

Testimony of
Mr. David Johnson

July 23, 2002

Mr. Chairman, Members of the Senate Committee on the Judiciary. My name is David Johnson and I am currently the Deputy Chief of Police in Cedar Rapids Iowa. I've been a police officer for over 30 years, and my career as a cop started right here with the Washington Metropolitan Police Department as a patrolman in the 7th District.

In 1974, just as you Mr. Chairman were coming from Vermont to the Senate, I was headed West, to the home state of Senator Grassley where I took a job as a police officer for the Cedar Rapids, Iowa Police Department. After 28 years, I'm still on the job in Cedar Rapids, serving as the Deputy Chief of Police. I have a bachelors degree in Criminal Justice and I am a graduate of the FBI's National Academy, 156th session.

I am a past President of the Iowa Association of Chiefs of Police and Peace Officers and I am also a Life Member of the Law Enforcement Alliance of America.

The Law Enforcement Officers Safety Act of 2002 is an idea first introduced to Congress ten years ago. Congressman Randy "Duke" Cunningham of California, working with retired officer and Law Enforcement Alliance of America Executive Director, James J. Fotis, drafted the original legislation that sought to allow qualified active and retired law enforcement officers the ability to carry the firearms across state lines without facing prosecution. In 1992, H.R. 4897, the first version of this legislation, was born with a bi-partisan introduction by Congressman Cunningham and Congressman Ralph Hall of Texas.

In the decade since then, the support for this legislation has grown dramatically. Today it is still a bipartisan effort, with strong support from both sides of the isle in both Chambers and in this very Committee where a bi-partisan majority of ten Senators have signed on as co-sponsors. Over 100 state and local police organizations have joined in support of the bill. S. 2480 has the support of national police groups like the Fraternal Order of Police, the National Troopers Coalition, the National Sheriff's Association, the Federal Law Enforcement Officers Association, The International Brotherhood of Police Officers, the National Association of Police Organizations and the Law Enforcement Alliance of America.

There is good reason these organizations have been joined by 28 Senators and 267 Representatives in supporting this legislation - it saves lives, it protects our communities and it doesn't cost a dime. You'll hear some concerns about what might happen if this legislation becomes law. Some folks might suggest on-duty police will end up shooting it out with off-duty police. Some people may claim that lawsuits and liability will bankrupt police departments. All I ask is that you listen to these concerns, and then take a look at what is happening right now in the various states.

Mr. Chairman, in your home state of Vermont, no one needs a permit to carry a concealed handgun. Off duty and retired police officers as well as the general public are presently allowed to carry concealed firearms. Is Vermont full of police officers shooting other police officers? Are lawsuits from off duty shootings bankrupting police agencies? Absolutely not.

In many other states, off duty officers, with their police ID, can carry their firearm concealed statewide, not just in the city or county where they work. In Senator Feinstein's California, an off duty officer from the little town of Lodi can carry in the big city of Los Angeles and vice versa.

Retired officers who meet provisions similar to those in S. 2480 can also carry though out the state. California, like other similar states does not suffer from a deluge of off duty shooting lawsuits or on or off duty police officers shooting each other. The ideas behind S. 2480 are working safely and responsibly today in California and elsewhere, we want that same success to be applied through a uniform standard, everywhere.

Mr. Chairman, Members of the Committee, I'd like to share with you a few examples of just how vital this legislation is to the safety of police officers and our communities. Police officers, like doctors, fire-fighters or other emergency personnel are never really off-duty. In some states, it is the law. These public servants perform countless acts of courage and face many moments of danger well after they have finished their shift and some, even after they have ended their tour of duty.

Consider the story of Officer Wendell Smith Jr., a veteran of the Washington Metropolitan Police Department. Officer Smith worked here in the District of Columbia, but he lived in the State of Maryland. When returning home after his shift in February of 1997, Officer Smith was robbed at gunpoint. Just hours before, this officer with his gun at his side, might have had a fighting chance. But without legislation like S. 2480 in place, Officer Smith was barred from carrying his firearm, and had to secure it out of reach. When the robbers discovered his badge and realized they were attacking a police officer, they executed him in cold blood. Officer Smith was killed because he was forced to be unarmed. On the day of this officer's murder, the legislation that could have saved his life had been sitting idle in Congress for five years. Now, ten years after its introduction, it is still not law.

America's men and women in blue can't always avoid trouble just because they are off duty. And being off duty doesn't mean they can't make a difference. Let me share with you an example of some of the great things that have happened when an off duty officer has the tools available to respond as they are trained.

In March of 2001, a student opened fire at his high school in San Diego, California. However, the shooter wasn't the only person with a gun. Off duty San Diego Police Officer Robert Clark was also on campus, running an errand. When he heard the shots, he took immediate action, drew his concealed firearm and ran to the scene of the crime. He confronted the shooter in a school bathroom and held him at gun point, preventing the shooter from entering the hallway and continuing the massacre.

When on duty officers arrived for back-up, Officer Clark worked with two deputies - - deputies from a different law enforcement agency than his own I might add - - to disarm the shooter and

take him into custody. Once the scene was secured, Officer Clark then administered first aid to two shooting victims found in the bathroom. For his bravery Officer Robert Clark was given his department's highest honor.

Off duty officers like Robert Clark make the headlines time after time when they are able to use their firearm to save lives, while out of uniform and off duty. Even the International Association of Chiefs of Police knows the role armed off duty officers play. In 2000, they named Officer Dennis Devitte of the Las Vegas Police Department as their "Officer of the Year." IACP along with Parade Magazine honored him for his daring shootout with three armed robbers.

Officer Devitte drew his "off duty" gun and charged masked gunmen who had opened fire in the crowded bar. His bravery saved the lives of every innocent person in the room, as he killed one robber and sent the other two fleeing. Officer Devitte was shot 8 times, but the same spirit of courage that called him into action helped him survive, even after losing six units of blood and requiring his knee to be completely rebuilt. In just 6 months, this brave officer was back on the job.

The acts of courage aren't limited to off duty officers -- retired officers save lives too. In New Jersey a retired officer witnessed the shooting of a police officer in a traffic stop. Because no law existed that would allow this retired officer to be armed, he had no other option but to run to the fallen officer's side, call for help, grab the fallen officer's firearm and handcuffs and take off in pursuit of the would-be cop killer. This retired officer was not just brave, he also had the skills honed from a career on the streets. He succeeded in capturing and handcuffing the attacker.

There isn't enough time left in this hearing or even this session of Congress to share with you every heroic story of off duty or retired officers intervening to save lives. You've heard some from me and certainly you've heard stories from your constituents about how this legislation can and will save lives.

Since September 11th, our entire nation has been forced to rethink our vigilance for the safety of our borders, our communities, our families and ourselves. We do not know if, when or how terror will strike again. What we do know is that in any given time of day, roughly 70% of our nation's police officers are off duty. S. 2480 can empower those off duty officers, plus the countless trained and qualified retired law enforcement officers with the tools they need to make a difference. This is homeland security that doesn't require us to trample on civil liberties, homeland security that can be done without playing musical chairs with federal public safety personnel, and homeland security that won't bust the budget. That's one of the reason why this bill is so widely supported, by Democrats, Republicans and Independents.

Mr. Chairman, Members of the Committee, I thank you for giving this legislation a hearing and allowing me to testify today. On behalf of myself, fellow members of the Law Enforcement Alliance of America and police officers everywhere, I would ask your help in seeing to it that S. 2480 becomes law this year.