

Proponent Testimony for S.B. 383

Thank you Chair Coley, Vice Chair Huffman, Ranking Member Craig and Government Oversight and Reform Committee Members for the opportunity to provide proponent testimony today for S.B. 383, Ohio Duty to Retreat Act.

My name is Judi Phelps. I am a wife, a mom and small business owner of On Guard Defense, a training center and shooting range in the Hocking Hills region of southeast Ohio. I possess various industry-certified instructor credentials in both unarmed and armed defense disciplines. I am also an advocate for many causes, most of which concern protecting the vulnerable among us, chiefly women and children. I believe the passage of the Duty to Retreat Act would serve to protect Ohioans from a legal, moral and financial perspective.

A primary part of my job is teaching others how to protect themselves if faced with a critical incident. The foundation to any self-defense strategy is practicing good situational awareness so we can see what's coming before it's on top of us. If we find ourselves in a critical incident, we have three options: avoid, escape or defend – in that order.

In spite of what you might believe, law-abiding gun owners aren't looking for trouble. If we're able to recognize a threat in advance, we can and will do everything to **avoid** it. If we can't avoid it, then we are looking for a way out (**escape**) because the last thing we want is to have to **defend** ourselves. First, defending ourselves against the imminent threat; and, assuming we survive it; second, defending ourselves against the court of public opinion (media); and, finally, defending ourselves against prosecutors bent on making victims out to be criminals in a court of law.

Under Ohio's current law, in order to justifiably use deadly force we must 1) not be at fault; 2) have a real belief that we are in immediate danger of death or great/grave bodily harm; and, 3) retreat or escape is not possible.

Let's think about that for a minute. I'm not sure how many of you have been involved in a critical incident. And when I say that, I am referring to a violent attack. A threat that rises to the level that one has that "real belief" that they are in danger of death or disability if they do not take immediate action. Do you honestly believe that if you fear for your life that you have either the time or the wits about you to look for an escape route if you have a defensive tool in your possession that could neutralize that threat and save your life?

Many of us have heard about "fight or flight" but may not know what it means and what involuntary changes occur when our bodies are under extreme stress – from both a physical and physiological perspective.

The part of our brain that initiates the “fight or flight” mechanism is the amygdala. It sounds an alarm and causes the “thinking” (sensory cortex) portion of our brain to be bypassed. The effects of our sympathetic nervous system then flood our bodies with adrenaline and endorphins resulting in increased heart rate, dilation of pupils, loss of manual dexterity in our extremities (especially our hands) and an elevated pain threshold meaning we may have sustained injury but not realize it.

In her book that she co-authored with Loren Christensen, *“Deadly Force Encounters,”* Dr. Alexis Artwohl published the results of in-depth interviews she performed with 157 police officers involved in deadly force shootings to determine what changes occur in these high-stress situations. She found that 84% experienced diminished sound; 79% reported tunnel vision; 71% had heightened visual clarity; 62% reported slow motion time; 52% said they experienced memory loss; and, 21% (nearly 1 in 4) reported false memories.

To illustrate that further, here are direct quotes from some of those officers:

“If it hadn’t been for the recoil, I wouldn’t have known my gun was working. Not only didn’t I hear the shots but afterward my ears weren’t even ringing.”

“During a violent shoot-out I looked over, drawn to the sudden mayhem, and was puzzled to see beer cans slowly floating through the air past my face. What was even more puzzling was that they had the word Federal printed on the bottom. They turned out to be the shell casings ejected by the officer who was firing next to me.”

“When I got home after the shooting, my wife told me that I had called her on my cell phone during the pursuit of the violent suspect just prior to the shooting. I have no memory of making that phone call.”

“I saw the suspect suddenly point his gun at my partner. As I shot (the suspect), I saw my partner go down in a spray of blood. I ran over to help my partner, and he was standing there unharmed. The suspect never even got off a shot.”

Why am I giving you a lesson in anatomy today? Because it matters. It matters by way of people in social media, in the courts, politicians and the rest – most don’t have any clue what they are talking about because they’ve never been in a critical incident and, God willing, they never will be. Instead, they play armchair quarterbacks and keyboard warriors asking “why couldn’t they just run away from the violence”? Or “why couldn’t they have just shot them in the knee or something?” I’m not going there today.

Where I am going is that a critical incident is real. It is fast – meaning we often have only milliseconds to take action. Our bodies and minds are in survival mode causing some or all of the changes I mentioned. We are in fear for our lives! There is no time or opportunity to

escape when evil is bearing down on us. And if happen to be able to pause to consider retreat, it could cost us our lives.

For these reasons and more, I ask that you support S.B. 383.

Thank you for your time. I'll be glad to answer any questions you have for me.

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