

Robert Meader
HB99 Testimony
House Criminal Justice Committee
April 15, 2021

My name is Robert Meader and I submit this testimony in opposition to HB99 in my individual capacity. I feel compelled to submit this testimony given my unique qualifications as a firearms expert and as someone devoted to protecting the safety of Ohioans—including our school children. Among my credentials for submitting this testimony is my long and distinguished career in law enforcement. I am a Commander for the City of Columbus Division of Police. I led the Columbus Division of Police Training Bureau from 2015 to 2020. Over the course of my tenure, I have overseen the law enforcement training of thousands of police personnel, including training on firearms and use of deadly force. I am also a U.S. Air Force veteran and lawyer.

I cannot testify in person before this Honorable Committee today because I am teaching regarding proper law enforcement operations. I would welcome the opportunity to testify in person in the future.

HB99 is dangerous. As drafted, HB99 would allow school districts to authorize teachers, principals, cafeteria workers, and other school staff—those who are with our children all day, every day at school—with only the training required to get a concealed carry permit. That is woefully inadequate training. It is reckless. It will cause harmful accidents and potentially even needless deaths.

Arming Teachers Introduces Fatal Risks Into The Classroom

This Committee must recognize that arming teachers and other school staff introduces safety risks into schools. Early in their training, rookie police officers are taught that every situation they respond to always involves a firearm: the officer's firearm. An officer's mere presence introduces a firearm to every situation. And, undeniably, the presence of a gun creates serious safety risks for each person involved or nearby. To mitigate these inherent serious safety risks—to keep us, law enforcement, and everyone else safe—officers undergo extensive firearms training.

Arming schoolteachers and staff also introduces inherent serious safety risks, with the risks falling almost entirely on children. This Committee does not need to be reminded of the near-miss situation where first graders got an administrator's gun in Sparta. The tragedy that could have befallen if those two first graders, who were pointing the gun at one another after finding it left behind by the administrator, should haunt each Committee member. But it's not an aberration. In the last five years, there have been more than 90 publicly-reported incidents of armed adults mishandling guns at school.¹ Guns left in locker rooms, including a

¹ K. Drane, Giffords Law Center, *Every Incident of Mishandled Guns in Schools* (Mar. 2, 2020), available at <https://bit.ly/2IbOCOW>.

loaded weapon found by a sixth grader.² Guns left in a bathrooms, including a loaded pistol found by four kids ages 6 to 8.³ Guns stolen by students, including one from a teacher with a concealed carry license who forgot to take the gun out of her purse before coming to class.⁴ These are just some reported incidents. It is fair to assume there are so many unreported. Police departments spend so much time training officers on weapons retention, and have strict weapons retention policies to avoid these problems. This bill says nothing about weapons retentions policies nor does it concentrate on weapons retention training.

There are dozens of reported cases of adults' guns being discharged unintentionally at schools, adults' guns being mishandled during discipline, or adults' guns being used in times of personal stress or conflict at school. For example, in 2018, during a firearm safety demonstration, a high school teacher accidentally fired his gun into the ceiling. The shooting injured three students, including a boy who ended up with bullet fragments lodged in his neck.⁵ Elsewhere, a third grader was able to get his finger onto a school liaison officer's holstered gun and pull the trigger, firing the weapon.⁶ But most disturbing are the incidents of teachers or staff pulling guns on students as a disciplinary tactic.⁷ Again, the presence of guns—even in the hands of highly-trained staff, such as school resource officers—increases the risk of shootings at school; accidental shootings that could end up in tragedy.

Even considering active shooter situations, where this bill contemplates that armed school personnel could use their weapons, there is severe risk with having inadequately trained armed personnel. Active shooter situations cause extreme stress, which decreases “hit rate.” The physiological effects of acute stress are well-documented, and emergency situations are quite different than target practice on the firing range. The body's responses to an active shooter situation decrease handgun shooting accuracy, or “hit rate.” For example, in 2008 the

² Associated Press, *No charges after Isabella Co. sheriff accidentally leaves gun at school* (Apr. 3, 2018), available at <https://bit.ly/2GtNfeb>.

³ B. Metrick, USA Today, *Ex-teacher charged for leaving gun in school bathroom, policesay* (Sept. 13, 2016), available at <https://bit.ly/2G9jlfF>.

⁴ D. Harten, Arkansas Democrat Gazette, *Police: Jacksonville High student steals gun from teacher* (Jan. 17, 2012), available at <https://bit.ly/2V3psWX>; see also R. Madden, Fox 2 Now, *Police find teacher's stolen gun with student* (Oct. 25, 2018), available at <https://bit.ly/2S9hqy7>; R. Danielson, Patch.com, *Central Middle Teacher Brought Gun to Class, Students Stole It* (Oct. 26, 2018), available at <https://bit.ly/2RaznZq>.

⁵ A. Larson, KSBW8, *Seaside High teacher accidentally fires gun in class, students injured* (Mar. 14, 2018), available at <https://bit.ly/2Be9cub>.

⁶ Minnesota Public Radio News (Feb. 5, 2018), available at <https://bit.ly/2PBbXKk>.

⁷ See, e.g., Z. Koeske, Daily Southtown, *Dolton high school security guard threatened to kill student, held gun to his chest: police report* (Dec. 4, 2018), available at <https://bit.ly/2RaAuZ6>; R. Atkins, KRQE, *APS custodian arrested for pulling gun at elementary* (Dec. 22, 2018), available at <https://bit.ly/2IcXWlq>; S. Ash, 47ABC, *Del. Wrestling coach*

New York City Police Department—which has some of the most highly-trained officers in the United States—studied the hit rate of its officers. Between 1998 and 2006, the average hit rate of NYPD officers in situations where gunfire was not returned was just 30 percent. When there was a gunfight, the hit rate dropped to 18 percent.⁸ If that is the hit rate of NYPD officers, who receive extensive and ongoing training and whose sole job is law enforcement, what can we expect of school teachers? Even if a teachers' discharge is not accidental, even if they have appropriately perceived a threat, under stressful situations like active shooters, there is still huge concern that a teacher or other armed staff would shoot an innocent student. Those concerns cannot be trivialized.

Extensive Training Is Necessary To Mitigate The Risk Of Armed School Personnel

It is possible to mitigate some of these risks—of children accidentally getting the firearm, of misperceiving threats, of misfiring in stressful situations, etc.—but only through extensive training. It is often said that police officers in high stress, high stakes situations “fall back on their training”—that is, the strategies and responses baked into their muscle memory. This muscle memory is critical in high stress, high stakes situations, such as an active shooter at school, because it allows the “good guy with a gun” to react automatically. Police trainers like myself know this from decades of experience. “[U]nder stressful conditions a person needs to rely upon reflexive actions. This is one of the keys to tactical shooting—to instinctively react and shoot when (and only when) the situation warrants the use of this type and level of force.”²⁶ Reacting reflexively, relying on muscle memory, makes a person more likely to avoid the errors, biases, and risks that extreme stress causes in humans. As explained by the Director of the Advanced Law Enforcement Rapid Response Training Center at Texas State University, the natural response to high-stress situations includes “‘tunnel vision, audio exclusion and time dilation,’ and one would expect people who weren’t trained in these situations to ‘freeze up or not know what to do, and to have difficulty performing actions correctly.’”⁹

There is no short-cut. Training, and repeated training to keep it fresh, is critical to avoid fatal accidents. Muscle memory is achieved only through time and repetition. Training—extensive, repeated training—is the only way to avoid fatal accidents during everyday instruction, kids becoming collateral casualties during active-shooter scenarios, and deadly crossfires between armed staff and law enforcement responding to reported threats.

The 27-Hour FASTER Training and the 8-Hour CCW Training Is Not Enough To Eliminate These Serious Safety Risks

HB99 would allow teachers and other civilian school staff members to go armed with only the CCW training. Under current Ohio law (and some are trying to eliminate these requirements), to obtain a concealed carry permit in Ohio, you must meet only two requirements:

⁸ B. Rostker et al., Rand Corporation, *Evaluation of the New York City Police Department firearm training and firearm-discharge review process* (2008), available at <https://on.nyc.gov/1KQwfZL>.

⁹ J. Holland, *The Nation*, *Tactical Experts Destroy the NRA’s Heroic Gunslinger Fantasy* (Oct. 5, 2005), available at <https://bit.ly/2SuWFKW>

(1) be at least 21 years old and (2) complete an 8-hour course.⁴¹ The 8-hour course includes six hours of education and two hours of in-person training consisting of live-fire training. The education portion of the training is designed to ensure a person has the bare minimum of knowledge of firearms, but it would be unsafe to allow a person with such little training to carry a gun at school.

Specifically, concealed carry training is designed to give you *information* and not real-world *training*. There is no requirement that the gun used for live-fire training be the same gun (or even type of gun) that is ultimately carried. This presents a significant safety problem because a person could use a revolver for the live-fire training and then carry a semi-automatic pistol at school. These two types of guns operate very differently, injecting even more potential problems into an already volatile situation. Even worse, the CCW live-fire training does not require a minimum score, which means the teacher would not have any training requirement in terms of shooting accuracy. **That is, to pass the CCW training a teacher does not even have to hit the target once!** This Committee should not allow someone with that paltry training to carry a gun at school; but that is what HB99 does. The omission of a minimum target selection training will be exacerbated under the stress of an active shooter or other critical incident involving a firearm. A mere 8 hours of training is woefully inadequate to mitigate these risks.

Some proponents and school districts have advocated for use of the FASTER program, but that training too is inadequate. As an initial matter, as HB99 is drafted, there is no requirement that school districts use the FASTER program, or a program like it. And even if HB99 were amended to increase the number of required training hours, it still would mean there is no state oversight, no requirement that training cover particular subject matters or involve things like hand-on simulation, and no requirement that armed staff be regularly retrained to ensure that perishable skill stay fresh.

FASTER stands for Faculty/Administrator Safety Training & Emergency Responses. FASTER training is just as it sounds—fast. But doing something fast does not doing it right. The premium should be on *safety*, not *speed*. It should be universally accepted that it is never okay to sacrifice safety of kids for speed. FASTER requires just 27 hours of training.

Before getting into the training, it is important to understand the baseline experience of FASTER participants. According to FASTER program director Joe Eaton, “When the program began, most participants were former law enforcement, military or hunters, Eaton says. But in the past two years, that has changed: More than half had never touched a firearm until their schools asked them to take part.”¹⁰ FASTER purports to take a person who has never touched a firearm and prepares them to carry a concealed firearm in a school in just 27 hours. That is incredibly dangerous and it puts children at risk.

Just one example of the inadequacy of the training came in sworn testimony in the case giving rise to this legislation. According to an armed school staff member who went through FASTER, participants engage in one “force on force” drill and one live-fire scenario. The staff

¹⁰ See J. Heim, The Washington Post, *Armed and safe? At Ohio schools, the security plan includes teachers and guns* (Mar. 12, 2018), available at <https://wapo.st/30xzGmW>

member testified that he completed one live-fire drill that lasted approximately 10 minutes. (John Doe 1 Dep., 48:2-8.) In just 27 hours spread out over the course of 3 days, the FASTER Training purports to cover the history of mass shootings, basic firearm training, advanced firearm training, live-fire drills, advanced tactics related to clearing a room, decision-making skills, first aid, and scenario- based training. In my expert opinion, these are all things that have to be learned and practiced repetitively, not just in a “fast” long-weekend. Twenty-seven hours is insufficient to keep our children safe.

Using a firearm in a crisis is about more than just pointing the gun and squeezing the trigger. Anyone can shoot a gun at a shooting range at a piece of paper. Using a firearm in an active shooter situation forces an individual to fall back on their training or experience.

As the Greek poet Archilochus said, “We don’t rise to the level of our expectations; we fall to the level of our training.” I encourage this Committee to vote against HB99 because it does not require sufficient training for armed school personnel.