

State Veterans and Public Safety Committee
May 28, 2022
by Douglas Rogers

Chair Hoagland, Vice Chair Johnson and Ranking Member Thomas, thank you for the opportunity to testify against SHB99 (“99”).

99 would reduce the current requirement of 737 hours of training to only 22 hours¹ for teachers and other individuals authorized by local school boards to “voluntarily go armed within a school safety zone.”² Of course, the choice should not be between 737 and 22 hours, but what hours and laws are needed to meet the General Assembly’s obligation under Article VI of the Ohio Constitution to provide for safe schools.

99’s reduction to 22 hours of training flies in the face of the recommended training of 152 hours Attorney General DeWine’s office recommended to the Ohio Peace Officer Training Commission (OPOTC) in 2014 (see A). The reduction also flies in the face of the chiefs of police of Cincinnati, Cleveland, Columbus, Dayton, Toledo and Youngstown: **“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 B).

99, moreover, provides no guidance on the safe storage of guns when the volunteers are not using their guns. Robert Meader, who led the Columbus Division of Police Training Bureau from 2015 to 2020, testified, “In the last five years, there have been more than 90 publicly-reported incidents of armed adults mishandling guns at school”³ (see C). **The absence of any requirement in 99 for safe storage by the volunteers unfortunately insures more gun accidents in school.**

Further, 99 provides no guidance on the use of lethal force by teachers or other volunteers authorized by local school boards to carry guns into schools. In contrast, before school resource officers (SRO’s) – who are already fully trained police officers - can act in schools, R.C. §3313.951(C)(2) requires a detailed memorandum between law enforcement and the school on the responsibilities of the SROs, such as:

- “(d) Clearly defined roles, responsibilities, and expectations of the parties involved ...;
- (e) A protocol for how suspected criminal activity versus school discipline is to be handled; and
- (f) The requirement for coordinated crisis planning and updating of school crisis plans.”⁴

There is no reason for the General Assembly to impose a lesser safety standard for volunteers bringing loaded guns into schools.

99 requires that an individual who local school boards authorize to carry loaded guns in schools “is not being employed as a special police officer or security officer.” (lines 310-311 of 99). What is the purpose of such volunteers carrying guns, since 99 precludes security? **Does the General Assembly really want volunteers implementing their own subjective standards of when they can shoot and when they cannot and how they can shoot? What powers of arrest would they have? 99 is silent on these crucial points and would authorize vigilantes.**

One Representative has argued that since the State allows a citizen to have only 20 hours of firearm training in order to become a security guard, 22 hours of training to carry a loaded gun for a teacher must also be sufficient.⁵ That false argument of equivalence overlooks, among other things: (1) the Ohio Constitution's requirement that the State provide for safe schools, not safe stores; and (2) the importance of our children/grandchildren being required by Ohio law to go to school, not stores. **Protection of Ohio's schoolchildren is a special State obligation.**

99, moreover, neuters what the experts – the Ohio Peace Officer Training Commission (“OPOTC”) can recommend on firearm training for persons “authorized to go armed while in a school safety zone.” 99 provides that the standards OPOTC recommends cannot exceed 18 hours of “general training”, 2 hours for “handgun training” and 2 hours of “additional training,” totaling only 22 hours. [Proposed R.C. §109.805 in 99] This 22 hour ceiling belittles the experience and expertise of OPOTC members. Why are the sponsors afraid of the recommendations of OPOTC?

To receive a temporary driver license, the law requires 24 hours of classroom instruction, 50 hours of driving with a parent and at least 10 hours of night driving. <https://www.bmv.ohio.gov/dl-gdl.aspx> You would not pass a dangerous law saying an individual only needed 22 hours of classroom instruction, with no driving time required, but the local government could add the amount of required driving. It would be unsafe to cede standard-setting to the local government.

The General Assembly should not cede the State's responsibility to protect Ohio's schoolchildren to local governments. Think about the recent tragedy in Uvalde. Legislators should recognize 99 is a deadly race to the bottom that will trouble many families and cause Ohio to inherit the wind (Proverbs 11:29).

The Senate should reject 99 in its current form and require OPOTC to develop regulations (without the limits in current 99) on (1) **how much training individuals should have if they are going to be allowed to carry firearms into schools** and (2) **the responsibilities of any individual authorized to bring a loaded firearm into school, including safe storage requirements and use of deadly force by the volunteers.**

Thank you very much.

Douglas Rogers
Bexley, Ohio

¹ R.C. §109.78(D)(2); *Gabbard v. Madison Local School Dist. Bd. of Edn.*, 165 Ohio St.3d 390, 2021-Ohio-2067; and <https://www.ohioattorneygeneral.gov/How-to-Become-a-Peace-Officer-in-Ohio#:~:text=To%20become%20a%20peace%20officer%20in%20Ohio%2C%20applicants%20must%20complete.,OhioAttorneyGeneral.gov%2FPeaceOfficerBasicTrainingSchools>.

The 737 hours includes a detailed list of 60 hours of firearms training, including 46 hours of live-fire training exercises on the range.” See p.32 of the Attorney General's Commander manual for Peace Officer Basic Training at <https://www.ohioattorneygeneral.gov/Files/Publications->

Files/Publications-for-Law-Enforcement/Law-Enforcement-Training-Publications/Peace-Officer-Basic-Training-Commander-Manual-Eff

²² Proposed R.C. §109.805(A).

³ See <https://ohiohouse.gov/legislation/134/hb99/committee> .

⁴ See also, State of Ohio Sample Memorandum at <https://osroa.org/creating-a-sro-program/>, which shows the detail of these memoranda.

⁵ R.C. §4749.10(A)



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MEMORANDUM

TO: OHIO PEACE OFFICER TRAINING COMMISSION
FROM: MODEL TRAINING WORKING GROUP
DATE: FEBRUARY 6, 2014
SUBJECT: ARMED SCHOOL EMPLOYEE – REVISED MODEL TRAINING RECOMMENDATION

In response to the currently pending HB 8, the attorney general requested a draft of model curriculum for training armed school employees. The below recommendation was provided to the Attorney General, October 15, 2013. The current draft of the curriculum is provided to this committee to review, as the attorney general has sought guidance from the OPOTC on the matter. Significant changes to the original recommendation are shown in track changes based on further working group considerations and also points made at the January commission meeting.

Working group members: Steve Schumaker, Pam Boratyn, Jon Fulkerson, Bob Fiatal, Justin Hykes, Mary Davis, Aaron Coey, Eric Schaefer, and James Burke

Armed School Employee Model Training – recommendation

- All recommended training topics shall be presented in the order listed
- Lesson plans shall be presented in their entirety unless noted otherwise
- Instructors shall hold active OPOTC instructor certification for the specific topic being covered
- Ratios for each topic, if applicable, shall be required
- Attendance for all hours of training is mandatory
- Facilities must meet industry standards for safety (e.g., ODNR standards for firing ranges)
- Applicable course materials listed within lesson shall be utilized
- Total training – 152 hours/19 training days plus current certification in First Aid, CPR, & AED
- Training topics, hours, and exceptions
 - 1) School Shooting: How to be Aware, Prepare, and be a First Responder in a Crisis (DVD)
 - 4 hours
 - 2) Local Planning
 - 8 hours
 - led by chief or designated officer in jurisdiction
 - topics should include school safety plan, identification of armed employee, pursuit/no pursuit, MOU between school and law enforcement agency
 - 3) Crisis Intervention (Private Security)
 - 6 hours
 - 4) Civil Liability & Use of Force (Peace Officer)
 - 2 hours (of 4 hours)
 - leave out “civil liability” section E., pg. 13-22
 - 5) Handgun (Peace Officer)
 - 60 hours
 - minimum 30 hours range
 - minimum rounds 500
 - ratio: 1:5 plus safety officer on firing line; number of students at range may not exceed 2 per firing point
 - 6) Subject Control (Peace Officer)
 - 60 hours
 - includes weapon retention & environmental tools
 - leave out pat-downs, pg. 17 and handcuffing, pg. 31
 - ratio of 1:10 for all hours
 - 7) Building Searches (Peace Officer)
 - 12 hours
 - leave out “legal consideration” pg. 10-12
 - 8 of 12 hours practical
 - ratio of 1:10, minimum of two instructors during the practical hours
 - 8) First Aid, CPR, & AED
 - currently certified in a program approved by employer

A

- Once the initial training is successfully completed, annual requalification each calendar year shall be completed by an active OPOTC requalification instructor
- If armed personnel are not peace officers, GED as a minimum education level
- Webcheck should be completed by school agency
- Annual training requirements in addition to annual firearms requalification



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

Robert Meader
Sub. HB99 Testimony
House Criminal Justice Committee
November 4, 2021

My name is Robert Meader and I submit this testimony in opposition to Substitute House Bill 99 in my individual capacity. I feel compelled to submit this testimony given my unique qualifications as a law enforcement trainer 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.

This bill is dangerous. In its current substitute version, 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 20 hours of training, including only two hours of handgun training. 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 loaded weapon found by a sixth grader.² Guns left in a bathrooms, including a loaded pistol

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

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

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 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

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*

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 Is Not Enough To Eliminate These Serious Safety Risks

HB99 would allow teachers and other civilian school staff members to go armed with only 18 hours of general training and 2 hours of firearm training. Based on my expertise law enforcement trainer, this is woefully inadequate.

If the Legislature wants to amend the law about training armed teachers in school, it should let the experts come up with the training. Right now, Sub. Bill 99 asks OPOTA to adopt rules about training armed civilian staff in school, but then it handcuffs that expertise because it

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>

caps that training at 18 hours general training and two hours for firearms training. This bill must eliminate those handcuffs and let the experts design a real training course, with sufficient hours, to keep our children safe.

Rather than basing this legislation on the expertise of firearms experts and the wisdom of the Fraternal Order of Police (which opposes this legislation), it appears drafted to allow a single private company to profit from doing a quick and insufficient training for school districts. Buckeye Firearms runs the 27-hour FASTER program. FASTER stands for Faculty/Administrator Safety Training & Emergency Responses. FASTER training is just as it sounds—fast. But doing something fast does is 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.

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. To be able to “fall back” on that experience, you need way more than the two hours of handgun training this law requires. 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.

Thank you.