

Senate Bill 83 Sponsor Testimony
Government, Oversight and Reform Committee
November 28, 2018

Chairman Coley, Vice Chair Uecker, Ranking Member Schiavoni, and members of the Senate Government, Oversight and Reform Committee, thank you for the opportunity to offer sponsor testimony on Senate Bill 83.

Senate Bill 83 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 result in their death. This bill will create an independent investigation process; restoring the public's trust in the judicial process.

Senate Bill 83 is the first recommendation of the Supreme Court of Ohio Task Force to Examine Improvements to the Ohio Grand Jury System, and was created at the request of Governor Kasich. 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 (PLUF) case. The Attorney General does not have a close working relationship with local law enforcement officers, and could provide more uniformity in prosecuting these cases.ⁱ

The Ohio Task Force on Community-Police Relations, which was created by Gov. Kasich in response to building tension between communities and the police. 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. The Task force recommended an outside prosecutor investigate cases when a police officer kills a citizen to ensure impartiality.ⁱⁱ

According to the Ohio Revised Code, "deadly force" refers to any force that carries a substantial risk that will proximately result in the death of any person. Current law permits the use of deadly force when an officer has probable cause to believe that the suspect poses a threat of death or great bodily harm to the officer or to the public.

Senate Bill 83 would allow for greater police transparency and alleviate or eliminate some of the real and perceived conflicts of interest when a local district or state's attorney prosecutes a law enforcement official. Senate Bill 83 would simply appoint an Attorney General and/or a special prosecutor to handle the case in the event of the use of deadly force against an unarmed suspect.

Nine 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. Mr. Chairman and members of the committee this completes my testimony. I would be happy to answer any questions.

ⁱ <http://www.supremecourt.ohio.gov/Publications/grandJuryTF/report.pdf>

ⁱⁱ http://publicsafety.ohio.gov/otfcpr/links/ohotfcpr_final_report.pdf