

Good Morning Chairman LaRe, Vice Chairman Swearingen, Ranking Member Leland, and Esteemed Members of the Criminal Justice Committee.

My name is Ifeolu A.C. Claytor and I serve a number of civic organizations, but today stand here as a concerned Ohio Citizen. I appreciate that our government allows me to speak in opposition to House Bill 22, which would expand the Offense of Obstructing Justice. Parts of this bill are redundant to current law, and others would infringe in a foundational constitutional right: the first amendment.

This bill has been advertised as a solution to protect police, but the plain language of this bill is clear: instead of protecting police officers, this bill would seriously infringe on the people's first amendment right to free speech and assembly.

The overtly harmful behaviors prohibited by this bill such as, "striking the law enforcement officer; throwing an object or substance at a law enforcement officer" are already illegal in Ohio. Section 2921.32 of the Ohio Revised Code, for example, contains language that is nearly identical to HB 22's section related to harming a police officer.

On the other hand, the addition of the word "taunting" to the chargeable behaviors would prohibit nonviolent, constitutionally protected free speech. "Taunting" is ambiguous and broad, and such a sweeping prohibition - a prohibition of expressing yourself with your words to a law enforcement officer - explicitly violates a person's freedom of speech, which is a constitutional right regardless of whether the government finds it to be distracting or disrespectful.

Please understand, I come from a family with many law enforcement officers, and truly understand the importance of their safety. And I certainly do not intend to demonize anyone.

But in many ways, this bill could give police officers a blank check to prevent community members — likely those who look like myself— from exercising their basic, fundamental right to speak and to assemble.

This bill expands the offense of obstructing justice to include "diverting the attention of a law enforcement officer" and "failure to follow a lawful order". This portion causes me an immense amount of anxiety, because I wonder how many officers committing misconduct, instructed or ordered observers to "stop recording". When I initially thought about this bill and opposition testimony, one phrase rang loudly and clearly in my ears.

A few bad apples. A few bad apples. A few bad apples.

Whenever we witness an instance of state violence perpetrated by law enforcement officers, there are those who sympathize and make excuses for overzealous and/or violent officers by reminding the public that the behavior we see on camera is not representative of ALL police officers. Rather that such footage represents the behavior of but "A Few Bad Apples".

But part of identifying and removing bad apples requires the public to hold the police accountable. And it's unfortunate that we have to even respond to police misbehavior, but how else do we remove "a few bad apples" and avoid spoiling the bunch?

To me, pushing this bill and similar bills through the general assembly beget the question, are we holding police officers accountable? House Bill 22 would criminalize actions taken by regular citizens to protect themselves from police misconduct. Most recently we saw the trial and conviction of Derek Chauvin's whose murderous actions were caught on camera, but we cannot forget that he was accused of excessive force 17 times before this incident. This being acknowledged, we cannot remove the opportunity for the people to hold law enforcement accountable.

So I must inquire, if we are going to acknowledge that what we see recorded in videos are the actions of a few bad apples, why are we making it harder to identify those bad apples? When across the nation and across Ohio, we have seen countless unarmed people whose deaths have resulted from interaction with law enforcement, it seems strange that we would attempt to remove one of the top ways that the constitution allows the people to hold law enforcement accountable.

The offenses in HB 22 would serve to over-criminalize and over-incarcerate citizens in a state where jails and prisons have already been reported to be 4/3s over capacity. The question I have to ask is why. Why pass a bill that reiterates existing law? Why pass a bill that would increase incarceration rates when crime rates have been decreasing for the last ten years.

To me, American values make the choice clear:

Hold people accountable for their behavior, including Police officers.

Protect the first amendment for all Americans. Even the ones who say things you may not like.

Do not add to our overcrowded prisons with frivolous outlawing of constitutionally protected speech.

I humbly ask the committee to vote down this bill, protect the first amendment, and protect some of the few key tools Ohioans have to hold law enforcement accountable.

Thank you.