

The Ohio Senate

Government Oversight & Reform Committee

H.B. 206

Proponent Testimony

March 16, 2022

Good morning.

My name is Tom Matuszak, and I'm a career prosecutor. In the last quarter century, I have run the organized crime unit in Lucas County, the criminal division in Wood County, and I now serve in Ottawa County. I have handled national security matters. I have been the target of a murder for hire because of my work in prosecution. And I have taught nationally on the topic of interdiction for agencies like the national criminal enforcement association, the Motor Vehicle Criminal Interdiction Association, the El Paso Intelligence Center, and the Drug Interdiction Assistance Program.

I'm here today because I failed. I'll say that again. I'm here today because *I failed*. I was one of the prosecutors on the prosecution team in the case of *State of Ohio v. Terrance Brown*. It was a case that was decided by the Ohio Supreme Court in 2015, in which they held that it is a violation of Article One, Section 14 of the Ohio Constitution for a township officer to make traffic stops on the interstate, even though the United States Supreme Court had ruled that extra-jurisdictional stops were not a violation of the Fourth Amendment to the United States Constitution. I'm here to try and remediate the practical impact of the Ohio Supreme Court's ruling in *State v. Brown*.

The reason for that is because of my experience. My experience is that highways are not only arteries for commerce and law-abiding motorists, they are arteries for criminals. And there are all sorts of things going up and down the highways, and there simply are not enough troopers to go around. When it comes to law enforcement, it's all hands on deck. It's "one team, one fight." I would submit to you if your house was on fire, you probably wouldn't care which ladder company those firefighters were from; you'd simply care that they were there to help. We need those township officers out there as a force multiplier.

Now, ultimately, HB-206 is commonsense legislation for a few basic reasons.

Number one, it empowers local officials to make decisions based on local needs and resources. So not every township out there is going to be populating the interstate with township officers. It depends on their needs. The classic example is Lake Township. They are in the crossroads of America. For instance, you may not know this, but I-75 is the number eight artery for criminal

activity in the country, I-80/90 is the number two, and they cross in Wood County. So there's a lot going through the Crossroads of America where the township officers can assist. And it's not as though those township officers aren't qualified. They receive the same peace officer certification as every other officer who has arrest powers in the state. In fact, many of them have specialized training and experience in the field of interdiction. Now, ultimately, if you give them that opportunity, they will cooperate and collaborate with folks like the Highway Patrol and the sheriff's departments. They routinely do that in all three jurisdictions in which I've worked, and it typically works out extremely well.

Now, there's also a public need for it. And probably the short-term example that I will give you is tomorrow. Tomorrow, St. Patrick's Day, people are going to be drinking and driving. Those drunk drivers are going down the interstates, and there aren't enough troopers to go around. So under the current version of Revised Code section 4513.39, if a township officer was to see somebody weaving all across the road, they cannot make a traffic stop because Revised Code section 4511.33, also known as marked lanes, is one of the prohibited statutes. But that is the telltale sign for an O.V.I. or a drunk driver. As a prosecutor, I have to go to court on a regular basis and defend why a trooper made a stop or why a police officer made a stop. It pains me to think that a township officer would see somebody go by – clearly in a state of impairment – but they can't make a stop for the traffic offense, only to find out that a few miles down the road somebody got hurt, or worse, killed. That's going to happen tomorrow. And there are going to be statistics from the Highway Patrol about it. And some of that is preventable. If you modify the statute, we will have more people out there trying to save lives.

There are also other issues that you've already heard about, like human trafficking. It's real. It's extremely profitable. And it's not going away. So law enforcement has to get out there and do what they can to save those children, and they are kids. I have seen them as young as 11 years old.

And then finally, the obvious elephant in the courtroom, so to speak, is drug trafficking. We've got fentanyl, car-fentanyl, acetyl-fentanyl, and methamphetamine running up and down the interstates. And from my vantage point as a prosecutor, if there's a traffic stop, and somebody takes off a significant seizure of drugs. . . for instance, I have one set for a suppression hearing on Friday, with five pounds of methamphetamine, over 200 grams of fentanyl and about 125 grams of cocaine. That's three Major Drug Offender offenses in one stop, okay, it's out there. It's going up and down those roads every day. As a prosecutor, I don't care if those drugs are destined for my county or somebody else's county. The fact of the matter is that they are destined for somebody's children. We need those force multipliers out there to help inhibit that, and frankly, interdict that.

So I'm here to offer my support for House Bill 206. I'm here to try to fix my failure from six years ago. I implore you to turn my failure into your success by passing HB-206.

With that, I'd like to field any questions that you may have.

Yours most respectfully,

1st Thomas A. Matuszak

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