



Senator Sandra Williams
21st Ohio Senate District
Senate Bill 86

Sponsor Testimony
Judiciary Committee
October 26, 2021

Chairman Manning, Vice Chair McColley, Ranking Member Thomas, and members of the Senate Judiciary Committee, thank you for the opportunity to offer sponsor testimony on Senate Bill 86. Senate Bill 86 would require the Ohio Attorney General to investigate and/or appoint a special prosecutor in cases involving an officer’s use of deadly force against an unarmed suspect that results in their death. This bill will create an independent investigation process with the goal of restoring the public’s trust in the judicial process.

Senate Bill 86 allows for greater police transparency by alleviating some of the real and perceived conflicts of interest when a local district attorney prosecutes a law enforcement officer. Senate Bill 86 moves the authority of deadly force cases from the local jurisdictions to the Attorney General and/or a special prosecutor to handle the case.

Senate Bill 86 is the first recommendation of The Supreme Court of Ohio Report and Recommendations of the Task Force to Examine Improvements to the Ohio Grand Jury System. The task force issued a total of 10 recommendations, including the recommendation for the Ohio Attorney General Office Special Prosecutions Section and the Bureau of Criminal Investigations be given sole authority to investigate and prosecute a police lethal use of force case.

In many cases, local prosecutors and police departments have close working relationships. They work together regularly to gather evidence, take statements, assist in investigations, and trial preparation. This relationship is perceived by the public to favor police officers when the officer is involved in the alleged crime. As eloquently stated in “The Supreme Court of Ohio Report and Recommendations of the Task Force to Examine Improvements to the Ohio Grand Jury System, “when Judges are sometimes faced with similar challenges when judging certain cases, we expect them to recuse themselves to avoid even the appearance of impropriety because the effectiveness of the justice system is dependent upon garnering and retaining the public’s trust and confidence in its integrity. There are cases that come before judges in which they know they can be objective, fair, and deliberative in reaching a decision from which they must nonetheless disqualify themselves due to the appearance that they may not.”¹

Under this legislation, by giving authority to the Attorney General’s Office and/or the special prosecutor they assign, the public understands that the relationships are much less likely to be as close as they are with local law enforcement officers. This legislation aims to provide consistency, transparency, and uniformity in prosecutorial decisions made following deadly force cases. These assurances will not only reinforce Ohio’s commitment to justice for victims and their families—but will also provide a safeguard of professional responsibility of local law enforcement and prosecutors.

The Ohio Task Force on Community-Police Relations, which was created in 2015 by Governor Kasich in response to building tension between communities and the police, also

¹ <https://www.supremecourt.ohio.gov/Publications/grandJuryTF/report.pdf>

recommended an outside prosecutor investigate cases when a police officer kills a citizen to ensure impartiality. The task force was created following the fatal shooting of Tamir Rice and the U.S. Department of Justice's report on the Cleveland Police Department that found systemic deficiencies in use-of-force policies and practices. Throughout numerous hearings and public testimony, a common concern was the public's desire for greater transparency in officer-related investigations.

Fifteen states have created procedures to improve transparency in investigations into officer involved deaths including: California, Colorado, Connecticut, Georgia, Hawaii, Illinois, New York, Utah, and Wisconsin. Specifically, Illinois, Utah, and Wisconsin each require that the person investigating an officer's involvement in a use of force incident not be employed by the same agency as the officer under review. Governor Andrew Cuomo in New York issued an Executive Order to declare all cases that involve use of lethal force against an unarmed suspect be reviewed and investigated by the State's Attorney General, and not the local prosecutor. Community trust and a public perception of efficacy are needed in order for both police and prosecutors to do their job.

Although there is not a single remedy to eliminate police misconduct and restore public trust, we must take steps to make our processes more transparent and without bias. Senate Bill 86 is a step in the right direction. Mr. Chairman and members of the committee this completes my testimony. I would be happy to answer any questions.