

Testimony for the Ohio House of Representatives

By Darren Smith, Chief Bailiff, Delaware Municipal Court.

June 2024

Thanks for taking the time to listen to me and inviting me to discuss H.B. 532. My name is Darren Smith, and I retired from a 32-year career in law enforcement from the Powell Police Department in Delaware, Ohio, and as a Task Force Officer for the Federal Bureau of Investigation Violent Crimes and Exploitation of Children's Unit here in Columbus, Ohio. Although I spent 32 years in law enforcement, I have never experienced anything like I did on November 28, 2023.

The Delaware Municipal Court, just north of Columbus, hired me as Chief Bailiff on September 18, 2023, and I was on the job for just over a month.

This incident happened on November 28, 2023, at approximately 3:15 p.m. while Bailiff Bruce Orlov and five other bailiffs were working. We started the day like any typical duty day, checking in people and helping them through the court system process.

This incident started when a defendant appeared for his final pretrial hearing and the bailiffs determined that he had several warrants out for his arrest, including a felony warrant. When informed that he could not leave because he had outstanding warrants, the defendant stated that he wanted to go to his car to get his cell phone. Bruce advised the defendant that he could not get his cell phone out of his car, that he had three misdemeanor warrants and one felony warrant for his arrest through Delaware Municipal Court and Delaware County Common Pleas Court, and that he needed to proceed to the clerk's office as requested by the court.

The defendant dismissed Bruce again and started to walk away. Bruce put his hand up to stop him from leaving the building. At this time, I walked out of the courtroom. Bruce told the defendant, "You are under arrest."

The defendant pushed Bruce's hand out of the way and tried to run around him. Bruce grabbed the defendant, which he broke free, and threw Bruce to the side, knocking him to the ground. Upon being knocked to the ground Bruce's head hit the wall causing an injury that would require 15 staples to his head. I got in front of the defendant and tried to calm him down verbally. At this time, the defendant started to assault me with his hands physically.

The defendant attempted to flee by pushing past me and trying to run to the exit. I tried to calm him down, and the defendant's mother got close to him and tried to de-escalate

her son, too. The defendant started yelling at his mother. I attempted to grab the defendant's arm and place a handcuff on it, and the defendant pulled away from me. The defendant refused to comply with orders, submit to arrest, or be detained. The defendant kept resisting and continued to push to the exit.

I pulled the defendant onto myself and conducted a takedown, bringing him to the ground. The defendant refused to comply with anyone, including his mother. Several Probation Officers assisted me in trying to arrest him, and the defendant continued to resist.

Several police officers from the Delaware City Police Department responded to the scene and handcuffed the defendant, but he still refused to comply with the officers when handcuffed.

Bruce and I were transferred to Grandy Memorial by Delaware County Medics for treatment. I was cleared by emergency personnel with minor injuries to the right side of the forehead, left knee, right shoulder, and rib area.

Bruce was admitted to the E.R. and had the following injuries: 15 staples to the rear of his head, a sprained neck, a sprained left hand, a broken finger, a right fractured patella knee, and a concussion.

In June of this year, the defendant plead guilty the assault on both of us. One count of felonious assault on Bruce and one count of assault on myself, which was a misdemeanor due to the lack of visible injuries. To this date, I still have problems with my right shoulder.

It should be noted before my appointment, the prior Chief Bailiff at the Delaware Municipal Court was assaulted in the jail by a defendant. On another occasion, probation officers were escorting an inmate to the Delaware County Jail from the Delaware Municipal Court when the defendant tried to escape and while being placed in the elevator and both probation officers and bailiffs intervened and resulted in minor injuries for our staff.

Thanks for your time and consideration. I am happy to answer any questions you may have.