

TO: Senate Judiciary Committee
FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio
DATE: March 6, 2019
RE: Senate Bill 16 – Proponent Testimony



4506 Chester Avenue
Cleveland, OH 44103
P: (216) 472-2220
F: (216) 472-2210

1108 City Park Avenue
Suite 203
Columbus, OH 43206
P: (614) 586-1959
F: (614) 586-1974

acluohio.org
contact@acluohio.org

Jack Guttenberg
President

J. Bennett Guess
Executive Director

To Chairman Eklund, Vice Chair Manning, Ranking Member Thomas, and members of the Senate Judiciary Committee, thank you for this opportunity to present proponent testimony on Senate Bill 16.

SB 16 is not a complicated bill. But, it is a much-needed one that, if passed, would have far-reaching, positive benefits for all involved.

At its core, SB 16 seeks to better inform Ohioans regarding police interactions, including their rights in these situations as well as instruction on how to minimize negative consequences when they are stopped by law enforcement.

It does this by requiring information and advice on police interactions to be taught to: 1) Students in grades 9-12, 2) those who receive formal drivers' instruction, and 3) peace officers themselves.

I can tell you firsthand how badly this information is needed. For years, I have had the pleasure of conducting what we call Know Your Rights presentations before diverse audiences all across the state.

These numerous events include ones at high school assemblies and classes, and with youth groups, immigrants and refugees gathered in church basements, people at their local libraries, those who have been in prison or jail, and many others.

While it has been my pleasure to assist Ohioans in learning more about this topic, I am always seriously dismayed about how little knowledge most Ohioans have about this vitally important subject area.

Many of your constituents are unaware of their rights when stopped by law enforcement. Other times, the information they have is incorrect. In my experience, almost all of them have not considered best practices to ensure police encounters go as smoothly as possible.

When I have presented at these events, the information is typically divided into two distinct parts – 1) Awareness of how one’s actions may be perceived by law enforcement and the potential of such actions to lead to harm and 2) the rights of people with regard to law enforcement interactions of all kinds.

We do these trainings knowing it is not only everyday people who benefit but also law enforcement. A quick reach into someone’s coat or purse to retrieve an ID can be misinterpreted by an officer fearing for her safety. Running from police can end horribly, especially if the police are seeking a dangerous suspect but that information is unknown to the person who flees. Resisting arrest is never a good idea for obvious reasons. When people further consider these situations and the possible negative ramifications, their behavior changes. Ideally, lives are literally saved.

In addition, people knowing more about their constitutional rights and state law is never a bad thing. Among the subject matter people seem most confused about is what questions they must answer when asked; when law enforcement has the legal right to search their bodies, their cars or their homes; when law enforcement is allowed to stop and detain them; and what happens after they are arrested.

Please be aware there are also some peace officers who can use much of this same education and other information about citizens’ rights including how and when people are questioned, the right of the public to record law enforcement and their activities, what can be searched and when, and when people can be legally stopped and detained, among many other situations. We must be careful not to place all the burden of achieving safer police-citizen interactions on the citizens when sometimes it is the improper or even illegal actions of law enforcement that cause the problems.

What good is having certain rights if people do not know about them? SB 16 seeks to correct this and does so by engaging people where the sharing of this knowledge will have the largest impact.

The ACLU of Ohio urges you to pass Senate Bill 16 to better educate people across Ohio on this extremely important topic.