



State Representatives Michele Lepore-Hagan & Tavia Galonski

District 58 & District 35

Sponsor Testimony, H.B. 287

House Criminal Justice Committee | December 1, 2022

Chairman LaRe, Vice Chair White, Ranking Member Leland, and Members of the Criminal Justice Committee, thank you for allowing us the opportunity to provide sponsor testimony on House Bill 287 (HB 287), legislation creating the offense of strangulation by a law enforcement officer. HB 287 prohibits a law enforcement officer from causing serious physical harm to a person by strangulation, and makes it a third degree felony when the offense is violated.

Make no mistake - law enforcement is a tough, life threatening job. We have the utmost respect for these public servants. This legislation is not focused on those who perform their duty admirably and with consideration for the health, safety, and welfare of the communities in which they serve.

HB 287 is focused on what many of us can agree on. Law enforcement, like any profession, needs accountability for bad actors. Those who are abusing their power over people in turn are jeopardizing safety and the public's trust, which in turn further risks the safety of their colleagues. By asking police officers or peace officers, while acting in the capacity of a law enforcement officer, to not knowingly cause serious physical harm to someone using a chokehold or by strangulation, we will save lives and either reaffirm or restore public trust.

This legislation is modeled after the Eric Garner Anti-Chokehold Act, passed by the New York State Assembly in June, 2020. Eric Garner lost his life in 2014 after a New York City Police Department (NYPD) officer put him in a chokehold following arrest. Public video footage captured Garner repeating the phrase "I can't breathe" before losing consciousness. He was pronounced dead an hour later and medical examiners ruled his death a homicide, caused by the pressure on his neck and chest. NYPD had prohibited the use of chokeholds, and formally banned their use in 1993.

An NPR review of bans on neck restraints in some of the nation's largest police departments found them largely ineffective and subject to lax enforcement¹. The New York City Civilian Complaint Review Board reported 996 allegations from people who say they had been subjected to a chokehold between 2014 and 2020. Before the employment termination of the officer responsible for Garner's death, there were five years' worth of disciplinary and administrative hearings. This was true despite prior civil rights complaints made against the officer. Grand jury

¹ <https://www.npr.org/2020/06/16/877527974/how-decades-of-bans-on-police-chokeholds-have-fallen-short>

deliberations did not result in an indictment being brought against the officer. National public outcry for accountability and some manner of justice followed, and the resulting Eric Garner Anti-Chokehold Act became law. Again, HB 287 is intended for these circumstances, and to prevent further injustice following a wrongful death.

HB 287 should not be a partisan issue and is consistent with practices being adopted around the country by elected officials regardless of party. In December of 2020, the Ohio Collaborative Community-Police Advisory Board, which establishes the state's standards for law enforcement, updated Ohio's minimum standard for use of deadly force to largely prohibit chokeholds or other vascular neck restraints².

As some of you may recall, these changes were made at the encouragement of Governor DeWine. Now, Ohio law enforcement agencies must prohibit the use of chokeholds in all circumstances except those in which officers must defend themselves or others from serious injury in order to receive or maintain certification in the Collaborative's primary standards. While this is action in the positive direction, and acknowledges that chokeholds are not a best practice that should continue being used, history has shown that it may not be enough. The law must give the general public the assurances of safety they deserve.

In short, House Bill 287 seeks to save the lives of Ohioans and hold law enforcement accountable by prohibiting an unnecessary and dangerous use of force.

Thank you for the opportunity to provide written-only testimony on this important legislation.

² <https://governor.ohio.gov/media/news-and-media/law-enforcement-standard-12042020>