦ MDO♣ Mand. 4∞ MDO♣
Schedule III, IV, or V*	Any	F-3 F-2	C(4) C(4)	In Favor

DRUG	AMOUNT	LEVEL/S or J	DIVISION/S or J	GUIDNCE/S or J
Marijuana	< 100 g	MM M-4	C(5)(a) C(5)(a)	None None
	≥ 100g → < 200g	M-4 M-3	C(5)(b) C(5)(b)	None None
	≥ 200 g → < 1 kg	F-5 F-4	C(5)(c) C(5)(c)	Div. B Div. B
	≥ 1 kg → < 5 kg	F-3 F-2	C(5)(d) C(5)(d)	Div. C Div. C
	≥ 5 kg → < 20 kg	F-3 F-2	C(5)(e) C(5)(e)	In Favor In Favor
	≥ 20 kg	F-2 F-1	C(5)(f) C(5)(f)	Mand. 8 years Mand. F-1 max

USE FOOTNOTES FROM TRAFFICKING TABLE, PLUS:

† F-5 if the offender previously has been convicted of a drug abuse offense.

♣ If violation involves the sale or possession of such and court finds MDO, then mandatory max from range.

In Favor** = Presumption in favor, but mandatory 2 or 5 year minimum if 2 or more priors.

♦ Minimum prison term of 3 years first offense, 5 years second offense.

∞ Minimum prison term of 4 years first offense, 5 years second offense. Includes "public premises"

DRUG OFFENSE QUICK REFERENCE GUIDE

Ohio Criminal Sentencing Commission – Chief Justice Maureen O'Connor, Chair; David J. Diroll, Director
Effective September 30, 2011 – By David J. Diroll

DRUG TRAFFICKING – O.R.C. §2925.03

DRUG	AMOUNT	LEVEL S or J		DIVISION S or J		GUIDANCE S or J	
Schedule I or II*	< bulk	F-4	F-3	C(1)(a)	C(1)(b)	Div. C	Div. C
	≥ bulk → <5 x bulk	F-3	F-2	C(1)(c)	C(1)(c)	In Favor*	Mand.
	≥ 5 → < 50 x bulk	F-2	F-1	C(1)(d)	C(1)(d)	Mand.	Mand.
	≥ 50 → < 100 x bulk	F-1	F-1	C(1)(e)	C(1)(e)	Mand.	Mand.
	≥ 100 x bulk	F-1	F-1	C(1)(f)	C(1)(f)	MDO	MDO
Schedule III, IV, V*	< bulk	F-5	F-4	C(2)(a)	C(2)(b)	Div. C	Div. C
	≥ bulk → <5 x bulk	F-4	F-3	C(2)(c)	C(2)(c)	Div. B	In Favor
	≥ 5 → < 50 x bulk	F-3	F-2	C(2)(d)	C(2)(d)	In Favor	In Favor
	≥ 50 x bulk	F-2	F-1	C(2)(e)	C(2)(e)	Mand.	Mand.
Marijuana	Gift ≤ 20 g	MM^	M-3	C(3)(h)	C(3)(h)	None	None
	< 200 g	F-5	F-4	C(3)(a)	C(3)(b)	Div. B	Div. B
	≥ 200 g → < 1 kg	F-4	F-3	C(3)(c)	C(3)(c)	Div. B	Div. C
	≥ 1 kg → < 5 kg	F-3	F-2	C(3)(d)	C(3)(d)	Div. C	In Favor
	≥ 5 kg → < 20 kg	F-3	F-2	C(3)(e)	C(3)(e)	In Favor	In Favor
	≥ 20 kg → < 40 kg	F-2	F-1	C(3)(f)	C(3)(f)	Mand. 5, 6, 7, 8 yrs	Mand. F-1 max.
	≥ 40 kg	F-2	F-1	C(3)(g)	C(3)(g)	Mand. 8 years	Mand. F-1 max
Cocaine: Powder or Crack	< 5g	F-5	F-4	C(4)(a)	C(4)(b)	Div. C	Div. C
	≥ 5 g → < 10 g	F-4	F-3	C(4)(c)	C(4)(c)	Div. B	In Favor
	≥ 10 g → < 20 g	F-3	F-2	C(4)(d)	C(4)(d)	In Favor*	Mand.
	≥ 20 g → < 27 g	F-2	F-1	C(4)(e)	C(4)(e)	Mand.	Mand.
	≥ 27 g → < 100 g	F-1	F-1	C(4)(f)	C(4)(f)	Mand.	Mand.
	≥ 100 g	F-1	F-1	C(4)(g)	C(4)(g)	MDO	MDO

DRUG	AMOUNT	LEVEL S or J		DIVISION S or J		GUIDANCE S or J	
LSD: Solid	< 10 UD	F-5	F-4	C(5)(a)	C(5)(b)	Div. C	Div. C
	≥ 10 UD → < 50 UD	F-4	F-3	C(5)(c)	C(5)(c)	Div. B	In Favor
	≥ 50 UD → < 250 UD	F-3	F-2	C(5)(d)	C(5)(d)	In Favor*	Mand.
	≥ 250 UD → < 1000 UD	F-2	F-1	C(5)(e)	C(5)(e)	Mand.	Mand.
	≥ 1000 UD → < 5000 UD	F-1	F-1	C(5)(f)	C(5)(f)	Mand.	Mand.
	≥ 5000 UD	F-1	F-1	C(5)(g)	C(5)(g)	MDO	MDO
LSD: Liquid	< 1 g	F-5	F-4	C(5)(a)	C(5)(b)	Div. C	Div. C
	≥ 1 g → < 5 g	F-4	F-3	C(5)(c)	C(5)(c)	Div. B	In Favor
	≥ 5 g → < 25 g	F-3	F-2	C(5)(d)	C(5)(d)	In Favor*	Mand.
	≥ 25 g → < 100 g	F-2	F-1	C(5)(e)	C(5)(e)	Mand.	Mand.
	≥ 100 g → < 500 g	F-1	F-1	C(5)(f)	C(5)(f)	Mand.	Mand.
	≥ 500 g	F-1	F-1	C(5)(g)	C(5)(g)	MDO	MDO
Heroin	< 1 g; < 10 UD	F-5	F-4	C(6)(a)	C(6)(b)	Div. C	Div. C
	≥ 1 g → < 5 g; ≥ 10 UD → < 50 UD	F-4	F-3	C(6)(c)	C(6)(c)	Div. B	In Favor
	≥ 5 g → < 10 g; ≥ 50 UD → < 100 UD	F-3	F-2	C(6)(d)	C(6)(d)	In Favor	In Favor
	≥ 10 g → < 50 g; ≥ 100 UD → < 500 UD	F-2	F-1	C(6)(e)	C(6)(e)	Mand.	Mand.
	≥ 50 g → < 250 g; ≥ 500 UD → < 2500 UD	F-1	F-1	C(6)(f)	C(6)(f)	Mand.	Mand.
	≥ 250 g; ≥ 2500 UD	F-1	F-1	C(6)(g)	C(6)(g)	MDO	MDO
Hashish: Solid	< 10 g	F-5	F-4	C(7)(a)	C(7)(b)	Div. B	Div. B
	≥ 10 g → < 50 g	F-4	F-3	C(7)(c)	C(7)(c)	Div. B	Div. B
	≥ 50 g → < 250 g	F-3	F-2	C(7)(d)	C(7)(d)	Div. C	In Favor
	≥ 250 g → < 1 kg	F-3	F-2	C(7)(e)	C(7)(e)	In Favor	In Favor
	≥ 1 kg - < 2 kg	F-2	F-1	C(7)(f)	C(7)(f)	Mand 5, 6, 7, or 8	Mand. 8 years
	≥ 2 kg	F-2	F-1	C(7)(g)	C(7)(g)	Mand 8	Mand 11
Hashish: Liquid	< 2 g	F-5	F-4	C(7)(a)	C(7)(b)	Div. B	Div. B
	≥ 2 g → < 10 g	F-4	F-3	C(7)(c)	C(7)(c)	Div. B	Div. B
	≥ 10 g → < 50 g	F-3	F-2	C(7)(d)	C(7)(d)	Div. C	In Favor
	≥ 50 g → < 200 g	F-3	F-2	C(7)(e)	C(7)(e)	In Favor	In Favor
	≥ 200 g - < 400 g	F-2	F-1	C(7)(f)	C(7)(f)	Mand 5, 6, 7, or 8	Mand. 8 years
	≥ 400 g	F-2	F-1	C(7)(g)	C(7)(g)	Mand 8	Mand 11

* The schedule of controlled substances is in O.R.C. §3719.41.

^ Minor misdemeanor (MM) on first offense, M-3 on a subsequent offense.

S or J = The offense occurred in the vicinity of a school or juvenile.

MDO (Major Drug Offender) = Mandatory maximum term from F-1 range, R.C. 2929.14(A)(1).

Mand., or Mandatory = Judge must impose a prison term from range available for that offense level.

In Favor = A rebuttable presumption in favor of imposing a prison term

Div. B = Sentencing is guided by R.C. §2929.13(B), the rules for F-4s and F-5s.

Div. C = Sentencing is guided by R.C. §2929.13(C).

In Favor* = Presumption in favor, but mandatory if 2 or more prior felony drug abuse offenses.

Note: As used in this section, "drug" includes any substance that is represented to be a drug.



Gain of intelligence and experience

- Burglary in 2014 on West South College
- Lopez Homicide
- Search warrant writing experience
- Interview and interrogation experience
- Experience in testifying and court procedures
- Search and seizure experience
- Critical thinking and decision making experience

How usage and addiction effects you: Hustling

- Defined by Drugtext.org as “unconventional activities that are designed to produce economic and/or narcotic gain.”
- Unconventional means the use of guile, deceit or coercion.
- This is how the user’s actions effect the family and communities the user is attached to.

From Drugtext.org addicts

- Legitimate work is cited as their main source of income by one out of every four subjects interviewed.
- Half of those claimed drugs bought were exclusively from money made through legitimate work.
- 7 out of 8 resulted in hustling.
- Whenever I can, I do legitimate work. I may help my father-in-law, ya know, he hauls junk. I may help my father-in-law work on his truck a half a day and I may make me fifty-five dollars. So, I don't have to do nothin' that day but ride around with him and pick up s**t.
- Sometimes I have to obtain money to buy stuff though manipulating people, you know, manipulating members of my family. You know what I mean, being deceitful, tricking them.
- I needed twenty dollars, right. So, I used this credit card, went and bought a few things, you know, two pair of pants and a shirt. It was a buddy's of mine. He lent it to me. I don't know whose card it was, I don't know who he got it from. I sold what I had bought, went back downtown and copped.

Affects of hustling

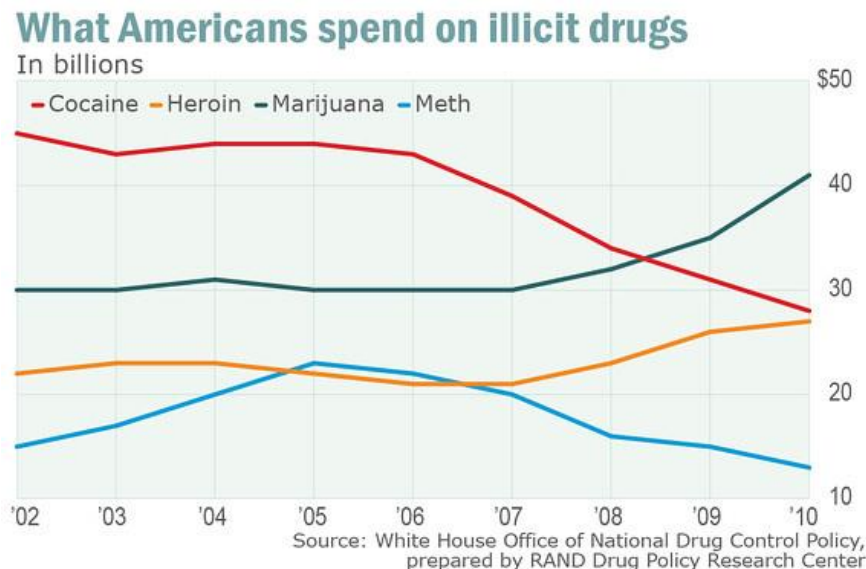
- Estimated 33.21 billions of dollars lost in retail theft. (per crimedoctor.com)
- Credit card frauds, scams
- Thefts over scrap metals and easily pawned items from businesses and homes



- All these costs are passed on to the consumers

From Frontline: Do the Math: Why the Illegal Drug Business is Thriving

- Globalization hit organized crime over the last decade and now is integral to its most profitable business -- the international narcotics traffic. Once a regional problem involving a customer base of a few million, and barely a billion dollars in sales, the illegal drug industry is now a worldwide enterprise with tens of millions of hard core consumers spending hundreds of billions on opiates, cocaine and amphetamines and marijuana, as well as other drugs.



From the United Nations Office on Drugs and Crime

- Although the link between terrorism and other related crimes, such as drug trafficking, is evident and has been recognized by the United Nations Security Council, a thorough understanding is needed in order to develop solid strategies to prevent and disrupt these crimes.
- Speaking at a recent conference in Istanbul, "The Role of Drug Trafficking in Promoting and Financing Today's Global Terrorism," jointly organized by Turkey, the United States and Colombia, UNODC Senior Terrorism Prevention Officer Irka Kuleshnyk said that ***"While it is difficult to establish how widely terrorist groups are involved in the illicit drug trade, or the breadth and nature of cooperation between these two criminal groups, the magnitude of the numbers involved make the relationship worrisome."***

Cost of the Task Force to residents

- Detective with wages and benefits \$70,000.
- \$10,500 from forfeited assets, not tax dollars
- Over five years the funds brought in was \$271,178 with a cost of personnel of \$350,000.
- A difference of less than \$80,000 over five years which equals less than \$16,000 a year.
- \$4.33 per resident per year

Staffing and budget for YSPD

- By efficient use of our personnel, we have staffed two patrol officers from 7:00 a.m. until 3:00 a.m. seven days a week.
- By efficient use of the budget, YSPD is projected to be \$143,000.00 under budget for 2015.



Affects on withdrawing from Task Force

- Loss of control, YSPD Chief no longer on Board of Directors for ACE Task Force.
- Keeps YSPD “in the loop” on cases in Yellow Springs.
- Although Chief has no “veto” power, it does allow the Chief to have a say in active cases and a chance to lobby the other directors.

Questions?



Darrell W. Ferguson



- Convicted of the 12/25 and 12/26, 2001 murders of Thomas King, Mae Fugate and Arlie Fugate.
- December 20, 2001, Ferguson was granted a two-day pass from Talbert House, a substance abuse program, to visit his mother at her Dayton home.
- 12/23 at 0400 hrs, Ferguson broke into the apartment of James Nicholson, a double amputee in a wheelchair and housemate William Ferrell.
- Ferguson knocked Nicholson to the ground, removed Nicholson's wallet. Warned if they called the police, Ferguson would return and kill them.

Ferguson continued

- 12/25, Ferguson went to the home of Thomas King. Ferguson's mother had been married to King's brother. King, 61 years of age, was disabled and had to use crutches to walk.
- King allowed Ferguson into his home. Ferguson attacked King, repeatedly stabbed King with a kitchen knife and kicked and stomped King with his steel-toed boots.
- Ferguson took a 13" TV, a 19" TV and a "boom box."
- Ferguson sold the stolen property and went to Meijer's where he bought gold spray paint to "huff."
- According to Ferguson's confession, he contemplated suicide since he knew what he did was wrong.

Ferguson continued

- 12/26, Ferguson went to the home of 68 year old Arlie and 69 year old Mae Fugate. Ferguson once lived near the Fugates.
- Ferguson knocked on the door and asked to use their bathroom. They allow Ferguson into their home.
- Ferguson took a kitchen knife and repeatedly stabbed, stomped and kicked both of them.
- Ferguson took Mae's wedding ring, Arlie's wedding band, other jewelry and loose change from the home.
- Ferguson traded the items for crack cocaine.
- Ferguson had a criminal history for theft as a juvenile, disorderly conduct and petty theft in 1996, Unauthorized Use of Property in 1999 and Burglary in 1999. Ferguson had history of violence.

Quotes from Chief Grote



- YSNews: June 12, 2008: ..the discovery of the impact of drugs could have on Yellow Springs served as a “wakeup call” for Grote, who said that “even if drug use is not on the rise, any level of drug activity can have a negative effect on the community and is worth prosecuting.”
- “I think you have to try,” he said.

Quotes from John Grote

- YSNEWS: June 16, 2005: “I want to let people know we are focusing on drugs. We have made quite a few drug arrests in the last six months and will continue to do so. I believe Yellow Springs has a drug problem.”

Quotes from John Grote

- YSNews: September 3, 2009: As a member of the task force since 2005, YSPD provides a full-time officer to the force, and the task force focuses attention on large-scale illegal activity in the village. According to Yellow Springs Police Chief John Grote, “the attention the village receives as the result of its membership is a benefit to the department.”
- “You can’t always make a direct correlation, but you know it has an impact on the area, in southwest Ohio and the Greene County area. Any time you can take large quantities off the street, it makes an impact here, too”
- “The membership fee seems like a cheap price to pay to participate and be able to have an impact on Greene County as well. I think there has been a benefit to the village.”

Quote from a citizen

- “Police response, deployed in moderation, is good for the safety of the village youth, but that must also be balanced by talking to youth in honest terms about the false glamour that attracts people to the drug scene and can get them into unredeemable trouble.”
- “We need to throw it in their face – talk to them about how it looks good to play the pimp, but are you going to be able to look yourself in the face because that gangster subculture is a powerful thing.”
- “... drugs are also impacting the kids that aren’t in that subculture, only it’s less visible.”

