



City of Campbell  
ATTN: Police Chief Gus Sarigianopoulos  
351 Tenney Avenue  
Campbell, OH 44405  
VIA FACSIMILIE: (330) 750-2983

Wednesday, April 15<sup>th</sup>, 2010

RE: Possession of Firearms - Young Americans for Liberty Rally

Chief Sarigianopoulos,

I've recently spoken to Mr. Varg Freeborn with the YSU chapter of the Young Americans for Liberty with respect to this weekend's rally. He relayed to me that you and others in the city may be concerned about the planned open-carry "protest" likely to occur simultaneously at this weekend's event.

I would like to ease your mind with respect to this activity. This past weekend, on April 10<sup>th</sup>, we organized the Ohio Second Amendment March at the Ohio Statehouse. We had an estimated 350 individuals in attendance, on the west lawn of the statehouse, and the vast majority of them were carrying holstered handguns, rifles carried with a sling, and other long gun arrangements.

When we hold these events we advise people to keep their handguns holstered and their muzzles pointed in a vertical direction – and not to remove a firearm from a holster.

The Ohio Highway Patrol was in attendance and didn't arrest anyone – because the act of being in possession of a firearm in Ohio in and of itself is not a criminal act. Simply possessing a firearm does not meet the elements of disorderly conduct, nor does it meet the elements of inducing panic. In fact, inducing panic requires the individual to be committing a crime in addition to three other elements.

As you are well aware this organization is challenging your city's decision to enact a gun ban. I would like to point out to you that under the same state law (ORC 9.68) if Campbell has any "gun laws" on the books that purport to prohibit openly carrying a firearm they are entirely unenforceable by your department.

The following text is derived from a training document Akron Police have distributed:

*Possession of a firearm that is visible does not require a concealed handgun license in Ohio. The act of possessing a firearm in and of itself alone is not a basis for a stop. If an officer engages in conversation with a person who is carrying a gun openly, but otherwise not committing a crime, the person cannot be required to produce identification.*

I would ask that you sit down with the six police officers to be assigned to this event and advise them of these facts. It has been relayed to me that the city expects protestors opposed to the rally and/or the individuals carrying firearms.

I would also ask that you and your officers have a plan of action to bring assault or other appropriate charges against any protestor who touches, grabs, or otherwise attempts to obtain control of an individual's holstered or slung firearm.

The second page of this fax is a training document that the Akron Ohio Police Department Training Bureau issued to its police officers with respect to openly carrying a firearm. If I can be of any assistance with this matter you may contact me at [removed]

Sincerely,

Jeff Garvas, President  
Ohioans For Concealed Carry

## **Information for officers regarding “Open Carry” of firearms by citizens**

In late summer in Akron, Ohio a couple officers saw a man walking on a Main St. sidewalk with a pistol strapped in a holster on his hip in plain view. The man said nothing and did nothing threatening. In fact, he was with his adult daughter and the two stepped into a restaurant to order food. He was just going about his own business. The officers were concerned, not yet alarmed, but wondered, “What police action should we take?”

When Concealed Carry was made legal in Ohio some changes came about that affect local law. Most recently, state law enacted “preemption” with purpose to make any and all laws pertaining to firearms a statewide matter with uniform regulation and enforcement. Simply put, the state law trumps any pre-existing local ordinances and prohibits creation of new ordinances in conflict with state law.

Under state law, there is no prohibition against carrying a firearm openly, i.e., not concealed. A permit is not required to carry this way. Carrying a pistol openly on the hip is not breaking the law. This action in and of itself alone is not a basis for a stop.

Neither is carrying a gun openly disorderly conduct or inducing panic. If an officer engages in conversation with a person who is carrying a gun openly, but otherwise not committing a crime, the person cannot be required to produce identification. The law does specify that a person may not carry a loaded firearm in a motor vehicle except under the provisions set forth for a person who possesses a concealed handgun license (CHL).

It is rare that people carry this way in Akron. However, if you do come across a person with a gun holstered in plain view, think before you act. Is he breaking any law? Is he threat? Is he doing anything that constitutes a *Terry* stop? If not, be cautious, keep an eye on his actions and let him go about his way.

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*Sgt. Jeff Mullins, Training Bureau. Reviewed and Approved by Police Legal Advisor, Mr. Tom DiCaudo, Asst. Prosecutor, City of Akron.*