



## Ohio Association of Security & Investigation Services

*Dedicated to Serving Ohio Security and Investigative Professionals*

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**Major Theodore Owens, USA, Ret.**  
**Executive Director for**  
**OASIS – Ohio Association of Security & Investigation Services**  
**Oral Testimony - before Ohio House Criminal Justice Committee**  
**House Bill 91**  
**October 17, 2023**

Good morning, Chair Cindy Abrams, Vice Chair Josh Williams, and Ranking Member Richard Brown and members of the Ohio House Criminal Justice Committee. My Name is Theodore Owens I am the Executive Director of the Ohio Association of Security and Investigation Services (OASIS). I am a proudly decorated and retired US Army Officer from the Special Operations Community a combat veteran, a decorated and retired Columbus Police Officer | Detective. I've travelled around the globe as an International Security Contractor with service in the Middle East, and a Combat Skills Instructor at the Nigerian Command and General Staff College. I'm currently the agency owner of Ohio Special Services Group – a Class "A" licensed provider of private investigations and private security services agency here in the Columbus, Ohio area. I was also appointed by Governor Kasich to the Ohio Private Investigations and Security Services Commission (OPISSC) from June 2014 to February 2018.

I am here to testify as an **"Proponent"** on House Bill 91. Our association would like to take a moment to thank Representative Patton for his proactive leadership in sponsoring this much needed Bill and his willingness to meet and work with our association to better understand the needs of private investigators and private security with regards to this Bill. In the draft amendment that we were provided a copy of (am 135-0812) it allows for a full exemption by A, B, and C registrants of ORC 4749 we are pleased that is in there. We feel that Ohio House Bill 91 is the better Bill to make it to the Governor's Desk for signing as opposed to Senate Bill 100 which we vehemently oppose. We prefer the language found in HB 91.



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The language found in SB 100 is severely flawed. The word “Consent” (line 134) effectively makes any usage that our profession has nonsensical because we have to first gain consent of the person that is a subject in our investigation. Rhetorically I ask, well why don’t we just ask them for their itinerary instead and trust that the subject will follow their written schedule?

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<u>(5) (a) A private investigator or other person licensed</u>	130
<u>under section 4749.03 of the Revised Code, who is acting in the</u>	131
<u>normal course of the investigator's business of private</u>	132
<u>investigation on behalf of another person and who has the</u>	133
<u>consent of the owner of the property upon which the tracking</u>	134
<u>device or tracking application is installed, for the purpose of</u>	135
<u>obtaining information with reference to any of the following:</u>	136
<u>(i) Criminal offenses committed, threatened, or suspected</u>	137
<u>against the United States, a territory of the United States, a</u>	138
<u>state, or any person or legal entity;</u>	139
<u>(ii) Locating an individual known to be a fugitive from</u>	140
<u>justice;</u>	141
<u>(iii) Locating lost or stolen property or other assets</u>	142
<u>that have been awarded by the court;</u>	143
<u>(iv) Investigating claims related to workers'</u>	144
<u>compensation.</u>	145

As you are aware [Ohio Revised Code 2927.27](#) allows for Licensed Private Investigators to partner with Bail Bond companies and return wanted fugitives to the custody of the court in which they have pending charges. One case of mine comes to mind. Right here in Columbus, Ohio a father bailed out his son who was



addicted and also had several pending aggravated drug trafficking charges. The father we had learned was an enabler and although he would say he didn't know where his son was. Well, he'd receive a call and drive to go see his son on the west side of Columbus, Ohio. We learned this and placed a device on the fathers' vehicle. We watched the device electronically, developed geo-fencing, and then just waited. The father left work and my phone got a text message, the fathers vehicle entered the west side of Columbus, Ohio shortly thereafter and I received a text message. Once I got to the area, I parked and patiently waited. His son, the fugitive walked around the corner and to his dad's vehicle where I was able to rearrest him without incident. If SB 100 was law, I'd have to get consent from the father to place the device on his vehicle which I never would have gotten.

We work with victims on a multitude of criminal cases. We've worked several workers compensations cases where we've saved the state of Ohio thousands of dollars. We've worked child custody cases protecting children. These are just a couple of instances that we assist with that law enforcement does not investigate. In this era of law enforcement manpower shortages citizens are turning to the private sector and Private Investigators to assist them in obtaining evidence before approaching law enforcement. That is why we are pleased to see similar language in the Ohio legislation (HB 91) that mirrors the language derived from the Michigan law. **WE ABSOLUTELY, POSITIVELY SUPPORT HB 91!**

As you are aware, private investigators and private security does not have some of the same privileges the law enforcement does. We don't have "qualified immunity". My profession only has a few tools in our professional toolbox. It is my purpose here today to make certain HB 91 makes it to the Governor's desk for signing into law so that my constituents do not fall victim to overzealous law enforcement officers and prosecutors for doing their jobs and securing much needed evidence for later use in any court or administrative proceeding because it has happened before. It has happened to some of my constituents, it has happened to me.



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Lastly, we'd like to see some sort of penalty enhancement for subsequent convictions of the statute. Currently, it states it is a misdemeanor of the first degree. My constituents and I would like to request that there be the proverbial "three (3) strikes and you're out" rule. After the first two convictions of the misdemeanor the third and subsequent conviction(s) should be a felony of the fifth degree if possible.

This concludes my testimony. I stand ready to answer any questions or concerns you may have over my testimony regarding Ohio House Bill 91. If there are no questions at this time, I can be reached at email: [executive.director@ohoasis.com](mailto:executive.director@ohoasis.com) or office phone: 888-547-0084, ext: 700 for any follow-ups you may have.

Respectfully Submitted,

*Theodore S. Owens*

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Executive Director