



Office of Criminal
Justice Services

**Public Participation
in Rule Making**

Bob Taft, Governor
State of Ohio

Tom Foos, Acting Director
Office of Criminal Justice Services

PUBLIC PARTICIPATION IN RULE-MAKING AT THE OFFICE OF CRIMINAL JUSTICE SERVICES

The Office of Criminal Justice Services as an Organization

The regulatory mission of the Office of Criminal Justice Services (OCJS) is defined in the Ohio Revised Code Section 181.52, and includes the following:

(B) ... the office of criminal justice services shall do all of the following:

(1) Serve as the state criminal justice services agency and perform criminal and juvenile justice system planning in the state, including any planning that is required by any federal law;

(2) Collect, analyze, and correlate information and data concerning the criminal and juvenile justice systems in the state;

(3) Cooperate with and provide 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 and juvenile justice systems in the state, and other appropriate organizations and persons;

(4) Encourage and assist agencies, offices, and departments of the criminal and juvenile justice systems in the state and other appropriate organizations and persons to solve problems that relate to the duties of the office;

A public hearing is the public's opportunity to comment for the administrative record. This record is included in the information OCJS considers in deciding to adopt or amend a rule. At the hearing, a court reporter records oral comments. Citizens who choose not to offer oral testimony are encouraged to submit their comments in writing. Written and oral comments received during the public comment period receive the same consideration.

OCJS does not have the authority to address all public concerns related to a rule. Some concerns may be regulated by other state, federal or local agencies. OCJS attempts to respond to citizen concerns in areas the agency regulates and refers other concerns to the appropriate agency. A response to comments is developed for all rule packages and is included with all rule packages filed with JCARR.

Public Advisory Groups

Public advisory groups provide feedback on Agency program development and rules. These groups are comprised of a variety of community members who possess a broad base of skills and interests representing professional organizations, criminal justice organizations, local and regional planning agencies and governmental agencies.

Publications

OCJS produces publications to keep the public updated in regard to criminal justice issues in Ohio. These publications include fact sheets, newsletters and a variety of comprehensive reports. These publications, as well as other documents, can be obtained from OCJS by calling (614) 466-7782.

Interested party review/comment and the public notice/public hearing are formal processes required by statute. These processes allow members of the public and regulated community an opportunity to make comments for the record. These may be in either written form or verbal testimony during a public hearing. These processes establish the official comments for the record.

Notice of public hearings are found in the legal notice section of local newspapers and on the Agency's web page.

Less formal, but no less important, are comments and input received during information sessions and meetings with interested parties.

Each of these processes help gauge the need for changes to the rules under consideration.

Legislative/Legal Section

The OCJS Legislative/Legal Section responds to inquiries from the public and the media regarding criminal justice issues and Agency actions.

The Legislative/Legal section staff prepares news releases concerning agency activities, conducts news conferences, responds to media queries and perform other activities to keep the public informed.

Public Information Sessions and Public Hearings

Public information sessions and public hearings allow citizens to become directly involved in the rule-making process.

(5) Administer within the state any federal criminal justice acts or juvenile justice acts that the governor requires it to administer;

(6) Implement the state comprehensive plans;

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

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

(9) Apply for, allocate, disburse, and account for grants that are made available pursuant to federal criminal justice acts or juvenile justice acts, or made available from other federal, state, or private sources, to improve the criminal and juvenile justice systems in the state;

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

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

(12) 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;

(13) Prepare and recommend legislation to the general assembly and governor for the improvement of the criminal and juvenile justice systems in the state;

(14) Assist, advise, and make any reports that are requested or required by the governor, attorney general, or general assembly;

(15) Adopt rules pursuant to Chapter 119. of the Revised Code.

Public Participation at OCJS

In order to more capably fulfill its mission, OCJS encourages citizens and others to become involved in our decision-making process.

The rule development process at OCJS may be very lengthy and complex. The main factors which determine how complex the process will be are the number of impacted parties and level of public interest and/or controversy generated by the rule.

Accurately judging the level of public interest and soliciting appropriate input from the public is an important factor in making the rules process successful and effective.

Evaluation of the level of public interest should be done early in the process. Participation in this discussion could include program managers and staff familiar with the rules, the OCJS' Legislative/Legal section, and, when appropriate, the Director's office.

All rule packages require some level of public review and comment.

The following is the process by which OCJS makes rules:

1. Interested party review;
2. Review and consideration of interested party comments;
3. Proposal of rules to the Joint Committee on Agency Rule Review (JCARR);
4. Public notice of rule proposal and hearing;
5. Consideration of comments from hearing and comment period; and
6. Finalization of rules.

Public participation opportunities may include the following:

1. Interested party review and comment;
2. Public notice of rule proposal and public hearing;
3. Public information sessions;
4. Publication of proposed rule on Agency web page;
5. Discussion with Agency advisory groups;
6. Meetings with criminal justice groups; and
7. Full negotiated rule making.

The opportunities for public input into the rule-making process depend upon the type of public process as well as the length of the public comment period.