



OHIO ASSOCIATION OF CHIEFS OF POLICE, INC.

H.B. 288
Interested Party Testimony
Chief Edward Kinney
Ohio Association of Chiefs of Police

Chair LaRe, Vice Chair White, Ranking Member Leland, and members of the House Criminal Justice Committee. My name is Edward Kinney, Chief of Police in Medina, representing the membership of the Ohio Association of Chiefs of Police. We appreciate the opportunity to come before you today to testify as an interested party.

To start, I would like to say that the OACP applauds what the legislature, Senator Manning, Representative Seitz, and Representative Galonski have done with this legislation to fix some of the problems with our current criminal code and to provide opportunities for rehabilitation for some past offenders, giving them a second chance in the workforce. We are supportive of maintaining the spirit of Senate Bill 288. In particular, we are also pleased to see the following proposals in the bill:

- The creation of the offense of *Strangulation* as a felony offense of violence. This is a long-awaited and much needed change to the criminal code
- The modification of existing provisions of the code which will effectively eliminate the statute of limitations for conspiracy to commit, or attempt to commit aggravated murder or murder
- The expansion of circumstances for which mandatory prison terms are required for certain felony OVI convictions

Having said this, we do continue to have concerns about one area of this legislation. As you all are aware, it has become increasingly difficult to recruit and retain quality candidates for law enforcement across the country. To do this effectively, professional law enforcement agencies are always seeking new ways to expand the diversity of our work forces and provide a work environment that will attract good, qualified team members. To meet the needs of our communities, however, we must also ensure that these future police officers do not have a track history of criminal convictions.

Under the revisions to the criminal code as proposed by this bill, the ability to expunge, and not merely seal, many criminal records would be expanded. The proposed language would allow a judge the discretion to expunge criminal records for up to two F-3 offenses, and many F-4 and F-5 criminal offenses, as long as the offense is not an offense of violence and was not committed against a child under 13 years of age, or a sexually oriented offenses, unless no registration is required. Expunge, as defined by the bill, means to; *destroy, delete, and erase a record as appropriate for the record's physical or electronic form or characteristic so that the record is permanently irretrievable.*

While we understand that there is a substantial grace period required before an offender can request the expungement of their conviction record, we believe this is information that is important for law enforcement to be aware of when vetting candidates for employment as peace officers. This expansion of the ability to expunge, and not merely seal certain criminal records would mean that many criminal

convictions would become unavailable for review by law enforcement when conducting pre-employment background checks on potential employees.

What does this mean? Potentially, a law enforcement agency could hire an officer with convictions for theft, fraud or having weapons under disability for instance, as long as the offense was not specifically exempted by the provisions of this bill. Clearly, this possibility is concerning for us as we try to ensure that the employees we hire to protect Ohioans have a history of trustworthy and honorable behavior.

Thank you for allowing me to provide testimony today. I am happy to answer any questions you may have.