

Government Oversight Committee
Ohio Senate Bill 53 - Opponent Testimony
Spencer J Cahoon - Written Testimony
4/19/23

Thank you Chair Roegner, Vice Chair Antani, Ranking Member Hicks-Hudson, and members of the Senate Government Oversight Committee for the opportunity to submit opponent testimony on Ohio Senate Bill 53.

My name is Spencer Cahoon. I'm an attorney with many years of experience working side-by-side with correctional officer in prison settings. During a portion of that time, I was a member of a correctional officers' union. I've graduated from the Bexley Citizens' Police Academy and am a lifetime member of the related alumni association. I've polled the membership of that group at its last meeting regarding this bill. Additionally, I've been engaged with local police hiring, oversight, and reform matters for years individually and with various organizations. During this time, I have spoken broadly with members of the community, including police officers, about policing matters. In preparation, I also had a conversation with our local police chief about this bill.

Overall, putting teenagers and young adults into the difficult, high-stakes role of police officers is a high-risk policy. This is a change that police officers don't want¹ and one that concerns many citizens.

Brain Development

Young people are different in that they are still developing. Our understanding of maturation and development has changed over time and is changing still. Importantly, we have learned, through research, that full brain development takes through the early to mid-20s with age 25-26 being the most common end range.² The last areas to develop are the regions that control a person's ability to weigh risks and consequences, plan ahead, make complicated decisions, and demonstrate self-control.³ These traits are

¹ Ohio Fraternal Order of Police Testimony (Mike Weinman), House Homeland Security Committee, 3-29-2023, <https://ohiohouse.gov/committees/homeland-security/video/ohio-house-homeland-security-committee-3-29-2023-187379> ; Ohio Republicans might lower minimum age for police officers from 21 to 18, The Columbus Dispatch, March 21, 2023

(<https://www.dispatch.com/story/news/politics/2023/03/21/republicans-might-lower-minimum-age-for-police-officers-in-ohio/70032454007/>) (quoting the Ohio FOP – “We do not feel teenagers have the maturity and experience to handle the oftentimes complex and life-altering calls officers face daily.”

² See Teen Brain: Preparing your officers to engage with youth, National Policing Institute, August 2016; Maturation of the Adolescent Brain, Neuropsychiatric Disease & Treatment, 2013, Arain (addressing adolescent brain development through age 24)

(<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3621648/#>); Resolution Supporting the Commitment to Juvenile Probation Systems that Conform to the Latest Knowledge of Adolescent Brain Development, 2017, National Council of Juvenile and Family Court Judges, (<https://www.ncjfcj.org/news/ncjfcj-resolves-to-help-modernize-approach-to-juvenile-probation-with-better-understanding-of-adolescent-brain-development/>); Fn 3; Fn 4; and, Fn 7.

³ Laurence Steinberg, Should the Science of Adolescent Brain Development Inform Public Policy?, Issues in Science and Technology (Spring 2012). See also, Effects of Adolescent Development on Policing,

critical in policing, since decision making in high-stress situations is fundamental to the job.

Other researchers have noted that people with developing brains (before age 25-26) are more likely to engage in risky and impulsive behavior, experience mood swings, or have reactions stronger than the situation warrants.⁴ Harvard Medical School and the Massachusetts General Hospital System note that teenagers (including 18 & 19 year olds) have a heightened sensitivity to rewards which can cause them to engage in behaviors they recognize as risky because of a limited ability to modulate impulsive behavior.⁵ This academic consensus around brain development and its implications has been slow to penetrate our existing institutions. Younger people with developing brains are, in a word, reckless.

Consider this developmental insight with the fact that many of the departments seeking more officers are smaller departments, since sponsor testimony has noted the impact of lateral transfers on smaller departments. In smaller departments, officers more commonly work alone without a more experienced and mature partner to help guide them. This amplifies the risk of a tragic event. As we move forward changing the laws to set new policy, we should learn from our increasing knowledge and experience to avoid making decisions that, while addressing one problem, inadvertently create another.

Hiring Problems & Solutions

Sponsor testimony noted that various police departments in the state have struggled to find and retain sufficient police officers to fill their ranks. If the desired local solution was hiring 18-20 years olds as full police officers, many cities have the power to do so through “home rule” authority under Article XVIII, Section 7 of our state constitution – as bill sponsors noted. That rule applies to all municipal corporation in the state, which means that only townships lack such authority.

Both municipal corporations and townships, however, have the authority to hire 18–20-year-olds as police cadet under both the existing and proposed versions of R.C. 124.41. That program explicitly provides for hiring and training of these younger people to become police officers at age 21. The only required difference is that they “not be permitted to carry or use a firearm” except as a part of training. This allows police forces to bolster their numbers with younger people while mitigating the risk of these younger police cadets engaging in a tragic, inappropriate use of deadly force. Of the largest cities in Ohio, the three “C’s,” both Columbus and Cincinnati have police cadet programs for people under 21.⁶

Office of Juvenile Justice and Delinquency Prevention, 2015

(<https://ojjdp.ojp.gov/library/publications/effects-adolescent-development-policing>)

⁴ Applying Research to Practice Brief: What Are the Implications of Adolescent Brain Development for Juvenile Justice?, Coalition for Juvenile Justice (2006)

(http://www.juvjustice.org/sites/default/files/resource-files/resource_138_0.pdf)

⁵ <https://clbb.mgh.harvard.edu/juvenilejustice/>

⁶ See <https://www.columbus.gov/police-cadetprogram/> ; <https://www.cincinnati-oh.gov/police/about-police/employment-internships-cadet-program/cadet-program/>

Additionally, the law could be changed to develop regional or state-based cadet programs, instead of the current city-based requirement. This would make such programs more accessible to smaller police departments and empower the use of those programs at a lower cost and standardized quality throughout the region or state. The increase in remote work has taught us that people can learn and be supported over greater distances that we are accustomed to planning around. Requiring city-based cadet programs is out of step with our evolving understanding of work. It is already common for police departments to partner and work with other nearby departments or federal authorities on regional task forces. Consequently, a regional or state-based cadet program would be in keeping with existing police practice. Broadening the cadet program could even offer post-retirement opportunities for officers who want to pass their wisdom on to the next generation and stay connected to the policing community.

Another solution would be addressing the age limit for new officers. Sponsor testimony noted a recent increase in the maximum age for state highway patrol officer to age 40. Generally, Ohio law prohibits people, age 35 or older, from becoming police officers.⁷ Addressing this element of the existing law, for fit candidates age 35 or older, would open up additional recruiting options without the same baseline concerns regarding maturity, experience, and recklessness. We allow existing police officers to serve well beyond age 35, so preventing new ones from joining the ranks at those same ages is strangely discordant with existing police practice.

Conclusion

Local governments already have the authority through cadet programs and constitutional home rule provisions to staff their police department with 18-20 year olds. This bill attempts to address staffing issues with a solution rejected by local governments across our state and publicly rejected by the Ohio Fraternal Order of Police. The only difference from existing cadet programs is that this change would place firearms in the hands of 18–20-year-old people serving our communities. Given the known recklessness, reduced self-control, and situationally inappropriate responses of 18-20 years olds due to their ongoing brain development, this law risks inadvertently harming our very communities whom these officers exist to protect.

Other solutions exist to address the problem. If we want to make police roles more accessible to younger people, we could expand our currently existing cadet programs. If we want to expand the pool of potential police candidates, we can remove the age 35 limit for incoming police officers. Simply handing a gun to a young person is a solution unpalatable to existing police officers and local communities who have foregone this option.

Thank you for considering my testimony and I urge you to oppose HB 84. If there are any questions, I am happy to address them.

⁷ O.R.C. Section 124.41