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TO: House Criminal Justice Committee
FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio
DATE: November 7, 2019
RE: House Bill 277 – Proponent Testimony

To Chairman Lang, Vice Chair Plummer, Ranking Member Leland, and members of the House Criminal Justice Committee, thank you for this opportunity to present proponent testimony on House Bill 277.

You have heard from other proponents regarding the importance of this bipartisan bill and the ACLU of Ohio is pleased to briefly add its own support. We applaud this effort to further incentivize the recording of custodial interrogations. The benefits are many and are not limited to protecting the rights of the accused. Recording custodial interrogations also benefits law enforcement because such recordings will and do confirm their own claims when accused of inaccuracies or malfeasance.

This dual benefit is similar to when other technologies emerged that some in law enforcement resisted or opposed. Specifically, dash cameras and body-worn cameras were decried as unnecessary and too intrusive at one time. However, law enforcement largely changed their opinions on these devices once they learned and realized recordings can help corroborate what was said and done and to counter unfounded or false claims against them.

Recording custodial interrogations is also particularly relevant here given Ohio's stubborn refusal to end or reform capital punishment. In Ohio, we have experienced a shocking (so far) nine exonerations in capital cases. Such an appalling statistic demonstrates there exists fundamental and deeply-flawed problems with Ohio's justice system that desperately need fixed. HB 277 begs the question how many of these cases would have never reached the stages they did if there was a statutory requirement to record interrogations.

Hopefully, the passage of HB 277 will limit or end this from happening in the future. Of course, HB 277 also provides tremendous benefit to situations not involving capital cases. In short, HB 277 provides all upside, no downside, is not cost-prohibitive, and will be relatively simple to implement for law enforcement across the state. The ACLU of Ohio urges you to support House Bill 277.