



Representative Steve Hambley (69th District)

Chairman Green, Vice Chair Greenspan, Ranking Member Sheehy, and members of the House Transportation and Public Safety Committee; thank you for the opportunity to present House Bill 255 to you today. House Bill 255 will update the statutes related to which police departments can make arrests on interstate highways.

In 2015, the Ohio Supreme Court ruled in *State of Ohio v. Brown*, (Slip Opinion No. 2015-Ohio-2438) that township police departments with populations less than 50,000 people lacked the statutory authority to make warrantless stops on interstate highways and roads under the National Highway System. In this case, a Lake Township officer pulled over Brown on I-280 for crossing a marked lane. Brown had a suspended license and an active felony warrant in Michigan. The Township officer used her drug dog and discovered that the car contained 120 oxycodone tablets and a baggie of marijuana. All this evidence was suppressed due to the Township officer lacking the statutory authority to stop Brown on an interstate highway.

The effect of this ruling was widespread and courts threw out a multitude of cases across the state, essentially letting a number of OVI and drug traffickers walk free. Last General Assembly, we took the first step to restore township police departments authority on state and federal highways with House Bill 378. House Bill 255 will complete the restoration specifically for interstate highways, with some important limitations.

Currently in Ohio, only four township police departments make arrests on interstate highways that traverse through their jurisdictions, serving a population of just over 225,000 Ohioans. During testimony for HB 378 in the 131st General Assembly, it was mentioned several times that this population distinction between township police departments was not only arbitrary, but it significantly inhibited coordinated drug interdiction and enforcement of OVI's on our highways.

By reducing the population threshold to 5,000 for township police departments to make arrests on interstate highways that cross those townships, nearly 700,000

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Ohioans will be better served by their departments and 121 more miles of interstate highway will have a more consistent law enforcement presence. Further, our constituents traveling these sections of interstate would be better served in the event of an accident, or if a Good Samaritan motorist called in a report of an under the influence driver. As you will hear in future testimony by some proponents, in many parts of the state township police officers are frequently closer and able to respond more quickly to calls from motorists on the interstate highway than from other law enforcement agencies currently assigned with that jurisdiction but located some distance away.

I want to make it clear that House Bill 255 **is not a mandate**. It would only be **permissive** for townships police departments to use that arrest authority on interstate highways that are within their own townships to enforce the state's traffic laws. Township police departments will still be able to operate exclusively on township, county and state routes if that is the judgement of the township trustees, as well as the taxpayers of that township. Most township police departments that I know of are largely dependent on separate property tax levies. They and the township trustees tend to be very sensitive to the wishes and views of their taxpaying voters regarding the appropriate use of finite law enforcement resources within the townships in enforcing state traffic laws. Let me also clarify that while HB 255 involves the enforcement of state traffic laws by township police departments, it does not expand, limit or involve villages and cities that already exercise the statutory authority to enforce the state's traffic laws as well as enforce their own municipal ordinances.

One of the main reasons I am urging your support for HB 255. Through the HOPES Agenda, the Ohio House has made battling heroin addiction and trafficking one of its priorities in the 132nd general assembly using three vital stratagems - prevention, interdiction, and treatment. In the HOPES Agenda, our leadership has been quoted saying an "All Hands on Deck" approach is needed in dealing with this pervasive and tenacious pandemic. Many in this political body have proclaimed that we will attack the opiate epidemic by "cracking down on the drug dealers and traffickers of heroin, fentanyl, and other illicit drugs to prevent them from reaching the state's communities."

House Bill 255 is crafted to use existing law enforcement resources to help accomplish this essential component of a comprehensive fight against opiates. Township police departments available to go on the interstates that cross through their own jurisdiction will be able to fully participate in coordinated drug interdiction efforts, as well as perform other important public safety functions.

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However, the bill discourages them from using it as an opportunity to operate “speed traps”, ostensibly for purposes of raising money for the township.

I crafted House Bill 255 to do this in two ways. The first way was to prevent all township police departments – regardless of population – from operating traffic cameras on interstate highways. From conversations with my township police chiefs and others around the state, they are fully supportive of this prohibition. They currently do not operate these devices on interstates, and have no intention to do so. Further, these departments have echoed testimony from Representative Patton’s various traffic camera bills. The devices actually do very little to enforce laws or deter behavior, but rather act as a monetary “gotcha” weeks after the offense occurs.

Second, I have retained the current statutory language mandating that all revenue collected by a township police department resulting from a speed violation on an interstate highway is paid into the county treasury. It is credited to the fund for the maintenance and repair of highways within that county. Contrary to what you may have heard, this is not a new provision. To be clear, township police departments have no direct financial stake in these violations because these dollars are given to the county for roads that are the county’s responsibility to maintain, not the township’s. Clearly, if the township police are on the interstate highway, they are going to be there for a legitimate law enforcement purpose, not to make money for the township treasury.

I am sure many of you remember the popular “Smokey & the Bandit” movies. Back then, a lot of people purchased CB radios – some even obtained FCC licenses – to get the “Smokey” reports in an effort to evade local radar and to travel the public highways in a way that many Americans believe is a virtual birth right – i.e., to drive as fast as the car can go and the road conditions permit. I readily confess, back then, I had a CB radio to get road reports and a radar detector to remind me to watch my speed. But I am 62 years old and have been on the road since I was 16 and have, thankfully, only a few tickets – all which I deserved. I understand that for many people the problem with this proposed bill is about an unspoken truth – they don’t want more police on the interstate. They don’t want to increase the chances of getting a ticket. But my job, as a legislator, is to look beyond my own biases and consider public safety as the fundamental purpose of our traffic laws, as well as update the laws that would help in the interdiction of drug trafficking.

Let’s take a step to increase interdiction and cut off the drug pipelines in our state and around our metropolitan areas. As I have illustrated in the attached map to this testimony, the Akron, Cincinnati, Columbus, Cleveland, Dayton, Toledo,

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Youngstown, and Wheeling, WV metropolitan areas would be well-served by this bill. Increasing interdiction in these areas would have a meaningful effect on our entire state. Clamping down on the drug trafficking pipelines into our metropolitan areas is key to restricting the supply to our cities, suburbs, and neighbors.

As you will hear in future hearings, with the consent of the Chair, House Bill 255 has the support of the Ohio Patrolmen's Benevolent Association, the Ohio Association of Chiefs of Police, the Fraternal Order of Police, and the Ohio Township Association, and many township police departments. Like me, they are sick of seeing our constituents being taken advantage of, getting addicted to illegal drugs, and dying. Many are sick of having their hands tied in the fight against drug trafficking, as well as treated as second-class peace officers in their own townships. I think that we elected officials have a duty to help them combat this plague. House Bill 255 can be another battle won for Ohio in this war on Heroin. I would be happy to answer any questions you may have. Thank you.

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Township Police Departments Effected by HB 255 (Ranked in Order of Population)

- Sylvania Township Police Department 48,391
- Union Township Police Department 47,693
- Jackson Township Police Department 44,627
- Miami Township Police Department 40,848
- Liberty Township Police Department 38,613
- Austintown Township Police Department 36,722
- Madison Township Police Department 18,889
- Copley Township Police Department 17,304
- Richland Township Police Department 14,973
- Perrysburg Township Police Department 12,731
- Shawnee Township Police Department 12,216
- Montville Township Police Department 12,000
- Brunswick Hills Township Police 11,133
- Lake Township Police Department 10,972
- Brimfield Township Police Department 10,376
- Franklin Township Police Department 10,271
- Bath Township Police Department 9,702
- Blendon Township Police Department 9,069
- Medina Township Police Department 8,938
- Clay Township Police Department 8,847
- Sugarcreek Township Police Department 8,041
- Butler Township Police Department 7,894
- Beaver Township Police Department 6,711
- Hubbard Township Police Department 6,020

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Footprint of Interstates served by Township Police Departments

50,000+ population (Marked in Blue)

5,000+ population (Marked in Green)

