

Testimony on SB 208
In Support
Officer Marc L. Terhar

Chairman Bacon, and members of the Ohio Senate Judiciary Committee: I would first like to thank you for your service to our great state and for taking the time to consider my testimony on this critical piece of public safety legislation. I have been a Peace Officer for five years and have participated in myriad active shooter trainings. An alarming trend in our society as well as a flaw in the Ohio Revised Code has prompted me to write to you on this subject.

As of now, the Ohio Revised Code treats police officers who are off duty, more appropriately described as “off the clock,” the same as any concealed handgun permit holder. As such, any building posted with the recognizable no gun signs are off limits to public servants carrying their firearms while not actively “in the course of their duties.” Given the growing trend of mass shooters targeting places open to the public that restrict the carrying of firearms, disarming our public servants who possess both standardized and specialized training to react to such a situation only places the public in unnecessary danger.

Though the words vary between jurisdictions, in general a commissioned Ohio Peace Officer swears to uphold the Constitution of the United States, the Constitution of the State of Ohio, and to protect the people and property of the jurisdiction they serve. This oath, like the oaths of judges, doctors, nurses, and elected officials do not get placed on a shelf and forgotten about at the end of the officer’s shift. Officers are programmed through training and their own moral convictions to run to the aid of those in need. Like their oath, this drive to run toward danger is so deep that it cannot be simply turned off.

A 2013 study of active shooter incidents in the US from 2000 to 2013 by the FBI revealed what many in public safety circles already knew. The bad in society seek out what are commonly referred to as “soft targets.” We do not see mass shootings where the intended victims possess the means to fight back. According to the FBI statistics, 45.6% of mass shootings take place in businesses open to pedestrian traffic, businesses closed to pedestrian traffic, and in malls. Another 24.4% of mass shootings take place in educational facilities (69% of those in schools between Pre-K to 12th grade, and the other 31% in institutions of higher learning). Every single day off duty officers find themselves in these places and are unable to carry the means to react to a lethal threat to human life.

The 2013 FBI study classified 160 incidents from 2000 to 2013 as “active shooter” incidents. Of those, the FBI was able to determine the duration of 63 incidents. 44 of them lasted 5 minutes or less. According to an article from Police One Magazine, the average law enforcement response time to an incident is 18 minutes. If we consider the average response time, the damage is done long before on duty officers can even arrive at the scene. It is very likely that the duration, and therefore the size of these events would be greatly reduced if the offender were to be met by an armed off duty police officer. Some, who I imagine lack any semblance of tactical training, would argue that the presence of armed non-uniformed personnel endangers the responding officers, the off duty officer, and innocent bystanders. As we saw in a recent incident in a Walmart in Colorado where several armed civilians drew

their own firearms during a shooting in the store and made their way to safety, those individuals were not harmed. Contrary to the statements of the untrained, responding officers do not just fire upon anyone with a gun. While I will not go into how officers deal with legally armed subjects in these incidents, it should be noted that officers are prepared for that situation.

Opponents of this bill will say that a private business should retain the right to decide who can bring firearms onto their property. This bill is not about guns. This bill is about the State of Ohio giving the people charged with protecting its citizens the ability to do so. This is about keeping people safe. Just as these businesses must meet food and other safety regulations in order to ensure the safety of their customers, this bill ensures that these establishments can no longer place their patrons in harm's way. Surely, if a medical emergency were taking place in a place of public amusement a doctor or nurse would not be forced to stand back and just wait for on duty emergency responders to arrive. Ohio Peace Officers are trained and expected to react to a threat to the lives of all Ohioans whether on duty or off duty. We must take action to ensure that officers have the means to protect others.

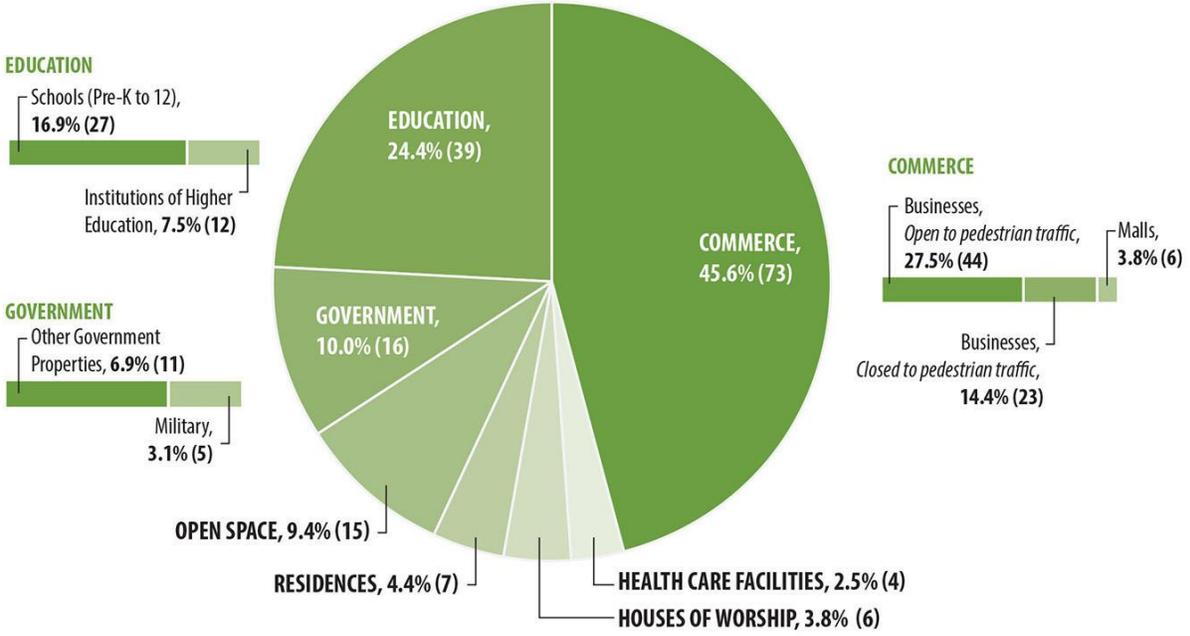
Another major concern is the safety of the officer themselves when off duty. Officers are charged by our society to deal with those who cannot seem to live within the boundaries the legislature lays out for all of us. Some people break the law on accident or occasion, while others make a living through their criminality. Some of those offenders do not forget the men and women who worked tirelessly to ensure that society would be protected from them. There are those in this world who, through a simple search on Google can find out who an officer's family members are, their home addresses, phone numbers, and what they like to do in their off time. I have personally removed a sign from my front yard advertising where my children attend school. It's not for lack of pride in my child or his school, but that the information can be used to hurt those that I love. I have run into people who recognized me instantly while off duty as the "guy who put them in jail." It's not uncommon for those people to hold a dangerous grudge. Knowing that, it's unconscionable to tell those who willingly put their family's safety at risk for society to tell them that they cannot have the ability to protect them in public.

SB 208 is a critical piece of legislation that serves to protect everyone in our state. Texas, seeing the importance of off duty officers to the goal of keeping the public safe, enacted a nearly identical law earlier in 2017. It is my hope that the members of the Ohio House and Senate have the same commitment to protecting the public as their counterparts in Texas.

Respectfully,

Officer Marc L. Terhar

A Study of 160 Active Shooter Incidents in the United States Between 2000 - 2013: Location Categories



Source: Federal Bureau of Investigation, 2014