



BUCKEYE STATE SHERIFFS' ASSOCIATION

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ROBERT A. CORNWELL
EXECUTIVE DIRECTOR

May 8, 2017

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Janet Abaray, Chair
Judicial Branch and Administration of Justice Committee
Ohio Constitutional Modernization Committee
77 South High Street, 24th Floor
Columbus, Ohio 43215

Dear Chair Abaray,

This Association has had an opportunity to review several proposed amendments being considered by your committee.

Specifically, one of the proposals is to require that an independent counsel be available to the grand jury to assist in answering questions the members of the grand jury have about the application of the law. We do not believe this is necessary. As we understand it, the prosecutor is the legal advisor to the grand jury when it comes to advising them on the applicability of the law for the case they are considering. Also, if the grand jury is still not clear as to the application of the law, they may ask the judge that impaneled the grand jury for clarification. Having an independent counsel available to the grand jury would seem to muddy the waters with the possibility of contradictory advice to the grand jury.

We have long held belief in the Home Rule Doctrine of locally elected officials applying their duties and responsibilities to the administration of justice. The Judge, prosecutor and sheriff are the people's representatives in the judicial system. The proposal before you would insert an unelected individual into this process and therefore would, in our opinion, tip the scales of justice out of balance. The judge and prosecutor have the responsibilities to carry out their duties without interference.

Additionally, independent counsels do not work for free. Monies would have to be appropriated to compensate those individuals. Many if not most counties are struggling financially. This additional financial burden would further add to the woes of most counties but particularly to the medium and small counties.

PAST PRESIDENTS CURRENT SHERIFFS

2016
Randy Thorp
Licking County

2015
Gene Fischer
Greene County

2013
E. Wayne Risner
Ashland County

2012
Jeff Grey
Mercer County

2010
Timothy L. Rogers
Coshocton County

We view this proposed amendment to the Constitution of Ohio as unnecessary. The system of justice in our State and the United States has served our nation for over 240 years. We urge you and your committee to reject this proposed amendment.

Respectfully,

A handwritten signature in black ink that reads "Robert A. Cornwell". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Robert A. Cornwell
Executive Director