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2019 MAR -7 AM 9:53 IN THE COURT OF COMMON PLEAS

MARY L. SWAIN
BUTLER COUNTY
CLERK OF COURTS BUTLER COUNTY, OHIO
* * *

ERIN GABBARD,
et al.,
Plaintiffs/Relators,
vs. CASE NO. CV 2018 09 2028
MADISON LOCAL SCHOOL
DISTRICT BOARD OF EDUCATION,
et al.,
Defendants/Respondents.

CONFIDENTIAL - ATTORNEYS' EYES ONLY

Deposition of CARL DAVID FRENCH,
Witness herein, called by the Plaintiffs for
cross-examination pursuant to the Rules of Civil
Procedure, taken before me, Karen M. Rudd, a
Notary Public in and for the State of Ohio, at
the Courtyard Marriott, 1 Riverfront Plaza,
Hamilton, Ohio, on Thursday, January 10, 2019,
at 8:48 a.m.

* * *

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1 APPEARANCES:

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* * *

1 CARL DAVID FRENCH
2 of lawful age, Witness herein, having been first
3 duly cautioned and sworn, as hereinafter
4 certified, was examined and said as follows:

5 CROSS-EXAMINATION

6 BY MR. MILLER:

7 Q. Good morning, Mr. French.

8 A. Good morning.

9 Q. Let me make a couple of
10 introductions. My name is Jed Miller. I'm a
11 lawyer with Everytown for Gun Safety. I
12 represent the plaintiffs in this case, and I'll
13 be taking your deposition. And I'll let my
14 colleagues introduce themselves.

15 MS. LEFKOWITZ: I'm Alla Lefkowitz.
16 I'm also representing the plaintiffs.

17 MS. BLOOMEKATZ: Rachel Bloomekatz
18 with Gupta Wessler, and I also represent the
19 plaintiffs in this case.

20 THE WITNESS: Okay.

21 MR. MILLER: I'll give your counsel
22 a second to introduce themselves for the record
23 too.

24 MR. CONOVER: My name is Brodi
25 Conover. I'm an attorney with Frost, Brown,

1 Todd, and we represent the defendants in this
2 case, Madison Local School District Board of
3 Education and the Madison Local School District
4 superintendent, Dr. Lisa Tuttle-Huff.

5 MR. EWING: And I'm Alex Ewing.
6 I'm also an attorney with Frost, Brown, Todd
7 representing Madison Local School District and
8 Superintendent Dr. Lisa Tuttle-Huff.

9 BY MR. MILLER:

10 Q. Mr. French, have you ever given
11 deposition testimony before?

12 A. Just in arbitration cases for work.

13 Q. How many times?

14 A. Numerous. I was a representative
15 of the union at the time for so many years.

16 Q. When you did that, was your
17 testimony under oath?

18 A. Yes.

19 Q. So you are familiar, then, with
20 what it means to testify under oath; is that
21 right?

22 A. Correct.

23 Q. You understand that because you are
24 under oath, you are required to testify
25 truthfully and accurately?

1 A. Yes.

2 Q. That's the most important ground
3 rule for us. The other thing that's very
4 important is that we make sure that we
5 understand each other. Do you understand?

6 A. Yes.

7 Q. What that means is that if there's
8 anything that you don't know or didn't
9 understand about my question, I need you to let
10 me know. Do you agree?

11 A. Correct.

12 Q. A couple other things. Because we
13 are making a written transcript of this, we need
14 to make sure that we don't talk over one
15 another. Your answers need to be spoken rather
16 than nonverbal, like a nod, which the court
17 reporter cannot get down. Do you understand?

18 A. Yes.

19 Q. Your attorney may object, and if he
20 does, you must still answer the question unless
21 the attorney directs you not to answer the
22 question. Do you understand?

23 A. Yes.

24 Q. If you need a break, just ask. I
25 would only request that you answer any question

1 that I have pending before we take a break. Is
2 that fair?

3 A. Yes.

4 Q. We will be going into some subject
5 matters that I think it will be easier if we
6 have a couple of shorthand terms to refer to,
7 the first of which would be the school district,
8 the Madison Local School District. Is there a
9 way that you commonly refer to the school
10 district in short?

11 A. Just Madison.

12 Q. Madison. Okay. So if we say
13 Madison or if I refer to the district, can we
14 agree we are referring to Madison Local School
15 District?

16 A. Yes.

17 Q. And if I refer to the board, can we
18 agree we are referring to the board of the --
19 the Board of Education of the Madison Local
20 School District?

21 A. Yes.

22 Q. And then lastly, the term
23 resolution, can we agree that if I refer to the
24 term resolution, that we are referring
25 specifically to the resolution to allow armed

1 staff in the school safety zone that was enacted
2 by the board in April 2018?

3 A. Yes.

4 Q. And are you familiar with that
5 resolution?

6 A. Yes.

7 Q. Okay. Can you state your full name
8 and spell it for the record, please?

9 A. Carl, C A R L, David, D A V I D,
10 French, F R E N C H.

11 Q. And what is your position on the
12 Board of Education?

13 A. I'm a board member and president of
14 the school board.

15 Q. How long have you been on the
16 board?

17 A. This is going into my 12th year.

18 Q. And do you also have any other jobs
19 other than as being the board president?

20 A. Yes.

21 Q. What is that?

22 A. I'm a maintenance operator, a
23 maintenance crewman, for AK Steel.

24 Q. For AK Steel?

25 A. Yes.

1 Q. Are you under the influence of any
2 medications or other substances that might
3 affect your ability to testify truthfully --

4 A. No.

5 Q. -- and accurately today?

6 A. No.

7 Q. And then finally, you understand
8 that you are testifying in two capacities today,
9 and by that I mean you are testifying as a
10 representative of the Board of Education, and
11 that separately you are also here in your own
12 personal capacity as a recipient of a subpoena?

13 A. Yes.

14 MR. CONOVER: Just for
15 clarification on that, are we doing the -- are
16 we combining them together, or are we going to
17 do the personal deposition first and then break
18 and go to the 30(b)(5)?

19 BY MR. MILLER:

20 Q. I'm intending to ask you questions
21 first and foremost in your capacity as a
22 representative of the board. And if and when we
23 need to switch and take testimony from you as an
24 individual, as to your own personal
25 recollection, I will make sure that I clarify

1 that in the question that I'm asking you in your
2 personal capacity. Do you understand?

3 A. I understand.

4 MR. CONOVER: Thank you.

5 BY MR. MILLER:

6 Q. How did you prepare for this
7 deposition?

8 A. As far as -- just meeting with the
9 counsel.

10 Q. You just met with counsel?

11 A. Uh-huh.

12 Q. Did you meet with anyone else to
13 prepare?

14 A. No.

15 Q. Did you review any documents?

16 A. I reviewed our policy.

17 Q. And by your policy, what do you
18 mean?

19 A. Our policy for our school security
20 plan.

21 Q. Did you review the resolution?

22 A. Momentarily, yes.

23 Q. Did you review -- is the policy the
24 resolution, or is that a different document?

25 A. I'm not actually understanding what

1 you mean there.

2 Q. When you used the term policy a
3 moment ago, were you referring to the resolution
4 or to something else?

5 A. I'm referring to our school policy.

6 Q. And that is different than the
7 resolution; is that right? It's a separate
8 document?

9 A. It's -- I don't know how to answer
10 that as far as my understanding.

11 Q. How long is the policy -- how many
12 pages, approximately -- that you are referring
13 to?

14 A. I can't remember how many pages
15 exactly.

16 Q. Is it more than one?

17 A. Yes.

18 Q. Is it the district's emergency
19 management plan?

20 A. It's part of it.

21 Q. Is it the firearms authorization
22 policy?

23 A. It's our policy concerning our plan
24 to carry out as far as a threat.

25 Q. Okay. I'll be putting some

1 documents in front of you a little bit later on,
2 and we will try to get some clarification.

3 A. All right.

4 Q. Before I go further, let me show
5 you a couple of documents just to lay some
6 groundwork.

7 MR. MILLER: Could you mark this,
8 please?

9 (Thereupon, Plaintiffs' Exhibit A,
10 Notice of Deposition, was marked for purposes of
11 identification.)

12 BY MR. MILLER:

13 Q. Mr. French, you are holding a
14 document that the court reporter has marked
15 Exhibit A, correct?

16 A. Yes.

17 Q. Do you recognize that document?

18 A. Yes.

19 Q. Have you seen it before?

20 A. Yes.

21 Q. What is it?

22 A. It says it's the notice of
23 deposition.

24 Q. Is this the notice of deposition
25 that was served on the Madison Local School

1 District Board of Education pursuant to which
2 you are testifying as the board's designee?

3 A. As far as I can tell, yes.

4 Q. Thanks. You can set that aside.

5 MR. MILLER: I will have you mark
6 this B, please.

7 (Thereupon, Plaintiffs' Exhibit B,
8 Subpoena, was marked for purposes of
9 identification.)

10 BY MR. MILLER:

11 Q. Mr. French, you are reviewing a
12 document that is marked Exhibit B; is that
13 correct?

14 A. That's correct.

15 Q. What is that document?

16 A. It's a subpoena.

17 Q. And who is the subpoena directed
18 to?

19 A. It's directed to Madison Local
20 School District Board of Education -- to myself.

21 Q. This is a subpoena to you, isn't
22 it?

23 A. Yes.

24 Q. Is this the subpoena pursuant to
25 which you are testifying here today in your

1 personal capacity?

2 A. Yes.

3 Q. You can set that aside too.

4 Thanks.

5 What is the purpose of the school
6 district's resolution to arm staff?

7 A. To have -- to move forward with a
8 policy on how to respond to a threat in the
9 school district.

10 Q. Is part of the purpose to be
11 prepared and equipped to defend and protect
12 students?

13 A. That's part of the plan, yes.

14 Q. So would you agree that one of the
15 purposes of the resolution is to defend and
16 protect the students of the school district?

17 A. Yes.

18 MR. CONOVER: Objection, form.

19 THE WITNESS: Yes. Sorry.

20 MR. CONOVER: Go ahead.

21 BY MR. MILLER:

22 Q. And in fact, is that purpose stated
23 on the face of the resolution itself?

24 A. I'd have to look at the resolution
25 to remember.

1 Q. Okay. Are there any other purposes
2 behind the resolution?

3 A. Just to pursue -- to proceed with
4 trying to come up with a better way to protect
5 our students.

6 Q. So in your words, the purpose of
7 the resolution is to come up with a way to
8 protect students; is that right?

9 A. Correct.

10 MR. CONOVER: Objection.

11 BY MR. MILLER:

12 Q. Can you think of any other purposes
13 for the resolution?

14 A. As far as -- clarify what you mean.

15 Q. I'm just wondering why the school
16 district enacted the resolution.

17 A. To pursue an avenue of better
18 protection for our kids.

19 Q. Is it fair to say that the primary
20 purpose is to defend and protect the students?

21 A. Of the --

22 Q. The purpose behind the policy, is
23 the primary purpose to protect --

24 MR. CONOVER: Objection.

25 BY MR. MILLER:

1 Q. -- the children?

2 MR. CONOVER: I just want to
3 clarify. You said policy, but we were talking
4 about the resolution.

5 MR. MILLER: Let me ask the
6 question more clearly. Thanks.

7 BY MR. MILLER:

8 Q. You testified just a moment ago
9 about the purpose of the resolution, and I
10 believe you testified that its purpose was to
11 protect -- better protect students in the
12 district; is that right?

13 A. Students and staff, yes.

14 Q. I'm just wondering if that is the
15 primary purpose of the policy -- I'm sorry,
16 primary purpose of the resolution?

17 A. As far as -- kind of clarify what
18 you mean. I don't understand.

19 Q. You've not offered any other
20 reasons why the school district -- why the
21 board, in particular, passed this resolution; is
22 that right?

23 MR. CONOVER: Objection,
24 mischaracterization.

25 BY MR. MILLER:

1 Q. Did you understand the question?

2 A. Not thoroughly, no.

3 Q. Does the resolution have any other
4 purposes than to protect the students and staff
5 of the school district?

6 A. The resolution is a -- its primary
7 purpose is to try to come up with better plans
8 to instill security or safety for our children.

9 Q. Okay. So in your words, one of the
10 primary purposes or the primary purpose of the
11 resolution is to better provide for security and
12 safety of students?

13 MR. CONOVER: Objection,
14 mischaracterization. Go ahead.

15 THE WITNESS: To develop plans to
16 try to come up with better ways to secure our
17 buildings and children.

18 BY MR. MILLER:

19 Q. How are armed personnel supposed to
20 better secure the buildings and people inside?

21 MR. CONOVER: Objection, vague.

22 MR. MILLER: You can answer.

23 THE WITNESS: Clarify.

24 BY MR. MILLER:

25 Q. Did you understand the question?

1 A. Not fully. What are you asking?

2 Q. How are armed personnel supposed
3 to, in your words, provide security and safety
4 for the students and staff at the Madison Local
5 School District buildings?

6 A. Potentially because of the location
7 of our school and how long it takes a police
8 officer or sheriff's department to respond, to
9 provide protection for our kids within an area
10 until help arrives to go after and secure a
11 building.

12 Q. And in your words, how are armed
13 personnel -- like what do they do? How do they
14 provide protection for our kids, as you just
15 said?

16 MR. CONOVER: Objection, form.

17 THE WITNESS: Pardon me.

18 MR. CONOVER: Go ahead. I'm sorry.
19 I'm going to be objecting off to kind of the
20 side here.

21 THE WITNESS: They would provide an
22 area of protection for our kids until either a
23 responding resource officer or anything to --
24 could isolate a possible intruder or internal
25 threat.

1 BY MR. MILLER:

2 Q. Do they have any particular tools,
3 and particular special tools, that they would
4 use to do those things?

5 A. Training.

6 Q. They have special training?

7 A. They would have.

8 Q. Okay. Do they carry any item,
9 object, tool, that others do not that would
10 enable them to provide this type of protection
11 you just described?

12 A. As far as -- who are we talking
13 about?

14 Q. These are the armed staff members
15 we are referring to.

16 A. It would be whatever they are armed
17 with.

18 Q. Specifically a firearm; is that
19 right?

20 A. Correct.

21 MR. CONOVER: Can I just -- sorry.

22 THE WITNESS: Unless it's a -- one
23 that's not in there, and they have a right to
24 protect any students with -- in their care that
25 they may have, whether it's a fire extinguisher,

1 whatever, locked door, whatever they can do.

2 BY MR. MILLER:

3 Q. Okay. Right now, I'm specifically
4 asking for information about the role that armed
5 staff play under the resolution --

6 A. Yes.

7 Q. -- and under any policies that you
8 have created to implement the resolution.

9 A. Okay.

10 Q. Is that clear?

11 A. That's clear.

12 Q. So I believe you testified a moment
13 ago or at least I had asked about what the
14 purpose was of having armed staff on site,
15 specifically armed staff. And I believe you
16 testified that one of the purposes of having
17 armed staff on site was to, in your words,
18 provide an area of protection at the Madison
19 Local School District for the students and staff
20 on site; is that correct?

21 A. That's correct.

22 Q. And I believe you also testified
23 that one of the purposes of armed staff was to,
24 in your words, isolate a possible intruder or
25 attacker --

1 A. No.

2 Q. -- at the school; is that correct?

3 A. I didn't say that. No.

4 MR. CONOVER: Objection,
5 mischaracterization.

6 THE WITNESS: That's not what I
7 said.

8 BY MR. MILLER:

9 Q. What did you say?

10 A. I said their role would be to be
11 able to protect an area, not isolate the threat.
12 Not to go after that. I said -- my words that I
13 remember was they were to protect an area until
14 either a SRO officer or the police can arrive at
15 the scene to isolate or go after an intruder or
16 threat.

17 Q. I see. How are armed staff
18 supposed to provide protection in the area as
19 you just described it?

20 MR. CONOVER: I just want to -- I
21 don't want to keep objecting on this, but I
22 think we have a confidentiality agreement that
23 would designate certain information as highly
24 confidential.

25 I want to put on the record that I

1 know at some point we are going to be reviewing
2 the transcript. And we are going to allow
3 questioning about it, but I just want to
4 preserve -- not an objection, but an ongoing
5 statement regarding we might be entering into
6 some highly confidential designated material
7 with these questions, but he can answer. I just
8 want to put that on the record.

9 So sorry. If you want to read it
10 back, maybe it would be most helpful.

11 MR. MILLER: Yeah, could you read
12 back the question?

13 (Record read.)

14 THE WITNESS: It depends what the
15 area is at the time of the threat, whether it's,
16 you know, locking a door and securing the area,
17 or whether it's an active person at that point,
18 then whatever the policy would be, that's what
19 they would carry out.

20 BY MR. MILLER:

21 Q. So they would carry out certain
22 steps or actions that are described in a policy?

23 A. Their role, based on what the
24 guidelines in the policy would be.

25 Q. Okay. And I'm trying to explore

1 what that role is. Can you describe what the
2 role is as you've just mentioned?

3 A. It would be to protect the children
4 in their area that they are at.

5 Q. Okay. How?

6 A. By whatever means they have
7 available to them.

8 Q. You mentioned a moment ago that
9 they have -- that armed staff have specialized
10 training; is that right?

11 A. Correct.

12 Q. What is that specialized training?

13 A. It would be to go through the
14 training programs as implemented by our policy.

15 Q. Are they trained to take any
16 particular actions, perform any roles or
17 responsibilities?

18 A. Other than to protect?

19 Q. So they are trained to protect
20 students?

21 A. And to respond to a trauma
22 situation or anything of that sort. It doesn't
23 necessarily have to be a shooting incident or
24 anything like that. If we have an incident to
25 where -- they are trained to, you know, help out

1 in a trauma situation. That's what they will
2 do.

3 Q. Are they trained to engage an
4 attacker?

5 A. As far as defensively, yes.

6 Q. And by engage an attacker, you
7 understand that to mean use a firearm to subdue
8 or kill an attacker; is that right?

9 MR. CONOVER: Objection, form.

10 THE WITNESS: Clarify what you
11 mean. As far as to pursue, you said, no.

12 BY MR. MILLER:

13 Q. I believe you agreed a moment ago
14 that they are trained -- the armed staff are
15 trained to engage an attacker; is that correct?

16 A. No, I didn't use the word engage.

17 MR. CONOVER: Objection,
18 mischaracterization.

19 THE WITNESS: I used the word
20 protect. I didn't state engage.

21 BY MR. MILLER:

22 Q. How are armed staff supposed to use
23 their firearm to protect students?

24 A. In a threatening situation, that's
25 what they are trained to do.

1 Q. Yes. My question is how? How are
2 they supposed to use a firearm in those
3 situations to protect a student?

4 A. How they're trained. I haven't
5 been part of the training situation, so I
6 wouldn't know what they have been trained to do.

7 Q. You don't know -- it's your
8 testimony that you don't know how an armed staff
9 member will use a firearm to protect students?

10 A. No.

11 MR. CONOVER: Objection,
12 mischaracterization.

13 THE WITNESS: No, I did not say
14 that. I said I don't know what they have been
15 trained on how to handle the situation, so I
16 can't respond to that.

17 BY MR. MILLER:

18 Q. You've put armed staff in a school,
19 but you don't know what they are trained to do;
20 is that correct?

21 MR. CONOVER: Objection.

22 THE WITNESS: No, that's not what I
23 said.

24 MR. CONOVER: Mischaracterization.

25 THE WITNESS: That isn't what I

1 said.

2 BY MR. MILLER:

3 Q. So you do know what they are
4 trained to do?

5 A. I know they are trained to protect
6 the students in their care.

7 Q. And what are they trained to do to
8 protect those students?

9 A. To handle the situation that they
10 are in at the time, to secure an area.

11 Q. And how are they supposed to handle
12 the situation?

13 A. It depends on the situation. It
14 depends where the shooter is at. And if they
15 are strictly in a mode that's not even in their
16 portion of the building, it's still to secure
17 the children, lock them in.

18 We have instituted steps to try to
19 better protect our kids. We put better door
20 systems in. We put protective coverings on
21 windows and implemented policies on how to
22 handle those situations.

23 Q. Are armed staff permitted to use a
24 firearm to shoot an attacker?

25 A. It depends on the situation.

1 Q. Are they permitted to?

2 A. If that's the situation, yes.

3 MR. MILLER: Could you mark this as
4 Exhibit C, please?

5 (Thereupon, Plaintiffs' Exhibit C,
6 authorizations, was marked for purposes of
7 identification.)

8 BY MR. MILLER:

9 Q. Mr. French, I have just handed you
10 [REDACTED] pages which the court reporter has marked
11 Exhibit C. Do you recognize what these [REDACTED]
12 pages are?

13 A. Yes.

14 Q. What are these documents?

15 A. These are the documents to notify
16 the staff and also authorizing certain staff to
17 be a part of the plan to carry a firearm.

18 Q. Is it fair to say that these are
19 authorizations allowing particular armed staff
20 to carry a firearm on school property?

21 A. Yes.

22 Q. And these are authorizations that
23 were issued pursuant to the resolution and the
24 school's policies for implementing it; is that
25 right?

1 MR. CONOVER: Objection to form.

2 THE WITNESS: I'm not sure.

3 MR. MILLER: I didn't hear your
4 answer.

5 THE WITNESS: I'm not for sure when
6 they were.

7 BY MR. MILLER:

8 Q. Were these letters issued pursuant
9 to the resolution?

10 A. After, yes.

11 Q. And in fact, these are the written
12 authorizations that the resolution describes; is
13 that right?

14 A. Say that again.

15 Q. When a staff member receives --
16 strike that.

17 For a staff member to carry a
18 firearm legally on school property, what do they
19 need?

20 A. They need to go through a set of
21 training and authorization procedures.

22 Q. And at the end of that, are they
23 issued some sort of authorization by the
24 superintendent or by the school board?

25 MR. CONOVER: Objection.

1 THE WITNESS: After.

2 BY MR. MILLER:

3 Q. Your answer was what, sir?

4 MR. CONOVER: Go ahead.

5 THE WITNESS: After.

6 BY MR. MILLER:

7 Q. They are issued some form of
8 authorization?

9 A. After everything has proceeded
10 through, yes.

11 Q. Is Exhibit C, in fact, those
12 authorizations?

13 A. As far as I know, yes.

14 Q. And do you see the signature that
15 appears at the bottom of each of these [REDACTED]
16 documents?

17 A. Yes.

18 Q. Whose signature is that?

19 A. It's Dr. Lisa Tuttle-Huff.

20 Q. Who is she?

21 A. She is our superintendent.

22 Q. Is it fair to say these are
23 authorizations that are issued by the
24 superintendent to armed staff?

25 MR. CONOVER: Objection.

1 THE WITNESS: They are
2 authorizations -- do I answer?

3 MR. CONOVER: Yes, go ahead.

4 THE WITNESS: They are
5 authorizations received from the superintendent
6 after they have been authorized by the Board of
7 Education.

8 BY MR. MILLER:

9 Q. And can I direct you to the
10 paragraph that begins please note that this
11 letter authorizes -- do you see that paragraph?

12 A. Yes.

13 Q. And the second sentence of that
14 paragraph, which begins you are granted this
15 authorization --

16 A. Yes.

17 Q. -- could you read that sentence?

18 A. It says you are granted this
19 authorization as an additional safety measure to
20 protect our students and staff from harm.

21 Q. Okay. And so would you agree that
22 armed staff are an additional safety measure to
23 protect Madison students and staff from harm?

24 A. State that again.

25 Q. Is the statement in that letter

1 accurate?

2 A. Which? I'm sorry. I lost my
3 place.

4 Q. The statement in question reads you
5 are granted this authorization as an additional
6 safety measure to protect our students and staff
7 from harm. Do you see where it says that?

8 A. Yes.

9 Q. Do you agree with that statement?

10 A. Yes.

11 Q. And you agree with the fact that
12 armed staff are, in fact, an additional safety
13 measure to protect Madison students and staff
14 from harm?

15 A. Yes.

16 Q. How are they an additional safety
17 measure?

18 A. They are an additional safety
19 measure because we have already provided other
20 safety measures and implemented to protect our
21 students and staff.

22 Q. What specifically is additional
23 about the safety they provide?

24 A. To have -- in cases of actual
25 threat or trauma or anything, that they are an

1 additional trained personnel that can help with
2 the situation, such as a head injury, such as,
3 you know, how to respond to an incident, or
4 anything like that.

5 Q. So they bring additional medical
6 training and trauma care training; is that
7 correct?

8 MR. CONOVER: Objection.

9 THE WITNESS: That's -- I wouldn't
10 say medical training. I would say how to
11 respond to a trauma situation.

12 BY MR. MILLER:

13 Q. Okay. And do they also provide
14 additional safety by carrying a firearm?

15 A. If needed.

16 Q. And so carrying a firearm is
17 specifically an additional safety measure to
18 protect students and staff; is that right?

19 A. Sure. It's kind of like a court
20 situation with a bailiff or anything, yes.

21 Q. And the fact that these individuals
22 carry a firearm is a safety measure that is not
23 otherwise provided by the rest of the staff and
24 teachers at the Madison Local School District?

25 MR. CONOVER: Objection.

1 THE WITNESS: Clarify that.

2 BY MR. MILLER:

3 Q. I'm trying to explore why the
4 letter describes carrying a firearm as an
5 additional safety measure rather than just as a
6 safety measure. Would you agree that the
7 protection provided -- strike that.

8 The presence of -- strike that too.

9 How does carrying a firearm serve
10 as an additional safety measure?

11 A. Clarify that. How does a firearm
12 what?

13 Q. How does armed staff carrying a
14 firearm function as an additional safety
15 measure?

16 A. It adds to our current things that
17 we have put in place, such as security doors,
18 such as things -- just an additional security
19 measure to protect the kids.

20 Q. Does it add additional
21 capabilities?

22 MR. CONOVER: Objection.

23 THE WITNESS: I don't understand,
24 capabilities.

25 BY MR. MILLER:

1 Q. An armed staff member -- would you
2 agree that an armed staff member adds a safety
3 measure that is not otherwise provided for in
4 the district's security plan?

5 A. I'm sorry. Say that again.

6 Q. Would you agree that an armed staff
7 member, as opposed to an unarmed staff member,
8 provides an additional safety measure to protect
9 the students and staff from harm?

10 A. It depends on the training.

11 Q. It depends on the training of the
12 armed staff person?

13 A. Of the person, period, and their
14 capabilities.

15 Q. Can you describe for me what armed
16 staff offer that is additional in terms of
17 safety measures?

18 A. It depends on if you are referring
19 to armed staff that's already received training
20 and qualifications and -- is that what you're
21 referring to?

22 Q. Yes.

23 A. Okay. How do they provide
24 additional -- is that what you're asking?

25 Q. Yes.

1 A. For a more secure school building
2 for our children.

3 Q. How do they provide --

4 A. A level of protection. How is
5 that?

6 Q. They provide --

7 A. A better level of protection.

8 Q. How do they provide an additional
9 or better level of protection?

10 A. Through their training and
11 through -- if an incident happens, that's how,
12 and how to respond to it.

13 Q. And how is their response to an
14 incident different than staff members that do
15 not have the training you are referring to?

16 A. Say that again.

17 Q. I believe you just testified that
18 armed staff members, through their training,
19 provide some sort of additional response to an
20 incident.

21 A. Additional protection.

22 Q. They provide additional
23 protection --

24 A. Yes.

25 Q. -- in an incident.

1 A. Or prior to.

2 Q. Or prior to an incident?

3 A. Uh-huh.

4 Q. And when we are referring to
5 incident, what do we mean by that?

6 A. It could be anything, whether it's
7 an injury or accident or a threat.

8 Q. A threat like an armed intruder?

9 A. Possibly.

10 Q. An active shooter?

11 A. Possibly.

12 Q. And what do armed staff provide as
13 additional protection in such an incident that
14 unarmed staff do not?

15 A. It depends on the staff, if they
16 have been through the training. As part of
17 their training, they are more aware. They see
18 the potentials. They see -- they have been
19 trained to -- what to look for. They have been
20 trained how to respond. And if it's -- if
21 you're referring to another staff, have they
22 went through the training. That's the
23 difference.

24 Q. And when you say they have been
25 trained how to respond -- is that what you just

1 said?

2 A. Yes.

3 Q. Armed staff have been trained how
4 to respond to such an incident, is that your
5 testimony?

6 A. To a level of what to do in that
7 incident, how to protect the kids, yes.

8 Q. Okay. And that training in how to
9 respond to such an incident is training that
10 armed staff receive, but unarmed staff do not;
11 is that right?

12 A. The level of training, correct.

13 Q. Okay. That's training specifically
14 in what to do in such an incident; is that
15 correct?

16 A. How to respond to an incident, yes.

17 Q. Okay. How are armed staff to
18 respond to an active shooter?

19 A. To an active shooter?

20 Q. Yes.

21 A. As far as what we see as a school?

22 Q. Yes.

23 A. Okay. As what we see as a school,
24 how to respond to it is to secure the area,
25 whether it's locking the doors if the shooter is

1 not in the area, getting the children in a safe
2 location. Or if it's an incident with a head
3 injury, whether they fell down a flight of steps
4 or an incident involved with a fight, how to
5 handle that situation.

6 Q. And that's -- are armed staff when
7 they are supposed to secure an area, as you've
8 just described, are they intended to use their
9 firearm to do so?

10 A. They are intended to respond to a
11 lockdown of the situation no different than any
12 other staff at that point.

13 Q. How are armed staff supposed to use
14 their firearms while on school property if at
15 all?

16 MR. CONOVER: Objection.

17 THE WITNESS: As far as?

18 BY MR. MILLER:

19 Q. What are the circumstances under
20 which armed staff are authorized to use their
21 firearms on school property?

22 A. It depends on the incident.

23 Q. I'm asking you what the incidents
24 are.

25 A. It could be from normal procedures

1 as any other student or staff would follow to
2 handle the guidelines as far as an active
3 shooter, or if it's just an incident.

4 Q. You mentioned an active shooter.
5 Are there circumstances under which an armed
6 staff member is authorized to use a firearm in
7 responding to an active shooter situation?

8 A. They are -- you're asking me what
9 they are authorized to do?

10 Q. Yes.

11 A. They are authorized to -- depending
12 on the situation, to protect the students. It
13 depends if it's just an incident or if it's a
14 life and death situation.

15 Q. And what specifically are they
16 authorized to do in such a situation?

17 A. To protect the staff and students.

18 Q. How?

19 A. By securing their area.

20 Q. How are they supposed to secure the
21 area?

22 A. If they are in an area, lock the
23 door. To secure the children, whether it's
24 hiding them or whatever they need to do.

25 Q. Are they authorized to use their

1 firearm?

2 A. It depends on the situation.

3 Q. What situations are they authorized
4 to?

5 A. A life or death situation.

6 Q. And what are they authorized to do
7 in a life or death situation?

8 A. That is to protect the students.

9 Q. How?

10 A. Whatever means they have.

11 Q. Do those means include shooting an
12 assailant?

13 A. If it's a life and death situation.

14 Q. Is that a yes?

15 A. That's if it's a life and death
16 situation.

17 Q. And the authority to shoot someone
18 in a life and death situation, that is authority
19 that armed staff have, but unarmed staff do not;
20 is that correct?

21 A. You are asking unarmed staff --
22 clarify the question. What?

23 Q. You've just referred to authority
24 that armed staff have to use their firearms to
25 shoot an assailant in a life or death situation.

1 Is that what you just testified to?

2 A. Yes. Yes.

3 Q. Is that authority to shoot someone
4 in a life or death situation authority that
5 armed staff have but unarmed staff do not?

6 MR. CONOVER: Objection, form.

7 THE WITNESS: An unarmed staff
8 wouldn't have a gun to shoot them, so I don't
9 understand the question.

10 BY MR. MILLER:

11 Q. Unarmed staff, are you saying that
12 unarmed staff are unable to shoot someone in a
13 life or death situation?

14 A. On school grounds?

15 Q. Yes.

16 A. They are not authorized to have a
17 gun.

18 Q. So staff that are not authorized to
19 have a gun --

20 A. Are you asking me if an unarmed
21 staff have authorization to use deadly force?
22 Is that what you're asking?

23 MR. CONOVER: Just -- Mr. French,
24 we will let him finish his question. We will
25 try to let him ask questions.

1 THE WITNESS: I'm sorry.

2 MR. CONOVER: That's fine.

3 BY MR. MILLER:

4 Q. Let's see if we can tee this up a
5 slightly different way. Would you agree that
6 armed staff have authorization to use deadly
7 force specifically by firearm in situations that
8 threaten the life of somebody on school
9 property?

10 A. They have the authorization to
11 defend and protect the students, yes.

12 Q. And specifically to defend and
13 protect students by using deadly force?

14 A. If it's a life and death situation.

15 Q. Do you agree with that statement,
16 they have authority to use deadly force in a
17 life or death situation?

18 A. Yes.

19 Q. Would you agree that they have
20 authority to use deadly force specifically by
21 using a firearm that the board has authorized
22 them to carry?

23 MR. CONOVER: Objection.

24 THE WITNESS: State that again.

25 MR. MILLER: Could you read that

1 back, please?

2 (Record read.)

3 THE WITNESS: That would be the
4 only one that would be authorized to carry, yes.
5 BY MR. MILLER:

6 Q. While it may seem self-evident, I
7 want to explore for a second whether unarmed
8 staff have such authority. Are unarmed staff,
9 by whom I mean individuals that do not possess
10 written authorization to carry a firearm on
11 school grounds, are those staff authorized to
12 use a firearm in any circumstances while on
13 school property?

14 A. They are not authorized, no.

15 Q. So they are not authorized to use
16 deadly force to stop an assailant?

17 A. That's not what I said.

18 MR. CONOVER: Objection.

19 THE WITNESS: I said they weren't
20 authorized to use a gun, authorized by the
21 school.

22 BY MR. MILLER:

23 Q. Okay. Are they authorized to use
24 other firearms on school property?

25 A. No.

1 Q. So they are not authorized to use a
2 firearm under any circumstances on school
3 property?

4 A. No. They are authorized to
5 protect.

6 Q. If I can direct your attention to
7 Exhibit C again. The phrase that describes the
8 authorization reads you are granted this
9 authorization as an additional safety measure to
10 protect our students and staff.

11 A. Which page are you on?

12 Q. In fact, it appears on each of the
13 authorizations.

14 A. Okay.

15 Q. But do you see where it appears on
16 the first page of Exhibit C?

17 A. Which one are you looking at?

18 Q. The statement you are granted this
19 authorization as an additional safety measure to
20 protect our students and staff from harm. Did I
21 read that right?

22 A. Whereabouts on this page are you,
23 sir?

24 Q. The paragraph beginning please note
25 that this letter authorizes, but does not

1 require.

2 A. Okay. Which statement?

3 Q. You are granted this
4 authorization --

5 A. Yes..

6 Q. Do you see where it reads you are
7 granted this authorization as an additional
8 safety measure to protect our students and staff
9 from harm?

10 A. Yes.

11 Q. Do you see that?

12 A. Uh-huh.

13 Q. Do you agree that's what it says?

14 A. Yes.

15 Q. Is it fair to say that armed staff
16 personnel are, in fact, an additional safety
17 measure to protect students and staff from harm?

18 MR. CONOVER: Objection, asked and
19 answered.

20 MR. MILLER: You can answer.

21 THE WITNESS: Yes.

22 BY MR. MILLER:

23 Q. Is it fair to say that armed staff
24 are an additional security measure to protect
25 students and staff from harm?

1 A. They are an additional safety --

2 Q. Is there a difference --

3 A. -- measure of precaution.

4 Q. Is there a difference between an
5 additional safety measure and additional
6 security measure in your view?

7 A. Yes.

8 Q. What is it?

9 A. Safety, we are to keep a safe
10 environment for our kids at all costs. To me,
11 in my terms of security, you are referring to
12 someone that we expect to go out and pursue
13 someone or be offensive or aggressive. No, we
14 don't expect that at all. We expect them to be
15 strictly defensive.

16 Q. Are armed staff members supposed to
17 locate an attacker during an active shooting
18 situation?

19 A. No.

20 Q. Are they supposed to pursue an
21 attacker?

22 A. No.

23 Q. Are they supposed to engage an
24 attacker if they are already at the location
25 where the attacker is?

1 A. If they are coming up on their
2 particular group that they are at, they are not
3 to engage unless it's a life and death
4 situation.

5 Q. So armed staff members are supposed
6 to stay where they are during an active shooter
7 situation?

8 A. Yes.

9 Q. And they are not supposed to leave
10 the group of students or the location where they
11 are when the incident begins; is that right?

12 A. Anytime there's an incident like
13 that, none of the staff are supposed to leave
14 their location where they are at with the
15 students.

16 Q. Okay. Are the roles of staff
17 members during such an incident dependent to
18 some degree on the staff members' job
19 responsibilities?

20 MR. CONOVER: Objection.

21 THE WITNESS: State that again.

22 BY MR. MILLER:

23 Q. In an emergency like an active
24 shooter --

25 A. Yes.

1 Q. -- you said that certain staff are
2 supposed to stay where they are when the
3 incident begins; is that right?

4 A. All staff.

5 Q. All staff. What about staff that
6 are not presently in an area with children, what
7 are they supposed to do?

8 A. I'm not sure how the internal --
9 what their roles would be as far as what they
10 are supposed to be doing other than they are --
11 we are supposed to isolate and contain all
12 students at the time or protect by whatever
13 means we have, whether it's to lock them up in a
14 room, not let them out in a hall, turn off the
15 lights so the room seems empty, secure.

16 Q. And for staff members that are not
17 in a classroom with children when the incident
18 begins, you don't know what their
19 responsibilities are in an incident?

20 A. No. All staff are supposed to try
21 to remain where they are at and secure, unless
22 the active shooter is there, and then it will be
23 a flight measure if that's what it takes once we
24 get some kind of response.

25 Q. You testified that armed staff are

1 not supposed to leave the area wherever they are
2 once an incident begins; is that correct?

3 A. If it's secure, yes.

4 Q. And if it's not secure, what are
5 they supposed to do?

6 A. Try -- if it's outside, or if it's
7 inside in an area that cannot be secured or
8 locked, if the shooter is not in that location,
9 to get to a place where we can secure them and
10 keep them safe.

11 Q. And if an armed staff member is in
12 a location other than outside, for example, if
13 they are indoors, and the location where they
14 are is not secure, what are they supposed to do
15 in those circumstances?

16 A. Say that again.

17 Q. I'm asking you about what staff
18 members, specifically armed staff members, are
19 supposed to do when the area where they are
20 located is not secure during an incident like an
21 active shooter.

22 A. The same as other staff, get the
23 students that they are -- in their control into
24 a secure area to try to protect them.

25 Q. Okay.

1 A. It's no different.

2 Q. If an assailant is present in that
3 area, what are armed staff supposed to do in
4 those circumstances?

5 A. It's -- it depends on their
6 training and what the situation is. If it's
7 already a situation that can be alleviated, to
8 protect the students. That's what they will do.
9 They are not to engage unless it's a life or
10 death situation.

11 Q. And in a life or death situation,
12 armed staff members are supposed to engage; is
13 that correct?

14 A. They are to protect, not engage the
15 shooter.

16 Q. Did you just testify -- did you
17 just use the word engage?

18 A. You'd have to repeat it back to me.

19 MR. MILLER: Are you able to read
20 back the answer that he gave a moment ago? I
21 think it was two questions ago.

22 (Record read.)

23 BY MR. MILLER:

24 Q. You testified a moment ago that
25 armed staff members in an insecure location are

1 not to engage unless it's a life or death
2 situation. Is that what you testified to a
3 moment ago?

4 A. That they are not to engage the
5 shooter unless it's a life or death situation.

6 Q. And the flip side of that, of
7 course, is that if it is a life or death
8 situation, are they supposed to engage the
9 shooter?

10 A. As I stated before, if it's -- they
11 are not to engage them unless it's a life or
12 death situation.

13 Q. Okay. And if it is a life or death
14 situation, what are they supposed to do?

15 A. To protect the students.

16 Q. How?

17 A. By whatever they have to control
18 the situation.

19 Q. And does that mean that they are to
20 engage the shooter using their firearm?

21 A. It's to alleviate the situation, to
22 protect the students no matter what it is,
23 whether it's to talk them down at that point or
24 secure the kids. It just depends on the
25 situation.

1 Q. Is it fair to say that armed staff
2 are security personnel?

3 A. No.

4 MR. CONOVER: Objection.

5 THE WITNESS: The answer is no.

6 BY MR. MILLER:

7 Q. What keeps them from being
8 considered security personnel in the board's
9 view?

10 MR. CONOVER: Objection.

11 THE WITNESS: In my view?

12 BY MR. MILLER:

13 Q. In the board's view.

14 A. As a board member?

15 Q. In the board's view.

16 A. In the board's view -- security
17 personnel is what you referred to them as; is
18 that correct?

19 Q. Correct.

20 A. Security personnel would be someone
21 that's either hired or done to secure an area,
22 whether it's offensively pursuing, or anything
23 like that, that has authority to do so. Our
24 safety personnel is strictly for protection and
25 defense, not to as a paid offensive security

1 personnel.

2 Q. So you are saying that one of the
3 things that makes someone a security personnel
4 is that they are to secure an area?

5 MR. CONOVER: Objection.

6 BY MR. MILLER:

7 Q. Is that what you testified to?

8 A. No.

9 Q. What did you testify to when you
10 said -- when you referred to securing an area in
11 your last answer?

12 A. To the area where there's children,
13 what I meant by that securing is to lock down,
14 make sure the children are in a protected
15 situation.

16 And the security that you are
17 referring to in my viewpoint would be like an
18 SRO officer that would potentially go after and
19 alleviate a threat at that point.

20 Q. Is protecting students and staff
21 from harm a security function?

22 A. Define a security function.

23 Q. I believe a second ago you
24 testified that the board understands security
25 personnel by the function they perform; is that

1 correct?

2 A. That's fair to say, yes.

3 Q. And what function specifically
4 would make someone security personnel in the
5 board's view?

6 A. A security function when you --
7 what I'm thinking of is like a student resource
8 officer who is an actually authorized police
9 officer that we utilize. They have arresting
10 authority. They have capabilities of pursuing
11 and calling for backup. They are paid personnel
12 for that reason.

13 Q. What actions or functions make
14 someone security personnel in the board's view?

15 A. Actions or functions of security
16 personnel, you are referring to like a student
17 resource officer?

18 Q. I'm not referring to any particular
19 job title. I'm wondering what someone does that
20 makes them security personnel. If indeed
21 security personnel is a matter of the function
22 someone performs, what function is it that makes
23 them security personnel?

24 MR. CONOVER: Objection.

25 THE WITNESS: Security function as

1 you are referring to that we are looking at is a
2 student resource officer, is someone that has
3 arresting authority, has the capabilities and
4 training to offensively -- offensively pursue
5 and subdue someone.

6 BY MR. MILLER:

7 Q. Do armed staff members provide
8 security at Madison Local Schools?

9 A. They provide protection, not
10 security.

11 Q. They do not provide security?

12 A. Not in the terms that you are
13 using, no.

14 Q. And not in the board's view?

15 A. Not in terms of security, no.

16 Q. What are the roles and
17 responsibilities of Madison's SRO in an
18 emergency?

19 A. They are -- their roles and duties,
20 I can't respond to that. That would be through
21 the sheriff's department and what their roles
22 and duties are as an SRO officer.

23 Q. By SRO, can you explain what that
24 term means?

25 A. It's an officer that is supplied to

1 us through a contract through the sheriff's
2 department.

3 Q. And does SRO stand for school
4 resource officer or student resource officer or
5 what?

6 A. It would be school resource
7 officer.

8 Q. SRO stands for school resource
9 officer?

10 A. Uh-huh.

11 Q. And that's how you understood me to
12 use the term a moment ago?

13 A. Uh-huh.

14 Q. Are SROs expected to try to locate
15 an attacker during an incident like an armed
16 intruder?

17 A. As far as my knowledge of, or my
18 reflection of, because I'd have to go through
19 the sheriff to actually know what their duties
20 and responsibilities are, but in my viewpoint,
21 yes, they should go after -- offensively after a
22 shooter.

23 Q. And should an SRO engage a shooter
24 in such a situation?

25 A. Yes.

1 Q. And when an SRO does those things,
2 are they acting as security personnel in your
3 view?

4 MR. CONOVER: Objection.

5 THE WITNESS: They are acting as a
6 police officer at that point.

7 BY MR. MILLER:

8 Q. And is that or is that not activity
9 that the board would consider security?

10 A. That is an activity that we would
11 look at as security, yes.

12 Q. And specifically, pursuing and
13 engaging an armed attacker?

14 MR. CONOVER: Objection.

15 THE WITNESS: As a police officer,
16 yes.

17 BY MR. MILLER:

18 Q. But not as an armed staff member?

19 A. No.

20 MR. CONOVER: We have been going
21 for about an hour. I don't know. Mr. French,
22 do you need a break?

23 THE WITNESS: I could use the
24 restroom if you want.

25 MR. CONOVER: Is that okay? Are

1 you at a stopping point?

2 MR. MILLER: If you don't mind,
3 maybe five more minutes.

4 MR. CONOVER: That's fine.

5 MR. MILLER: Okay. Off the record.

6 (Thereupon, an off-the-record
7 discussion was held.)

8 MR. MILLER: Back on, please.
9 Mr. French, I'm going to show you one more
10 document before we take a quick break. If you
11 would mark that -- I believe we're at D.

12 (Thereupon, Plaintiffs' Exhibit D,
13 Madison School Resource Officer Contract, was
14 marked for purposes of identification.)

15 BY MR. MILLER:

16 Q. Mr. French, I have just placed in
17 front of you a document marked Exhibit D. Do
18 you recognize this document?

19 A. Yes.

20 Q. What is it?

21 A. It's a contract with Butler County
22 Sheriff's Department.

23 Q. And is this the contract that is
24 currently in force?

25 A. Yes.

1 Q. How do you know that?

2 A. By the date of the signature.

3 Q. So this is the contract under which
4 SROs are operating at Madison Schools presently?

5 A. It's our contract with what we will
6 pay for them and stuff, yes.

7 Q. Can I direct your attention to the
8 paragraph numbered one where it states in the
9 final sentence of the paragraph -- could you
10 read what it says there?

11 A. The officers will patrol
12 exclusively at Madison Schools to keep the
13 peace, protect the property, and perform other
14 necessary police functions in the school
15 district.

16 Q. When an SRO responds to an active
17 shooter in the ways you just described, are they
18 performing one or more of the functions that you
19 just referenced in the sentence you just read?

20 A. Yes, a police function.

21 Q. They are performing a police
22 function?

23 A. Yes.

24 Q. So when an SRO engages an attacker
25 on school property, that SRO is performing a

1 police function in your view; is that correct?

2 A. When they are offensively pursuing
3 an attacker, yes.

4 Q. And if an SRO were to encounter an
5 armed person at a school without actively
6 pursuing that person first, for example, if they
7 just encountered them and the SRO engaged the
8 person at that time, would the SRO be performing
9 a police function --

10 A. Define engage.

11 MR. CONOVER: Objection.

12 THE WITNESS: Define engage.

13 MR. CONOVER: Objection.

14 BY MR. MILLER:

15 Q. -- in the board's view?

16 A. Define engage in the terms that you
17 are using it.

18 Q. Use their firearm to shoot or
19 otherwise subdue the assailant.

20 A. In an offensive situation, actively
21 pursuing them, yes.

22 Q. Okay. And are there circumstances
23 in which an SRO might encounter an armed
24 assailant without first actively pursuing them?

25 A. Yes. They can do that to any

1 student coming down the hall.

2 Q. So for example, if an armed
3 assailant were to come upon the SRO without the
4 SRO first pursuing them, and the SRO were to use
5 their firearm to kill, injure, or subdue that
6 person, would the SRO be performing a police
7 function in the board's view?

8 A. It depends on the investigation of
9 the matter at hand. I'd have to look and see
10 what you're talking about specifically.

11 Q. How does it depend on the
12 investigation at hand?

13 A. It depends on the situation.
14 You're saying an active shooter. Was he
15 actively shooting, is that what you mean, and he
16 shot him in his line of pursuing him? I'm
17 asking you to clarify.

18 Q. I'm talking about a situation in
19 which the SRO, just based on the circumstances
20 of an incident, does not need to first pursue an
21 active shooter, meaning does not need to travel
22 from one location to another before engaging a
23 shooter. If the SRO were to encounter the
24 shooter without first moving anywhere and the
25 SRO were to use their firearm in those

1 circumstances, would the SRO be performing a
2 police function in the board's view?

3 A. If he is in his official capacity
4 as a police officer, yes.

5 Q. When SROs are present on school
6 property during school hours, they are always --

7 A. They are --

8 Q. -- they are always --

9 (Interruption by the court
10 reporter.)

11 BY MR. MILLER:

12 Q. Let me finish the question. When
13 an SRO is present on school property during
14 school hours, they are always functioning as a
15 police officer, are they not?

16 A. Their hours of duty, yes.

17 Q. Before the board enacted the
18 resolution to arm staff members, had the board
19 ever considered hiring additional SROs?

20 A. Yes.

21 Q. Did the board ever hire additional
22 SROs?

23 A. Yes..

24 Q. How many SROs does the school
25 district have now?

1 A. Two.

2 Q. Has the board ever considered
3 hiring additional SROs beyond two?

4 A. We have discussed it.

5 Q. Have you ever, in fact, hired more
6 SROs than two?

7 A. No.

8 Q. Why not?

9 A. Because of the financial aspect of
10 it.

11 Q. Does authorizing armed personnel
12 address the same purpose that hiring additional
13 SROs would in the board's view?

14 A. No.

15 MR. CONOVER: Objection.

16 BY MR. MILLER:

17 Q. Why did the board want to hire an
18 additional SRO?

19 A. As we said, we looked at all
20 avenues of trying to provide the safest school
21 environment for our children as we could.

22 Q. One of the reasons the board had
23 considered hiring additional SROs is to provide
24 a safer school environment?

25 A. We looked at all avenues.

1 Q. And one of the options -- and that
2 reason was one of the reasons you considered an
3 additional SRO; is that correct?

4 A. It's one of the reasons we looked
5 at what potentially we could do.

6 Q. Okay. And that potential included
7 looking to hire an additional SRO?

8 A. If it was in our means.

9 Q. And did it also include the
10 potential of authorizing armed staff members; is
11 that correct?

12 A. State that again.

13 Q. Did -- you just said you considered
14 a range of options in order to improve safety at
15 Madison Local Schools; is that correct?

16 A. That's correct.

17 Q. And one of the options you
18 considered was an SRO -- was hiring an
19 additional SRO; is that right?

20 A. That's correct.

21 Q. What were other options you
22 considered?

23 A. We looked at everything from the
24 property, how do we better provide security to
25 the buildings, to internal, external. Try to

1 look at all aspects, and try to determine what
2 was the better route within our means that we
3 could protect our kids.

4 Q. Okay: Was one of the means that
5 you considered arming civilian staff members?

6 A. At some point in time, that was
7 part of our discussion.

8 Q. Does Madison employ any security
9 personnel who are not school resource officers?

10 A. No.

11 MR. MILLER: All right. Let's go
12 off the record.

13 (Recess taken.)

14 MR. MILLER: Back on the record,
15 please.

16 BY MR. MILLER:

17 Q. Mr. French, a couple of follow-up
18 questions to our discussions a moment ago. We
19 talked quite a bit about how armed staff and
20 other staff respond to various types of
21 incidents at the school district -- at Madison
22 Schools, and in particular focused on an active
23 shooter situation. What I would like to know is
24 what other types of incidents armed staff have
25 training for.

1 A. How to handle a trauma situation.

2 Q. Are there any others?

3 A. How to be aware and notice, you
4 know, potential threats or potential issues that
5 may arise to try to prevent anything to get
6 anywhere.

7 Q. Any other incidents or activities
8 that they are trained for?

9 A. That pretty much generalizes all of
10 it.

11 MR. CONOVER: Just if I can
12 clarify. Are we talking about armed personnel?
13 In their capacity as armed personnel?

14 MR. MILLER: Correct.

15 BY MR. MILLER:

16 Q. You understood my question to be
17 about armed personnel having training
18 specifically for their role as armed personnel;
19 is that right?

20 A. Pretty much, yes.

21 Q. Did you have any question about or
22 misunderstanding about that question?

23 A. No.

24 Q. The types of incidents that armed
25 personnel have received training to respond to

1 do include an active shooter situation; is that
2 correct?

3 A. That's correct.

4 Q. And does it, in fact, include other
5 situations that might pose a threat to the life
6 or safety of students and staff at the school
7 beyond an active shooter specifically?

8 A. Just how to respond, yes.

9 Q. What other types of incident beyond
10 an active shooter has an armed staff person
11 received special training for?

12 A. Maybe how to interact after a
13 potential issue, such as providing any kind of
14 care that they might be able to handle.

15 Q. Have they received training that
16 relates to how to handle a fight on school
17 property?

18 A. I'm not for sure if that -- how
19 much of that is covered in the training. I'd
20 have to review it.

21 Q. How about how to handle an armed
22 person on site who is not actively shooting, for
23 example, who might be threatening or taking a
24 hostage?

25 MR. CONOVER: Objection.

1 THE WITNESS: In that situation,
2 that would be handed over to police. That's why
3 we still institute SROs.

4 BY MR. MILLER:

5 Q. You mentioned a moment ago that
6 armed staff receive specialized training
7 concerning something to do with noticing
8 potential threats; is that correct?

9 A. That's my understanding, yes.

10 Q. What did you mean by -- or -- yeah,
11 what did you mean by that?

12 A. Just, you know, the actions. You
13 know, how to be more aware of your surroundings,
14 as to what's going on, and how to respond to
15 that, whether it's to -- you know, if you really
16 feel it could be a potential threat, how to get
17 the correct people involved, whether it be the
18 SRO or a dean of students, to where they could
19 look into it and investigate.

20 Q. And that's specialized training to
21 do that that armed staff receive, but unarmed
22 staff do not?

23 A. Well, that is twofold. I would
24 love for every staff member to receive some sort
25 of training, just like in bleeding situations,

1 or anything like that. I would love them all to
2 be able to have some level of training to where
3 it brings their awareness up, yes.

4 Q. But just to circle back to my
5 question, is the training you are referring to
6 training that has been provided to armed staff,
7 but for various reasons not to unarmed staff?

8 A. The particular program is offered
9 for all staff members. But to be armed, it's
10 just a matter of how far it goes as far as the
11 process.

12 Q. What program are you referring to?

13 A. That would be any kind of program
14 that we institute to educate our employees or
15 staff members.

16 Q. The armed staff members, have they
17 received training on this noticing of potential
18 threats as part of their training through
19 FASTER?

20 A. I'd have to look at the program
21 again. I couldn't answer that right off.

22 Q. Well, you've mentioned that armed
23 staff have, in fact, received this training; is
24 that correct?

25 A. Yes.

1 Q. Where did they get this training?

2 A. From -- the FASTER program is
3 supposed to cover that, yes.

4 Q. Is one of the purposes of armed
5 staff personnel to deter a potential attacker?

6 MR. CONOVER: Objection.

7 THE WITNESS: No, not to engage an
8 attacker to deter. Their awareness level
9 through the training would be able to know how
10 to respond and get the correct people involved
11 to handle the situation, whether it's an SRO
12 officer or how -- what the threat is.

13 A lot of times if it's just a
14 social media thing that they have noticed, you
15 know, it could be a counseling session to get
16 them in touch with the right person, whether it
17 be, you know, a person that might be depressed
18 or personal needs or anything.

19 BY MR. MILLER:

20 Q. Is the presence of armed staff
21 personnel at Madison Local Schools intended to
22 deter potential attackers?

23 A. If -- no, it's to protect our
24 students. But if it has that consequence, I'll
25 be glad for it.

1 MR. CONOVER: Can we go off the
2 record?

3 (Thereupon, an off-the-record
4 discussion was held.)

5 MR. MILLER: Back on the record,
6 please.

7 BY MR. MILLER:

8 Q. What are the rules of engagement
9 for armed staff personnel?

10 A. Rules of engagement of armed staff?

11 Q. Yes.

12 A. They are not to engage anybody as
13 far as active shooter, if that's what you're
14 referring to, unless it's a life or death
15 situation.

16 Q. What are the criteria under which
17 an armed staff member is permitted to use deadly
18 force?

19 A. In a life or death situation.

20 Q. And what are the criteria under
21 which an armed staff person is permitted to use
22 their firearm?

23 A. I'm sorry. I don't understand.

24 Q. I just want to make sure we are
25 clear that by deadly force, we're referring

1 specifically to their firearm.

2 MR. MILLER: Could you read back
3 the question I asked, please?

4 (Record read.)

5 THE WITNESS: It would be under a
6 life and death situation.

7 BY MR. MILLER:

8 Q. Under what circumstance is an armed
9 staff person allowed to draw their firearm from
10 its holster?

11 A. In a life or death situation.

12 Q. Are authorized -- strike that.

13 Are personnel who have received
14 authorization to carry a firearm armed at all
15 times when on school property?

16 A. According to our policy, or even to
17 this letter, they are not forced to carry a gun
18 all the time, no.

19 Q. Are they expected to carry a gun at
20 all times?

21 A. No.

22 Q. Do you know whether or not they
23 have a firearm at any given time?

24 MR. CONOVER: Objection.

25 THE WITNESS: Do I know personally?

1 No.

2 BY MR. MILLER:

3 Q. Does the board know?

4 MR. CONOVER: Objection.

5 THE WITNESS: When they carry?

6 MR. MILLER: Yes.

7 THE WITNESS: No.

8 BY MR. MILLER:

9 Q. Are armed personnel in any way
10 required to notify school administrators, the
11 superintendent, or the board when they are
12 carrying?

13 MR. CONOVER: Objection, form.

14 THE WITNESS: It doesn't list
15 specifically, no.

16 BY MR. MILLER:

17 Q. And they are, in fact, not to your
18 knowledge required to tell anyone whether they
19 are or are not armed on any given day; is that
20 right?

21 A. We authorize them to be able to,
22 but, no, they don't have to carry.

23 Q. And as a result, were an incident
24 to occur, neither the board nor the
25 superintendent would necessarily know whether

1 there were, in fact, any armed personnel on site
2 other than the SRO; is that correct?

3 A. It's part of the policy and -- that
4 would be a detail that's in our policy, and I
5 don't want to release it at this time.

6 Q. I'm sorry?

7 A. For the security of our plan, we
8 have a way of knowing.

9 Q. You have a way of knowing what?

10 A. Who armed staff at that point would
11 be.

12 Q. On any given day, you have a way of
13 knowing who armed staff would be?

14 A. In an incident, yes.

15 Q. And is that because they identify
16 themselves during the incident in some fashion?

17 A. That's part of our policy, and I
18 really don't want to reveal if I don't need to.

19 Q. Well, you are under oath and
20 testifying pursuant to a notice of deposition,
21 and I have asked this question, and you need to
22 answer it unless your lawyer instructs you not
23 to answer.

24 MR. CONOVER: So I think we will
25 just go back to the -- again, not an objection,

1 but the statement that anything -- we're kind
2 of -- most certainly entering into highly
3 confidential territory right now, so, you know,
4 you certainly can answer, Mr. French, and then
5 at a later point we will probably end up, you
6 know, dealing with this in some capacity
7 pursuant to the confidentiality agreement
8 between the parties.

9 THE WITNESS: I'm just concerned
10 with the safety of our staff.

11 MR. CONOVER: Absolutely. But we
12 will put protections in place for that.

13 THE WITNESS: Yes, we have a way of
14 identifying.

15 BY MR. MILLER:

16 Q. And while -- strike that.

17 Do armed staff members identify
18 themselves before the incident begins or only
19 once the incident begins?

20 A. Identify themselves to who?

21 Q. You have just mentioned a method of
22 identification.

23 A. Yes.

24 Q. Does that identification occur at
25 any time before an incident starts?

1 A. No.

2 Q. And so on any given day when there
3 is no incident, do you have any way of knowing
4 whether the armed staff members are, in fact,
5 carrying their firearms?

6 A. There is a way we know.

7 MR. CONOVER: Can we go -- he has
8 answered the question. Can I go off the record
9 and talk to him for clarification real quick?

10 MR. MILLER: Yeah, let's go off the
11 record.

12 (Thereupon, an off-the-record
13 discussion was held.)

14 (Record read.)

15 MR. MILLER: Back on the record.

16 BY MR. MILLER:

17 Q. Mr. French, having just listened to
18 the last question and answer you gave during the
19 break, is there anything about your last answer
20 you'd like to clarify?

21 A. Yeah, I would like to clarify.
22 First of all, reclarify your question who you're
23 pertaining to as far as a non-incident day and
24 how we clarify or know who is carrying. Is that
25 what you were asking?

1 Q. The details of how armed staff
2 identify themselves is not what I'm asking about
3 here. What I'm seeking to understand is given
4 that you've testified that armed staff are not
5 required to carry their firearms even when
6 authorized, whether anyone knows, and by anyone
7 I mean the board, the superintendent, other
8 members of the school's administration that
9 implement this security policy, whether any of
10 those people know whether an armed staff member
11 is, in fact, in possession of a firearm on
12 school property at any given time?

13 A. Prior to an incident, no.

14 MR. MILLER: Mark this, please.

15 (Thereupon, Plaintiffs' Exhibit E,
16 letter with attachments to Rachel Bloomekatz
17 from Alexander Ewing dated July 23, 2018, was
18 marked for purposes of identification.)

19 BY MR. MILLER:

20 Q. Mr. French, I have just handed you
21 a document that's marked Exhibit E for
22 identification.

23 A. Okay.

24 Q. I will represent to you that this
25 is a letter with attachments sent to

1 Ms. Bloomekatz, plaintiffs' lawyer in this case,
2 as a response to a public records request. And
3 I'll direct your attention to the page -- it
4 should be page six, I believe, which has at the
5 top law enforcement liability coverage form -
6 occurrence form.

7 A. All right.

8 Q. Do you see the document that is
9 part of this packet that has at the top law
10 enforcement liability coverage form - occurrence
11 form?

12 A. Yes.

13 Q. And do you see that that is, in
14 fact, a six-page document?

15 A. Okay.

16 Q. Do you see that it is?

17 A. Yes. Uh-huh.

18 Q. Do you recognize this document?

19 A. Yes.

20 Q. What is it?

21 A. It looks like -- well, to be honest
22 with you, no, I'm not familiar with the form
23 itself, other than it is part of, it looks like,
24 our resolution -- part of our resolution for the
25 issue.

1 Q. Did the board obtain insurance to
2 cover armed staff members?

3 A. Yes.

4 Q. Do you know whether this is, in
5 fact, the insurance policy that the board
6 obtained to cover armed staff members?

7 A. I'm not 100 percent sure this is
8 what it is. I don't handle the insurance part.

9 Q. Have you done anything to prepare
10 for this deposition and to give testimony with
11 respect to insurance policies that provide or
12 are intended to provide coverage concerning the
13 acts --

14 A. No.

15 Q. -- of armed personnel?

16 A. No.

17 Q. Are you aware that that is, in
18 fact, one of the topics you were required to
19 testify on or that we have asked the board to
20 designate someone on?

21 A. I -- personally, I know our
22 insurance policy and everything would be dealing
23 with our employee who deals with insurance, so,
24 yeah, I was aware that you would be deposing
25 somebody on that.

1 Q. Who is that employee you are
2 referring to?

3 A. That would be our treasurer.

4 Q. Is that Rich Natiello?

5 A. Yes.

6 MR. MILLER: Off the record for a
7 second.

8 (Thereupon, an off-the-record
9 discussion was held.)

10 MR. MILLER: Back on the record,
11 please.

12 BY MR. MILLER:

13 Q. When did the board pass the
14 resolution?

15 A. I'm not for sure of the exact date.

16 Q. If I represented to you that it was
17 April 24, 2018, does that sound correct to you?

18 A. That sounds correct.

19 Q. Did the board pass the resolution
20 in a regular board meeting --

21 A. Yes.

22 Q. -- in April of 2018?

23 A. Yes. As far as I know, that's the
24 date, yes.

25 Q. What did the board then do to

1 implement the resolution?

2 A. Clarify what you mean to implement
3 the resolution.

4 Q. What did the board do next in order
5 to permit armed staff persons in Madison
6 Schools, if anything?

7 I'm going to ask in a moment about
8 what the superintendent and others have done,
9 but I want to know first what, if anything, the
10 board did next.

11 A. The board looked at the guidelines
12 set forth and what kind of training we needed to
13 do and how to follow up as far as to get to that
14 point.

15 Q. Okay. And when you say guidelines,
16 is that a document?

17 A. It's -- it's just by some of the
18 research we have done what's required under the
19 Ohio Revised Code and looking at opinions and
20 everything of who was in offices at the time.

21 Q. Did the board create any new
22 policies or procedures in order to implement the
23 resolution?

24 A. We added to policies.

25 Q. You added two policies, as in the

1 number two?

2 A. No, we added to certain policies.

3 Q. So you revised existing policies?

4 A. Yes.

5 Q. Is that right?

6 A. Correct.

7 Q. Which existing policies did you
8 revise?

9 A. That would be the school security
10 emergency plan.

11 Q. Okay. How was that document --
12 what's the title of that document?

13 A. You asked me too quick. I'm not
14 for sure what the title of the document would be
15 other than our emergency action plan.

16 Q. Did the board create a firearms
17 authorization policy?

18 A. Yes.

19 Q. Did the board update NEOLA
20 policies, spelled N E O L A?

21 A. Yes.

22 Q. Beyond creating a firearms
23 authorization policy, making changes to the
24 district's emergency management plan, and
25 changing NEOLA policies, did the board do

1 anything else in terms of creating or revising
2 documents to implement the resolution?

3 MR. CONOVER: Objection.

4 THE WITNESS: I can't remember
5 which ones it would be or anything.

6 BY MR. MILLER:

7 Q. Are you aware of any documents
8 other than the ones we just described that were
9 created or changed in order to implement the
10 resolution?

11 A. I can't remember.

12 Q. Are you aware of any others?

13 A. I can't remember to be honest with
14 you.

15 Q. What did the superintendent do to
16 implement the resolution after it passed?

17 A. As far as?

18 Q. As far as creating or revising any
19 policies, procedures, or related documents.

20 A. I know that we did some things. I
21 can't remember for sure which ones we did and
22 what we didn't at this time.

23 Q. Who created the firearms
24 authorization policy?

25 A. As far as?

1 Q. Like who drafted it?

2 A. It would be our legal counsel.

3 Q. And was this a document that was
4 approved by the board, or is this a document
5 that did not require board approval?

6 A. We approved it.

7 Q. When did the board approve this
8 document?

9 A. I can't remember at this time.

10 Q. Was it at a board meeting?

11 A. Yes.

12 Q. Is the firearms authorization
13 policy part of the district's emergency
14 management plan?

15 A. Yes.

16 Q. Are there other parts of the
17 emergency management plan that relate to the
18 roles of armed staff members or other details
19 about armed staff members beyond this firearms
20 authorization policy?

21 MR. CONOVER: Objection.

22 THE WITNESS: I'd have to look.
23 I'd have to refresh my memory.

24 BY MR. MILLER:

25 Q. Does the emergency management plan

1 describe what procedures staff members are to
2 follow in the event of an emergency such as an
3 armed shooter?

4 A. Details as far as how to respond?

5 Q. Does it describe the
6 responsibilities or actions that staff members
7 are supposed to take in the event of that
8 emergency?

9 A. I don't know if the details are
10 there per se, no.

11 Q. Where is the district's emergency
12 management plan kept?

13 A. In a secured location.

14 Q. Does it exist electronically or in
15 hard copy or both?

16 A. In a hard copy.

17 Q. How long is it approximately?

18 A. I know it's numerous pages, but I
19 can't remember exactly how many.

20 Q. Is it more or less than 100 pages?

21 A. It's less.

22 Q. Is it more or less than 50 pages?

23 A. I believe less.

24 Q. Is it more or less than 25 pages?

25 A. I'd have to go back and look at it.

1 Q. How is it bound, if at all?

2 A. In a confidential folder.

3 Q. It's in a folder?

4 A. Well, no, it's in a document form.

5 I keep it in a confidential folder where we keep
6 it in a secure location.

7 Q. Okay. Who has access to it?

8 A. Board members.

9 Q. Does the superintendent?

10 A. She has access to it.

11 Q. Do any other staff members of the
12 school district have access to that document?

13 A. Through requests.

14 Q. Who among other employees has been
15 given access to it on request?

16 A. The treasurer -- as far as which
17 portion of it?

18 Q. Any portion of it.

19 A. It depends. If you're talking
20 about the resolution part of the policy
21 concerning armed staff, anybody that we would
22 utilize in the future to potentially arm would
23 be able to see it, also the treasurer and legal
24 counsel.

25 MR. MILLER: Mark that.

1 (Thereupon, Plaintiffs' Exhibit F,
2 Firearm Authorization Policy, was marked for
3 purposes of identification.)

4 BY MR. MILLER:

5 Q. Mr. French, I'm showing you a
6 document that has been marked Exhibit F. Do you
7 recognize this document?

8 A. Yes.

9 Q. What is it?

10 A. It's our firearm authorization
11 policy.

12 Q. And what is its purpose?

13 A. Its purpose is to have a policy in
14 place to permit staff to be armed after going
15 through a set of qualifications.

16 Q. Was this document created after the
17 board passed the resolution?

18 A. Yes.

19 Q. Was it created in order to
20 implement that resolution?

21 A. It was created to potentially
22 institute it, yes.

23 Q. At the time of this document, under
24 the term emergency management plan, what does it
25 say under that heading?

1 A. It says the superintendent shall
2 ensure updating of the district's emergency
3 management plan and ongoing staff training.

4 Q. This firearms authorization policy
5 contains an instruction to the superintendent to
6 update the district's emergency management plan;
7 is that correct?

8 A. That's correct.

9 Q. This document is not, in fact, part
10 of the district's emergency management plan, is
11 it?

12 MR. CONOVER: Objection.

13 THE WITNESS: I'm under the
14 impression it is.

15 BY MR. MILLER:

16 Q. What makes something part of the
17 district's emergency management plan? When does
18 something become part of the emergency
19 management plan?

20 MR. CONOVER: Objection.

21 THE WITNESS: As far as revising it
22 and including it into part of our emergency
23 management plan.

24 BY MR. MILLER:

25 Q. Who decides whether or not to make

1 something part of the district's emergency
2 management plan?

3 A. That would be the board.

4 Q. Does the board follow any
5 guidelines when deciding whether or not to
6 consider a document as part of the emergency
7 management plan?

8 A. Yes.

9 Q. What do they consider?

10 A. We consider legal counsel, we
11 consider the Ohio Revised Code, and we consider
12 anything else we take into consideration of it.

13 Q. Do you know whether the Ohio
14 Revised Code and associated regulations in fact
15 define what goes into a school district's
16 emergency management plan?

17 MR. CONOVER: Objection.

18 THE WITNESS: It does define a lot.

19 BY MR. MILLER:

20 Q. You can set Exhibit F aside for
21 now. I'm sorry. I have one additional question
22 about that. I apologize.

23 A. Yes.

24 Q. Do you see the heading that reads
25 confidentiality --

1 A. Yes.

2 Q. -- in the middle of the document --

3 A. Uh-huh.

4 Q. -- and the first sentence of the
5 underlying paragraph which states that all parts
6 of the district's emergency management plan are
7 confidential? Do you see that?

8 A. Yes.

9 Q. Could you read for me the next
10 sentence?

11 A. It says all records, letters,
12 written authorizations, revocations of
13 authorization, and other documents related to
14 the firearms authorization policy shall be
15 maintained in a secure location determined by
16 the superintendent or designee.

17 Q. Other than the resolution and the
18 emergency management plan and this firearms
19 authorization policy, what are the records,
20 letters, and other documents referred to by this
21 sentence?

22 MR. CONOVER: Objection.

23 THE WITNESS: It would be anything
24 that's associated with our emergency management
25 plan.

1 BY MR. MILLER:

2 Q. Who has access to these records,
3 letters, or other documents?

4 A. Anybody that has a portion of it or
5 pertaining to themselves.

6 Q. Where are these documents kept?

7 A. In a confidential, secured
8 location.

9 Q. Are they separate from the
10 emergency management plan?

11 A. No, they are kept with it.

12 Q. Does the board consider these
13 documents to be part of the emergency management
14 plan or separate from it?

15 MR. CONOVER: Objection.

16 THE WITNESS: They would be part of
17 the emergency plan.

18 BY MR. MILLER:

19 Q. You can set Exhibit F aside. We
20 referenced a minute ago certain changes to NEOLA
21 policies.

22 A. Uh-huh.

23 Q. Do you understand what I mean by
24 NEOLA policies?

25 A. Yes.

1 Q. What is a NEOLA policy?

2 A. A NEOLA policy is just a standard
3 of policies adopted off of ORC regulations.

4 Q. Do you know which policies changed?

5 A. No, not right off.

6 MR. MILLER: Would you mark this
7 for me?

8 (Thereupon, Plaintiffs' Exhibit G,
9 minutes from the Madison Board of Education
10 regular Board of Education meeting August 13,
11 2018, was marked for purposes of
12 identification.)

13 BY MR. MILLER:

14 Q. Do you see the document I marked
15 Exhibit G?

16 A. Yes.

17 Q. What is this document?

18 A. It's a regular Board of Education
19 meeting minutes.

20 Q. What is the date on it?

21 A. August 13th, 2018, it looks like.

22 Q. Does this memorialize the
23 activities of the board at the board of ed
24 meeting on that date?

25 A. I'd have to look through it. It

1 doesn't have my signature, so I don't know if
2 it's the actual approved copy. Such as on page
3 six, there's usually a place after I sign it
4 when it's actually officiated.

5 What we do is when we get minutes,
6 we have to -- at future board meetings, we
7 review them, and then we approve them. Once it
8 has been approved, then myself and the treasurer
9 also sign off on them. So I don't know if this
10 is the actual approved copy.

11 Q. Okay. Do you have any reason to
12 believe that this document is not --

13 A. No.

14 Q. -- an authentic copy of the
15 minutes?

16 A. No, not unless I review it and
17 actually determine with a signed copy if there's
18 any differences or changes.

19 Q. Okay. Can I direct your attention
20 to page five, item 148-18?

21 A. Yes.

22 Q. What does that paragraph
23 memorialize in terms of the board's actions?

24 A. It's the resolve to approve NEOLA
25 language to the policy.

1 Q. And which policies were changed?

2 A. It would be the policy 8400, 3217,
3 4217, 7217.

4 Q. So four policies were changed; is
5 that correct?

6 A. That's what it looks like there.

7 Q. How were those policies changed?

8 A. It would be reflected -- the
9 language would be changed to reflect what our
10 policy update or revision would be.

11 MR. MILLER: Could you mark this,
12 please?

13 (Thereupon, Plaintiffs' Exhibit H,
14 policy number 4217, was marked for purposes of
15 identification.)

16 (Thereupon, Plaintiffs' Exhibit I,
17 policy number 3217, was marked for purposes of
18 identification.)

19 BY MR. MILLER:

20 Q. I have just had two documents
21 placed in front of you labeled Exhibits H and I.

22 A. Okay.

23 Q. What are these two documents?

24 A. It would be concerning classified
25 staff and weapons it looks like.

1 Q. Are these two documents NEOLA
2 policies?

3 A. I'd have to look. I would assume
4 so.

5 Q. And are these, in fact, policy
6 numbers 3217 and 4217 --

7 A. Yes.

8 Q. -- that are referred to in the
9 August 13, 2018, board minutes --

10 A. Yes.

11 Q. -- as policies that were updated?

12 A. Let's see. Yes, 3217, 4217.

13 Correct.

14 Q. What is the last revised date
15 indicated on these?

16 A. It looks like May 23, 2017.

17 Q. And based on that last revised
18 date, do you believe these two policies reflect
19 the changes made at the August 13, 2018, board
20 meeting?

21 A. I'd have to look. I'm not for
22 sure.

23 Q. Do you know what language changed
24 or was changed at that board meeting in these
25 two policies?

1 A. I'd have to look. I'm not for
2 sure.

3 MR. MILLER: Can we go off the
4 record for a sec?

5 (Thereupon, an off-the-record
6 discussion was held.)

7 MR. MILLER: Just to memorialize a
8 discussion we just had, Counsel, will you agree
9 that you have agreed to produce to us updated
10 versions of NEOLA policies number 8400, 3217,
11 4217, and 7217, that reflect changes made in the
12 August 2018 board meeting?

13 MR. CONOVER: Yes, we will look at
14 them -- we will look for them the best we can
15 and produce what we have.

16 MR. MILLER: Okay. Thank you. You
17 can set these aside.

18 THE WITNESS: H and I?

19 MR. MILLER: You can set H and I
20 aside, yes.

21 BY MR. MILLER:

22 Q. Is this a document that sets out
23 the process under which armed staff members --
24 excuse me, under which staff members are granted
25 authorization to carry a firearm on school

1 property?

2 A. Yes.

3 Q. What document is that?

4 A. It would be our emergency action
5 plan through our -- it would be the firearms
6 authorization policy.

7 Q. It's Exhibit F, the firearms
8 authorization policy?

9 A. That's correct, yes, as part of our
10 emergency management plan.

11 Q. How, in your view, does the
12 authorization process work from start to finish?

13 A. From start to finish? We have a
14 policy in place, and that policy allows staff
15 members, if they so choose or volunteer, to go
16 through a process of receiving training. And
17 after the training, examinations through mental
18 and physical, and also an interview process, to
19 become authorized and approved to carry a
20 firearm on school property.

21 Q. Okay. You mentioned training
22 that's required.

23 A. Yes.

24 Q. Is there a document that sets out
25 what training is required?

1 A. It's approved training, yes, who is
2 approved to give training or anything.

3 Q. And the document that sets out what
4 the approved training that is required is, is
5 that document the firearms authorization policy,
6 as well?

7 A. It's as well, yes.

8 Q. Are armed personnel required to
9 complete a basic peace officer training program
10 or have at least 20 years of experience as a
11 peace officer --

12 MR. CONOVER: Objection.

13 BY MR. MILLER:

14 Q. -- before receiving authorization?

15 MR. CONOVER: Objection.

16 THE WITNESS: Do I answer that?

17 MR. CONOVER: Yes. Go ahead.

18 THE WITNESS: No.

19 BY MR. MILLER:

20 Q. Has Madison authorized any armed
21 person who has not completed a basic peace
22 officer training program and who does not have
23 20 years of experience as a peace officer?

24 MR. CONOVER: Objection.

25 THE WITNESS: That's part of our

1 security plan, for confidentiality reasons, for
2 our emergency plan. Have we authorized, is that
3 what you're asking?

4 BY MR. MILLER:

5 Q. Have you authorized individuals --

6 A. Do I go ahead and answer?

7 Q. -- that have not completed basic
8 peace officer training and who do not have 20
9 years of experience as a peace officer?

10 A. Yes.

11 MR. MILLER: Can you read back the
12 last question and answer, please?

13 (Record read.)

14 BY MR. MILLER:

15 Q. Just to clarify the question and
16 answer there, it's your testimony that the board
17 has authorized individuals who have neither of
18 those two qualifications; is that correct?

19 MR. CONOVER: Objection.

20 THE WITNESS: Yes.

21 BY MR. MILLER:

22 Q. How many individuals has -- how
23 many individuals have been authorized to carry
24 firearms on Madison property?

25 MR. CONOVER: Objection. Can we go

1 off the record?

2 MR. MILLER: Yeah.

3 (Thereupon, an off-the-record
4 discussion was held.)

5 MR. MILLER: Back on the record,
6 please.

7 BY MR. MILLER:

8 Q. With the understanding that the
9 testimony today is covered by the parties'
10 confidentiality agreement and subject to its
11 provisions, will you answer the question? Do
12 you need the question read back to you?

13 A. Yes, please.

14 MR. MILLER: Would you, please?

15 (Record read.)

16 THE WITNESS: When you say
17 authorized to carry on Madison property, you are
18 referring to the armed staff?

19 BY MR. MILLER:

20 Q. As opposed to who else?

21 A. SROs.

22 Q. I'm not referring to the SROs.

23 A. Okay. [REDACTED]

24 Q. Have all of them received the
25 training that's required under the firearms

1 authorization policy?

2 A. Yes.

3 Q. Has anyone failed the training?

4 A. No.

5 Q. Has anyone applied for
6 authorization but not been granted it?

7 A. Not officially, no.

8 Q. And unofficially?

9 A. Just interest. We haven't ever
10 pursued anything further.

11 Q. So individuals have initiated the
12 process, but not completed it, other than the
13 [REDACTED] who have --

14 A. Just showed interest.

15 MR. CONOVER: Objection.

16 THE WITNESS: I'm sorry.

17 MR. CONOVER: No, you're fine.

18 BY MR. MILLER:

19 Q. How does someone start the
20 application process?

21 A. They come forward and say they
22 would like to participate in training.

23 Q. Who do they come forward to?

24 A. It would be through the
25 administrator to the board.

1 Q. Through the administrator. Who is
2 the administrator?

3 A. The administrator would be the
4 superintendent.

5 Q. Okay. Is there a handgun
6 qualification test required as part of the
7 authorization process?

8 A. Yes.

9 Q. Has anyone failed that?

10 A. Not that I'm aware of.

11 Q. What happens if someone fails the
12 required training or the required handgun
13 qualification?

14 A. They -- that would be -- they
15 wouldn't go forward if they don't receive all
16 the qualifications.

17 Q. Do you know whether individuals are
18 allowed to retake handgun qualification tests if
19 they fail it?

20 A. I'm not aware.

21 Q. At what point in the process does
22 the applicant undergo training?

23 A. At what point in the application?

24 Q. Yes.

25 A. After the initial showing desire to

1 and signing up for the classes.

2 Q. Are individuals granted
3 authorization prior to completing the training
4 course --

5 A. No.

6 Q. -- under any circumstances?

7 A. No.

8 Q. Are they allowed to begin to carry
9 a firearm even -- strike that.

10 Who assesses the person's
11 qualifications?

12 MR. CONOVER: Objection.

13 THE WITNESS: Go ahead and answer?

14 MR. CONOVER: Yes.

15 THE WITNESS: Through the training
16 program. Also through other means of the
17 process, whether it's through -- after
18 examinations, to their interview, to everything
19 that's taken into consideration in criminal
20 background checks.

21 BY MR. MILLER:

22 Q. Okay. Is there a person at Madison
23 that receives these various documents or
24 results?

25 A. Yes.

1 Q. Who is that?

2 A. That would be the superintendent,
3 and the safety committee reviews it.

4 Q. Who is the safety committee?

5 A. I'm not aware of everybody that's
6 on there, but I know it's two board members and
7 the superintendent.

8 Q. Are you part of the safety
9 committee?

10 A. No.

11 Q. And you do not know which board
12 members are part of the safety committee?

13 A. I know of one.

14 Q. Who is that?

15 A. Dr. Jennewine.

16 Q. How did the board determine the
17 amount of training to require?

18 A. As far as for staff?

19 Q. Yes, for armed staff.

20 A. How do we determine the amount?
21 Going through research of the programs that are
22 available out there.

23 Q. What programs did you research?

24 A. We looked into the FASTER program.
25 We have reached out to public officials. We

1 have reached -- you know, researched online
2 different avenues.

3 Q. Who did that research?

4 A. Individuals.

5 Q. Did you do that research?

6 A. Personally of my own knowledge, I
7 would be -- yes, I did.

8 Q. What research did you personally
9 do?

10 A. I looked at the FASTER program,
11 what type of training it offered. I also looked
12 at opinions of like the attorney general. And I
13 also looked at schools that already authorize
14 their staff to carry online to see what the pros
15 and cons were and are they happy they did it,
16 did it make a difference in their views. Yes.

17 Q. Do you know how much training is
18 required to obtain a concealed handgun license
19 in Ohio?

20 A. How much training?

21 Q. Yes.

22 A. I'm not up-to-date, no.

23 Q. If I stipulated to you that it is
24 eight hours of training, does that sound correct
25 to you?

1 MR. CONOVER: Objection.

2 THE WITNESS: I wouldn't know at
3 that point. With my experience, it was longer
4 than that.

5 BY MR. MILLER:

6 Q. Is eight hours of training
7 sufficient for the board to authorize someone to
8 carry a firearm in school district buildings and
9 property?

10 MR. CONOVER: Objection.

11 THE WITNESS: It depends on what
12 the training is and how much also is involved
13 with the training in the eight hours.

14 BY MR. MILLER:

15 Q. In the board's view, is eight hours
16 of training sufficient for individuals to be
17 authorized to carry a firearm on Madison school
18 property?

19 MR. CONOVER: Objection.

20 THE WITNESS: The authorization
21 that you're asking for, the policy, the eight
22 hours to be able to conceal carry, no, there's
23 more training involved in that.

24 BY MR. MILLER:

25 Q. Why is more training required?

1 A. Because we would like the
2 experience of awareness training, to trauma
3 handling situations, and actual -- other than
4 just a CCW and how to shoot a gun.

5 Q. What qualifications do board
6 members have to determine an appropriate level
7 of training for armed staff members?

8 A. It depends on the guidelines of
9 what we're looking at.

10 Q. We're looking at the training
11 required for staff armed under the resolution.
12 What qualifications do board members have that
13 are relevant to setting that amount of training?

14 A. We researched as a board our
15 qualifications, our resources of what we reach
16 out to to understand, and legal counsel to give
17 us those -- information.

18 Q. Are any board members law
19 enforcement officials?

20 A. I don't know if -- what kind of
21 occupations they are or aren't, most of them. I
22 don't know what they could be. I don't know.

23 Q. Are any board members experts in
24 law enforcement training?

25 MR. CONOVER: Objection.

1 THE WITNESS: I'd have -- you're
2 asking me a personal opinion. I --

3 BY MR. MILLER:

4 Q. Are you aware of any expertise held
5 by a board member in terms of law enforcement
6 training?

7 A. No, I'm not aware of.

8 Q. Do you, yourself, have any
9 expertise in law enforcement training?

10 A. No.

11 Q. Have you ever been in law
12 enforcement?

13 A. No.

14 Q. How did the board select approved
15 training vendors?

16 A. Just through our information that's
17 out there.

18 Q. Out where?

19 A. In the research and on the Internet
20 or what's out there as far as guidelines for
21 training for potential arming staff.

22 Q. What guidelines are you referring
23 to?

24 A. Just what's -- you know, what we
25 looked at and what we seek through legal

1 counsel, what's the necessary qualifications for
2 that.

3 Q. Are the guidelines you are
4 referring to published somewhere?

5 A. I don't know if you would
6 determine -- but there is opinion letters and
7 Ohio Revised Code and everything that we looked
8 at and what we, as a board, can authorize, yes,
9 such as the ORC 2933.122 I believe is what it
10 was.

11 Q. So you believe that the guidelines
12 you were referring to -- you specifically mean
13 the provision of the Ohio Revised Code you've
14 just cited to me?

15 A. Uh-huh.

16 Q. You also referenced opinion
17 letters. What did you mean by that?

18 A. Sorry. Is it all right to answer?

19 MR. CONOVER: Yes.

20 THE WITNESS: Opinion letters of
21 the existing attorney general of the State of
22 Ohio at the time.

23 BY MR. MILLER:

24 Q. Okay. And was that an opinion
25 letter specifically regarding whether Ohio

1 Revised Code section 109.78(D) applied to the
2 individuals --

3 A. I'd have to look --

4 Q. -- at issue?

5 A. -- to refresh. I'm not for sure.

6 Q. Was that opinion letter issued to
7 your school?

8 A. No.

9 Q. Was that an opinion letter issued
10 to the FASTER program?

11 A. I'm not aware of who it was issued
12 to at the time. I'd have to look.

13 Q. Did the board ever solicit an
14 opinion from the attorney general with respect
15 to the training required of armed staff members?

16 A. As a board or individuals? I can't
17 answer that question. I don't know.

18 Q. Are you aware of any such outreach?

19 A. Attempts to. I'm not for sure if
20 they did or not.

21 Q. Who attempted to?

22 A. I'm not for sure. I can't
23 remember.

24 Q. Did they do so at the direction of
25 the board?

1 A. I have a question.

2 Q. Can you answer the question?

3 MR. CONOVER: Answer the question.

4 BY MR. MILLER:

5 Q. Then we will --

6 A. I'm not for sure. I'd have to look
7 how to answer it.

8 Q. Okay. Do you need to go off the
9 record for a moment?

10 MR. CONOVER: Do you want to?

11 THE WITNESS: Yeah.

12 MR. MILLER: Let's go off.

13 (Thereupon, an off-the-record
14 discussion was held.)

15 MR. MILLER: Back on the record.

16 BY MR. MILLER:

17 Q. Did the board speak to any members
18 of law enforcement in determining the
19 appropriate level of training to require of
20 armed staff?

21 A. We spoke to law enforcement about
22 arming staff and what it would take and what
23 their opinions are, yes.

24 Q. Who did you speak to?

25 A. SRO officers. I have had a

1 conversation -- it wasn't originally for that,
2 but I asked his opinion, was Sheriff Jones.

3 Q. And by SRO officers, are you
4 referring specifically to Deputies Hall and
5 Hansel, who are the SROs --

6 A. Yes.

7 Q. -- for your school district?

8 A. Uh-huh. Yes.

9 Q. Did you speak to any other law
10 enforcement officers with respect to the
11 training level required of armed staff?

12 A. No, not me personally.

13 Q. Anyone on the board?

14 A. I'm not for sure.

15 Q. Did the board attempt to speak to
16 any other law enforcement officers than the
17 three we have just mentioned?

18 A. I'm not for sure.

19 Q. Are you aware of any?

20 A. No.

21 Q. Can I direct your attention to
22 Exhibit F and to the page -- it's the third page
23 which has the number in the lower right-hand
24 corner 265?

25 A. Okay.

1 Q. I suppose this carries over from a
2 previous page where the bullet refers to the
3 required completion of a minimum of 24 hours of
4 response to active shooter/killer training from
5 an approved vendor. Do you see where it says
6 that on the page ending 264 at the very bottom?

7 A. Yes.

8 Q. And then it lists a number of what
9 I take to be approved vendors; is that correct?

10 A. That's correct.

11 Q. And is one of those approved
12 vendors Butler County Sheriff's Office?

13 A. Yes, it is.

14 Q. What training does the Butler
15 County Sheriff's Office conduct that satisfies
16 this qualification requirement?

17 A. I'd have to look at it. I'm not
18 for sure at a point -- at this time. I know
19 they have reached out and said they can do that.

20 Q. Have any of the [REDACTED] staff members
21 currently authorized to carry a firearm received
22 training from the Butler County Sheriff's
23 Office?

24 A. I'm not able to answer that. I
25 wasn't part of the safety committee to know what

1 they actually had.

2 Q. Are you aware of these [REDACTED]
3 individuals being trained through the FASTER
4 program?

5 A. Yes.

6 Q. On page 264 of Exhibit F, under the
7 paragraph that has the header training, in the
8 middle, do you see where it refers to additional
9 training in crisis intervention, active shooter,
10 management of hostage situations, and other
11 training as the board or designee may determine
12 necessary or appropriate?

13 A. Yes, I see that.

14 Q. What training program or programs
15 did those phrases refer to?

16 MR. CONOVER: Objection.

17 THE WITNESS: I would think any of
18 the training that we looked at would have to
19 include that.

20 BY MR. MILLER:

21 Q. The staff members who are currently
22 authorized, did they receive such training
23 through the FASTER program?

24 A. My belief is yes. I haven't
25 received -- it would be through the safety

1 committee.

2 Q. Are you aware of them receiving
3 training on any of these listed topics through
4 any other program besides FASTER?

5 A. I'm not aware. I'd have -- it
6 would be through the safety committee.

7 Q. How does Madison verify compliance
8 with the training qualifications?

9 A. Through who they receive the
10 training from, the quality of the training
11 received, and the satisfactory passing of that,
12 and through the examinations that I have
13 outlined earlier, and then through -- the safety
14 committee receives, along with the
15 superintendent, when they review them, to
16 recommend approval or not.

17 Q. So specifically who receives
18 documentation showing successful completion of
19 these?

20 A. It would be the administrator of
21 the policy and the safety committee at that
22 time.

23 Q. Is passage of a criminal background
24 check required?

25 A. Yes.

1 Q. When is that conducted?

2 A. I'm not for sure at what point.

3 Q. Does it need to be a recent
4 criminal background check?

5 A. Yes.

6 Q. Does it need to be a valid criminal
7 background check?

8 A. Yes.

9 Q. Would the board rely on a criminal
10 background check that says on its face that it
11 has expired or is no longer valid?

12 MR. CONOVER: Objection.

13 THE WITNESS: No.

14 BY MR. MILLER:

15 Q. Why not?

16 A. Because it has to be a recent
17 examination and updated criminal background
18 check.

19 Q. Is one of the reasons the board
20 requires a recent criminal background check, as
21 you've testified, so that it can ensure that
22 there are no recent convictions since -- let me
23 strike that question.

24 Is a mental health examination
25 required?

1 A. Yes..

2 Q. Who reviews the results, if any?

3 A. That would be the safety committee
4 that would review the results.

5 Q. Does the applicant review his or
6 her results?

7 A. I'm not for sure.

8 Q. Who delivers the results to the
9 board? Is it the provider, or the applicant, or
10 someone else?

11 MR. CONOVER: Objection.

12 THE WITNESS: It wouldn't be the
13 applicant, but I'm not for sure exactly who
14 delivers it.

15 BY MR. MILLER:

16 Q. Who pays for the mental health
17 exam?

18 A. It would be part of the program
19 that we send them through, so ultimately the
20 school would.

21 Q. Does the board consider an
22 applicant's ability to correctly identify the
23 criteria for using deadly force important to the
24 decision of whether or not to authorize the
25 person to carry a gun?

1 MR. CONOVER: Objection.

2 THE WITNESS: State that again.

3 I'm sorry. State that again.

4 MR. MILLER: I realize that was a
5 mouthful. Would you mind repeating the
6 question?

7 (Record read.)

8 THE WITNESS: That would be
9 important.

10 BY MR. MILLER:

11 Q. Does the board consider it
12 appropriate to authorize someone to carry a
13 firearm who cannot correctly identify the
14 criteria for using deadly force?

15 MR. CONOVER: Objection.

16 THE WITNESS: State that one more
17 time.

18 MR. MILLER: Could you repeat it
19 again?

20 (Record read.)

21 THE WITNESS: No.

22 BY MR. MILLER:

23 Q. Does the mental health examination
24 take an inventory of the applicant's personality
25 traits?

1 A. I'm not aware of what that -- that
2 would go through the safety committee, and what
3 it is, I haven't seen any of that.

4 Q. Does the board consider it
5 appropriate to authorize an individual to go
6 armed who is likely to have significant
7 difficulties effectively coping with mild
8 stressors?

9 MR. CONOVER: Objection.

10 THE WITNESS: We cover that basis
11 in our policy.

12 BY MR. MILLER:

13 Q. I'm not sure what you mean. Could
14 you explain that?

15 A. They are there to give any kind of
16 information as far as any updated -- as long
17 as -- you know, what medications they are on.
18 If it's something that can impair their judgment
19 or impair anything, yes, they are supposed to
20 notify us.

21 Q. Why are they -- sorry. You can
22 finish your answer.

23 A. Go ahead.

24 Q. Why are they supposed to notify
25 you?

1 A. Because it's a change of
2 circumstance in their ability.

3 Q. Would it affect their ability to
4 carry a firearm safely in the board's view?

5 A. Potentially. That's why they are
6 to let us know.

7 Q. Is the applicant's ability to
8 handle stress an important factor in deciding
9 whether or not to authorize them?

10 A. Yes.

11 Q. Would an individual who has low
12 tolerance for stress be a candidate who is
13 appropriate to go armed in Madison Schools?

14 MR. CONOVER: Objection.

15 THE WITNESS: No.

16 BY MR. MILLER:

17 Q. What about a person who engages in
18 impulsive behavior, is that a factor that the
19 board does or should consider in deciding
20 whether or not to grant authorization?

21 MR. CONOVER: Objection.

22 THE WITNESS: That would be a
23 definition of impulsive behavior and opinion,
24 no, that I don't understand.

25 BY MR. MILLER:

1 Q. At what point are any interviews
2 with a candidate conducted?

3 A. Pardon me?

4 Q. At what point during the process
5 are interviews of the candidate conducted?

6 A. Prior to, through their voluntarily
7 coming forward and what their reasoning is and
8 why and what their demeanor is and their work
9 history, to after receiving the training and
10 evaluations, and then they would go through an
11 interview process with the --

12 Q. So there are two interviews; is
13 that correct?

14 A. It's not through the safety
15 committee. The first interview would have to be
16 through the administrator.

17 Q. I'll ask some details about each
18 one, but just so I understand the basic
19 framework, there are two interviews, one at the
20 beginning and one closer to the end?

21 A. One officially, which would be
22 towards the end, to interview them after we get
23 all their information. But part of the
24 policy -- not the policy, but part of the steps
25 is when they come forward to the superintendent,

1 she will just basically feel them out and see
2 why they want to do it --

3 Q. Okay.

4 A. -- if it's somebody that she can
5 recommend and look at their history.

6 Q. Okay. And I believe you said that
7 one of the things she examines this person about
8 in this initial interview is the person's job
9 history; is that correct?

10 A. Yes.

11 Q. Why does she ask about that?

12 A. Just for their background and type
13 of person they are.

14 Q. Is their background important to
15 the determination whether or not to grant
16 authorization?

17 A. Could be.

18 Q. How?

19 A. Just if they have a violent history
20 or, you know, disregard of rules and
21 regulations, or if they are a disciplinary
22 problem, or anything like that.

23 Q. When the safety committee meets to
24 conduct the final interview, who is part of that
25 interview?

1 A. It would be the safety committee.
2 I'm not sure of all of the members of it, but it
3 would be -- the resource officer is part of it,
4 and so are two board members, and the
5 superintendent.

6 Q. Is the school resource officer part
7 of the safety committee?

8 A. Yes.

9 Q. Is that specifically one resource
10 officer or another, or can both serve in that
11 role?

12 A. Right now, it's one, but it could
13 be either.

14 Q. Is it Kent Hall currently?

15 A. Yes.

16 Q. And what does the committee
17 consider during that interview?

18 A. They consider the interview
19 process, they consider the background, the
20 criminal checks, the examinations, physical
21 ability, everything. That's what they look at.

22 Q. And once the committee has
23 conducted that interview -- I'm sorry. Before
24 we get to that -- strike that.

25 Does the committee consider

1 anything else as part of the interview process?

2 A. Other than looking at the need and
3 the abilities and criminal backgrounds and the
4 physical ability, the mental state.

5 Q. Why does the committee consider the
6 person's mental state?

7 A. Just because you don't want someone
8 that's unstable.

9 Q. Once the committee has conducted
10 this interview, what is the next step?

11 A. They will either accept or just
12 deny the -- if they tend to think it would be a
13 candidate, they bring it to the board for
14 approval.

15 Q. So the committee makes a
16 recommendation?

17 A. Yes.

18 Q. And who do they make the
19 recommendation to?

20 A. To the board.

21 Q. And when does the board consider
22 that recommendation?

23 A. When they reach it and we go --
24 have a board meeting.

25 Q. Does the board consider that

1 recommendation during a regular board meeting or
2 a special board meeting?

3 MR. CONOVER: Objection.

4 THE WITNESS: It would be -- it
5 would be a regular board meeting.

6 BY MR. MILLER:

7 Q. So it's on a monthly basis?

8 A. Could be, maybe more.

9 Q. You mean more frequently than
10 monthly?

11 A. Sometimes.

12 Q. Would the board ever consider such
13 a recommendation at a special board meeting?

14 A. Normally it's always been done at a
15 regular board meeting.

16 Q. To date, the [REDACTED] authorizations
17 granted so far were granted at regular board
18 meetings?

19 A. Yes.

20 Q. And did the board review any of the
21 materials that were given to the committee in
22 connection with that decision?

23 A. To the members that were on their
24 review as part of the committee, but we don't
25 receive their personal -- it's through that

1 process. We just get the recommendation once
2 they received all of that approval process.

3 Q. Does the committee reduce its
4 recommendation to writing in any form?

5 A. Pardon me?

6 Q. How does the committee -- what form
7 does the committee's recommendation take? Is it
8 written, verbal --

9 MR. CONOVER: Objection.

10 BY MR. MILLER:

11 Q. -- or otherwise?

12 MR. CONOVER: Objection. Sorry.

13 THE WITNESS: I can't remember how
14 we did it.

15 BY MR. MILLER:

16 Q. What role does the superintendent
17 play at this point?

18 A. They are the administrator of the
19 policy.

20 Q. How was the board's decision with
21 respect to the candidate memorialized?

22 A. Pardon me? Say that again.

23 Q. When the board reaches a
24 decision -- let me not put words in your mouth.
25 After the committee makes a recommendation to

1 the board, and I believe you've just testified
2 you have not -- that the board considers that
3 recommendation at a regular board meeting; is
4 that correct?

5 A. That's correct.

6 Q. And what -- does the board make a
7 decision with respect to whether to authorize
8 the person?

9 A. Yes.

10 Q. And how is that decision recorded?

11 A. It would be as a -- it's part of
12 our confidentiality agreement on our security
13 plan, so it would not be publicized as far as
14 who or anything like that, but to arm a staff.

15 Q. Is it reflected in minutes of the
16 board's meeting?

17 A. I'd have to go back and look. I
18 can't remember if it was or not.

19 Q. Does anyone record the proceedings
20 of the board's executive sessions?

21 A. No.

22 Q. Is it -- is this discussion
23 conducted in executive session?

24 A. Only the terms that are
25 confidential.

1 Q. When the board considered the [REDACTED]
2 individuals that have been authorized to date,
3 were those proceedings conducted in executive
4 session or in an open board meeting?

5 A. The information shared as far as
6 their background checks and everything and that
7 was in executive session. As far as the
8 approval, the approval was done -- I'm not for
9 sure. I can't remember if we just did it as a
10 consensus or if it was actually out in the open.
11 I can't remember.

12 Q. You just mentioned background
13 checks and related information, did you not?

14 A. Yes.

15 Q. Were those documents presented to
16 the board?

17 A. To the safety committee.

18 Q. But not to the larger board?

19 A. I can't remember if the background
20 checks were presented to the board or not. I
21 can't remember as a whole.

22 Q. What about other documents relating
23 to the individual's qualifications?

24 A. It would just be by recommendations
25 by the safety committee.

1 Q. Okay. And once the board determines
2 whether or not to grant authorization, what
3 happens next?

4 A. Restate that last part.

5 Q. Once the board makes a decision
6 about whether to grant or deny authorization to
7 carry a firearm, what happens next?

8 A. It would be following the steps of
9 the policy.

10 Q. What are those steps?

11 A. If we approve, then they fall to
12 the guidelines of the policy and what their --
13 any changes that would happen in their lives or
14 any further training that is required by policy,
15 that they would have to follow through and do
16 that.

17 Q. Does the board issue anything in
18 writing telling the individual that they have
19 been given authorization?

20 A. Yes.

21 Q. What is that?

22 A. That would be the item you already
23 passed out. This would be --

24 Q. Is it in an exhibit --

25 A. C.

1 Q. -- you've been shown?

2 A. Yeah, Exhibit C.

3 Q. Exhibit C is not signed by the
4 board, is it?

5 A. No.

6 Q. Who is it signed by?

7 A. The administrator of the policy.

8 Q. And that's the superintendent?

9 A. Correct.

10 Q. Can I direct your attention to the
11 firearms authorization policy? Again, that's
12 Exhibit F.

13 A. Okay.

14 Q. On that policy, I'll direct your
15 attention to page 264, and specifically to the
16 paragraph labeled D, notice to board. Do you
17 see where that is?

18 A. Yes.

19 Q. Can you read what it says under
20 notice to board?

21 A. Superintendent shall periodically
22 notify the Board of Education in executive
23 session of the individuals authorized under this
24 policy.

25 Q. Why is it necessary for the

1 superintendent to periodically notify the board
2 who is authorized to carry a gun?

3 A. Because of changes in your day to
4 day lives, she may have -- because she is the
5 administrator of the policy, if someone is going
6 through something or if they are prescribed a
7 narcotic, she can take them out of that line and
8 revoke their authorization.

9 So she would keep us informed who
10 is left and who is not so we are aware of who is
11 actually carrying at the time, or authorized to
12 carry.

13 Q. Has anyone's authorization been
14 revoked to date?

15 A. Not to date.

16 Q. To date?

17 A. Not to date.

18 Q. Okay. And has the superintendent,
19 in fact, periodically notified the board as
20 required between --

21 A. She keeps us informed.

22 Q. -- August and today?

23 A. She keeps us informed, yes.

24 Q. And how does she keep you informed?

25 A. She just notifies us in executive

1 session.

2 Q. At a board meeting?

3 A. Uh-huh.

4 MR. MILLER: Okay. I think now is
5 a good time for a break. Off the record.

6 (Recess taken.)

7 MR. MILLER: Let's go back on the
8 record.

9 BY MR. MILLER:

10 Q. Mr. French, before we took a break
11 in your earlier testimony, I believe you
12 mentioned that some individuals had expressed
13 interest in potentially being part of the
14 authorized staff members, but that they had not
15 actually carried through with the process to
16 completion; is that correct?

17 A. That's correct.

18 Q. Okay. Are any of -- are there any
19 individuals whose applications are currently
20 pending?

21 A. We haven't received applications
22 per se other than expressed interest.

23 Q. And to clarify, in order to go from
24 an expression of interest any further, what is
25 the next step after someone expresses interest?

1 A. They would -- it would be through
2 the administrator that they would express their
3 interest and for her to determine to bring them
4 forward to allow training or not.

5 Q. Okay. So have any individuals had
6 that conversation with the superintendent, but
7 not proceeded further to your knowledge?

8 A. I'm not aware of that right now,
9 no.

10 Q. You mentioned -- or we had an
11 earlier discussion and you testified about some
12 of the factors that the safety committee
13 considers when determining what recommendation
14 to make to the board; is that right?

15 A. Correct.

16 Q. And I believe you described among
17 the factors the factor of the applicant's
18 physical ability; is that accurate?

19 A. That's accurate.

20 Q. What did you mean by that?

21 A. Just their physical ability to be
22 able to handle that situation.

23 Q. Why is physical ability important
24 for the safety committee to consider?

25 A. It's as anything else, stress,

1 trauma, any of that can affect your heart rate,
2 could affect your -- you know, everything about
3 your physical property. Some people would not
4 be able to maybe potentially handle a stressful
5 situation as that.

6 Q. Is the safety committee concerned
7 about the applicant's ability to perform
8 physically during an incident in which they
9 might be required to use their firearm?

10 MR. CONOVER: Objection.

11 THE WITNESS: Naturally so, yes.

12 MR. MILLER: Mark this, please.

13 (Thereupon, Plaintiffs' Exhibit J,
14 confidentiality agreements, was marked for
15 purposes of identification.)

16 BY MR. MILLER:

17 Q. Mr. French, I'm showing you an
18 exhibit that has been marked J. Do you
19 recognize what this document is?

20 A. Yes.

21 Q. Or this series, I should say, of
22 four separate documents. It's four pages; is
23 that right?

24 A. Yes.

25 Q. What are these documents?

1 A. Those are confidentiality
2 agreements.

3 Q. They are the blank confidentiality
4 agreements?

5 A. Yes.

6 Q. And what do you use them for?

7 A. To anybody that's going to be a
8 part of or have a potential in the plan, to hold
9 everything in confidentiality.

10 Q. And are these agreements that you
11 required armed personnel to sign as a condition
12 of receiving authorization?

13 A. Yes.

14 Q. And specifically the third page?

15 A. Mine came apart, so which one?

16 Q. It has the header confidentiality
17 agreement with no other words on top.

18 A. Yes.

19 Q. Is that the confidentiality
20 agreement that armed personnel are to sign?

21 A. Yes.

22 Q. How do you know that?

23 A. Because it states the undersigned
24 authorized person.

25 Q. Okay. And if I can direct you to

1 the second paragraph, and to the sentence -- the
2 second sentence of that paragraph, which begins
3 with the words the authorized person agrees to
4 notify the superintendent --

5 A. Yes.

6 Q. -- or the board president, if the
7 superintendent is not readily available, of
8 any --

9 A. Yes.

10 Q. Okay. That is a requirement that
11 the authorized person notify the superintendent
12 or the board president of any circumstances that
13 would impact his or her ability to possess a
14 firearm on school property; is that correct?

15 A. That's correct.

16 Q. Is that an accurate reading of what
17 that sentence is?

18 A. Yes.

19 Q. It lists a number of circumstances
20 that would, in fact, impact his or her ability
21 to possess a firearm on school property, does it
22 not?

23 A. But not limited to, yes.

24 Q. And what are those circumstances?
25 Could you read them?

1 A. Criminal arrest, citation or
2 conviction, use of medication or other
3 substance, any medical or psychological
4 condition, or any other life event that may
5 impact the employee's fitness or ability to
6 possess a firearm under the firearms
7 authorization policy.

8 Q. In the board's view, could a
9 medical or psychological condition impact an
10 employee's fitness to possess a firearm --

11 A. Yes.

12 Q. -- on school property?

13 A. Yes.

14 Q. And how might that employee's
15 fitness be impacted by such a psychological or
16 medical condition?

17 MR. CONOVER: Objection.

18 THE WITNESS: I'd have to be
19 speculating on what that condition would be.
20 Medical or psychological, it could be anything
21 from Parkinson's disease to a loss of
22 consciousness to anything of such order.

23 BY MR. MILLER:

24 Q. Sure. I'm more concerned on
25 what -- how it would impact their fitness. Is

1 the concern that animates this disclosure the
2 possibility that a medical or psychological
3 condition could make it unsafe for that person
4 to continue to possess a firearm?

5 MR. CONOVER: Objection.

6 THE WITNESS: Potentially.

7 BY MR. MILLER:

8 Q. Could you repeat your answer,
9 please?

10 A. Potentially.

11 Q. How does the board ensure that
12 armed personnel are, in fact, complying with
13 these disclosure requirements?

14 A. They have to go through our policy
15 on an annual review and everything.

16 Q. What does that annual review
17 entail?

18 A. I'd have to look at the policy. It
19 would be based on, you know, their reporting any
20 information, also subject to annual evaluations
21 and background checks. So it would be subject
22 to random and annual drug screening exams.

23 Q. Is there a portion of the firearms
24 authorization policy, Exhibit F, that you are
25 referring to in summarizing this policy?

1 A. It would be background check, drug
2 screens, and annual exams.

3 Q. That's on the page Bates
4 numbered --

5 A. 265.

6 Q. -- 265? Is there an annual review
7 process conducted by the board superintendent,
8 safety committee, or any other arm of the
9 Madison School District concerning armed
10 personnel?

11 MR. CONOVER: Objection.

12 THE WITNESS: Yes.

13 BY MR. MILLER:

14 Q. What does that annual process
15 entail?

16 A. Under review of qualifications, it
17 says under this policy reviewed by the board or
18 designee on an annual basis.

19 Q. Have any such reviews, annual
20 reviews, taken place?

21 A. Not that I'm aware of at this time.

22 Q. What does the board or its designee
23 review on an annual basis?

24 A. It would be the designated safety
25 committee. What they review -- I'm not for sure

1 what all they review when they do that.

2 Q. You're not sure what the annual
3 review entails?

4 MR. CONOVER: Objection.

5 THE WITNESS: What their process
6 of -- what they look at, no.

7 BY MR. MILLER:

8 Q. You do not know what the committee
9 looks at during its annual review?

10 MR. CONOVER: Objection.

11 THE WITNESS: They look at their
12 background and any information that they updated
13 from what they've last reviewed.

14 BY MR. MILLER:

15 Q. Is the armed person supposed to --
16 excuse me, required to receive any additional
17 training?

18 A. Yes.

19 Q. What is that?

20 A. I'll have to look at the policy
21 again. Any such school employee must thereafter
22 recertify such training on an annual basis.

23 Q. And what is the training that's
24 referred to there?

25 A. It would be the training that's

1 authorized on the next thing.

2 Q. Can you spell out to me what that
3 training is?

4 A. Okay. It would be the crisis
5 intervention, active shooter, management of
6 hostage situation, and other training that would
7 be deemed by the board or designee.

8 Q. Are employees required to complete
9 an additional 24 hours of response to active
10 shooter/killer training from an approved vendor
11 on an annual basis?

12 A. Under the review of qualifications,
13 they must maintain -- complete a minimum of 24
14 hours' response to active shooter training --
15 killer training from an approved vendor,
16 including the following of those three.

17 Q. I understand that bullet referring
18 to training that's required before they receive
19 authorization for the first time; is that
20 correct?

21 A. Correct.

22 Q. But you've just testified, I
23 believe, that there is additional training
24 required on an annual basis; is that correct?

25 MR. CONOVER: Objection.

1 THE WITNESS: Yes. They have to
2 maintain training, keep up-to-date.

3 BY MR. MILLER:

4 Q. Okay. What training is required
5 for them to maintain?

6 A. I'm not for sure exactly what
7 you're asking, other than what they -- their
8 intended protection of what is required of them.

9 Q. How many hours of training do they
10 have to complete annually in order to maintain
11 their authorization?

12 A. I'd have to look that up. I'm not
13 for sure of the amount of hours at this time.

14 Q. Is it set forth in the policy that
15 we're looking at, the firearms authorization
16 policy, Exhibit F?

17 A. I'd have to look at it again.

18 Q. Has the board determined what the
19 annual training requirements will be?

20 A. Yes, they have determined, but I
21 don't know the answer to that question at the
22 time.

23 Q. Are those annual training
24 requirements spelled out in any document other
25 than the firearms authorization policy to your

1 knowledge?

2 A. I'd have to review. I couldn't
3 answer that for sure.

4 MR. MILLER: Counsel, we have
5 obviously got a request for any document that
6 spells out the required training, and so to the
7 extent that the training that's required on an
8 annual basis is not, in fact, memorialized in
9 Exhibit F, but is in some other document not
10 produced, we would obviously request that you
11 produce it promptly.

12 MR. CONOVER: I don't want to
13 testify. It's my understanding that this is it,
14 but we will obviously do a supplemental
15 production should anything be available.

16 THE WITNESS: To clarify that, it's
17 my known knowledge at this time, this covers
18 everything that we have at the time.

19 BY MR. MILLER:

20 Q. Okay. In previous testimony, we
21 have covered the verification that the safety
22 committee conducts of the applicant's
23 qualifications. I'd like to explore a little
24 bit how specifically -- in what form the
25 committee receives certain information about the

1 applicant's qualifications.

2 And so I'd like to know whether the
3 safety committee receives anything that confirms
4 whether the applicant possesses a valid
5 concealed carry license issued by the state of
6 Ohio as part of its review.

7 A. Yes.

8 Q. What form does that confirmation
9 come in?

10 A. I'm not for sure.

11 Q. Is it a document?

12 A. I'm -- I couldn't tell you. I
13 don't know exactly what forms they receive,
14 other than they do get confirmation that they do
15 carry a valid concealed carry appropriated form.

16 Q. Sure. I'm not asking you to
17 describe or name the specific form, but I'm
18 wondering if you know if it comes in a
19 particular format, like it's an email or a phone
20 call --

21 A. No.

22 Q. -- or a piece of paper?

23 A. I'm not for sure what form it comes
24 in.

25 Q. Who gives it? Who issues the

1 confirmation?

2 A. As far as?

3 Q. When the board receives this
4 confirmation of a valid concealed carry license,
5 who is that confirmation coming from?

6 A. Personally, I don't know. It would
7 have to come to the safety committee, and they
8 review it. So I'm not sure what they receive as
9 far as who from.

10 Q. Does the safety committee also do
11 anything to confirm whether the applicant has
12 successfully completed the required 24 hours of
13 training from an approved vendor?

14 A. Yes, they do.

15 Q. How does the committee confirm that
16 requirement?

17 A. I'm not for sure.

18 Q. Does the committee receive any
19 documentation from the applicant or from the
20 vendor concerning the completion of that
21 training requirement?

22 A. Yes.

23 Q. What format does that confirmation
24 come in?

25 A. I'm not for sure.

1 Q. Do you know whether the defendants
2 in this case have produced any documentation
3 showing that the board or its committee confirms
4 the concealed carry licensing requirement or a
5 successful completion of the 24 hours of
6 training?

7 A. I'm sorry. You're asking me do we
8 know if we have received documentation?

9 Q. What I'm asking is if you know
10 whether any such documentation has been produced
11 to the plaintiffs in this lawsuit?

12 A. I'm not for sure. You're
13 talking --

14 (Interruption by the court
15 reporter.)

16 THE WITNESS: I'm sorry. I was
17 trying to confirm his question he's asking me.
18 If you have received anything from us?

19 MR. MILLER: That's correct.

20 THE WITNESS: I'm not for sure.

21 MR. MILLER: Counsel, to the extent
22 that we -- to the extent there is documentation
23 received by the safety committee or the board or
24 the superintendent in its process to validate
25 concealed carry licensure and to validate

1 successful completion of the training
2 requirement, that's obviously covered, we
3 believe, by our discovery request, and we ask
4 that you produce it immediately.

5 MR. CONOVER: Again, we have
6 produced three -- I think three productions, and
7 we will do -- again, I will confirm, and if
8 there is something, again, we will produce those
9 immediately, or as quickly as possible.

10 THE WITNESS: I'm sorry. I'm not
11 following what was just --

12 MR. CONOVER: It was --

13 MR. MILLER: Off the record for a
14 second.

15 (Thereupon, an off-the-record
16 discussion was held.)

17 MR. MILLER: Back on the record,
18 please.

19 BY MR. MILLER:

20 Q. When did the board first get in
21 contact with representatives of the FASTER
22 program?

23 A. I'm not for sure of the time or
24 day. It was after we had looked at possibly
25 doing this and reached out to see what kind of

1 training certain individuals would offer.

2 Q. When you say it was after we had
3 looked at this, what do you mean by that?

4 A. Looked at information on what kind
5 of training is out there and who offers the
6 training, looking at their qualifications as far
7 as that.

8 Q. Was it before or after the board
9 passed the resolution?

10 A. I'm -- to be honest with you, I
11 can't remember when it was.

12 Q. Who first raised the possibility of
13 staff members being trained through the FASTER
14 program?

15 A. The possibility of being trained
16 through the FASTER program would be
17 Dr. Jennewine, I believe.

18 Q. Has the board had any FASTER
19 representative at one of its board meetings?

20 A. Yes.

21 Q. Has the board -- how many board
22 meetings have FASTER representatives attended?

23 A. I'm not for sure.

24 Q. Is it more than one?

25 A. Yes.

1 Q. Do the meeting minutes reflect
2 whether a FASTER representative attended a board
3 meeting?

4 A. I'd have to look and see. I know
5 they attended some board meetings as part of the
6 community. But as far as -- no, I don't know if
7 it's reflected in the minutes.

8 Q. When the board was deciding whether
9 or not to enact the resolution, did it meet with
10 any FASTER representatives leading up to the
11 April 24th resolution being passed?

12 A. Personally, I'm not aware of any
13 that actually met with them other than the
14 information we received.

15 Q. Have you, yourself, spoken with
16 anyone from FASTER?

17 A. Only in a public meeting when they
18 came up to introduce themselves, and that's
19 about the context of it.

20 Q. Have you ever spoken with a FASTER
21 representative concerning whether or not to let
22 Madison employees participate in a documentary
23 being filmed about FASTER?

24 A. No.

25 Q. Did you ever authorize Madison

1 employees to participate in a documentary being
2 filmed about FASTER?

3 A. No.

4 Q. Did you ever tell Madison employees
5 not to participate in such a documentary?

6 A. No. I wasn't aware of it.

7 Q. You are aware of no documentary
8 being filmed about the FASTER program?

9 A. As far as the FASTER program,
10 that's not the way they were introduced to me,
11 no.

12 Q. And you are not aware of FASTER
13 having solicited Madison employees to be filmed
14 as part of the documentary that FASTER --

15 A. No, I'm not aware of it.

16 (Thereupon, Plaintiffs' Exhibit K,
17 minutes from the Madison Board of Education
18 regular Board of Education meeting March 26,
19 2018, was marked for purposes of
20 identification.)

21 BY MR. MILLER:

22 Q. I'm handing you a document marked
23 as Exhibit K. Do you know what this document
24 is?

25 A. It looks to be Madison Board of

1 Education minutes from March 26 of 2018. Again,
2 it's not signed, so I don't know if this is the
3 official one or not.

4 Q. Okay. And if I can direct your
5 attention to the last page of this document.

6 A. The agenda?

7 Q. Yeah. For agenda -- it's a
8 document that appears to summarize agenda item
9 8.02, FASTER program; is that right?

10 A. Yes.

11 Q. And this is appended to the board
12 minutes on March 26?

13 A. Yes.

14 Q. Do you see about halfway through
15 the list of bullets there where the phrase reads
16 can be publicized or kept confidential?

17 A. Yes, I see that.

18 Q. What does that mean?

19 A. It means this is part of the
20 discussion we need to have.

21 Q. What could be publicized or kept
22 confidential?

23 A. That would be up to the discussion
24 at the time.

25 Q. I'm just trying to figure out what

1 that refers to.

2 A. It refers to looking up --
3 potentially coming up with what we, as a
4 district, would decide on what the program would
5 be and whether we want that or not.

6 Q. Was it the board's feeling that
7 aspects of the FASTER training could either be
8 publicized or kept confidential at its option?

9 MR. CONOVER: Objection.

10 THE WITNESS: I'd have to speculate
11 on that. I'm not for sure.

12 BY MR. MILLER:

13 Q. Does this refer to the board's
14 armed staff policies in general, that they could
15 be published or kept confidential based on the
16 board's decision?

17 MR. CONOVER: Objection.

18 THE WITNESS: It's based on -- I'm
19 sorry.

20 MR. CONOVER: Go ahead.

21 THE WITNESS: It's based on the
22 discussion matter that we would look at as a
23 board as what we want to do as a policy,
24 whether -- is this something we want to be
25 publicized or kept confidential. It has nothing

1 to do with actual details.

2 BY MR. MILLER:

3 Q. At the time of this discussion, is
4 it fair to say the board felt like it could
5 publicize or keep confidential certain aspects
6 of its armed staff policy --

7 A. That was -- it was to look at what
8 the issues were. There was no forethought on
9 that, as far as these are items of discussion
10 that we need to look into.

11 Q. Okay. You can set that aside. Had
12 any Madison staff members taken FASTER training
13 before the board passed the resolution in April
14 2018?

15 A. I'd have -- I'm not for sure. I
16 don't know what they took at the time or
17 anything before the meeting. I wouldn't know
18 what the exact dates were when they took classes
19 or anything.

20 Q. Did the board speak to any Madison
21 school staff about the possibility of arming
22 teachers before enacting the resolution?

23 A. I know someone had reached out and
24 spoke to them, different people, yes.

25 Q. Who did that?

1 A. Just different board members, who
2 they would know in the district that they could
3 feel they could reach out to and see what they
4 thought. I personally looked at SRO officers,
5 because they would be part of the plan.

6 Q. Who did board members speak to --

7 A. I'm not for sure.

8 Q. -- among the Madison staff?

9 A. I don't know. I know based on what
10 I did.

11 Q. I'm going to switch gears a little
12 bit and ask you some questions now with respect
13 to your personal testimony and your personal
14 recollection here. So if we can agree, the next
15 questions I'm going to ask you you will be
16 answering in your personal capacity as David
17 French, not as your -- as the representative
18 that's been designated by the board to speak on
19 its behalf. Is that fair?

20 A. That's fair.

21 Q. Okay. What have you done
22 personally in order to provide responses to
23 plaintiff Erin Gabbard's public records
24 requests?

25 A. What have I done personally?

1 Q. Correct.

2 A. Other than reach out to legal
3 counsel, see what we need to do or what not to
4 do.

5 Q. I don't want you to get into any of
6 your discussions with counsel. Have you done
7 any -- have you searched for any documents that
8 were responsive to Ms. Gabbard's public records
9 request yourself?

10 A. Not personally. I just referred to
11 other individuals.

12 Q. Who were those other individuals?

13 A. Legal counsel and, you know,
14 anybody that has the job duties of keeping such
15 records.

16 Q. Okay. Have you searched any of
17 your personal email accounts or personal
18 devices, like a cell phone, in connection with
19 responding to the public records requests?

20 MR. CONOVER: Objection.

21 THE WITNESS: Yes.

22 MR. CONOVER: Sorry. Go ahead.

23 THE WITNESS: Yes.

24 BY MR. MILLER:

25 Q. What in those categories have you

1 searched?

2 A. I have looked at if I had anything
3 on hard copies or, you know, in my school -- I
4 had a school -- I don't know what you call it.
5 The lady over our technology searched our
6 website or server to see if they had any
7 information subject to that, to send it --
8 forward it to legal.

9 Q. Do you have an email account that
10 is for -- that is specifically for your board --

11 A. Yes.

12 Q. -- responsibilities?

13 A. Yes.

14 Q. And do you have a personal cell
15 phone that's specifically for conducting board
16 activity?

17 A. No.

18 Q. Do you use a personal cell phone in
19 the event that you need a cell phone when
20 conducting board activity?

21 A. No, strictly -- other than to reach
22 me and say they sent me an email, look at it.

23 Q. Okay. Do you ever use a personal
24 email address when conducting board business?

25 A. No.

1 Q. Separate from the documents we have
2 looked at in the exhibits today which are laid
3 out in front of you, does the board have any
4 documentation setting forth rules of engagement
5 for armed staff members?

6 A. Hard copy forms, no, not that I'm
7 aware of.

8 Q. In any form?

9 A. No, other than, you know, when they
10 go through the training, what the expectations
11 on who they need to notify or anything like
12 that. It's word of mouth. Nothing documented.

13 Q. You believe armed staff receive
14 training on the rules of engagement as part of
15 the FASTER program?

16 MR. CONOVER: Objection.

17 THE WITNESS: I'm not aware of
18 what's actually in the FASTER program as far as
19 details.

20 BY MR. MILLER:

21 Q. Are armed staff provided a document
22 describing the rules of engagement that is
23 different from the documents we are currently
24 looking at as exhibits here?

25 A. Not that I'm aware of.

1 Q. Okay. Are there any documents
2 other than the exhibits here today that describe
3 when staff may use their firearm?

4 A. Other than these documents, no, not
5 that I'm aware of.

6 Q. Any documents other than the
7 exhibits here today that describe when staff
8 members are authorized to use deadly force?

9 A. Not that I'm aware.

10 Q. Are there any other documents that
11 set out any sort of guideline or standard for
12 evaluating armed staff when deciding whether or
13 not to grant authorization?

14 A. Not that I'm aware of.

15 Q. Are there any documents other than
16 these that set out standards or guidelines for
17 withdrawing or revoking authorization?

18 A. Not that I'm aware of.

19 Q. Are there any documents in the
20 board's possession or the superintendent's
21 possession that you are aware of that describe
22 the training program that armed staff
23 participate in?

24 MR. CONOVER: Objection.

25 THE WITNESS: Not that I'm aware

1 of. I know there's information she receives,
2 but I don't know what the details are and what
3 they are.

4 BY MR. MILLER:

5 Q. Has the board received any course
6 outline for the FASTER program?

7 A. An outline, yes, from FASTER.

8 Q. Yes?

9 A. I'm not for sure if it came from
10 them, but we do have -- you know, we researched.
11 We have knowledge of what the course outlines.

12 Q. And was that course outline
13 something the board considered when setting the
14 training requirements for armed staff?

15 A. Yes.

16 Q. Do you know whether that course
17 outline has been produced?

18 A. I'm not aware of actually what
19 official outline there is that you produce.

20 Q. Okay. Are you aware of any other
21 documents describing the FASTER training program
22 that are in the board's possession?

23 A. Other than what the course outline
24 would be that you can get off of -- what the
25 outline would be, no.

1 Q. The outline you are referring to,
2 is that outline available online through the
3 FASTER program website?

4 A. It should be.

5 Q. Is that how the board obtained it?

6 A. I'm not for sure exactly the steps
7 of how the board obtained it.

8 Q. Did you receive any material from
9 FASTER personnel describing their program or
10 training curriculum?

11 A. We received what you can get off
12 the Internet. I'm not for sure where the other
13 individuals got anything.

14 Q. Are there any portions of the
15 district's emergency management plan that relate
16 to armed personnel that are not part of the
17 exhibits we have looked at here today?

18 A. Not that I'm aware of.

19 Q. Does the emergency management plan
20 have any procedures for responding to an active
21 shooter that are not part of the exhibits that
22 we have looked at today?

23 A. Not that I'm aware of.

24 Q. Are any of the exhibits we have
25 looked at today part of the district's emergency

1 management plan in your view?

2 A. Yes.

3 Q. Which ones?

4 A. It would be the emergency plan, the
5 firearm authorization policy.

6 Q. Can you identify that by exhibit
7 letter?

8 A. Exhibit F is what I would consider
9 part of it.

10 Q. Are any of the other documents --
11 you can take a moment to look them over -- part
12 of the district's emergency management plan as
13 you understand it?

14 A. I'd have to look at our emergency
15 plan. I think, me personally, that your --
16 these ones that you produced as part of that
17 plan, which would be items I -- H and I, since
18 it's part of our policy pertaining to -- under
19 that, I would think, but I haven't reviewed it
20 to know for sure.

21 Q. Okay. Any others?

22 A. I would think all of our
23 confidentiality agreements would be part of it,
24 which is Exhibit C. The contract is not.

25 Q. I believe C may be the

1 authorization letters; is that correct?

2 A. That's correct.

3 Q. And the confidentiality agreements
4 I believe are labeled with a different exhibit
5 letter, specifically J?

6 A. J.

7 Q. That's correct?

8 A. Yes.

9 Q. Can you confirm whether you believe
10 C is part of the district's emergency management
11 plan?

12 A. I can't confirm it, but my opinion
13 is it should be part of it, but I'm not for
14 sure. I'd have to look at the plan.

15 Q. What about Exhibit J?

16 A. That would be part of it.

17 Q. And what about versions of Exhibit
18 J that have been signed by individuals?

19 A. It would all be covered under the
20 confidentiality part of our emergency plan.

21 Q. The documents that you just made
22 reference to as part of the district's emergency
23 management plan, how, in your words, are those
24 documents used to protect Madison against
25 attack, interference, or sabotage?

1 MR. CONOVER: Objection.

2 THE WITNESS: Can you restate that?
3 What do you mean?

4 MR. MILLER: Would you repeat the
5 question, please?

6 (Record read.)

7 THE WITNESS: In my opinion, it's
8 all part of the plan as far as the
9 confidentiality comes under the agreement with
10 what they sign to be underneath our policy. The
11 knowledge of the potential could be a deterrent,
12 if that's what you're asking, for a potential
13 shooter to come into a building that they may
14 have armed staff.

15 It could be also for the safety of
16 the people that would be carrying, for their own
17 personal safety, that their confidentiality
18 would be jeopardized and maybe brought harm to
19 personally due to the fact they would be out
20 there unknown.

21 BY MR. MILLER:

22 Q. Could the disclosure of any of
23 these documents we have identified as part of
24 the emergency management plan, or I should say
25 that you have identified as part of the

1 emergency management plan, compromise the safety
2 of the school or its occupants if they were
3 publicly disclosed?

4 MR. CONOVER: Objection.

5 THE WITNESS: Yes, including staff.

6 BY MR. MILLER:

7 Q. How would those -- how would
8 disclosure of those documents in your view
9 compromise that safety?

10 A. Just the knowledge of who they are
11 would, in my opinion, basically put a target on
12 their back. In the past, when we looked at some
13 of the items that we looked at, such as previous
14 school shootings, a lot of the SRO officers,
15 because they were readily identifiable and you
16 know who they are, were singled out to attack
17 first, so then they had nobody standing in their
18 way.

19 So it would be a safety concern for
20 the staff in that situation, and also it would
21 completely compromise the ability to protect the
22 students if they were singled out and taken, you
23 know, before anyone even knows or is aware. So
24 it is detrimental to our policy and to our
25 staff's safety and to student safety.

1 Q. Are there any other ways that you
2 believe disclosure of those documents publicly
3 could compromise the school's security?

4 MR. CONOVER: Objection.

5 THE WITNESS: In my opinion, yes.

6 BY MR. MILLER:

7 Q. What are those other ways?

8 A. Just like I said, you know, laying
9 that out so there's foreknowledge of the -- what
10 the security plan would be, and it would be
11 easily accessible to how to circumvent our
12 policies and places -- that we put in place.

13 Q. Okay. Any other ways that
14 disclosure of these documents could compromise
15 the security of Madison Schools in your view?

16 MR. CONOVER: Objection.

17 THE WITNESS: It could create a
18 situation that would normally not be there.

19 BY MR. MILLER:

20 Q. I'm not sure what you mean by that.
21 Can you explain, please?

22 A. Potential harassment of an
23 employee, or, you know, other individuals
24 seeking harm to go after individuals.

25 Q. Any other ways that you can think

1 of that disclosure of these documents could
2 compromise school security?

3 MR. CONOVER: Objection.

4 THE WITNESS: There's all kinds of
5 ways it would do harm to our policy, yes, or to
6 our school's safety.

7 BY MR. MILLER:

8 Q. Besides the ones that you've just
9 laid out for me, can you think of any others in
10 particular?

11 MR. CONOVER: Objection, asked and
12 answered.

13 THE WITNESS: Other than what I've
14 expressed, I'm sure there's other ways that I
15 haven't had time to think about how it could
16 affect it.

17 BY MR. MILLER:

18 Q. Okay. Did you testify a moment ago
19 that knowledge of the fact that armed staff are
20 present on Madison school property may be a
21 deterrent --

22 A. It could be.

23 Q. -- to an attack?

24 A. In my opinion, it could be.

25 Q. Was that one of the reasons the

1 board considered in deciding to adopt the armed
2 staff policy?

3 MR. CONOVER: Objection.

4 THE WITNESS: I'd have to speculate
5 on that.

6 BY MR. MILLER:

7 Q. You voted for the armed staff
8 policy, correct?

9 A. Correct.

10 Q. Was it one of the reasons that
11 motivated your vote in favor of the policy?

12 A. I believe I have stated in board
13 meetings my actual opinion. If you want me to
14 look, you may have one as an exhibit I can read
15 from that stated my opinion.

16 Q. I'd just prefer what your
17 recollection is about your motivation sitting
18 here.

19 A. My motivation would be to protect
20 our schools, not to become an easy, accessible
21 target for an individual to harm -- that's
22 wanting to do harm to our staff or students.

23 Q. Are armed staff intended as a
24 deterrent against attack?

25 A. It's intended to be a protective

1 layer of -- for the students and staff.

2 Q. Okay. And to clarify, because of
3 your dual hat here today, I'd like you to
4 testify and answer this question specifically as
5 the board's designee. And so just for clarity,
6 I'm going to re-ask the question. Apologies.
7 Are armed staff intended as a deterrent against
8 attack?

9 A. Armed staff is intended for
10 protection of the students.

11 Q. Okay. And I know at the very
12 beginning of the testimony, we went into great
13 detail about how they might protect students in
14 the event of an attack. Do they also protect
15 students before an attack?

16 A. From different circumstances, yes.

17 Q. How?

18 A. Being aware. Your awareness is a
19 key factor of even recognizing a hazard or a
20 threat or anything. It's key.

21 Q. In addition to -- strike that.

22 And they have received specialized
23 training that goes to the awareness you're just
24 describing; is that right?

25 A. To my understanding, yes.

1 Q. Okay. In addition to this
2 awareness, are there any other ways that armed
3 staff protect against attack before it happens?

4 A. Just with the foreknowledge of
5 knowing, you know, with part of their training,
6 what -- why people do what they do and what to
7 look for, and maybe even to come up with new
8 ideas for the school on how to protect even
9 further, whether it's hey, you know, devices out
10 there that could potentially, you know, reduce
11 the risk, and just having that additional
12 knowledge helps the school's safety and
13 protection of our kids.

14 Q. Is it fair to say that armed staff
15 deter potential attackers?

16 MR. CONOVER: Objection.

17 THE WITNESS: That's -- that's
18 strictly an opinion. If you are asking me my
19 opinion personally, I think it could definitely,
20 looking at the steps that are taken in
21 protecting our school, whether it's an easier
22 target or a harder target, yes.

23 MR. MILLER: We have nothing
24 further.

25 MR. CONOVER: Okay. Thank you.

1 DIRECT EXAMINATION

2 BY MR. CONOVER:

3 Q. Mr. French, I have just a few
4 questions for you. And I apologize. I'm
5 probably going to jump all over the place just
6 going through my notes.

7 So we have talked a lot today about
8 kind of the role of armed teachers, but I kind
9 of want to also ask you what role do unarmed
10 teachers take in response to an active shooter
11 situation?

12 A. As a staff member, and it's not
13 just teachers, it's any staff members, in a
14 situation of that, they all have a role to play
15 in protecting our kids. It doesn't matter if
16 they are in a situation -- you know, if you see
17 some kids that's out in the hall going to the
18 restroom at the time and they are not even aware
19 of it, if you see kids, grab them, bring them
20 into the classroom, secure them.

21 Or it could be even, you know, if
22 it's a situation where they are in a room with
23 kids and someone is breaking through the door,
24 you know, protect at all means. If you can't
25 flight, grab whatever you can to protect the

1 kids. And our history has been there that you
2 have teachers willing to put their own lives on
3 the line to protect these kids.

4 Q. And so you mentioned -- I just want
5 to clarify. So is it your statement today that
6 all Madison staff, whether armed or unarmed,
7 have a duty to protect students?

8 MR. MILLER: Objection.

9 THE WITNESS: Yes.

10 BY MR. CONOVER:

11 Q. And do they all have a duty to keep
12 students safe?

13 MR. MILLER: Objection.

14 THE WITNESS: Yes.

15 BY MR. CONOVER:

16 Q. I wanted to also follow up with you
17 on school resource officers. We talked about
18 the SROs earlier today. And there was
19 discussion about them performing a police
20 function. Is an SRO a police officer?

21 A. With our experience in our school,
22 they are, yes.

23 Q. So has Madison ever had an SRO that
24 is not a peace officer?

25 A. Not in my experience.

1 Q. Are peace officers expected to
2 perform police functions?

3 A. Yes.

4 Q. I wanted to also ask you, there was
5 discussion about the use of deadly force and
6 whether armed staff are the only individuals
7 authorized to use deadly force. Was that your
8 understanding? Was that correct? We talked
9 about that earlier.

10 A. Yes, we talked about that.

11 Q. Is the use of a firearm the only
12 way that a staff member at Madison could use
13 deadly force to protect a student?

14 A. In our experience, just giving you
15 my experience, when we did have a school
16 shooting -- when you have a school shooting, at
17 that point, other than where that shooting is
18 at, nobody knows what is going on for sure.
19 They just know they are going to a lockdown mode
20 to protect your kids.

21 Q. And so you mentioned -- I'm sorry.
22 Are you done?

23 A. No.

24 Q. Okay. Sorry.

25 A. Sorry. These teachers put their

1 lives on the line. We had one teacher, didn't
2 know what was going on, he locked his doors. He
3 didn't know if it was a group of armed people or
4 what. He's a coach. He passed out his duffel
5 bags. Said kids, if someone comes through this
6 door, I'll protect you at all cost. And he gave
7 them baseball bats. That's all he had in
8 control. That's it.

9 Whether it's their own body,
10 whether it's a chair -- and I'm sorry, but it is
11 personal. I have a niece that was involved.
12 And all she could think of is the kids. And she
13 stated some things that some people -- she hid
14 them in the corner and put her body in front of
15 the door.

16 She -- in this particular case, she
17 was the one that recognized the hazard. She
18 recognized, but she showed there -- was willing
19 to put her unarmed life on the line. So all
20 teachers have their own care of these kids,
21 period. Sorry.

22 Q. No. No. So we have talked also
23 today -- I think you mentioned that the duty of
24 Madison's armed staff is to essentially defend
25 their -- their area, I think was the exact

1 phrase you used; is that correct?

2 A. Protect their area, that's correct.

3 MR. MILLER: Objection.

4 BY MR. CONOVER:

5 Q. So you have mentioned that their
6 role is to protect their area.

7 MR. MILLER: Objection.

8 BY MR. CONOVER:

9 Q. And what do you mean by that?

10 A. I mean if a situation is going on,
11 whether it's in a room or a particular part of
12 the hallway that kids are in at the time, is to
13 provide some sort of layer of protection for
14 their kids, that's standing behind them to
15 protect them at all costs.

16 Q. So I want to talk a little bit more
17 big picture. Who authorizes the armed staff
18 members in Madison to carry a concealed weapon?

19 A. That be would the Board of
20 Education.

21 Q. And has the board designated anyone
22 to kind of implement that authorization?

23 A. Do you mean to administer the
24 authorization?

25 Q. Sure.

1 A. It would be the superintendent.

2 Q. So the superintendent -- so strike
3 that.

4 The board is the one that
5 authorizes these individuals, correct?

6 A. That's correct.

7 Q. The superintendent is the one that
8 administers the policy; is that correct?

9 A. That's correct.

10 Q. There was also some discussion
11 about whether anyone on the board had any
12 qualifications or expertise in determining the
13 amount of training that the armed individuals
14 should receive, and I don't -- are you trained
15 or do you have any expertise in law enforcement
16 training?

17 A. No.

18 Q. Are you -- how did you become a
19 member of the Madison Board of Education?

20 A. Through an election process.

21 Q. Were there any requirements in that
22 election or to run for that position that
23 required you to have any law enforcement
24 expertise?

25 A. No.

1 Q. Do you recall what requirements
2 there were to become a member of the Madison
3 Board of Education?

4 A. I'd have to look at it. It's just
5 being a resident of Butler County, taxpayer, and
6 willing to run for the election.

7 Q. There also was some discussion
8 regarding kind of the safety committee and what
9 they consider regarding the qualifications that
10 the policy sets out. There was some discussion
11 about the criminal background checks. And I
12 believe -- are you -- does the policy require a
13 criminal background check?

14 A. Yes.

15 Q. Do all -- strike that.

16 All teachers or staff in the
17 district, are they required to have a background
18 check prior to employment?

19 A. Yes.

20 Q. Are you aware of any system in the
21 state of Ohio, through either the Ohio
22 Department of Education or the Bureau of
23 Criminal Identification/Investigation that sends
24 out updates related to criminal convictions or
25 arrests?

1 A. Yes.

2 Q. And can you describe what your
3 knowledge of that process is?

4 A. The process is anytime they are an
5 educator or even a coach or anything else,
6 that's reported to them of anything outlying
7 that could be criminal, or even we get
8 notifications if they have been even alleged
9 with issues of child endangering or child --
10 anything to do with a child, that we receive
11 updates on any kind of criminal background
12 checks, or some kind of legal action against
13 them, we are notified.

14 Q. And so you said we are notified.
15 You mean the district is notified?

16 A. The district is notified.

17 Q. Do you know when or how quickly
18 that notification occurs?

19 A. With my experience, pretty quick.

20 Q. Okay. There also was some
21 discussion about determining whether or not
22 someone has a valid concealed carry permit. Do
23 you remember that discussion?

24 A. I'm sorry. Repeat that.

25 Q. So there was discussion --

1 Mr. Miller asked you about armed staff providing
2 basically certification that they have a valid
3 concealed carry permit.

4 A. Uh-huh.

5 Q. Do you have a concealed carry
6 permit?

7 A. I do, yes.

8 Q. And how do you know that there's a
9 valid -- or how do you show that you have a
10 valid concealed carry permit?

11 A. I carry a permit.

12 Q. Is it your understanding that all
13 concealed carry permit holders have a permit?

14 A. Yes. And that's -- also they do a
15 background check too before issuing.

16 MR. CONOVER: Just one moment.
17 I've got nothing further right now.

18 RECROSS-EXAMINATION

19 BY MR. MILLER:

20 Q. Mr. French, a moment ago when your
21 counsel was asking you questions, I believe he
22 asked you to speak about how armed staff members
23 respond in an emergency situation, such as an
24 active shooter. And I believe you testified
25 something to the effect of that they provide

1 some layer of protection for their kids. Is
2 that correct?

3 A. That's fair.

4 Q. Okay. When you used the phrase
5 their kids, which kids are you referring to?

6 A. When I refer to that, I was
7 referring to any teacher, any staff member, who
8 has children in their care.

9 Q. Okay. And Madison has staff
10 members who are classroom teachers; is that
11 correct?

12 A. That's correct.

13 Q. And are there also teachers who are
14 not assigned to a classroom?

15 A. Yes.

16 Q. What kind of teacher is not
17 assigned to a classroom?

18 A. Teachers that have a specialty,
19 whether it's intervention or special classes or
20 anything like that.

21 Q. Okay. And for example, an art
22 teacher. Does Madison employ art teachers?

23 A. Yes.

24 Q. Would they be considered classroom
25 teachers?

1 A. Yes, in my --

2 Q. Okay. What about coaches? Does
3 Madison employ coaches --

4 A. Yes. .

5 Q. -- that are not otherwise teachers?

6 A. Yes. .

7 Q. Are coaches considered classroom
8 teachers?

9 A. No.

10 Q. Are coaches eligible to carry a
11 firearm under the resolution?

12 A. No. They are not staff, an actual
13 staff member --

14 Q. I got it.

15 A. -- in that category.

16 Q. Okay. Does Madison employ staff
17 members who are not classroom teachers?

18 A. Yes.

19 Q. In fact, who are not teachers at
20 all?

21 A. Yes.

22 Q. What are some examples of that kind
23 of staff?

24 A. Custodians, cafeteria workers.

25 Q. Would school administrators be

1 considered part of that group of staff?

2 A. Yes.

3 Q. Is there a term that's used to
4 refer to this type of staff, this group of
5 staff?

6 A. There's classified and
7 non-classified.

8 Q. So classified staff are teachers;
9 is that correct?

10 A. That's correct.

11 Q. Roughly speaking. And
12 non-classified staff refers to this group of
13 non-teaching staff that you have just provided
14 some examples of?

15 A. Yes.

16 Q. Are both classified and
17 non-classified staff eligible to participate in
18 the armed staff program?

19 A. You are asking me as a board or as
20 an individual?

21 Q. I'm asking you as the board's
22 designee.

23 A. I'd have to look at it to answer
24 that question.

25 Q. Do classified staff, as opposed to

1 unclassified staff, have any different roles in
2 responding to an emergency such as an active
3 shooter?

4 A. They -- everybody has the
5 responsibility of trying to secure the building.

6 Q. Okay.

7 A. Because we have doors in the back
8 of the cafeteria. We have, you know, children
9 in the cafeteria at the time.

10 Q. Okay. Does a person's particular
11 responsibilities in responding to an incident
12 like an active shooter depend on their job
13 assignment?

14 A. State that again. I'm not for
15 sure.

16 MR. MILLER: Can you repeat the
17 question?

18 (Record read.)

19 THE WITNESS: I'd have to look -- I
20 mean, we train all staff on emergency responses,
21 and I'm not for sure exactly what they're told
22 to do as -- I'm not for sure what their role
23 would be.

24 BY MR. MILLER:

25 Q. When you say you train all staff on

1 this type of response, are you referring to
2 drills or other training that's conducted on
3 site?

4 A. Drills and portions of -- I'm not
5 sure if it's the correct wording, but the ALICE
6 training, our SORs [sic] go over with the people
7 in drills, you know, here is -- you know, when
8 they do a drill, here is really what you should
9 do or help alleviate or whatever.

10 Q. Okay. I didn't catch all of the
11 things you just said, but did you use the RSORs?

12 A. No, SRO.

13 Q. Oh, SROs. Okay.

14 A. Yeah.

15 Q. And you referred also to ALICE?

16 A. I think that's it. I'm not for
17 sure.

18 Q. And then you referred also to
19 drills?

20 A. Uh-huh.

21 Q. Does the district conduct drills
22 that test and practice its response to armed
23 shooters?

24 MR. CONOVER: I'm just going to
25 make a continuing objection that this is outside

1 the scope, but I'm not going to object to every
2 question. Go ahead.

3 THE WITNESS: I'm not for sure
4 how -- what they do in those drills.

5 MR. MILLER: Okay.

6 THE WITNESS: They are in line with
7 our safety committee and our SROs, what they
8 recommend.

9 BY MR. MILLER:

10 Q. Do armed staff participate in any
11 type of on site training or drills that is
12 different from unarmed staff?

13 A. Other than what's outlined in our
14 policies, no.

15 Q. When you referred to a moment ago
16 when your counsel was asking questions receiving
17 updates concerning a person's criminal
18 background check, I believe you testified we are
19 notified --

20 A. Uh-huh.

21 Q. -- or something to that effect; is
22 that right?

23 A. Yes.

24 Q. How are you notified if there's an
25 update to someone's criminal background?

1 A. The district is notified through
2 the superintendent, and she will take
3 appropriate actions, address it with the board
4 and everything.

5 Q. How is the superintendent notified?

6 A. I'm not for sure.

7 Q. Do you know who notifies her?

8 A. It would be whoever that
9 organization at the time has that, whether it's
10 a court, whether it's -- you know, it could be
11 potentially another school that has hey, an
12 individual was -- showed up with this
13 information that we found, you may want to look
14 into it, or appropriate --

15 Q. Okay. Do you know whether the
16 armed staff member shows their concealed carry
17 permit to the safety committee as part of the
18 review of qualifications?

19 A. I'd have to speculate. I'm not for
20 sure. I'm not part of that committee.

21 Q. What does a concealed carry permit
22 look like in Ohio?

23 A. It looks like their driver's
24 license, and it says concealed carry.

25 Q. Do you know whether the safety

1 committee or the superintendent copies or in
2 some other fashion documents the person's
3 concealed carry permit?

4 A. I'd have to speculate. I'm sure
5 they do, but I'm not -- do I know for a fact
6 what they receive? No.

7 MR. MILLER: Okay. Can we go off
8 the record for a moment?

9 MR. CONOVER: Sure.

10 (Thereupon, an off-the-record
11 discussion was held.)

12 MR. MILLER: So in discussions with
13 counsel, we just agreed that you will have until
14 January 25th, which is the close of discovery in
15 our case, to review and make any necessary
16 corrections to your testimony and then to
17 provide -- you know, to sign and affirm your
18 testimony.

19 MR. CONOVER: Can we just caveat
20 that, and I should have done this off the
21 record, but that we have at least seven days?
22 So assuming the transcript comes before
23 January 18th. Is that fair?

24 MR. MILLER: Sure. Yeah. So the
25 later of January 25th or seven days after the

1 draft transcript is provided. Agreed?

2 MR. CONOVER: Agreed.

3 MR. MILLER: Thanks. We are
4 finished.

5 (Thereupon, the deposition was
6 concluded at 12:51 p.m.)
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1
2 STATE OF _____)
3) : ss
4 COUNTY OF _____)
5
6

7 I, CARL DAVID FRENCH, the witness
8 herein, having read the foregoing
9 testimony of the pages of this deposition,
10 do hereby certify it to be a true and
11 correct transcript, subject to the
12 corrections, if any, shown on the attached
13 page.
14

15 _____
16 CARL DAVID FRENCH
17
18
19

20 Sworn and subscribed to before me,
21 this _____ day of _____, 2019.
22

23 _____
24 Notary Public
25

1 STATE OF OHIO)
2 COUNTY OF MONTGOMERY) SS: CERTIFICATE

3 I, Karen M. Rudd, a Notary
4 Public within and for the State of Ohio, duly
5 commissioned and qualified,

6 DO HEREBY CERTIFY that the
7 above-named CARL DAVID FRENCH, was by me first
8 duly sworn to testify the truth, the whole truth
9 and nothing but the truth.

10 Said testimony was reduced to
11 writing by me stenographically in the presence
12 of the witness and thereafter reduced to
13 typewriting.

14 I FURTHER CERTIFY that I am not a
15 relative or Attorney of either party, in any
16 manner interested in the event of this action,
17 nor am I, or the court reporting firm with which
18 I am affiliated, under a contract as defined in
19 Civil Rule 28(D).

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IN WITNESS WHEREOF, I have hereunto set
my hand and seal of office at Dayton, Ohio, on
this 14th day of January, 2019.

Karen M Rudd

KAREN M. RUDD

NOTARY PUBLIC, STATE OF OHIO

My commission expires 5-21-2022

INSTRUCTIONS TO WITNESS

Please read your deposition over carefully and make any necessary corrections. You should state the reason in the appropriate space on the errata sheet for any corrections that are made.

After doing so, please sign the errata sheet and date it.

You are signing same subject to the changes you have noted on the errata sheet, which will be attached to your deposition.

It is imperative that you return the original errata sheet to the deposing attorney within thirty (30) days of receipt of the deposition transcript by you. If you fail to do so, the deposition transcript may be deemed to be accurate and may be used in court.

E R R A T A

I wish to make the following changes,
for the following reasons:

PAGE LINE

_____ CHANGE: _____

REASON: _____

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REASON: _____

CARL DAVID FRENCH

DATE

SUBSCRIBED AND SWORN TO BEFORE
ME THIS _____ DAY OF _____, 201 .

NOTARY PUBLIC

COMMISSION EXPIRES