



NEWS RELEASE

DIVISION OF POLICE • COLUMBUS, OHIO

ELAINE R. BRYANT • CHIEF OF POLICE

For Immediate Release

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Marsy's Law

The Columbus Division of Police understands the confusion and concern related to our inability to disclose information the media and public are accustomed to receiving from us. The Division is fully committed to transparency, as evidenced by our long-standing practice of consistently and promptly releasing all records and information related to critical incidents such as officer-involved shootings.

Ohio law -- specifically "Marsy's Law" has recently changed. This has impacted our ability to release certain information that was previously considered public record. **We want to be clear: this was not a choice made by the Columbus Division of Police. It is a state law by which we (and all other agencies) are required to abide and uphold.** In fact, this was a concern CPD raised with state lawmakers.

One of the top priorities of this Division continues to be strengthening trust with the community we serve. That has been a driving force in our quest to be as open and transparent as legally possible.

In an effort to clarify the amended law and its impact on what CPD is legally allowed to provide, we share the following:

A "victim" is *any* person against whom a criminal offense is committed or who is directly and proximately harmed by the commission of the offense. (See Ohio Constitution § 10a below). "Criminal offense" means an alleged act or omission committed by a person that is punishable by incarceration and is not eligible to be disposed of by the traffic violations bureau. (See ORC 2930.01 below). There is nothing in the Ohio Constitution, or the ORC/Marsy's Law, that excludes a police officer crime victim from the definition of "victim." Under Marsy's Law, the City of Columbus, Division of Police, is required to take measures to prevent the public disclosure of the name, address, and other identifying information of a victim of a criminal offense, including a police officer who is a crime victim. (See Marsy's law/ORC 2930.07 below)

Thus, for example, when a suspect shoots an officer (Attempted Murder/Felonious Assault), or shoots at an officer (Felonious Assault), and the officer returns fire striking the person, the officer is a victim of a criminal offense, and they are entitled to the protections of the Ohio Constitution and Marsy's Law.



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When Marsy's law was being amended/re-written in May, 2023, Columbus Assistant City Attorney/Police Legal Advisor Jeff Furbee, and Columbus Division of Police Assistant Chief of Police Gregory Bodker met with Ohio State Representative Andrea White (R-Kettering), as well as her staff and various advocates, in order to express concerns about the impact Marsy's law would have on law enforcement. Rep. White introduced and was the primary sponsor of Marsys' Law. Mr. Furbee and Assistant Chief Bodker fully explained to Rep. White that an officer crime victim's identity would be protected under the current version of the law, and that this would, in situations involving a critical incident, likely cause concern for the community and the media, who are accustomed to knowing the identity of officers involved in critical incidents. At the conclusion of several discussions, Mr. Furbee and Assistant Chief Bodker believed that any concerns that had been raised, as well as possible outcomes, were understood.

Finally, as it relates to the release of body worn camera footage: ORC 149.43(A)(1) protects from release certain portions of body-worn camera or dashboard camera recordings. Namely, portions of BWC/Cruiser Camera footage showing an act of severe violence causing serious physical harm to any person, or BWC/Cruiser Camera footage showing grievous bodily harm to an officer are restricted portions of BWC/Cruiser Camera footage, thus not subject to release to the public. This has been the case for several years.

Ohio Constitution § 10a Rights of victims of crime.

(A) To secure for victims justice and due process throughout the criminal and juvenile justice systems, a victim shall have the following rights, which shall be protected in a manner no less vigorous than the rights afforded to the accused:

(1) to be treated with fairness and respect for the victim's *safety, dignity* and *privacy*;

(4) to *reasonable protection* from the accused or any person acting on behalf of the accused;

(6) except as authorized by section 10 of Article I of this constitution, to refuse an interview, deposition, or other discovery request made by the accused or any person acting on behalf of the accused;

(D) As used in this section, "*victim*" means a person against whom the criminal offense or delinquent act is committed or who is directly and proximately harmed by the commission of the offense or act. The term "victim" does not include the accused or a person whom the court finds would not act in the best interests of a deceased, incompetent, minor, or incapacitated victim.



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Marsy's Law:

ORC § 2930.01 Definitions

As used in this chapter, unless otherwise defined in any section in this chapter:

(A) "Criminal offense" means an alleged act or omission committed by a person that is punishable by incarceration and is not eligible to be disposed of by the traffic violations bureau.

ORC § 2930.07 Concealment of victim's or representative's address, telephone number and similar identifying facts

(C) Any public office or public official that is charged with the responsibility of knowing the name, address, or other identifying information of a victim or victim's representative as part of the office's or official's duties shall have full and complete access to the name, address, or other identifying information of the victim or victim's representative. That ***public office or public official shall take measures to prevent the public disclosure of the name, address, or other identifying information of the victim*** or victim's representative through the use of redaction as set forth in division (D) of this section.

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