

## Ohio House Criminal Justice Committee

March 4, 2021

### Testimony on House Bill 22

Chairman LaRe and Members of the Committee,

Thank you for the opportunity to provide proponent testimony on House Bill 22. My name is Thomas Quinlan; I am a Deputy Chief of Police with the City of Columbus. I currently oversee the Support Operations Sub-Division and for the past 2 years I served as the Chief of Police.

Policing is undergoing a needed and community demanded series of reforms aimed at improving the services police provide while also addressing the fears many people have when interacting with police. Personal safety is understandably on the minds of the public when interacting with police and personal safety is understandably on the minds of officers when providing services within our communities. Part of the reforms occurring that align with transparency and accountability is the reliance on video and audio recording of officers in the field. Video and audio recordings are found in a full spectrum of sources. Community crime cameras, building surveillance cameras, Ring doorbells, traffic cameras, and cameras mounted within vehicles. However, the 2 most prolific sources of recording of police interactions are police body worn cameras and residents' personal cell phone cameras.

Virtually all police encounters today are being captured in some form or fashion on digital recording devices. As an example, Columbus Police last year recorded more than 800,000 videos using 226 Terabytes of storage. Police officers know they are always on video so when the public records an officer using a mobile phone it does not present a problem for police, the mere fact a recording is occurring; police are recording the same events too.

However, an increasingly alarming trend is occurring by virtue of creating the recordings. Many bystanders are surrounding police officers at some of the most intense, highly volatile, and remarkably dangerous times while screaming at an officer who might be apprehending a person who has proven to be very dangerous. At times bystanders are attempting to force an error so the value of the recording may be more marketable, therefore more profitable. These preventable distractions are endangering the public.

Many of the encounters I've witnessed personally or by watching police body camera footage occurs when an officer has a person on the ground who also possesses a firearm, and is trying to control the individual while awaiting back up to arrive. People standing at a safe distance with cell phones all aimed at an officer is not alarming by itself. In fact, it provides better angles of what is occurring than police body cameras often provides.

The issue is when the group of people are diverting the officer's attention away from the immediate threat. The public many times does not even know why an officer may have a person on the ground at gunpoint. So people encircle an officer and scream counter-directions to the person on the ground or scream at the officer diverting critical attention away from where the officer should be singularly focused.

Part of the reforms being enacted, many legislatively through city governments or in the courts, occurs when an officer is where they are supposed to be, and doing what they are supposed to be doing, but makes a critical error when split seconds count the most. Enter a bystander's interventions. These avoidable interferences are jeopardizing the life of a person being detained by police, bystanders, or even the officer, when a person is unintentionally harmed or worse, killed, by police in error. If we are to hold officers to account with the real likelihood, not of mal-practice, like a doctor or attorney might face, but with the actual threat of immediate job loss, and a murder charge, one likely to result in prison, we owe a duty to officers to be unencumbered by the taunts of bystanders that created the condition that resulted in the tragic ending.

When thinking about this scenario I often think of analogies that seem to put the frustration, and provable risks, into perspective – the reality of having lives hanging in the balance while uninvolved people are recklessly diverting your attention away that might unintentionally result in a horrific consequence. Think of Captain Sully Sullenberger landing a passenger loaded jet on the Hudson River. Certainly a feat that required the greatest concentration and focus on the tasks at hand with many lives in the balance. Now think of Captain Sully surrounded in that tiny cockpit with 4 bystanders all with cell phones stuck in his personal space screaming at him he was going to kill everybody on board. Could even the most experience pilot have pulled off the inconceivable under those distractions? What about a surgeon making microscopic incisions trying to avoid nicking a critical nerve point or artery. A task that demands focused concentration and an environment free of distractions. No surgeon would tolerate a group of people standing over his or her shoulder invading personal space and demanding the surgeon do something different than training and experience dictates. I am not suggesting policing is as complex as piloting a jet or being a surgeon, but real lives are impacted just the same.

Police work occurs in an public areas where there are loud unexpected noises, bright flashing lights, people running around and coming from all directions, and police being videotaped at all times. This is daunting enough. This legislation is absolutely critical as it will provide a remedy for police to provide lawful commands to maintain a safe distance while people videotape and expect bystanders not to interfere with or obstruct the officer from official duties, whether the interference comes in the form of physically or mentally obstructing an officer.

It is impossible for neither bystanders nor officers to control all the variables that might interfere with or obstruct a law enforcement officer in controlling a detainee. But the bystander should not be allowed to be the cause of an event that creates the tragic consequence. For instance, when operating a motor vehicle with friends in the car, and one passenger unexpectedly startles you by screaming in your ear...the startle effect causes you to drift left of center striking an oncoming car, tragically causing a teens death in the other vehicle. As the driver you will be held accountable for that outcome. Should the person who created the condition to cause the preventable tragedy not also face a consequence?

If we are to hold officers accountable with threat of a loss of livelihood and freedom, we must allow officers a reasonable space to conduct the dangerous business they were called to address. If there is wrongdoing the cameras will capture it, both the officer's body camera and the public's cell phone footage. But the public's actions at an emergency should not create the conditions which lead an officer into making an irreversible error that carries substantial consequences for everyone involved. Officers are just seeking a level playing field.

It's been said: "Policing is about making complex, ethical decisions – under time constraints – without full information – in a non-civil arena – that affects people's lives – and is portrayed to millions of people through social media – by millions of want-to-be-journalists." Do we really expect police officers, some less experienced than others, to allow people with reckless disregard to divert or obstruct a law enforcement officer's attention? It has always been prohibited to physically impede an officer in the performance of their duties. What is being requested is this: Film all you want, but bystanders must be prohibited from mentally interfering with an officer trying to make complex ethical decisions, under time constraints, without full information, operating in a non-civil arena that will affect people's lives including the officers without consequence or penalty. I am urging our elected representatives to pass this legislation. It will ensure officers are safer when performing what is an incredibly difficult job, and will equally ensure the public is safe from preventable officer errors.

House Bill 22 will have the effect of providing a clear and unambiguous message to all persons exploiting law enforcement officers for indefensible purposes. More importantly, it will protect lives by setting clear legal ramifications for taunting an officer, inhibiting or restricting an officer's control of a detainee, or diverting an officer's attention with reckless disregard. There is an undeniable risk that these provocative actions by people obstructing or interfering with police may lead to tragic and foreseeable outcomes if allowed to continue without the recourse House Bill 22 enumerates.

Thank you Chairman LaRe. I will gladly answer any questions the committee may have.

Respectfully Submitted,

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Deputy Chief of Police

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