

Testimony Opposing House Bill 99
House Criminal Justice Committee
April 13, 2021

Submitted by:
Douglas Rogers

Chair LaRe, Vice Chair Swearingen and Ranking Member Leland, thank you for this opportunity to testify. I graduated from Yale Law School in 1971, was a captain in the Military Police, was a partner of the Vorys law firm in Columbus for over 20 years and am now a grandparent of 4 children in grade schools in Ohio.

The late Justice Scalia wrote, “Government is ... meant for ... protecting life”¹ Yet HB99 would endanger the lives of Ohio students by permitting a school board to allow teachers, coaches and even volunteers² with only 8 hours of firearm training (for a CCW license)³ to carry a loaded firearm into school (with no notice to the parents).

Sponsor Hall thinks 8 hours of training is enough.⁴ But experts – the law enforcement agencies – know that providing only 8 hours of training would endanger the lives of students.

Last year the chiefs of police of Cincinnati, Cleveland, Columbus, Dayton, Toledo and Youngstown opposed reducing firearm training to 8 hours: “Significantly reducing firearm training for school personnel will make our schools less safe and increase the likelihood that a student will be unintentionally harmed or killed by a firearm in a school” (see attached Exhibit A).

The Fraternal Order of Police of Ohio (“FOP”) wrote against arming teachers with only weekend long training:⁵ “Arriving officers will not know ‘who’s the good guy, who’s the bad guy,’”⁶ and the “result will be errant bullets flying down chaotic hallways full of running children untrained teachers merely add to the chaos and the danger.”⁷

The National Association of School Resource Officers strongly recommended that “no firearms be on a school campus except those carried by carefully selected, specially trained school resource officers (SRO’s),” who are already police officers.⁸

On March 17, no proponent⁹ claimed that 8 hours of training was sufficient. Buckeye Firearms Association¹⁰ argued that an Ohio appellate court decision was wrongly decided,¹¹ but that is irrelevant for how much training there should be in the future.

Sgt. David Spicer’s individual testimony confirmed that 8 hours of training is insufficient. The training he provided to teachers went beyond CCW training and included “enhanced range”, “hallway movement,” “building clearing,” “force to force” and “scenario” training that included active shooter situations.¹² He emphasized, “continued training is the most important thing.” For most of the schools, moreover, the “weapons were kept in certain locations,” and the teachers had to go to those locations to retrieve the weapons. HB99 does not require any of these elements that Sgt. Spicer indicated were necessary.

You are responsible for schools under the Ohio Constitution, and the Ohio Supreme Court has held that State regulation of firearms is a “statewide public interest.”¹³ You must not abdicate your responsibility to protect the lives of Ohio’s school children from gun deaths.

The Second Amendment permits “laws forbidding the carrying of firearms in sensitive places such as schools.”¹⁴ However, if you determine teachers may carry guns into schools and the correct amount of training is less than the current 737 hours,¹⁵ you should – after consultation with law enforcement experts – establish an appropriate standard that the law enforcement and education agencies support.¹⁶

- Do not abdicate the State’s role for school safety in Ohio.
- Do not guess on an arbitrary training floor picked from the sky to amend HB99.

Instead:

- follow the voices of law enforcement and education agencies;
- protect the lives of Ohio school children; and
- vote against HB99.

Thank you very much.

Doug Rogers
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¹ *On Faith Lessons from an American Believer* - Antonin Scalia, (2119), published by Crown Forum in e-book form, at location 1347.

² HB99 does not limit to teachers the persons authorized to carry guns into schools, but simply refers to “a person.” In Ohio in 2019 a school district’s transportation director carried a gun into the Highland Local Schools and left it in her desk while exiting the room. A first grader found the gun, picked it up, pointed the gun at another student and said, “Put your hands behind your back.” <https://www.dispatch.com/news/20190819/first-grader-pointed-loaded-gun-at-student-in-school-office-email-says><https://www.ohioattorneygeneral.gov/How-to-Become-a-Peace-Officer-in-Ohio>

³ R.C. §2923.125(G).

⁴ <https://ohiohouse.gov/committees/criminal-justice/bills/hb99> . “My version [of HB99] now revises the training requirements to be the same as a concealed carry permit holder.”

⁵ http://supremecourt.ohio.gov/pdf_viewer/pdf_viewer.aspx?pdf=892300.pdf

⁶ *Id.*

⁷ *Id.*

⁸ <https://www.nasro.org/news/2018/02/22/news-releases/nasro-opposes-arming-teachers/>

⁹ The Ohio Legislature website lists 3 proponents, Joseph Eaton, David Spicer and Rich Warner - <https://ohiohouse.gov/committees/criminal-justice/bills/hb99> .

¹⁰ *Id.* (through its former Director Joseph Eaton) <https://www.buckeyefirearms.org/buckeye-firearms-association-director-joe-eaton-explains-faster-saves-lives-piers-morgan> (his title may have changed since this 2019 post)

¹¹ It did not appear that Mr. Eaton is an attorney.

¹² <http://ohiochannel.org/collections/ohio-house-criminal-justice-committee>, 3/17, part 2, after 45:50.

¹³ Article VI, section 2 of the Ohio Constitution provides in relevant part: “The General Assembly shall make such provisions, by taxation, or otherwise, as . . . will secure a thorough and efficient system of common schools throughout the State.” *City of Cleveland v. State of Ohio*, 942 N.E.3d 370 (Ohio 2010), 128 Ohio St.3d 135, ¶¶17 and 21.

¹⁴ *District of Columbia v. Heller*, 554 U.S. 570, 626 (2008).

¹⁵ The basic peace officer training course pursuant to R.C. §109.78 currently includes about 737 hours of training. <https://www.ohioattorneygeneral.gov/How-to-Become-a-Peace-Officer-in-Ohio#:~:text=The%20curriculum%20requires%20a%20minimum,and%20on%20a%20semester%20calendar>.

¹⁶ A 2019 report by the National Education Association, the American Federation of Teachers and Everytown for Gun Safety states: “The most dangerous idea in the American education system is that arming teachers or school staff is an effective solution to an active shooter incident. Everytown, AFT, and NEA strongly urge, as a matter of student safety, that schools reject attempts to arm teachers and instead focus on proven solutions that intervene to prevent shootings.” <https://www.nasro.org/news/2018/02/22/news-releases/nasro-opposes-arming-teachers/>



CINCINNATI

CLEVELAND

COLUMBUS

DAYTON

TOLEDO

YOUNGSTOWN

December 8, 2020

The Honorable Senate President Larry Obhof
1 Capitol Square, 2nd Floor
Columbus, OH 43215

The Honorable House Speaker Bob Cupp
77 S. High St., 13th Floor
Columbus, OH 43215

The Honorable Minority Leader Kenny Yuko
1 Capitol Square, 3rd Floor
Columbus, OH 43215

The Honorable Minority Leader Emilia Sykes
77 S. High St., 14th Floor
Columbus, OH 43215

The Honorable Bill Coley, Chair of Senate
Government Oversight & Reform Committee
1 Capitol Square, 1st Floor
Columbus, OH 43215

The Honorable Don Jones, Chair of House Primary
& Secondary Education Committee
77 S. High St., 11th Floor
Columbus, OH 43215

Dear Legislative Leaders and Committee Chairs:

We are writing to you today, as police chiefs and law enforcement professionals, to express our grave concerns about Senate Bill 383 and 317. As police chiefs who care deeply about protecting our communities, we urge you to consider the very dangerous implications of these measures, neither of which will reduce crime or promote law and order in our communities.

Under current Ohio law, a person can use force, including deadly force, to defend oneself anywhere. Passing SB 383 would upend centuries of traditional self-defense doctrine. It would threaten public safety by encouraging armed vigilantism and allow a person to kill another person in a public area even when he or she can clearly and safely walk away from danger.

In other states that have implemented similar laws to SB 383, gun violence and homicides have significantly increased. Florida's Stand Your Ground law was associated with a 32 percent increase in firearm homicide rates. In 79 percent of Florida's cases, the person could have retreated to avoid the confrontation. Additionally, 68 percent of the people killed in these confrontations were unarmed.

We urge this committee to also consider the disproportionate impacts of such laws on communities of color and the potential for increased gun violence. Stand Your Ground laws in other states have resulted in higher rates of justifiable homicides for White shooters and lower rates of conviction when the victim is Black.

We are also troubled by the extraordinary lack of training required in SB 317. Under current state law, all armed school employees—including teachers, security guards, and special police—must either complete an approved basic peace officer training course, or have completed 20 years of active duty as a peace officer. Basic peace officer training is regulated by the Ohio Peace Office Training Commission, and comprises approximately 728 hours of instruction. SB 317 would exempt teachers from this requirement, and allow school districts to employ armed personnel in schools with as little as 8 hours of concealed carry training (6 of which can be completed online)—or with no training at all, if firearms are not concealed when carried. As law enforcement professionals, we know the dangerous implications when individuals use and carry firearms without the proper training. Significantly reducing firearm training for school personnel will make our schools less safe and increase the likelihood that a student will be unintentionally harmed or killed by a firearm in a school.

Additionally, many of our communities have marked single-year highs in the number of homicides. As the stress of this pandemic continues to weigh on our residents, crime and violence have increased. Our police are working long hours to solve these cases and protect our communities. Passing these laws will make our jobs more difficult and they will make our communities less safe. We urge you to seriously consider the dangerous implications of these bills and oppose SB 383 and 317, which threaten the safety of our officers and our communities.

Respectfully submitted,

Eliot Isaac, Chief of Police
CITY OF CINCINNATI

Calvin D. Williams, Chief of Police
CITY OF CLEVELAND

Thomas Quinlan, Chief of Police
CITY OF COLUMBUS

Richard Biehl, Chief of Police
CITY OF DAYTON

George R. Kral, Chief of Police
CITY OF TOLEDO

Robin R. Lees, Chief of Police
CITY OF YOUNGSTOWN

CC: The Honorable Members of Ohio Senate Government Oversight and Reform Committee
The Honorable Members of the Ohio House Primary & Secondary Education Committee