



May 23, 2022

Representative Brett Hudson Hillyer  
Chair  
Civil Justice Committee

RE: Written Testimony in Opposition to HB 472

Chairman Hillyer:

Today we, the Dayton Police and Fire Chiefs, write in opposition to HB 472 that would strip immunity from political subdivisions for police officers and firefighters responding to emergencies.

Unfortunately, HB 472 only recognizes the need for immunity for police officers actively chasing suspects. The immunity, however, is needed in numerous emergency situations. The immunity is crucial not just for the first responders and the political subdivisions that employ them, but for the safety of the public. This response immunity was provided for in the common law and codified with the Political Subdivision Tort Immunity Act by the General Assembly. This immunity protects first responders that are required by law and their duty to immediately and quickly respond to emergencies. These are situations where seconds can mean the difference between life and death. While the law does not allow them to drive recklessly, they are allowed in instances to proceed with lights and sirens above the legal speed limit to respond quickly to shootings, fires, heart attacks, or other serious life and death law enforcement or fire emergencies. Unfortunately, many citizens do not yield the right of way to these first responders, resulting in accidents. By eliminating this immunity, you would open up additional litigation and potential liability to first responders and the political subdivisions that employ them. This will result in additional expenses that will ultimately be paid by the taxpayers.

More important than the fiscal impact, however, is the impact on public safety. This immunity helps first responders to quickly and safely respond to life and death emergencies. Eliminating this immunity will likely result in additional restrictions that will slow down response times. The result will be a decrease in public safety and an increase in loss of life.

For these reasons, we respectfully oppose HB 472 and any other restrictions that will interfere with first responders protecting the public.

Sincerely,

Shelley Dickstein  
City Manager, City of Dayton

Kamran Afzal  
Director & Chief,  
Dayton Police Department

Thomas Rice  
Deputy Director & Chief,  
Dayton Fire Department