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Written Testimony of Chief of Police

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Before the Ohio Senate Judiciary Committee

*On House Bill 92- mandatory reporting to the Sex Offender Registry Network of
persons convicted of exposing themselves to minors*

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Thank you Chairman Bacon, Vice Chairman Dolan, Ranking Member Thomas, and all members of the Committee for giving me the opportunity to present my testimony to you today on House Bill 92. My name is Michael Tussey and I am the Chief of Police for the Village of Baltimore in Fairfield County, Ohio. From the beginning I have felt this a very important and necessary change as to who must register as a sex offender.

I have been a police officer serving in different assignments for over forty years. During that time I have worked with children and those children's families who have been the victim of a sexual predator. I understand how being the victim or the family of a victim of a sexual predator causes mental anguish and trauma that can result in years of emotional and psychological treatment and care.

When we hear the term sexual predator we all have a predisposed idea as to what that term encompasses. The rapist. The child molester. The online adult who attempts to cause children to send them inappropriate images. Rarely does the image of the exposor come to mind. In fact, over the years the caricature of the exposor has been used satirically and even represented as a harmless buffoon. One simply needs to watch television comedy skits to see how they are portrayed.

I will tell you that nothing is further from the truth. These criminals have no regard as to the damage that they do to their victims or victims' families. As to being harmless, a serial exposor that my officers arrested and prosecuted for exposing to school buses full of elementary age

students returned to our town after release. Our police department had no warning or notification that this person was back in our area until he re-offended. This Offender had a long history of offending with children. He had numerous arrests and even his ex-wife related that his exposing to children and his inability or desire to stop is the reason she had divorced him.

After completing the investigation, officers went with a warrant to arrest him and he resisted up to the point that he attempted to slash two officers with an eight-inch butcher knife. The deployment of a TASER saved the offender and one of the officer's lives.

In interviews I have had with offenders they have related how they spend their time attempting to locate and act out to their next victim.

When investigating sexual offenders the rule of thumb in my business is, it is not if they will re-offend, but when. Sexual offenders have one of the highest rates of recidivism of all criminals and as a rule find specific targets.

Currently, these offenders are not required to register on Ohio's Sexual Offender Registry Network, also known as SORN. If you are unfamiliar with SORN, this is the database that law enforcement and the community can use to easily track the location of individuals who have an eligible sexual offense on their record. It also prevents these individuals from living in close proximity to locations where children are normally present.

The oversight in the law as it is currently written is that offenders who have a criminal history of indecent exposure are **NOT** included in the SORN requirements. As such this type of offender is free to live next to schools, playgrounds, and day care centers. This also means that the local law enforcement has no idea that they are living in their jurisdiction just as occurred in this case. Had this person been required to report to us we would have had an opportunity to perhaps stop the events that took place that day in front of a school bus loaded with children or the re-offending after his release.

House Bill 92 would correct this problem and make these offenders comply with SORN requirements as a Tier 1 offender. This means the offender must register their residential address, place of employment or enrollment in a school or place of higher education with the county sheriff at least once annually, or provide an update if they make any changes to these items. I want to make it very clear that law enforcement wants and desires that this law narrowly focuses on cases where the intended victim is a juvenile. This is not asking for any mandatory prison or jail time—it does not add any new burden or expense for our communities. It should also be noted that this bill is not opposed by any Law Enforcement group. This bill simply improves the SORN reporting system to keep our communities informed and safe.

As a longtime member of the law enforcement community I come here today to ask that you please give us a tool to help keep our children safe. House Bill 92 can be that tool. No child should have to experience this type of crime. By registering these offenders, the law enforcement

community will be better able to monitor and intercede in this type of event before they can offend again.

Once again, I thank you Mr. Chairman and members of the committee for allowing me the opportunity to offer this testimony in support of House Bill 92. I will be happy to take any questions at this time.