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TESTIMONY IN SUPPORT OF HB322

WOOD COUNTY PROSECUTING ATTORNEY PAUL A. DOBSON

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Chairman Manning, Vice Chair Reynolds, Ranking Member Hicks-Hudson and members of the Senate Judiciary Committee, thank you for allowing me to speak in support of House Bill 322. My name is Paul Dobson. I am the Wood County Prosecuting Attorney and a Past President of the Ohio Prosecuting Attorneys Association. I have served nearly all of my 30-year legal career as a prosecutor and have been honored to serve as the elected official since 2009.

Ohio Children's Advocacy Centers reported dealing with over 6,700 cases of child sexual abuse in 2021. Sex offenders and pedophiles take many avenues to find children against whom to commit their crimes. Some use force, some use threats, some use drugs, but many use a process known as grooming. The process of grooming is intended to convert an unwilling victim into a compliant victim. Through the process of grooming, a pedophile attempts to normalize aberrant conduct, works to convince the child that this inappropriate attention makes them special or loved, and/or that performing adult acts will make them more mature and adult-like. What these actions are in fact doing are satisfying the criminal sexual desire of a person who has already convinced themselves that sex with a child is the pinnacle of sexual pleasure. All they need to do is to be patient, to find a child who will listen to them, and then to work their scheme to get the child to drop their guard.

Sex offenders use many tools to accomplish this goal. Some of them are surreptitious, some are overt. Some of them can be prosecuted as separate crimes, some cannot. If an offender uses pornography to help normalize the conduct, this can be prosecuted as Disseminating Matter Harmful to Juveniles. Touching that falls under the legal term sexual contact can be prosecuted as sexual imposition or gross sexual imposition. However, describing sex acts to the child, telling the juvenile about sex acts that that the offender would like to engage in, describing to the child sex acts that the child should do to themselves, these are not currently violations of the law, even when they are coupled with a clear intention to move that child toward sexual activity with the offender. Additionally, there are many acts which, taken on their own, are either innocent or may even be considered a single inadvisable act, but should not be criminalized. However, when these acts form a pattern over time, they demonstrate a more nefarious purpose. A teacher may tell a child that she looks nice today,

or even that she is beautiful. Whether we agree that they should do so, we don't want to start criminalizing the conduct. However, if the teacher or coach repeatedly remarks on child; tells her how they have noticed that she is beginning to fill out her chest; that they like to watch her walk down the hallway from behind; begins to give gifts to the child, particularly more intimate gifts like jewelry; repeatedly offers to drive the child home and during that, discussing intimate subjects with the child, talks to the child about sex acts people can commit with one another, tells the child that they love them – that maybe they could have a more intimate relationship when the child comes of age. These are all acts that I have witnessed and all acts that I have had to reject as a criminal case because neither independently or as a whole do they violate current law. But there is no doubt to a reasonable person what that adult was working that child towards. Some of these cases I have prosecuted and used the evidence of those statements, acts, and conduct, but those cases come after the sex acts have taken place, after the true damage has been done.

My undergraduate degree is as a high school teacher. Before I went to law school, I taught for a semester at the Child and Adolescent Psychology Hospital at the then-Medical College of Ohio, now the University of Toledo Medical Center. Many of those child patients were victims of sexual abuse. One quiet young teenage lady was in there because of repeated suicide attempts. She had been the victim of sexual abuse by her uncle.

As a prosecutor, I have dealt with many cases of child sexual abuse. Often it is too late to protect the child from abuse, only to protect them from more and to deal with the aftermath. The damage is long-lasting and can be devastating. The painful irony is that, in the few cases which have come to me before actual sexual conduct has occurred, there is little I can do. Currently, there is no law against "grooming." And while many state and federal agencies warn against grooming, they acknowledge that there are few laws against it.

In today's environment, predators are able to contact their victims in many ways, the most secretive being the internet. Police agencies attempt to combat this by having officers pose as children on social media sites. Often, all they need to do create a teenage profile, post one comment and the predators come quickly. These are actual quotes from police reports. These comments are not currently covered by Ohio law. As part of a larger course of conduct, they could be under the proposed legislation.

These comments are from the same police report. They start shortly after the conversation was initiated on a social media site. The officer verified that the suspect was an adult and confirmed herself as a 14-year-old girl. The offender began asking her sexual questions:

The conversation remained sexual in nature with the suspect asking if the 14-year-old was on birth control, what size bra she wore, if she would ever let the suspect see her breasts and if she shaves her [****].

The conversation quickly turned sexual again with the suspect asking if the 14-year-old masturbated over the weekend and saying that he masturbated while thinking about her.

The same officer was involved in a second conversation with her posing as a 12-year-old girl:

He called the 12-year-old beautiful several times and asked if the conversation was exciting her and asked "does this make you tingle in certain places?" I responded "I mean my heart kinda racing" and he asked "What about down below?". After I told him "maybe", he responded "Mmmm very nice".

"The suspect asked about any naughty fantasies the 12-year-old had."

The suspect then told her his fantasy:

"Here it is. Its me meeting a young lady for the first time and giving her oral and giving her a total release of pleasure". He then went on to explain he had only one "young lady" he was thinking about for this but did not specify who she was.

The conversation remained extremely sexual in nature with the suspect asking if the 12-year-old had ever had an orgasm and then described in graphic detail how she might achieve one with using her fingers on, around and inside her genitals.

These examples are graphic and painful to read or hear, but they are by no means the most egregious. Another suspect sexualized his own daughter to the undercover officer.

It is a dark reality that it is not just strangers who engage in this conduct. In my career, I have dealt with parents, step-parents, grandparents, teachers, coaches, even a school resource officer, who engaged in grooming. Some of them could be prosecuted for actions they took, some could not. In a recent case, a local high school coach texted a student athlete, "I want to f***. That`s all nothing more nothing less, that`s the mood I`m in lol. But nothing you can do so." The situation had evolved to this point by his first being the "cool coach," then offering to buy her vapes, meeting her alone to help her do homework, buying her alcohol, then sending her videos of people painting their bare butt cheeks. During all this time, he kept telling he r he was just being helpful and that the videos were not intended to be something for her to do. Even the text is not a request to engage in any sexual activity, but just a large step forward. Fortunately, it was a step too far and the girl reported him, even though he threatened to expose her vaping and alcohol use.

These are just examples from Wood County, with a population under 140,000. I did not have to go to Cleveland, or Columbus to gather them. And they are merely examples of what is a larger issue.

The proposed Grooming legislation is somewhat akin to the OVI law. People are stopped and arrested for OVI hopefully, before their impairment creates a larger tragedy. Their actions put other unknowing, vulnerable people in danger. Children are the most vulnerable members of our society. They do not have the benefit of years of experience to

assist them in their judgement and to protect them from those who would prey upon them. Those who engage in grooming focus on a planned, organized, intentional process to move a child from reluctance to their most unguarded in order to violate their innocence. We must do all we can to protect our children from that.

Thank you for allowing me to speak in support of HB 322.