

TO: House Homeland Security Committee

FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio

DATE: November 20, 2024

RE: House Bill 473 - Opponent Testimony

To Chairman Ghanbari, Vice Chair Plummer, Ranking Member Thomas, and members of the House Homeland Security Committee, thank you for this opportunity to provide opponent testimony on House Bill 473.

HB 473 is an uncomplicated bill and I know simple bills are so often appreciated by legislators and impacted parties. While I almost always share that same appreciation, the problem with HB 473 is it is too simple, ignoring the numerous privacy implications of widespread, non-stop surveillance of Ohioans at our highway rest stops.

For many years now, at the local and state levels, governments and law enforcement have adopted new technologies, devices, and systems to surveil us. These include automatic license plate readers, drones, surveillance cameras, law enforcement body cameras, and much more. What appears to be missing is almost any statutory laws to regulate their use and prevent their misuse.

Several sessions ago, on a bipartisan basis, the General Assembly passed a law to adequately thread that many times tricky needle of protecting personal privacy against the widespread and sometimes intrusive use of police body and dashboard cameras. This law specifically addresses the intersection of Ohio's public records law and people who have been subject to serious physical injury, sexual assault, death, and other scenarios recorded and preserved by these cameras. That law is now a positive model for the rest of the nation.

However, other than the passage of then-House Bill 425 (135<sup>th</sup> General Assembly), I am unaware of any other statewide laws that govern, regulate, or restrict the use of these surveillance technologies. This lack of oversight and regulation is repeated at the county and city levels across Ohio.

Indeed, local governments spend millions of dollars, year after year, purchasing, adopting, implementing, and using surveillance technologies and devices without any statutory protections for your constituents. Quite simply, this is a privacy nightmare.



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For governments intent on pushing ahead to use this technology and these devices, the ACLU of Ohio still offers guidance and assistance in addressing privacy issues. In the most general sense, these include:

- Clear guidance and regulations on what the cameras may be used for and when their use is forbidden or at least subject to additional regulation and restriction;
- How long recordings may be kept and for what purposes;
- Who has access to those recordings, both internally and externally, in Ohio and outside;
- Audits regulating and reporting requirements revealing how often a particular technology is used and for what purposes.

While not an endorsement of their use, the ACLU of Ohio believes these commonsense regulations on surveillance technologies and devices still allow law enforcement to use these tools for intended law enforcement purposes but with Ohioans feeling more confident they will not be used for widespread, warrantless surveillance. This is far preferable to the alarming Wild West atmosphere across Ohio where the only regulation may be an internal policy, if that, of a law enforcement office or entity that carries no force of law.

Of course, the primary problem of HB 473 is it carries no such protections and leave these matters completely unaddressed. In a previous hearing, it was suggested perhaps some of these issues can be handled during the rulemaking process following the bill's passage. I submit that is inadequate. These technologies, their growing abilities, and the ramifications are far too important to leave to another body that may or may not take them on and, if they do, may not give these matters the proper thought and attention they surely need. If the committee shares these privacy concerns, they should be addressed directly via HB 473.

On a related note, for those unaware, it has been revealed in past hearings the State of Ohio has already been installing surveillance cameras at some highway rest stops. This means we have two problems – an ongoing one where these cameras are being installed and used with zero input from the General Assembly and now a bill, HB 473, to increase these concerns. So, even if HB 473 does not pass this session, or is delayed to a future session, we believe the General Assembly should take action to address the current state of affairs regarding surveillance cameras at rest stops.

Whether it is specifically rest stop cameras or the other types of technologies mentioned, the ACLU of Ohio is eager to work with legislators who share our interest in these privacy issues and government surveillance. For now, we urge this committee to reject HB 473 because of its failure to adequately address crucial and serious mass surveillance concerns.