

## **OGPC SAFETY & SECURITY TEAM**

**Report to Session, January 16, 2023**

**(Updated January 24, 2023)**

### **SUMMARY:**

On October 4, 2022, the OGPC Safety & Security Team in a regularly scheduled meeting voted unanimously to recommend to Session that OGPC adopt a gun free policy to cover the entire property and physical facility of the church seven days per week. The policy as proposed includes Greenwich Nursery School and applies to anyone who seeks to enter and/or use the OGPC facility or grounds for any reason whether sponsored by the church, the Nursery School or other group or individual seeking to use church space as authorized by the church or not authorized by the church. The exception to the blanket prohibition would be only for active-duty police, retired police, or designated security guards who have maintained full qualification to carry firearms consistent with NJ law. On December 22, 2022, NJ Governor Murphy signed into law A4769 which made several modifications to existing NJ firearm permitting and carry laws effective that day and forward. Most relevant to OGPC is that effective December 22, 2022, all houses of worship in NJ who maintain a status as private property are declared to be gun free, no firearms to be allowed, unless the church “expressly communicates permission through express consent or specific signage”. Further, carrying guns by anyone is not permissible in any day care or child-care facility. This prohibition includes any part of a facility used for child-care purposes whether or not that space is related to child-care. Violators of this law are subject to felony penalties and arrest by police.

Accordingly, as of December 22, 2022, OGPC is a gun free facility in its entirety per NJ law unless it specifically and conspicuously declares itself NOT to be gun free.

The OGPC Safety & Security Team recommends that Session formally embrace the NJ law establishing the church facility and grounds, including Greenwich Nursery School, to be a gun free zone and adopt official policy to that effect. (See UPDATE 1/24/23 at end of this report which states that Session did in fact vote to adopt a gun free policy for OGPC and references a current federal lawsuit in which the New Jersey law is challenged and notes that an interim US District Court decision recently issued in that case temporarily suspends enforceability of certain of its statutory provisions).

### **GUN VIOLENCE IS EPIDEMIC**

In 2022, 43,675 people died from gun violence in America (some sources claim the number is much higher). Of that number, 23,826 were classified as suicide. Death by gun is now the leading cause of death among American children under 18: more than accident or illness. Over 6,000 children were killed or injured by gunfire in 2022. Not included in that number are thousands of suicides committed by youth between ages 10 and 24. Suicide is the third highest cause of death in American youth and almost 50% of those deaths involve guns. There were 617 mass shootings (four or more victims) in America and 50 school shootings that resulted in injury or death. In that same year, 331 police officers were shot resulting in 62 officers killed—a 32% increase over 2020. 89 police shootings were ambush style resulting in 126 officers shot and 32 killed. Gun violence in America has become

commonplace. Incidents of injury and death by gun violence are now overwhelming in number and circumstance. It can happen anytime, anyplace. It is estimated that there are over 120 firearms privately owned in America for every 100 actual people. No other country in the world comes close to the sheer number of guns maintained by and under the control of the civilian population. Similarly, no other wealthy countries in the world that espouse American values of democracy and respect for individual rights suffer from gun violence as does the US. For example, In America, 4.12 firearm homicides are committed per 100,000 people each year on average. In Canada, the number is .5; Australia .18; United Kingdom .08; and Japan .02.

Experts contend that the sheer number of guns available in America and the relatively easy access to those guns is a primary underlying cause of the singularly unique and unfortunate epidemic of gun violence that distinguishes our country.

### **THE NEW JERSEY RESPONSE**

Historically, New Jersey has been a national leader in passing legislation designed to reduce the likelihood of gun violence and to place tight restrictions on the availability of firearms in the state. Giffords Law Center, dedicated to public efforts to reduce gun violence in America, gives top rating to New Jersey Legislation among the 50 states for controlling proliferation of guns and reducing gun violence in the state. New Jersey is ranked 46<sup>th</sup> of 50 states in most gun deaths per 100,000 people. Pennsylvania is ranked 31<sup>st</sup> with 12.4 gun deaths per 100,000 people. The “best” state, ranked number 50, is Massachusetts with 3.5 gun deaths per 100,000. The “worst” at number 1 is Alaska with 23.4 gun deaths per 100,000.

New York (ranked 47<sup>th</sup> in gun deaths per 100,000) also has a history of restrictive legislation on gun availability in the state. In 2022, The US Supreme Court overturned a long-standing New York State law on gun control finding that certain statutory provisions violated the 2<sup>nd</sup> Amendment to the US Constitution (*N.Y. State Rifle and Pistol Association v. Bruen*). New Jersey law was very similar to NY and subject to the same Constitutional standards. So it was recognized immediately that NJ had to revise its law to be in compliance with the US Supreme Court findings in the *Bruen* case. New Jersey has done so and the current law, signed by the Governor on December 22, 2022 and designated as A4769, is designed to strengthen New Jersey’s commitment to gun safety by “restricting who is eligible for a public carry permit, and establishing a list of places where people with carry permits cannot bring their firearms” (from Governor’s press release dated 12/22/2022) consistent with US Supreme Court requirements. The official prelude to the enactment cites the unacceptable level of gun violence in America and that it is the purpose of the revised law to more fully address that issue.

As to obtaining permits to carry firearms, the statute makes several groups of people ineligible to receive a permit (convicted felons; persons with outstanding arrest warrants for indictable offense; persons subject to restraining orders; and others), increases fees for permit issuance, requires all permit recipients to obtain liability insurance and to take state approved training courses, and sets other requirements.

The revisions also establish a listing of “sensitive places” where people will be banned from carrying firearms permitted or not. The list covers an array of locations and venues including schools,

pre-schools and child care centers, government buildings, hospitals, bars, restaurants, entertainment venues and more. A specific default position was included in the law to bar carrying guns on all private property unless specifically allowed by the owner of the property. The legislative intent makes clear that this provision includes homes, shopping centers, supermarkets, and “HOUSES OF WORSHIP” (emphasis added).

Accordingly, all private property in New Jersey is declared by law to be gun free space unless the owner or responsible entity for that property expressly provides consent for guns to be present or posts signage specifically allowing firearms to be present on the premises. The only exemption offered by the statute to this blanket prohibition is for active-duty police and designated security guards who are qualified and permitted to carry by the state. Violators of these provisions may be charged with a level three felony and are subject to arrest by the police. Legal challenges to the law by pro-gun advocacy groups are already underway. The same is also happening to the current New York revised law (see UPDATE1/24/23 which follows below).

### **THE POSITION OF THE PRESBYTERIAN CHURCH USA**

The PC USA is responsible for the spiritual guidance and administrative support of member PC USA congregations through all 50 states. In that capacity, and for many years, the General Assembly of PC USA has authorized studies and issued recommendations to member churches on the subject of gun violence and the proliferation of guns in America. Consistently, PC USA has been a strong advocate of gun control policies, legislation and practices intended to reduce gun violence in America. Direct calls to take action against gun violence approved by PC USA in 2010 under the heading “Gun Violence, Gospel Values” include among many specific recommendations that “churches and other entities prominently display signs that prohibit carrying guns onto their property”. Further, that churches direct and support advocacy bodies to advocate for public policies to “require licensing, registration, and waiting periods...for all guns sold”; ban semiautomatic assault weapons; close the gun show loophole; raise the age for handgun ownership to 21; and more. In 2014 under the heading of “Gun Violence Prevention”, the General Assembly approved an effort to “direct the PC (USA) and its constituent parts to...work with federal, state, and local legislators to oppose legislation designed to permit and encourage the carrying of weapons in all areas of life, including houses of worship, noting that those in possession of guns are four times more likely to experience gun violence....” More recently, in June 2022, the General Assembly issued an extensive review of its previous recommendations and publications aimed at reducing gun violence and its devastating human toll and called for renewed commitment by all to participate in this ongoing effort.

### **THE RECOMMENDATION FOR OLD GREENWICH**

The OGPC Safety & Security Team consists of Buildings and Grounds Chair Elder Jim Savacool, Deacon Tom Becht, Elder Susan Bradlau, Elder Melissa Hixon, Deacon Ernie Maso, Deacon Phil Millon, Sexton/Elder Harry Pursel, and Chair Elder George Bradlau. At a meeting of the Team held on October 4, 2022 attended by all members and Pastor Mary Beth Mardis-LeCroy ex officio, after full review and discussion of the matter, the team voted unanimously to recommend to the Session of OGPC that OGPC be declared to be gun free at all times and for all purposes but for active duty and retired police and designated security guards (who maintain proper certifications and permits pursuant to NJ law). The

Team considered the publicly available facts about gun violence, the past and anticipated law of New Jersey on the subject, the position of PC USA, various Gospel passages on the subject of peace vs. violence, the Christian duty to glorify God and to follow Jesus as the Prince of Peace who continues to call us to live His Word of love, and the practical and human concerns about safety of all people who attend events at and otherwise make use of our beloved church. One practical reality that influenced discussion of options was that Stewartville (Greenwich) is blessed with a very well trained and responsive police department who themselves are familiar with the various nuances and rhythms of the OGPC facility and are committed to the safety of its people (currently the Team is working with the Greenwich police to develop a formal active shooter/emergency response plan to further facilitate cooperation with OGPC in event of emergency). Intending to be compliant with New Jersey law and knowing that legislation on the very subject was pending and declared to be imminent, the team determined to withhold announcement of its position and recommendation until the anticipated legislation was enacted and available for review. That time has come and the result is outlined in the paragraphs of this report.

The team was moved by the breadth and scope of the gun violence issue in America and sought to make a recommendation to Session about policy related to this important and timely subject which was practical, lawful, moral, spiritually consistent with Presbyterian Christian values and teachings, and in the best interest of the safety of all users of the church facility on a seven day a week basis. The recommended policy on guns at church is not just about Sunday worship and for the benefit of those who attend. It is about protecting church staff on a weekly basis; recognizing responsibility for the safety of all who participate in church governing, administrative, and weekday business and social activities of the church; protecting all children, teachers, parents and friends of Greenwich Nursery School , and all members and friends of the church who use the church facility for meetings and gatherings, as well as Alcoholics Anonymous, Boy Scouts, Girl Scouts and all guests who use the facilities of this church for any authorized reasons.

As private property, the current law now makes the church a gun free zone as a matter of law unless Session determines to publicly and expressly allow individuals to bring guns into the facility. The law strongly supports the position that the church should be gun free for the safety of all. Moreover, the fact that Greenwich Nursery School is based here means that pursuant to the current law, the entire church facility that houses the nursery school must itself be gun free. Thus a decision to allow guns into OGPC as a matter of church policy would itself appear to require that the nursery school be forced to seek a new physical home as long as NJ law A4769 is in effect.

The Old Greenwich Safety & Security Team believes that adopting a policy that Old Greenwich is to be gun free in all respects at all times but for trained and qualified police and security guards is the right thing to do for many reasons and establishes OGPC as a gun free zone even if provisions of NJ A4769 are materially constrained or voided by federal court decision(s). The Team strongly recommends that Session take such action.

**UPDATE 1/24/23**

The above report is that which was submitted to Session for consideration and action on January 16, 2023 with limited edits made on 1/24/23 to repair typos and improve clarity. On 1/16/23, after review of the report and a briefing on the subject by Safety Chair George Bradlau, Session did vote to adopt a formal policy declaring the land and any facility of OGPG to be gun free in its entirety at all times. This policy as adopted is in full force and effect for OGPC as of January 16, 2023 independent of any NJ statutory provision declaring it to be a “sensitive place” in which guns are banned. A federal lawsuit challenging the constitutionality of provisions of NJ A4769 under the 2<sup>nd</sup> Amendment to the U.S. Constitution has been filed and is pending. The lawsuit, *Koons et. al. vs. Reynolds, et. al.*, produced an interim court decision on January 9, 2023 which suspended enforcement of certain provisions of the statute under a temporary restraining order until what the court described as “considerable constitutional problems” with that law are resolved. Among the provisions cited by the court as troublesome are those related to the determination that specified types of places are “sensitive” and therefore declared to be gun free as a matter of law. This case could be pending for months in federal court. The similar NY law is also under challenge in federal district court in NY.

The OGPC Session decision, while supported in principle by the New Jersey law, does not rely on the New Jersey statute to be enforceable. It is an independent action taken by the Session consistent with its legal authority as the governing body responsible for the daily operating terms and conditions of the church.

The policy adopted by Session following its January 16, 2023 vote is as follows:

**OGPC Gun Free Policy**

On January 16, 2023 at a regularly scheduled meeting, the Session of Old Greenwich Presbyterian Church voted unanimously to establish the land and facility of Old Greenwich Church to be a gun free zone. From thenceforth, it is the determination of the Session that NO FIREARMS of any kind will be allowed anywhere on church property at any time except as carried, maintained or under the control of active duty police and qualified and permitted retired police or designated security guards. This policy applies to all people who enter upon the property of the church including but not limited to church staff, members and friends, all guests, private contractors and delivery people, and all who use the church facility for authorized purposes including but not limited to Greenwich Nursery School, Alcoholics Anonymous, Boy Scouts, Girl Scouts and any other persons, groups, or organizations who may use church land or facilities for their own purposes whether or not authorized by the church.

Violators of this policy will be subject to removal and/or arrest by the police.

Respectfully Submitted,  
George Bradlau, Elder  
Chair of OGPC Safety & Security Team

