

## HB 22 Testimony from Larry Bresler

Chair LaRe, Vice Chair Swearingen, Ranking Member Leland, and members of the House Criminal Justice Committee. Thank you for the opportunity to provide testimony in opposition of House Bill 22 (HB22). My name is Larry Bresler. I am a social worker and former attorney from Cleveland.

Although there have been improvements to the bill, particularly in lessening some of the penalties from felonies to misdemeanors, this legislation is still problematic. The area that is of particular concern to me is the following:

The bill states that individuals can be arrested if they act with reckless disregard as to whether the action diverts or obstructs the officer's attention in a way that inhibits, deprives or restricts the control of a detainee. It is important to note that the wording is "reckless disregard" rather than "knowingly deprive." Taken the words reckless disregard together with the vagueness of the rest of this part of the bill, this gives an officer great and unreasonable latitude to arrest someone. A few examples include:

1. If citizens object to someone being detained and harmed while being arrested, and they voice their objections loudly, they could be arrested under the guise of diverting an officer's attention.
2. If a person or persons choose to videotape or take photos nearby while an officer detaining someone, they could be arrested under the guise of diverting an officer's attention.
3. If Person A was in a crowd and an officer wanted to arrest person B close by in the crowd, and Person A did not move quickly enough, Person A could be arrested for obstructing the control of a detainee.
4. If an individual with a mental health disorder is having serious mental health crisis, and a counselor, who lives in the neighborhood comes to the aid of the individual as the police are forcefully and inappropriately detaining and harming the individual, the counselor could be arrested for obstruction.

The clear intention of HB 22 is to ensure that citizens do not interfere with law enforcement as they are doing their duties. There are various other statutes in the Ohio Revised Code that are much more specific, that already address this issue.

I would urge you not to pass SB 22 out of the House Criminal Justice Committee.