

KELLY REPORT

GUN VIOLENCE IN AMERICA



Nearly four years ago, I issued the *2014 Kelly Report: Gun Violence in America*, the first comprehensive Congressional analysis of America's gun violence epidemic. And yet, almost four years later, nothing has been done to prevent further gun violence. **We are not even a full two months into 2018, yet this year we have already lost 2,076 people to gun violence and experienced 34 mass shootings.**

That is almost one mass shooting every other day since January 1. How are shootings in places of worship, schools, and movie theaters tolerated? We have watched tragedy after tragedy take place in every community in America – still, Congress does nothing and this epidemic continues to touch the lives of every American.

On October 1, 2017, 58 innocent lives were taken at Route 91 Harvest Festival in Las Vegas, Nevada, and 851 more were injured. This music festival would turn into the site of the deadliest mass shooting in modern history as a gunman opened fire on a crowd of innocent people enjoying a weekend of music with their friends and families. Just 35 days later, 26 churchgoers were killed at First Baptist Church during a Sunday service in Sutherland Springs, Texas. In one family alone, 8 family members were killed in an instant. Mothers, children, and neighbors were shot while praying and worshipping together. And just last week, we lost 17 teenagers at Stoneman Douglas High School in Parkland, Florida. An entire generation of children does not know what it is like to go to school not fearing a shooting.

These mass shootings cannot be normalized, just like everyday gun violence cannot be normalized. We cannot become numb to this violence. That is why I am re-releasing my report with three new common sense policy recommendations. Sadly, most of the recommendations from the original *Kelly Report* remain since there has been zero action from Congress. **A table below highlights the deadliest mass shootings since the initial release of the report; every single one could have been prevented if my policy recommendations were enacted.**

Just as we cannot normalize mass shootings, we cannot reduce our discussion of gun violence to the tragedies that make the national news. **Gun violence is a daily occurrence in America. Since the initial release of the *Kelly Report*, Chicago has lost 2,224 people to gun violence and has experienced 12,756 shootings.**

We are not powerless in this situation. We do not have to accept that these senseless acts of violence are just part of daily life in America. We have the ability to make real, lasting change to protect future generations from this epidemic – if we act now.

2018 Policy Recommendations

“No Fly, No Buy” Legislation

Currently, potential terrorists are still able to legally purchase firearms. These individuals are so potentially dangerous that they are not even allowed to board planes – yet they can still purchase guns. On July 12, 2016, the nation mourned after a shooter killed 49 people and injured 58 at PULSE, a nightclub in Orlando. The shooter had previously been placed on a terrorist watch list in 2013, but was still able to legally obtain weapons. Congress needs to introduce common sense “no fly, no buy” legislation that bans individuals on the FBI’s no-fly list and other watch lists from purchasing firearms or explosives. Previous proposed legislation, such as H.R.1076, the *Denying Firearms and Explosives to Dangerous Terrorists Act*, have not successfully passed through Congress.

Ban on Bump Stocks

Bump fire stocks attach to a gun to make it fire more rounds rapidly, making semiautomatic weapons fire similarly to automatic weapons. Instead of having to pull a trigger with each fire, a gun owner can shoot off dozens of rounds with just one pull. In situations like mass shootings, this tool is incredibly dangerous and makes guns even deadlier. While automatic weapons are tightly regulated, bump stocks are not; they can range from \$150 to \$300 online and are unregulated, making them fairly easy to obtain. A handful of states, including California and Massachusetts, have already outlawed bump stocks. Automatic weapons are difficult to come by – bump stocks that turn guns into these weapons should be as well. On October 1, 2017, the Las Vegas shooter had 12 bump stocks in his hotel room which he used to kill 58 concert-goers and injure hundreds more at the Route 91 Harvest Festival. In the wake of this deadly mass shooting, many activists, politicians, and Americans called for a ban on bump stocks. Politicians in the House and the Senate on both sides of the aisle introduced legislation to ban the production, possession, or sale of bump stocks and similar tools. I joined Representatives Carlos Curbelo and Seth Moulton in a bipartisan bill, H.R. 3999, that would ban bump stocks. It seemed like Congress might finally work together to pass meaningful, common sense gun control legislation that had the potential to save countless American lives. Unfortunately, this push to ban bump stocks has largely died down. Earlier this week, President Trump called for a ban on bump stocks. I anxiously await action from the Department of Justice to issue common sense regulations banning these dangerous products.

Ensure all federal agencies report all relevant data to NICS

The National Instant Criminal Background Check System (NICS) was created under the Brady Handgun Violence Prevention Act of 1993. Since NICS launched in 1998, it has provided millions of background checks. At the First Baptist Church shooting in Sutherland Springs, Texas, on November 5, 2017, 26 lives could have been saved if the Air Force had disclosed the shooter’s criminal record to the FBI. The shooter had a history of domestic abuse and mental illness, which went unreported to NICS, allowing him to pass a background check and purchase a dangerous weapon. Federal agencies need to be able to better communicate and report data to NICS to prevent further tragedies. Senators John Cornyn and Chris Murphy have introduced legislation that would ensure that all criminal histories are reported to NICS, and federal agencies are punished for not reporting, in order to strengthen in background check system. I am proud to be a cosponsor of the House bill. Unfortunately, late last year, Congressional Republicans would only consider a Fix NICS bill with another bill that would enact “concealed carry reciprocity” whereby all states must honor concealed carry permits from all other states – creating a dangerous race to the bottom. I will continue to fight for a clean Fix NICS vote.

Deadliest Mass Shootings Since Release of Kelly Report (July 2014)

<u>Incident</u>	<u>Year</u>	<u>Deaths</u>	<u>Description</u>	<u>Relevant Kelly Report Recommendation(s)</u>
San Bernardino, CA attacks	2015	16*	A married couple, neither with a criminal record, were influenced by radical foreign terror and opened fire at a County Department of Public Health holiday party, killing 14 and seriously injuring 22 with a bevy of semi-automatic weapons and other weaponry.	A renewed Assault Weapons Ban would have barred the sale of the weapons used.
Umpqua Community College, Roseburg, OR shooting	2015	10*	A troubled young man, with a history of aggression, attempted suicide, and keen interest in white supremacy and mass shootings on academic probation from Umpqua Community College opened fire, killing eight students, a teacher, and himself. He used a handgun. Police later discovered several guns, including a semi-automatic rifle, at his apartment; all guns were purchased legally by him or a family member.	A gun violence restraining order process would have allowed friends and family aware of the shooter's history to petition the court to deny him access to firearms. <i>Oregon later enacted a gun violence restraining order in August 2017.</i>
Orlando, FL PULSE nightclub shooting	2016	50*	A troubled man, who had sworn allegiance to ISIS, was previously on the FBI's Terror Watch List for suspected terror activities, and showed prior signs of aggression and desire to kill, opened fire on a gay night club, killing 49 people and injuring 58, using a semi-automatic rifle and a semi-automatic pistol. He was later killed by Orlando police in a shootout.	A renewed Assault Weapons Ban would have barred the sale of the weapons used; enactment of "No Fly, No Buy" would have prevented or delayed the gun sale; a gun violence restraining order process would have allowed friends and family aware of the shooter's history to petition the court to deny him access to firearms.
Las Vegas, NV shooting	2017	59*	A 64-year-old man with no criminal record or history of violence, but a history of drinking and excessive gambling, opened fire on a country music concert on the Las Vegas strip from a suite on the 32nd floor of the Mandalay Bay hotel with an AR-15 and bump stock attachment allowing him to shoot 1,100 rounds in ten minutes, killing 58 people and injuring 851. He was later found dead in his hotel room from a self-inflicted gunshot wound.	A renewed Assault Weapons Ban would have barred the sale of the weapon used; a ban on bump stocks would significantly decreased his ability to fire so many rounds so quickly.
Sutherland Springs, TX church shooting	2017	27*	A troubled young man, with a history of domestic abuse while serving in the Air Force, opened fire on a church service with a AR-556, killing 26 and injuring 20. He was chased out of the church by an armed congregant, and was later found dead with multiple gunshot wounds, including a self-inflicted one in the head. He was able to purchase the firearm legally because the Air Force failed to update the court-martial record to the FBI's National Instant Criminal Background Check system.	A renewed Assault Weapons Ban would have barred the sale of the weapon used; enhanced federal policies requiring all agencies to update health and legal records with the NICS system would have prevented his ability to purchase firearms.
Stoneman Douglas High School, Parkland, FL shooting	2018	17	A troubled teenager with a history of violence, affiliation with the alt-right, and a history of a pronounced interest in gun violence and killing people (stating a desire to be a "professional school shooter"), entered the high school from which he was previously expelled and opened fire with an AR-15, killing 17 and injuring 14.	A renewed Assault Weapons Ban would have barred the sale of the weapons used; a gun violence restraining order process would have allowed friends and family aware of the shooter's history to petition the court to deny him access to firearms.
Of Note				
Alexandria, VA baseball field shooting	2017	1*	A man with a history of extreme political views, domestic abuse, and violent hatred of Republicans, opened fire at the Congressional Republicans baseball practice. The shooter died at the hospital from gunshot wounds inflicted by defensive fire from Capitol Police.	A gun violence restraining order process would have allowed friends and family aware of the shooter's history to petition the court to deny him access to firearms.

*Denotes total deaths includes the perpetrator(s).

KELLY REPORT 2014

GUN VIOLENCE IN AMERICA

Congresswoman Robin L. Kelly represents Illinois' 2nd Congressional District, which includes sections of the city of Chicago that have been plagued by gun violence. She believes that gun violence isn't just an urban problem—it's an American epidemic—and is committed to stopping the bloodshed, in all communities, across the country.

In her first year in Congress, Kelly met scores of families of victims of gun violence whose stories of love and loss left an indelible mark.

This report is dedicated to them, to other families who live in harm's way, and to the gun violence prevention advocates working on the front lines every day to make America safer.

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A mother second-guesses letting her child play on a city sidewalk and calls him into the front yard instead. A moviegoer scans the theater for the nearest exit, plotting the best escape route as he munches on popcorn. A student walks through metal detectors and gets his book bag searched on his way into school.

Every day in America, we navigate the threat of gun violence.

This threat permeates all corners of our country, from street corners to cul-de-sacs, shattering our sense of security and insidiously altering how we live. Since I've been in Congress, I've heard countless stories of unbearable loss brought on by the pull of a trigger. Young women killed in acts of domestic violence. Teenagers gunned down coming out of school basketball games. A 6-year-old shot and killed as her mother braided her hair on their front porch—a shooting that made some parents question whether it was safe to let their children out of the house at all.

This sustained violence is not normal, natural or necessary. That we, as a society, have accepted gun violence as a fact of life is almost as tragic as the tens of thousands of lives we lose each year to the epidemic. We must do more as a nation to address our gun violence crisis.

The Kelly Report on Gun Violence is about creating a better, safer America. This report—the first collaboration of its kind between Members of Congress, gun safety advocates, and the public health and academic communities—is an anthology of analyses of the gun violence crisis by federal, state, and local stakeholders and gun reform advocates.

This report defines the nature of gun violence in America, while providing a framework for improving the status quo through a comprehensive set of legislative and public policy recommendations. It is a multi-faceted approach to gun violence prevention, one that includes ideas for ground-level social supports to help build safer communities. The Kelly Report offers a reasonable and feasible way forward in reducing gun violence in our country.

What the Kelly Report is NOT is a manifesto against guns or gun owners. Let me be clear: I am not anti-gun. I am pro common sense. I believe America is capable of striking the right balance between protecting our Second Amendment rights and promoting public safety by keeping guns out of the wrong hands. This report strikes that balance. I trust that people on both sides of the gun reform debate will find in the Kelly Report legislative and policy proposals that their communities can get behind.

I encourage my colleagues in Congress, federal, state and local officials and community stakeholders to support these recommendations and work with me to chart a new course for a safer America. We can't afford to ignore this problem any longer. Each day of inaction leads to more Americans being injured and killed—tragedies that can and should be prevented.

With gun killings on pace to be the primary cause of death for young people 25 and under, the very future of our nation is at stake. I, for one, refuse to sit by and watch gun violence rob us of a generation.

It's time for our country to have a courageous conversation about instituting common sense gun reforms to save lives. This report is my contribution to that dialogue.

Sincerely,

A handwritten signature in black ink that reads "Robin L. Kelly". The signature is written in a cursive, flowing style.

Robin L. Kelly (IL-02)
Member of Congress

KELLY REPORT

2014

EXECUTIVE SUMMARY

THE STATE OF GUN VIOLENCE IN AMERICA

Whether you live in America's inner cities, in a suburban neighborhood or in the heartland, your community is vulnerable to gun violence. It could be a gang crime, a gun accident or a suicide. Regardless of the cause, all acts of gun violence are abhorrent and demand policy solutions and community action to stop them.

Gun violence has killed more Americans in the past 50 years than in every single American war—from George Washington's Colonial Army defeat of the British in 1781 to Operation Enduring Freedom in 2014.

Every year, more than 100,000 people are shot in America—more than 30,000 of them fatally. Over half of these fatal shootings are of young people under the age of 30. Since the 2012 Sandy Hook Elementary School shooting in Newtown, Connecticut, there have been more than 50 school shootings across the country—almost three a month. With an average of one young American under the age of 25 being killed by a gun every hour, the very security of our next generation is at risk. Likewise, economic research suggests that gun violence threatens our nation's fiscal wellbeing. In violent communities, economic opportunities wither, stable families relocate and children often fail to realize their true academic and economic potential. Each homicide in a city is estimated to reduce that city's population by 70 residents. A ten-year study of the city of Chicago found that each gun homicide equates to \$2,500 in lost annual income for Chicago families. For example, each child who is a fatal victim of gun violence is one less person who will become a wage earner and taxpayer. Additionally, every criminal poses a direct cost to taxpayers. For example, a 20-year-old serving a life sentence costs taxpayers \$2 million over the course of their incarceration.

Given this context, communities undeniably stand to gain from a comprehensive examination of the gun violence issue. This report promotes a common sense approach to reducing gun deaths in America. As you consider the following content, you should keep in mind:

GUN VIOLENCE IS A UNIQUELY AMERICAN PHENOMENON

Although the United States accounts for only 4.5 percent of the world's population, 40 percent of all civilian firearms are owned by American citizens. This fact may explain why the United States has historically outpaced the world in gun deaths. U.S. gun murders, for example, significantly outnumber those of other developed nations. In fact, gun murder rates in some of America's deadliest cities rival some of the world's most notoriously dangerous nations. If New Orleans were a country, it would be the second deadliest nation in the world, with a gun murder rate of 62.1 per

100,000 citizens. Detroit's murder rate mirrors El Salvador. Chicago is a carbon copy of Guyana. Washington, D.C., our nation's capital, has a higher gun homicide rate than Brazil—a nation that has long experienced high crime rates stemming from narcotics trafficking and other violent gang activity. American children are at significantly greater risk of being killed by a firearm than their counterparts in other nations. They are four times more likely to be killed by a gun than Canadian children, seven times more likely than Israeli children and an astonishing 65 times more likely than British children.

In African American communities, the impact of gun violence has been particularly devastating. Though African Americans make up just 13 percent of the U.S. population, they account for 55 percent of all gun murder victims. Conversely, in predominately white communities, the vast majority of firearm deaths result from suicide.

While urban violence and firearm suicides often have different origins, they typically share similar root causes. Easy access to guns combined with insufficient attention to socioeconomic disparities and mental health conditions creates environments in which minor disputes or problems quickly escalate into deadly situations.

Evidence also suggests that very few homicides are premeditated. Rather, the presence of a firearm often facilitates a deadly outcome that would otherwise have been unlikely to occur. This is particularly true in many domestic violence cases. Similarly, a person with fleeting bouts of depression who is in possession of a firearm is more likely to use that gun on impulse rather than seek treatment. Case in point: An *American Journal of Psychology* study of 30 people who had attempted suicide by firearm found that none had left a suicide note, that more than half of them had suicidal thoughts for less than 24 hours and, that two years later, not a single one had attempted suicide again.

As is evidenced by the rulings in the *D.C. v. Heller*, and *McDonald v. Chicago* Supreme Court decisions, the Second Amendment is a fundamental and individual right for every American and is recognized as a respected part of our national anthology. Many credit the Minute Men of American Revolutionary lore with starting the tradition of keeping arms in the home as a means of self-defense.

Yet examples from other nations with a similarly revered and ingrained gun heritage illustrate that gun laws can strike a balance that respects gun rights while placing sensible limitations on gun use in order to keep citizens safe.

Guns play a prominent role in both Israeli and Swiss cultures. In Switzerland, all able bodied men must serve in the armed forces. In Israel, both men and women must serve. During their service, Swiss and Israeli citizens are all exposed to a variety of firearms and weaponry. Additionally, shooting is a national sport in Switzerland, much like it is in the U.S. However, both the Swiss and Israeli governments place restrictions on the use of firearms to prevent crime and violence from pervading civilian life.

For example, active military soldiers in Israel cannot take their weapons off base for weekend leave. Since enactment of this reg-

ulation in 2006, suicides among active soldiers have declined significantly. Additionally in Israel, all civilian firearms must be registered with a national registry that is renewed every three years. All gun transfers are registered with the Israeli government and a permit is required to carry a gun, concealed or otherwise.

Similarly, in Switzerland, active duty officers in the Swiss Army are issued assault rifles and are allowed to keep their rifles either in a local armory or in their homes. However, the Army does not issue ammunition to soldiers who opt to keep their guns in the home. Once their service is complete, their rifle must be registered with the government and converted to semi-automatic mode. Additionally, in Switzerland, assault weapons are completely banned for civilians, permits are required for purchases from dealers and private sellers must keep detailed records of transactions. Should a purchaser declare self-defense as the intended use of the firearm, they must pass a series of gun safety and handling examinations, and illustrate a clear risk they are facing. Violence, homicide and suicide rates in Switzerland and Israel are significantly lower than those in the United States. This is no anomaly. Other nations that share our legal principles and sporting heritage (e.g. Canada and the United Kingdom), have significantly stronger gun laws, and drastically lower rates of gun violence. As a result of our unique gun heritage, according to a survey of 23 countries by Harvard University professors, the United States has created a society in which our homicide rate is six times higher than other advanced nations.

AMERICA'S GUN STRATEGY NEEDS RETOOLING

In 1792, the first U.S. Congress enacted the *Uniform Militia Act*, which required all able-bodied white male citizens under 45 to possess a musket. However, tough restrictions were imposed on the sale of ammunition, the storage of gunpowder and the discharge of arms in towns and cities. In some instances, militiamen were even prohibited from traveling with a loaded weapon.

Fast forward to the frontier towns of America's Wild West in the mid-to-late 1800s, and gun regulations were stricter than the laws we have on the books today. For example, it was common for towns to ban anyone other than the local sheriff from carrying a firearm in public. In some towns, visitors were required to turn their firearms over to the local government—receiving a metal coin or receipt that allowed them to retrieve their guns upon their departure. Today, we live in a much more lax legislative period with respect to gun laws, an era where, in some states, concealed carry is virtually unregulated.

Twenty-six states have some form of "stand your ground" laws on the books, which allow individuals the right to use deadly force when they feel endangered, regardless of whether that danger is real or perceived. Critics are concerned that these "shoot first" laws facilitate deadly confrontations—allowing the aggressor to act with impunity. Recent studies by Texas A&M University and Georgia State University concluded that stand your ground laws increase homicide rates while resulting in no corresponding reduction in criminal activity. As former Miami, Florida police chief John Timoney said: "Trying to control shootings by members of well-trained and disciplined police departments is a daunting

enough task. Laws like 'stand your ground' give citizens unfettered power and discretion with no accountability. It is a recipe for disaster."

While the landscape at the state level is troubling, there are many federal opportunities for gun reform. Twenty years ago, President Clinton signed the *Brady Handgun Violence Prevention Act*, a law that, to date has stopped more than 2.1 million gun sales to dangerous people by requiring background checks.

Still, more can be done. The background checks required under the Brady Act only apply to gun sales by those "in the business" of selling firearms. Private arms dealers are not required to conduct background checks. This gap in the legislation, originally known as the "gun show loophole," has been exacerbated by the rise of internet gun sales. A case that tragically underscores the need to close this loophole is the 2012 death of Zina Daniel of Brookfield.

Zina had obtained a restraining order against her ex-husband, Radcliffe Haughton. Despite federal law that prohibited Radcliffe from purchasing a firearm because of his record, he was able to purchase one online from a private seller without undergoing a background check. Radcliffe later killed Zina and two other women, injuring four more before taking his own life in a heartbreakingly preventable scenario that plays out far too often in this country.

In addition to closing the gun show loophole, limiting the size and scope of the illegal gun market is another imperative component of gun violence prevention. Currently, the U.S. Department of Justice's Bureau of Alcohol, Tobacco and Firearms is severely underfunded and, as a result, has faced significant challenges in monitoring and regulating illegal gun trafficking. In addition to providing the ATF with ample funding, the nation would benefit greatly from continued research and development of technologies that both trace guns and limit the number of potential users to curtail trafficking.

As it stands now, there are significant gaps in America's approach to gun violence that pose a serious threat to our society. As we look for opportunities to promote the general welfare of our nation, we must recognize that there is wide support for expanding and investing in legislative and community-focused remedies to reduce gun violence. Americans support common sense solutions. We must act before it is too late.

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GUNS IN AMERICA:

COMMENTARIES FROM OUR COMMUNITIES

The Honorable Marcia L. Fudge Chair, Congressional Black Caucus



The problem of gun violence in our country does not have a singular origin, and therefore it will not have a singular solution. This report takes an in-depth examination into the many causes of gun violence and makes recommendations on the ways policymakers, community advocates and everyday citizens can work together to solve this problem.

The statistics on how gun violence affects the African American community are startling. Gun related homicide is the leading cause of death among African American men, ages 15-19; African Americans are six times more likely than whites to be victims of a homicide; and though African American youth only represent around 15 percent of the total youth population, they have comprised up to 45 percent of gun deaths. Some scholars argue that working to eliminate gun violence would increase the life expectancy of young African American men more than any other leading cause of death, including life-threatening diseases like cancer.

While gun violence has been detrimental to the African American community, it is not an issue confined to one demographic. Eighty percent of individuals who commit suicide with a gun are white males. Studies have also shown that guns in homes are 43 percent more likely to kill a household member than to be used in an act of self-defense. Having access to firearms is a part of the problem, but the root causes of these issues can be found in the lack of gun violence prevention programs, educational and economic opportunity, the lack of support for mental health and a history of social and economic trauma that has plagued American society.

For more than two decades, gun violence and addressing the many factors that contribute to it has been a priority for members of the Congressional Black Caucus (CBC). Over the years, our members have advocated for solutions that will help reach the core of gun violence proliferation in America.

We have introduced legislation that would increase investments in education, job training, anti-gang initiatives, and in mental health programs for at-risk youth, and we have supported projects that help reduce recidivism among formerly incarcerated individuals. But we must not stop there. The circumstances under which millions have been affected by gun violence may be different, but the pain communities feel when loved ones or innocent lives are lost is the same. We must work across the aisle and across ideologies to continue advocating for evidence-based, effective policy that will save lives by making our neighborhoods safer and our country better.

I hope you read through this report and use the information provided as a tool to begin or continue discussions in your communities that turn into viable solutions. And when they do, please don't hesitate to let your members of Congress, particularly those who are members of the CBC, know. We can no longer stand by and let the cries of our young people and their families touched by gun violence be ignored.

I look forward to the work we will continue to do on this issue together.

Sincerely,

A handwritten signature in black ink that reads "Marcia L. Fudge". The signature is written in a cursive style and is positioned to the left of a vertical line.

Rep. Marcia L. Fudge (D-OH)
Chair, Congressional Black Caucus

20 YEARS OF BRADY BACKGROUND CHECKS: THE CASE FOR FINISHING THE JOB TO KEEP AMERICA SAFER

Dan Gross, President
Brady Campaign to Prevent Gun Violence



Thanks to Jim and Sarah Brady's tireless work, and countless hours invested by fellow Americans committed to preventing gun violence, America is a safer nation. Felons, domestic abusers, and other dangerous persons can no longer simply walk into a gun store and walk out with a gun.

It was 20 years ago that Congress passed, and President Clinton signed, the Brady Handgun Violence Prevention Act. As a result of this landmark law, criminals can no longer simply lie about their record and buy guns; now, federally licensed gun dealers must check the buyer's background to make sure that he or she is not prohibited from possessing guns. We knew that Brady background checks would save lives. And we now have 20 years of proof that Brady background checks work.

Since the Brady law went into effect on February 28, 1994, background checks have stopped more than 2.1 million gun sales to prohibited purchasers including convicted felons, domestic abusers, fugitives from justice, and other dangerous individuals.

Make no mistake: Countless lives have been saved, and crimes have been prevented thanks to the Brady law.

However, more needs to be done. Under current federal law, background checks are only required when someone attempts to purchase a gun from a federally licensed firearms dealer. But federal law allows unlicensed persons to sell guns without a background check, no questions asked.

To avoid background checks in today's world, convicted felons and other prohibited purchasers now buy weapons from unlicensed sellers at gun shows and through Internet websites, like Armslist.com.

Take Zina Daniel, a victim of domestic violence who procured a restraining order against her estranged husband. This made it illegal for him to possess a gun and he would have failed a background check. However, he purchased a semiautomatic handgun from an unlicensed seller online where he wasn't required to pass a background check prior to purchase. He used that gun to murder Zina and two others and wound four more at a nail salon.

Millions of guns are sold every year in "no questions asked" transactions. Experts estimate that 40 percent of guns now sold in America are done so without a Brady background check.

Let's think about background checks in another way. Imagine if Zina's husband were on the "No Fly" list, but the TSA allowed 40 percent of airline passengers to fly without undergoing a security screening. Would Americans feel safe in the air? Not likely. Yet that is precisely the percentage of gun purchases made daily without a background check.

Crazy? That's essentially what our federal gun laws allow.

In 2013, in the aftermath of the horrific shooting at Sandy Hook Elementary School, Congress considered legislation to expand background checks on all commercial or advertised gun sales.

Despite the fact that nine in ten Americans support expanded background checks, the U.S. Senate failed to pass new legislation. While the bill received a majority of votes, it was not enough to break a filibuster. Forty-five Senators—forty-one Republicans and four Democrats—defied the near unanimous will of the American people and sided with the corporate gun lobby.

Thankfully, many of the states decided not to wait for Congress to act.

They stepped up to the plate to strengthen their own gun laws. By the end of 2013, 21 U.S. states had enacted new laws to curb gun violence. Eight states passed major gun reforms including four states that passed new laws requiring background checks on all gun sales.

We applaud those states for passing new laws to protect citizens from gun violence. At the same time, their actions do not let Congress off the hook.

It's time for Congress to finish the job and expand Brady background checks to stop criminals and other dangerous people from getting guns in America.

VOICES OF AMERICA'S MAYORS

The Honorable Rahm Emanuel Mayor, Chicago, Illinois



Chicago may be the city of Big Shoulders, but it has an even bigger heart. That heart breaks every time we lose another child to gun violence. It breaks, not just for the young victims, but for their parents, siblings and friends.

We owe it to all Chicagoans to do better. And that's why, on my very first day on the job, I challenged every person, in every department in the City to do just that.

And we have.

We have developed a simple and straightforward strategy for reducing crime in Chicago. It's about putting more police on the street and getting more children, guns, drugs and gangs off the street. Every part of that strategy is important.

Our comprehensive strategy includes the four P's: strategic policing, stronger prevention, stiffer penalties and more stable parenting. Our prevention initiatives, coordinated across six city agencies, are focused on two goals: keeping youth off the street and keeping them in school.

We know that reducing crime rates go hand-in-hand with increasing graduation rates. It's a simple proposition. That's why we are expanding youth employment and after-school opportunities, designing innovative intervention programs for youth at high risk of violence, implementing restorative justice and discipline reform in Chicago Public Schools, and investing in re-entry programs.

We also know that it's time to get creative in our approach to combating violence. Chicago's innovative policing strategies now focus on predicting and deterring retaliatory criminal activity before it even starts.

Our goal is to ensure that every person—in every community—feels the same sense of safety and has access to a quality education.

And our approach is working.

Chicago closed 2013 at historic lows in crime and violence. Last year, we saw the fewest murders since 1965, the lowest murder rate since 1966 and the lowest overall crime rate since 1972.

OVERVIEW OF CHICAGO'S VIOLENCE REDUCTION STRATEGIES

I. PREVENTION: IMPROVING & EXPANDING OPPORTUNITIES FOR YOUTH

With an increased focus on violence prevention, the City has nearly tripled its investment in meaningful opportunities for youth, including:

- **\$13 million in afterschool opportunities for nearly 16,000 youth.** This represents a 25 percent increase in funding since I took office in 2011 allowing the City to serve 3,000 more youth each year.

- **\$14.5 million in summer jobs for more than 22,000 youth.** This represents a 150 percent increase in funding, more than doubling the number of youth served by City-funded programs since 2011.

- **The City has partnered with the University of Chicago to design the Match tutoring program.** The program provided nearly 700 at-risk students with intensive one-on-one tutors. Early results show a drop in student misconducts by 67 percent, a drop in violent arrests by 50 percent and reduced course failures by 37 percent. The pilot also closed the achievement test gap by two thirds.

- **Launched three new student re-engagement centers that have counseled more than 700 disconnected youth, creating individual success and graduation plans for each student they met.** More than 50 percent of these students either re-engaged or are on-track to re-engage with school this coming year.

• **Tripled the City’s investment in the “Becoming a Man” (BAM) mentoring program, which has reduced violent arrests for participants by 44 percent, increased graduation rates by approximately 10 percent, and reduced failing grades by 37 percent.** The City has committed to increasing funding for BAM to \$2 million. More than 3,000 youth have been enrolled in mentoring programs like BAM, which was featured in the *New York Times* for its outstanding results. Both President Obama and Secretary of Education Arne Duncan have spent time observing the program in Chicago. In fact, a BAM participant introduced the President at the “My Brother’s Keeper” announcement event at the White House.

II. INNOVATIVE POLICING STRATEGIES

Smart policing, when combined with smart prevention programs like those listed above, has the potential to change the tide for an entire generation of youth.

• **Network Analysis**—Using arrest records, gang relationships and various social media platforms such as Facebook, the Chicago Police are mapping the relationships among Chicago’s most violent gang members. As a result, CPD has developed a risk analysis tool to identify the top 450 highest-risk offenders (roughly 20 targets per district), including 145 citywide “super-hot” targets. With this knowledge, CPD is able to more effectively deploy its resources, as well as engage in targeted prevention efforts such as the Custom Notification program discussed below.

• **Custom Notification**—Under this program, Chicago police try to prevent crime by visiting and talking to people *before* criminal activity occurs. First, police conduct a network analysis to identify individuals likely to be involved in violence as either a victim or an offender. Next, the District Commander and an influential community member visit the individual’s house and explain that the individual is subject to enhanced penalties based on his or her criminal history. Additionally, they explain that there are opportunities to connect with social services and job placement if he or she wants to turn away from a life of crime. Thus far, there have been approximately 60 of these interventions, and none of the notified individuals have been involved in any new felony arrests.

• **Operation Impact**—The Chicago Police have used “strategic saturation” to deploy hundreds of additional officers to the most violent areas of the City. In these districts, the officers walk the beat and establish ties to the community and its residents. Not only has this reduced crime in these districts, but residents feel safer and are also able to see that the City has made a tangible investment in their safety.

III. INTERVENTION

Given that violence so often impacts the lives of young people, the City has adopted a number of programs designed to reach troubled and at-risk youth.

• **Reforming School Discipline and Implementing Restorative Justice**—After recognizing that too many students were being suspended and expelled due to a zero-tolerance policy, Chicago Public Schools worked with the Mayor to revise the code of conduct. This new policy encourages teachers, principals and school officials to use alternative, restorative approaches to deal with disciplinary issues and keep youth in the classroom. CPS recently launched a comprehensive effort to reform its school discipline code to reduce out-of-school suspensions and keep more youth in the classroom and off the streets. Moreover, CPS is also training teachers and staff and expanding access to restorative justice approaches, like peace circles and peer juries.

• **Raised \$500,000 to support Windy City Hoops**, a free nighttime, basketball league offered year-round at 11 sites, which has served 2,700 youth in its first three seasons. Windy City Hoops is currently in its fourth season. In 2013, Mayor Emanuel partnered with NBA hall of famer—and Chicago native—Isaiah Thomas to create this popular league and give youth a safe space to play ball and forge friendships. The 11 sites were chosen because they serve low-income, high-crime areas.

• **Invested \$3 million in One Summer Chicago PLUS summer employment and mentoring program for at-risk youth**—In 2013, the city launched a first-of-its-kind summer program for justice-involved youth called One Summer Chicago PLUS. Through this program, 1,000 youth received a full-time job, mentoring, skills development and cognitive behavioral therapy. So far, the results have shown that **participants were 51 percent less likely to be arrested for a violent crime** compared to similarly situated youth who did not join the program.

VOICES OF AMERICA'S MAYORS

The Honorable Stephanie Rawlings-Blake Mayor, Baltimore, Maryland



Gun violence has become an epidemic in far too many cities across America.

Victims of gun violence are more than just statistics to me. These men, women and children are not some abstract figures to be glossed over. They are a loved one's son, daughter, mother, father, friend and neighbor. No matter how or why they were killed, every life is precious and every death is a tragedy.

Each life that is lost represents a future tragically cut short, a community that is shaken and a family that is shattered by their loss.

My strategy for making Baltimore **a safer city rests on three pillars: building trust between communities and law enforcement, aggressive advocacy for tougher gun laws and focusing on removing the most violent repeat offenders from our streets.**

COMMUNITY ENGAGEMENT AND OUTREACH

We are working hard to make sure the community is the central focus of our policing efforts. My Administration is creating opportunities for citizens to engage with us in direct dialogue about the crime fight.

Our increased outreach is working: in 2013 we achieved a 300 percent increase in the number of citizens calling in to report helpful tips to police, and we expect to see those numbers of public participation continue to rise. To further these efforts, we will be providing additional funds to Metro Crime Stoppers for increased rewards to encourage more citizens to call and get guns off our streets.

Citizen complaints against the police are also down as well as the numbers of citizens arrested and released without charges. My philosophy is that we can't make communities feel under siege and then expect them to work with us in fighting crime.

We have also launched a public safety town hall tour to engage Baltimore residents directly and hear their concerns. These town

hall events will be held in all nine police districts in the coming months to clearly communicate to residents what our plan is to reduce violent crime in Baltimore. We will be partnering with social organizations, civic groups, faith leaders, community associations and everyone in between to build better relationships with the communities we serve.

Community support is absolutely crucial to our crime fighting efforts and as a mayor, I am in a unique position to use the stature of my office to rally public support for working with law enforcement to make our communities safer.

ADVOCACY FOR TOUGHER GUN LAWS

We only have one gun store in Baltimore yet we seize hundreds of illegal guns off our streets each year. In order to be successful in reducing gun violence, our advocacy has to extend far beyond the reach of local government. We have to raise our voices at all levels of government because no one community or jurisdiction can do it alone.

Three years ago I fought successfully for a Maryland state law that created tougher sentencing options for felons in possession of firearms who have previous convictions for a violent crime or drug felony. This measure included a tougher sentencing range of 5 years minimum to 15 years maximum—and closed a loophole that exempted rifles and shotguns. The law has provided police and prosecutors a much-needed tool in their efforts to combat gun violence in Baltimore.

And last year, I worked with a coalition of elected officials to help pass the *Maryland Firearms Safety Act*. This law bans 45 different kinds of hand guns and assault rifles from being sold within the borders of our state. We need to find more ways to keep illegal guns off the streets of Baltimore and communities across America.

These were very important and long overdue measures to help combat gun violence in Baltimore City. We need to see more action at all levels of government to end the proliferation of illegal guns on City streets.

FOCUS ON VIOLENT REPEAT OFFENDERS

Two years ago, we were able to reduce our homicide rate to its lowest level in a generation. This was a product of focusing on the most violent repeat offenders through strategic partnerships with our local, state, and federal agencies. This partnership focuses on high value targets, using quick acting, high-level investigations designed to remove the most dangerous offenders from our streets.

Last fall we targeted, investigated and arrested more than 100 violent repeat offenders and others tied to criminal activity. Moreover, at the beginning of this year, we intensified our efforts by assigning officers to monitor each violent repeat offender. In coordination with the State's Attorney's Office we ensure that each offender is held during bail review and prosecuted accordingly.

This year, to enhance our focus on violent repeat offenders, we will implement a program that has seen success in several other cities. Operation Ceasefire will focus on violent repeat offenders and will work directly with community members and law enforcement agencies to make clear that the violence taking place in our communities must end now; that there will be severe and swift consequences for any future acts of violence; and that if you are genuinely sincere about wanting to change your life, we are here with the resources and support to assist you in that endeavor.

The program will also increase intelligence utilizing an interagency collaboration. The Police Department and the Sheriff's Office will join forces with other local, state and federal agencies. Each organization will work in unison to restrict a criminal's freedom of movement and their ability to evade capture. This further represents our all hands on deck approach to reducing violence in this City.

By building relationships between communities in crisis and law enforcement at all levels of government we can make our communities safer. Our focus must be on removing illegal guns from city streets and targeting the most violent repeat offenders who oftentimes are responsible for a disproportionate amount of the crime we see as well as other illicit activities which fuel violence.

I'm optimistic that through continued collaboration we can realize a safer country one city at a time.

I'm optimistic that through continued collaboration we can realize a safer country one city at a time.

VOICES TO STOP THE VIOLENCE

Po Murray, Vice Chairman,
Newtown Action Alliance & The Newtown Foundation



The Newtown Action Alliance (NAA) is a grassroots gun violence prevention advocacy organization that formed within weeks of the heartbreaking tragedy that shook our quiet suburban town on December 14, 2012. That was the day when one young man blasted his way into Sandy Hook Elementary School and senselessly murdered 20 first-graders and six educators with an AR-15 assault weapon.

The horror of that day awakened us to the cultural epidemic of gun violence in our nation; the need for stronger local, state and federal gun violence prevention legislation; and the harsh reality of what it would take to prevent another “Newtown” from happening again.

One week after the shooting we were appalled by National Rifle Association (NRA) spokesperson Wayne LaPierre’s insensitive response to the Sandy Hook School tragedy. When he said, “the only thing that stops a bad guy with a gun is a good guy with a gun,” it was clear that the NRA and its corporate gun lobby, the National Shooting Sports Foundation (NSSF) ironically headquartered in Newtown, was ready and prepared to fight any and all commonsense gun legislation changes.

We took up the challenge. We organized swiftly to “honor with action” the innocent lives lost to gun violence and formed nationwide alliances to push for stronger commonsense gun laws and cultural change.

AT THE STATE LEVEL

We made significant progress in the state of Connecticut, now home of the second worst mass school shooting in history. In January 2013, the state’s general assembly, in response to the Sandy Hook School tragedy, formed a Bipartisan Task Force on Gun Violence Prevention and Children’s Safety to explore solutions. Newtown Action worked closely with Connecticut Against Gun Violence and March for Change, another Connecticut group formed after the Sandy Hook School tragedy, to urge the task force to support passage of commonsense gun legislation that would better protect Connecticut citizens from gun violence.

We were encouraged by overwhelming support for stricter gun laws from Connecticut citizens. In March 2013, the Quinnipiac University Poll found that **93 percent of Connecticut voters supported universal background checks, including 89 percent of gun owners, and 68 percent supported an expansion of an assault weapons ban.**

Connecticut state legislators and Governor Dannel Malloy listened to the reasonable voices of thousands of Connecticut citizens and, in April 2013, passed a sweeping gun violence prevention reform package entitled “An Act Concerning Gun Violence Prevention and Children’s Safety.”

The reform package includes a ban on sales of assault weapons and high capacity magazines (more than 10 rounds); universal background checks on all firearm sales and transfers; permit requirements for long gun and ammunition purchases; and includes strengthening firearm storage requirements and penalties for firearm trafficking offenses. As a result, the Brady Campaign to Prevent Gun Violence and the Law Center to Prevent Gun Violence has ranked the state of Connecticut second in the nation for having the strongest gun laws.

Other states responded to the Sandy Hook School massacre as well. New York, Maryland, Delaware, New Jersey and Colorado immediately mobilized to strengthen their state gun laws.

AT THE FEDERAL LEVEL

After the shooting, we were very heartened to receive support from President Barack Obama who made the commitment to take meaningful action on the issue of gun violence prevention. The president convened a task force led by Vice President Joe Biden to produce by mid-January 2013, a comprehensive federal package of proposals to reduce gun violence that includes 23 executive actions. At his State of the Union Address, President Obama stood before Congress, many of whom wore Newtown Action green ribbons symbolizing Sandy Hook School, and said, “Newtown deserves a vote. We demand a vote.”

In March, with the help of the Coalition to Stop Gun Violence and the American Federation of Teachers, a busload of Newtown Action volunteers traveled to Washington, D.C. to attend Diane Feinstein’s Assault Weapons hearing. Newtown Action, with families of mass shooting victims from Newtown, Aurora, North Carolina and Virginia Tech, met with Congressional leaders to urge them to take action to prevent more painful losses from happening to other families in our nation. However, our pleas were not enough. Soon thereafter, Senate Majority Leader Harry Reid made a public statement that he had less than 40 votes for Senator Diane Feinstein’s Assault Weapons Ban.

The next attempt at gun violence prevention was the bipartisan *Public Safety And Second Amendment Rights Protection Act of*

2013, also called the Manchin-Toomey amendment, “to ensure that all individuals who should be prohibited from buying a firearm are listed in the national instant criminal background check system and require a background check for every firearm sale...”

Newtown Action and other gun violence prevention groups coalesced to support the bill, as did the majority of Americans. All national polling showed greater than 90 percent of Americans supported background checks on all gun buyers, and 55 percent of Americans supported an assault weapons ban. Despite this overwhelming public support, Senate proposals again failed to pick up the 60 votes needed to break the filibuster. The Manchin-Toomey amendment fell short by five votes. The nation was stunned.

A few days before the defeat, Representatives Mike Thompson (D-CA) and Peter King (R-NY) introduced H.R. 1565, the House version of the *Public Safety and Second Amendment Rights Protection Act of 2013*. Though Speaker John Boehner will not allow the House of Representatives to vote for H.R. 1565, we continue to work to add co-sponsors to the bill hoping that the majority will force the Speaker to hold a vote. There are currently 188 co-sponsors of H.R. 1565 with four new co-sponsors joining since November 2013.

Despite these setbacks, Newtown Action continues to push Congress to take action to prevent gun violence. We are grateful to Senator Richard Blumenthal, Senator Chris Murphy, Congresswoman Elizabeth Esty, House Minority Democratic Leader Nancy Pelosi, Congressman Mike Thompson and Congresswoman Robin Kelly who have been our steadfast partners in this quest.

Newtown Action has committed to periodic Sandy Hook anniversary visits to Washington, D.C. to meet with Congressional leaders, accompanied by families of victims from Newtown, Hartford, Chicago, Oakland, Aurora and members of other communities affected by gun violence. With each visit our hope is to change the hearts and minds of those who oppose stricter gun laws. To date, not even the unimaginably painful stories of loss told by families of gun violence victims has changed the hearts and minds of the five Senators who voted against the Manchin-Toomey amendment.

While we continue with our efforts at the federal level, there are many grassroots organizations from other states reaching out to us for state-level support.

Through our “Newtown voice” we are supporting their gun violence prevention efforts, such as defeating egregious state legislation to allow guns on school campuses.

We are also building a coalition of anti-gun violence organizations, currently at 157 representing 18.6 million supporters from over 30 states, and most importantly, we are building alliances with urban communities because we recognize that mass shootings are less common than the daily urban gun violence that plagues city streets across America.

OTHER INITIATIVES TO “HONOR WITH ACTION”

We have also worked on efforts to support our broader mission of cultural change to reduce gun violence:

- NAA and our own charity nonprofit, The Newtown Foundation, partnered with artist S.B. Woods to display her “Meditation on

Mourning” sculpture currently on display at the Washington National Cathedral.

- NAA collaborated with the National Gun Victims Action Council and Moms Demand Action for Gun Sense in America to influence Starbucks to change its corporate policy of allowing patrons to bring guns into its stores.
- NAA is one of 50 alliances working with Campaign to Unload to urge hedge funds, money managers and ordinary citizens to divest from the manufacturers of assault weapons and high-capacity ammo clips
- NAA is partnering with Metro Industrial Areas Foundation to encourage local, state and other government entities to use its purchasing power to demand corporate responsibility from gun manufacturers
- Our Junior Chapter of Newtown Action Alliance, with support from The Newtown Foundation, is working on healing and educating youth affected by gun violence. The Junior NAA is hosting an “Honor With Action” CT Youth Leadership Summit on Gun Violence Prevention this May.
- NAA sponsored the second annual Sandy Hook Ride on Washington’s Team 26 who bicycled 400 miles from Newtown to Washington, D.C. to push for stronger gun violence prevention laws to reduce the epidemic of gun violence.

WE STAND COMMITTED TO “HONOR WITH ACTION”

At the one-year anniversary of the Sandy Hook School shooting, Newtown Action held a first-of-its-kind National Vigil for All Gun Violence Victims at the National Cathedral in Washington, D.C. The vigil with its healing message of peace, hope and love, brought together over 700 people, including gun violence survivors and families of gun violence victims from across the nation to honor lives lost to gun violence.

Tragically, there have been 57 school shootings since Newtown, more than 30,000 Americans lose their lives to gun violence every year, and 70,000 Americans are injured every year because of gun violence. Gun violence is a public health issue that has reached epidemic proportions.

These alarming statistics have not moved those members of Congress influenced by the gun lobby to support stronger gun laws. Even the violent gun deaths of 20 school children and six educators at Sandy Hook Elementary School in Newtown has not been enough to shake their fear of the gun lobby.

We have entered into our second year since the tragedy, but we are not discouraged. Newtown has influenced a national conversation about gun violence in America, and though the gun lobby is strong, our national coalition of grassroots anti-gun violence activists is growing stronger and larger every day.

This national conversation will not be silenced until Congress passes meaningful gun violence prevention legislation and until there is broader cultural change within our communities to ensure a safer America for our families. Newtown Action Alliance stands committed to “honor with action.”

VOICES TO STOP THE VIOLENCE

Hilary O. Shelton, Washington Bureau Director
& Senior Vice President, Policy & Advocacy, NAACP



Guns, their accessibility and the resulting violence, have long been a concern for the African American community. In 2010, despite the fact that we make up just under 13 percent of the population, African Americans accounted for 55 percent of shooting homicide victims. Nine out of 10 African Americans ages 15 to 24 who were homicide victims were killed with firearms and homicide is the leading cause of death among young African American men. Despite the horrific toll of gun violence on all sectors of our society, and the random manner in which many of the victims are taken from us, it has so far proven difficult to enact safe, sane and sensible laws aimed at stemming gun violence on the federal level.

While seemingly popular measures which would provide some semblance of sanity to access to firearms become galvanized each time there is a mass shooting, the communities represented and served by the NAACP are all too familiar with the ravages of too easy access to firearms on a daily basis. Given the disproportionate amount of damage gun violence has on communities of color, the NAACP has advocated for a number of well-balanced, sensible gun laws which will work towards eliminating those gruesome effects, while preserving our Constitutional rights. Specifically, the NAACP supports reforms that:

- **Require universal background checks on all gun sales:** To date, the National Instant Criminal Background Check System has prevented nearly 1.8 million criminals and other prohibited purchasers from buying guns; yet currently as many as 40 percent of all guns are sold to individuals without the benefit of a background check due to a loophole in the law;
- **Ban military-style semi automatic assault weapons: Military-style assault weapons are intended for a war scenario, made for offensive military battlefields against an opposing army, and not individual protection or the precision of target shooting or hunting. They are weapons of choice for gangs, drug dealers, police murderers and mass killers and have no place in civilized society;**
- **Ban high capacity ammunition clips:** High capacity ammunition clips allow shooters to shoot as many as 100 bullets before stopping to reload. In the cases of numerous mass shootings, killers were stopped only when they were forced to pause to reload their weapons; and

- **Enact tough new criminal penalties for straw purchasers and gun traffickers:** Some straw purchases are small: A person buys one or two guns for a convicted criminal, or someone with a history of mental illness or domestic abuse, who would never get through a background check.

We continue to call on all NAACP units, members, and supporters to advocate on a local, state and federal level for safe, sane, and sensible laws to curb the deadly impact of gun violence. This includes a strong opposition to the so-called “Stand Your Ground” laws, which inspire and empower vigilante-like tendencies and enhance a reaction based on personal biases.

The NAACP also consistently opposes various proposals at the local, state and federal levels that will result in the proliferation of guns and gun violence. Specifically, we have opposed and continue to work against legislation restricting states’ ability to control who may carry a concealed weapon within their borders; undermine the ability of police to verify the validity of gun permits; and allow gun traffickers to more easily bring illegal guns into their respective states.

The NAACP has been and continues to be adamant regarding the need for gun policy reforms but realizes that limiting reckless access to firearms is only a part of the solution. In order to make real change and begin to curb gun violence throughout this country, the origin of this epidemic must be addressed. These root issues demand that we also improve public health and safety, address concentrated economic inequality in urban centers, and increase access to quality education.

In short, the NAACP will continue to work with like-minded local, state and federal legislators to bring about safe, sane and sensible laws regarding gun access. The struggle will be long, and too many people will continue to suffer needlessly, yet working together we shall persevere. We commend Congresswoman Kelly for issuing this vital report and for keeping the issue alive. Working together, we will win this crucial struggle.

The Honorable Marc H. Morial

President & CEO, National Urban League



Before Aurora, Oak Creek and Sandy Hook made national headlines, scores of other communities across the nation could attest to this fact: guns in the wrong hands can be weapons of mass destruction as deadly and debilitating as a terrorist bomb. These acts are reprehensible and without moral or logical explanation. They rock us to our core. They also unite us in common purpose. Victims and their families seem to become our own. We want to ease their pain. We want to do something to ensure that it doesn't happen again.

More than 12 years after the events of 9-11-2001, terrorism in our homeland still seems a nearly impossible reality—one that none of us want to accept. Yet, communities across America are terrorized each day. But rarely do these victims and their families receive national media attention, or better yet, our collective attention. Every year, 100,000 people are shot or killed with a gun in America. Every day, these acts of terror are carried out in homes, on playgrounds, schoolyards, neighborhood streets, even in houses of worship—turning spaces that should represent peace and sanctuary into places that elicit danger and fear.

While I served as Mayor of New Orleans, I witnessed first-hand the human cost of this scourge and made a commitment to the victims, their families and the citizens of my beloved city to act. The hard work we put in to drive down gun violence paid off in a 40 percent decrease during my first term. It was a good start, but I still didn't believe it was enough to impact sustained change and improvement long after my tenure was over. So, I took our efforts to the next level and became the first U.S. mayor to bring suit against major gun manufacturers to hold them accountable for the senseless cycle of violence, tragedy and grief fueled by their products and the devastating impact on families and communities.

The lawsuit was not successful. The weight and might of the gun lobby effectively pushed for what can only be described as a tortured legislative maneuver that retroactively prohibited municipal lawsuits against the firearms industry. While we were disappointed, we were heartened as well, with 33 of my fellow mayors following our lead by filing lawsuits of their own to bring pressure on the gun industry to take responsibility for the negative consequences guns often leave in their wake.

As head of the National Urban League, my primary focus has been on the economic well-being of our communities, and reducing gun violence in the name of public health and community safety is key to this purpose. However, the toll of gun violence also goes beyond the impact on families and extends to the resources needed to run cities and deliver necessary services for our citizens.

A 2012 study by the Center for American Progress underscored what I learned during my time as mayor—that there is a direct and tangible link between violent crime, most of which is perpetrated

by guns, and the financial impact on communities and municipalities. The report, *The Economic Benefits of Reducing Violent Crime*, found that **violent crime costs Americans more than \$200 billion a year in increased spending for police, prosecution and conviction of perpetrators, and victim impacts—especially medical bills and lost productivity.** In a time of shrinking budgets and growing need, these are funds that could and should be going towards community and infrastructure development, schools and, ironically, responsible crime prevention strategies.

Gun violence has often primarily been associated with poor, urban neighborhoods. But the truth is that gun violence can and does happen anywhere. The common denominator is easy access to guns. **In a nation of 314 million people, there are 270 million privately held firearms—representing a nearly 1-to-1 ratio that is no cause for national pride as it clearly fuels our position as the nation with the highest gun-related murder rate in the world.**

Let's be clear: This issue is not about gun confiscation, nor is it an attack on anyone's rights. We know that gun safety is not a cure-all for the plague of gun violence in America, but it is at least a first step towards doing all we can to ensure the safety of our citizens. Reducing access to illegal guns by closing loopholes for gun shows and online purchases as well as addressing limitations in criminal background checks is an important component in any comprehensive approach to reducing violent crime.

The National Urban League has long called for sensible gun safety measures. We have called on President Obama and House leadership to take a comprehensive approach to community safety and crime reduction, including stronger enforcement of existing gun laws and re-enactment of the assault weapons ban. More recently, the African American Leaders Convening put forth concrete policy recommendations as a part of our 21st Century Agenda for Jobs and Freedom—including a ban on automatic and military-style semiautomatic assault weapons, requiring gun owners to participate in educational programs that stress responsible gun ownership and a no-tolerance policy for guns and gun violence in schools—including severe penalties.

We must all take responsibility to do what is necessary to keep this issue front and center and keep the pressure on our elected officials to do something about it. We must be unafraid to expose the lunacy of the gun lobby's perverse logic that more guns in more hands will make people safer. We must hold them all accountable.

I hope that we can elevate our sense of unity, urgency and purpose to do what is right for the millions of Americans whose lives have been forever changed by gun violence. The epidemic of senseless killings in all communities must end. We urge the nation to unite against the terror of gun violence everywhere.

VOICES FOR COMMON SENSE GUN REFORM

Peter Ambler, Director
Americans for Responsible Solutions



The story about the fight for gun violence prevention in Congress goes like this:

Americans are united on a practical direction for their country but driven into division by their leaders. Washington is a sticky trap for common sense. And Capitol Hill is merely an arena for conflict between the political extremes. Congress has become impervious to the views of the political middle, which wants to limit gun violence without intruding on the responsible exercise of the Second Amendment. So when both the House and Senate turn their backs on the 90 percent of Americans who support expanding background checks on gun purchasers, we shake our fist in frustration but then quickly assign the bill a spot next to the immigration overhaul, tax reform, deficit reduction and other initiatives that have broad support but must wait for another day, another Congress.

There is nothing incorrect about that narrative—and nothing stopping Congress from acting now on commonsense legislation to reduce gun violence. But such reasoning does ignore how differences among Americans contribute to stalemate in Congress.

America is a nation largely divided by its experiences with firearms. According to the Pew Research Center, higher percentages of individuals in the South and Midwest own guns than in the Northeast. Double the number of rural residents are gun owners than are residents of urban areas. And, of the top 25 gun-purchasing states in 2012, only seven gave their electoral votes to President Obama that same year.

In gun owning America, firearms can be as part and parcel to everyday life as automobiles and vacuum cleaners. If you don't own a gun, you likely know plenty of folks who do. On the other hand, in states with fewer legal guns and less social acceptance of gun ownership, gun possession may often connote crime, abuse and violence.

Not surprisingly, Pew found that protection is the leading reason gun owners give for having a weapon, while those who were not comfortable with the idea of gun ownership cited safety as the reason they don't possess guns. It's a paradox: Americans use the same rationale—personal safety—for why they own and don't

own guns. But it does show that various Americans experience firearms in fundamentally different ways.

So how could such a starkly divided America produce 90 percent support for expanding background checks on firearms purchases? I suspect that the idea makes sense to different people for different reasons. For individuals who have felt the terrible cost of gun violence, they see keeping guns out of the hands of criminals and other dangerous people as a public safety imperative. For gun owners, background checks are consistent with their commitment to the safe and responsible exercise of our Second Amendment rights. That's why NRA members overwhelmingly support expanded background checks (74 percent) while stiffly opposing limits on hardware.

Two sides may never before have disagreed with each other so fiercely over something on which they actually agree. But such polarized attitudes regarding guns create vast amounts of mutual suspicion and zero trust. When you have one group that views gun ownership as a fundamental element of American citizenship and another that lumps firearms with cigarettes and other vices, yes, it's going to be difficult to find common cause.

Former Congresswoman Gabby Giffords and her husband, retired Navy Commander and astronaut Mark Kelly, have launched Americans for Responsible Solutions to do something about this divide. We envision ARS as a place where Americans of different backgrounds and varying experiences with guns can come together behind popular and effective measures to promote responsible gun ownership and protect the public safety.

We encourage all Americans to accept gun ownership as an individual American right and an integral element of our national heritage. Likewise, we call on everyone to work together as a nation to reduce the 33 gun murders we see every day in every corner of this country. Conservative gun owners in Texas aren't to blame for gun violence in Chicago, but they can do something about it. And there might not be a lot of legal guns in the Big Apple, but every New Yorker should be willing to protect their fellow Americans' Second Amendment rights.

We can only do this as one nation.

VOICES FOR COMMON SENSE GUN REFORM

The Honorable Mike Thompson

Chair, House Gun Violence Prevention Task Force



The House Gun Violence Prevention Task Force, chaired by California Representative Mike Thompson, is working to enact a comprehensive set of policy principles into law that are designed to reduce gun violence while respecting the Second Amendment Rights of law-abiding Americans.

In developing these principles, our task force met with virtually everyone: victims of gun violence and gun safety advocates; gun owners, hunters and outdoor sportsmen; federal, state and local law enforcement; educators and community workers; mental health experts and physicians; representatives of the motion picture, television, music and video game industries; leaders in our faith communities; representatives of gun manufacturers and gun retailers; cabinet secretaries and the Vice President of the United States.

The task force also met with people from all sides of the issue and held hearings, to inform the principles they proposed for action.

Currently, the task force is working to pass **legislation requiring a background check for every commercial gun sale, such as those made at gun shows and over the internet, while respecting reasonable exceptions** for cases such as gifts between family members and temporary loans for sporting purposes.

Chairman Thompson has co-authored a bipartisan background check bill, H.R. 1565, *the Public Safety and Second Amendment Rights Protection Act of 2013*, with Republican Representative Peter King of New York. It has 188 co-sponsors in the House of Representatives.

H.R. 1565 requires comprehensive and enforceable background checks on all commercial gun sales, including those at gun shows, over the internet or through classified ads while providing reasonable exceptions for family and friends. Background checks would be conducted through a licensed dealer in the same manner as they have for more than 40 years.

The evidence shows background checks work. Every day at licensed gun stores where background checks are required, the background check system stops more than 17 felons, nearly 50

domestic abusers and nearly 20 fugitives from buying a gun. However, anyone of those people blocked at a licensed dealer could turn around and get a gun at a gun show or buy one online.

H.R. 1565 would stop this. Passing H.R. 1565 is the top priority of the Task Force. Expanding background checks saves lives and respects the Second Amendment.

The Task Force recognizes, however, a comprehensive solution is needed.

In addition to H.R. 1565, the task force, is also working to pass legislation aimed specifically at cracking down on illegal gun trafficking and straw-purchasing. Straw-purchasing is when a prohibited purchaser has someone with no criminal history walk into a gun store, pass a background check and purchase a gun with the purpose of giving it to a prohibited purchaser.

Additionally, the task force is working on improving our mental health system and **assisting local communities in applying evidence-based prevention and early intervention strategies** that address the problems that lead to gun violence before those problems start.

The Task Force has also urged Congress to restore funding for public safety, law enforcement and research initiatives aimed at reducing gun violence. The Task Force has called on Congress to support responsible gun ownership by incentivizing safety training, research into new gun safety technologies and the safe storage of firearms. And, among other proposals, the Task Force has called on Congress to take steps to enhance school safety.

While the Gun Violence Prevention Task Force recognizes that there is no one law or set of laws that will eliminate gun violence, that cannot be an excuse to do nothing. Acting on the Task Force's proposed principles will reduce gun violence, save lives and respect the Second Amendment.

2

AN EXAMINATION OF OUR GUN CULTURE:

NATIONAL REPORTS ON GUN VIOLENCE IN AMERICA

THE TRUE COSTS OF GUN VIOLENCE IN AMERICA

Gun violence is a multi-faceted issue. Both its causes and effects are diverse. Antiquated federal and state gun laws, inadequate mental health services and insufficient understanding of the long-term implications of gun violence all contribute to America's current crisis.

Although a large majority of its victims reside in inner-city and economically, underserved communities, gun violence impacts every single American—in communities large and small, urban, suburban and rural. Therefore, addressing gun violence requires a holistic approach that involves action by local, state and federal officials and citizens from all corners of the country who are vested in putting an end to the bloodshed. The time has come to reevaluate our national outlook on gun violence to promote sensible gun reforms to make our communities safer.

In order for this shift to occur, we must gain a thorough understanding of the costs firearms impose on our society. The following section of the Kelly Report contains a series of articles, studies and book excerpts by academics, researchers and policy advocates that outline the true impact of gun violence on our nation.

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The following is a condensed version of a chapter in *The Gun Debate: What Everyone Needs to Know* by Professors Philip J. Cook, Ph.D. and Kristin A. Goss, Ph.D. of Duke University published by Oxford University Press. Most emphases are original to this report. Citations and ellipses have been omitted.

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Professors Cook and Goss analyze the economic, social and political costs of gun violence in America.

THE GUN DEBATE, CHAPTER 3: THE COSTS OF GUN VIOLENCE

HOW MANY AMERICANS ARE KILLED OR INJURED BY GUNFIRE?

Approximately one million Americans have died from gunshot wounds in homicides, accidents, and suicides during the last three decades—more than the sum total of combat deaths in all the wars in U.S. history. [G]unshot injuries account for 1 of every 15 years lost to early death from all causes.

While homicides and suicides are committed with a variety of weapons, firearms predominate. More than two-thirds of homicides, and half of suicides, are committed with a firearm.

Gun violence rates are high when and where both guns and violence are plentiful. For the nation as a whole, the trends in gun violence rates follow the trends in overall violence rates. That is particularly true for criminal homicide, where the fraction with firearms remains near two-thirds despite the variation in overall homicide rates. For example, the overall homicide rate in 2011 was just about half of what it was in 1991, and the same is true for the gun homicide rate.

Both emergency medical response and treatment after hospitalization have become more effective, so that some victims are saved now who would have been lost in previous times.

WHY ARE ATTACKS WITH GUNS OF ANY MORE CONCERN THAN ATTACKS WITH OTHER WEAPONS?

A popular slogan claims that “guns don’t kill people, people kill people.” The intent is no doubt to suggest that if “people” were deprived of guns, they would find some other means of killing each other—that what matters is the intent, not the type of weapon. What is missing from this argument is that **without a gun, the capacity to kill may be greatly diminished**. One wag suggested, “Guns don’t kill people, they just make it real easy.”

Slogans aside, the true causal role of guns in homicide is one of the fundamental issues in gun-violence research and evidence-based policymaking. In some circumstances the claim that the type of weapon matters seems indisputable. **There are very few drive-by knifings, or people killed accidentally by stray**

fists. When well-protected people are murdered, it is almost always with a gun: over 90 percent of lethal attacks on law enforcement officers are with firearms, and all assassinations of U.S. presidents have been by firearm. When lone assailants set out to kill as many people as they can in a commuter train, business, or campus, the most readily available weapon that will do the job is a gun.

The first piece of evidence is that robberies and assaults committed with guns are more likely to result in the victim’s death than are similar violent crimes committed with other weapons. In the public health jargon, the “case-fatality rates” differ by weapon type. Take the case of robbery, a crime that includes holdups, muggings, and other violent confrontations motivated by theft. **The case-fatality rate for gun robbery is three times as high as for robberies with knives, and ten times as high as for robberies with other weapons. That is particularly true for domestic violence, which is much more likely to result in death (more often of women than of men) if there is a gun handy.**

The speculation that the intent is all that matters seems far-fetched. **When a tool is available to make a difficult task (such as killing another person) much easier, then we expect that the task will be undertaken with greater frequency and likelihood of success.** Perhaps the most telling empirical evidence on this matter is due to Franklin Zimring, who demonstrated that there is actually a good deal of overlap between fatal and non-fatal attacks: Even in the case of earnest and potentially deadly attacks, the victim usually survives. The assailant may be drunk or enraged or scared, and unlikely to be acting in a calculating fashion with a clear sustained purpose. **Whether the victim lives or dies then depends importantly on the lethality of the weapon with which the assailant strikes the first blow or two.**

[T]he type of weapon deployed in violent confrontations is not just an incidental detail; it matters in several ways. **Because guns provide the power to kill quickly, at a distance, and without much skill or strength, they also provide the power to intimidate other people and gain control of a violent situation without an actual attack. When there is a physical attack, then the type of weapon is an important determinant of whether the victim survives, with guns far more lethal than other commonly used weapons.**

The most important implication of the instrumentality effect is that policies that are effective in reducing gun use in violent crime would reduce the murder rate, even if the volume of violent crime were unaffected. As it turns out, about half of the states have incorporated sentencing enhancements for use of a gun in crime. These enhancements, most of which were adopted in the 1970s and 1980s, were intended to reduce gun use in violence; systematic evaluations offer some indication that they have been effective. In any event, the widespread adoption of gun enhancements by state legislatures is a clear indication of the common-sense appeal of the instrumentality effect.

WHO IS AT RISK FOR BEING SHOT?

For assault and homicide, young men are vastly overrepresented in the gunshot victimization statistics. Males 15-34 are the victims

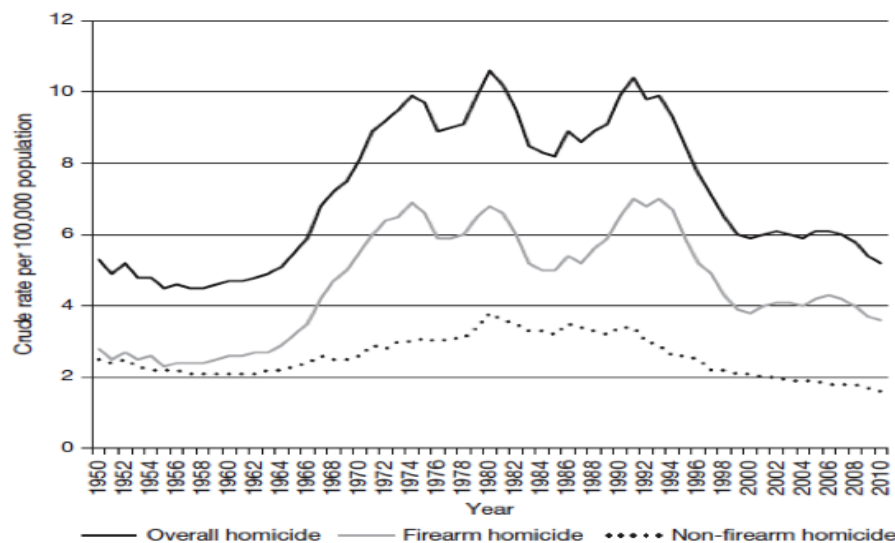


Figure 3.1 Homicide rates and gun homicide rates in the United States, 1950–2010

Source: A variety of sources were used to construct these time series. For a similar data, see <http://www.bjs.gov/content/pub/pdf/htius.pdf>

of half of all murders. Within this group lie large differences by race. Homicide victimization rates in 2010 (consistent with earlier years) were 16 times as high for African Americans as for non-Hispanic whites. Indeed, homicide is the leading cause of death for African Americans in this age group, and is the second-leading cause of death for Latino males. For all men in this age range, most (84 percent) homicides are committed with guns.

Unsurprisingly, the shooters tend to be similar to the victims, with even greater concentration among young men. The violence is engendered by routine altercations or turf contests or other transactions that go wrong. In cities where gangs are prevalent, such as Boston, Chicago, and Los Angeles, the bulk of the deadly violence by youths can be attributed to gang members, since they often have access to guns and may be involved in the underground economy.

About one in five homicides involves women as victims. For women, unlike men, the greatest danger is family, and especially spouses or intimate partners. That said, the long-term trend for domestic violence has been highly favorable. The increasing independence of living arrangements gets much of the credit. **Compared with, say, the 1950s, women are now far less likely to live with a man, and if they do, can more easily move out if the relationship becomes violent. Nonetheless, domestic violence remains a very serious problem. When there is a gun in the home, that violence is more likely to escalate to murder—usually of the woman.**

Suicide presents a different picture. The most obvious similarity with homicide is with respect to gender. Once again, just one in five victims is female. That male-female difference in suicide rates is surely influenced by the differential access to and familiarity with guns. While females are at least as likely to attempt suicide as males, they are much less likely than men to use a gun—and hence to be successful.

Suicide, unlike homicide, is concentrated among whites. For

white men the rates are high and reasonably uniform across the age spectrum from 20 to 80. Other less obvious characteristics actually bring the suicide picture closer to homicide victimization: **Suicide victims are disproportionately unmarried, unemployed, low income, and educated at the high school level or less. There is also a high prevalence of mental illness associated with suicide, most commonly depression.**

WHAT IS A MASS SHOOTING?

There is no widely agreed-upon definition of a mass shooting. For example, some accounts omit mass shootings related to gangs or robbery. Others largely exclude cases where domestic violence is involved.

The go-to source for an authoritative definition of “mass shooting” would normally be the Federal Bureau of Investigation (FBI), the government agency in charge of collecting national crime data. However, the closest it has come to such a definition was in a report on a different topic (serial killers), where it differentiated them from “mass murderers,” defined as those who kill at least four people in a single location. Criminologists and other researchers have informally adopted that quasi definition.

ARE U.S. MASS SHOOTINGS INCREASING?

One way of assessing whether mass shootings have increased is to consult the authoritative source for crime statistics, the Federal Bureau of Investigation’s Supplementary Homicide Report, a compilation of data reported by local police departments. **Although gun homicides have declined over the past two decades, mass murders as defined by the FBI have shown no clear trend, generally hovering between 15 and 25 per year between 1980 and 2010.** Likewise, there has been no clear trend in the number of victims, which typically has fluctuated from 50 to 125 annually. Mass shootings claimed less than 1 percent of all gun homicide victims in 2010.

However, one study suggests that **the types of shootings that attract media attention—those that don't involve gang or domestic disputes and that are conducted in public spaces such as schools and workplaces—may have begun to rise slightly in the mid-2000s, from around one per year to three or four per year, and then reached an unusually high level in 2012—six shootings, including two—at an Aurora, Colorado, movie theater and at the Sandy Hook Elementary School in Newtown, Connecticut—that were particularly horrendous.**

WHAT ARE THE WORST MASS SHOOTINGS IN HISTORY?

The most lethal mass shooting in modern history, outside of war zones, took place in otherwise peaceful Norway in 2011. In that attack a 32-year-old anti-Islamic extremist with paranoid schizophrenia exploded a bomb outside the government headquarters in downtown Oslo, killing 8, then moved to a labor party summer camp on an island 25 miles away and mowed down 69 people, mostly teenagers. **Mass shootings are rare in advanced nations outside the U.S.,** but not unheard of[.]

In the United States, the most lethal mass shooting occurred at Virginia Polytechnic and State University, better known as Virginia Tech, on April 16, 2007. In two closely timed sprees, senior Seung Hui Cho killed 32 students and teachers and wounded 17 others, before killing himself. Cho, a South Korean national who had moved with his family to Virginia when he was in third grade, had a history of depression, severe social anxiety, and withdrawal and had exhibited bizarre, angry behavior shortly before the shooting.

While Virginia Tech had the most fatalities, the mass shooting with the most victims occurred five years later, at the Century movie theater in Aurora, Colorado, during the midnight showing of the Batman movie *The Dark Knight Rises*. There a neuroscience Ph.D. dropout, James Holmes, unleashed a fusillade that struck 70 patrons, killing 12. He pled not guilty by reason of insanity.

The first mass public shooting in the modern era occurred at the University of Texas in 1966, when an engineering student and former Marine (Charles Whitman) opened fire from the campus tower, killing 14 people and an unborn child. Before the rampage, Whitman had murdered his wife and his mother. Another 32 were wounded that day.

As gripping as they are, mass shootings rarely change policy [in the United States]. The ones that do typically involve school children. On April 20, 1999, in suburban Denver, two Columbine High School students shot to death 12 of their classmates and a teacher and wounded 12 other students before killing themselves. The Columbine massacre was the fifth—and by far the most deadly—multiple-fatality shooting that had unfolded in American public schools over roughly a two-year period. Columbine, along with a shooting in Springfield, Oregon, one year earlier, led voters in those states to approve popular referenda requiring all firearms buyers at gun shows to undergo a background check.

The worst firearms massacre at a K-12 institution occurred on December 14, 2012, at Sandy Hook Elementary School in Newtown, Connecticut. Nearly twice as many children were killed there as at Columbine. After Adam Lanza, a mentally ill 20-year-old who had

attended the school briefly years earlier, completed his rampage, 20 first-graders and six educators were dead. He also killed his mother and himself that day. Like Columbine, the Sandy Hook massacre was the culmination of a string of especially high-profile mass shootings, including that of Congresswoman Gabrielle Giffords (D-AZ) and 19 others in 2011 and that of 70 Aurora theater patrons, 10 Sikh worshippers, and eight signage-company employees just in the prior five months of 2012.

[T]he Sandy Hook massacre ha[s] contributed to passage of stricter firearms laws in seven states (California, Colorado, Connecticut, Delaware, Maryland, New Jersey, and New York).

Mass shootings are more common in the United States than in other advanced industrialized democracies. Canada, Great Britain, Australia, and Finland each tightened its gun laws after its respective massacre.

ARE THERE COMMON ELEMENTS IN MASS SHOOTINGS?

First, shooters are almost exclusively male, and they tend to operate alone. Second, random shootings are often not as random as they seem. For example, 33 percent of mass public shootings between 1983 and 2012 occurred at the shooter's current or former workplace. **In 57 percent of mass shootings between 2009 and 2012 the shooter killed a current or former intimate partner,** along with others. In a tally of particularly media-worthy mass shootings, at least two-thirds of the time the shooter had an immediate connection to the location—he had worked, studied, done business, or prayed there, or he was targeting a family member on the job. Finally, roughly half the time, mass shooters take their own life at the scene.

In some of the most deadly shootings—at Virginia Tech, the Aurora movie theater, and the Sandy Hook school, for example—the perpetrator turned out to have had either documented mental illness or clear warning signs.

The U.S. Secret Service and U.S. Department of Education conducted an analysis using the "threat assessment" approach developed for protecting public figures [to try to determine commonalities among perpetrators of mass shootings]. Among their findings:

- "Incidents of targeted violence at school rarely were sudden, impulsive acts."
- Before most incidents other people—usually classmates—knew about the attacker's plans.
- "Most attackers had difficulty coping with significant losses or personal failures. Moreover, many had considered or attempted suicide."
- "Many attackers felt bullied, persecuted or injured by others prior to the attack."
- "Most attackers had access to and had used weapons prior to the attack."

Federal gun laws allow all but a small fraction of the most severely mentally ill to possess a firearm, and the system that is supposed to flag those prohibited purchasers is subject to uneven reporting and missing records. Medical privacy and civil liberties protections often prevent preemptive action by family members or authorities, however well meaning. And, of course, guns are plentiful. **When the U.S. violence rates are compared with those of other high-income countries, we end up near the high end of the spectrum.** But where the U.S. rates are really off the charts is with respect to homicide, and that is due almost entirely to the difference in gun-homicide rates—which in turn reflect the high rates of gun assault and robbery in the United States. For example, although our non-gun homicide rate is only slightly higher than Canada's, the rate of homicide with guns is about seven times as high. The same is true for robberies—non-gun robbery rates are similar, but the United States has five times Canada's rate per capita of gun robberies.

HOW MUCH DOES GUN VIOLENCE COST AMERICA?

Generating a comprehensive measure of the societal impact of gun violence requires imagining all the ways in which it affects the quality of life. The elevated rate of homicide, as important as it is, provides just the beginning in this calculation.

In the latter perspective, violence, particularly gun violence, is like pollution, traffic, and poor schools. **Anyone living in a neighborhood where gunshots are commonly heard is likely to be negatively affected.** The possibility of being shot, or of a loved one's being shot, engenders fear and costly efforts at avoidance and self-protection—as when mothers keep their children from playing outside for fear of stray bullets. **Property values suffer as people with sufficient means move to safer neighborhoods, and business suffers as customers gravitate to shopping areas where they feel comfortable. Tax revenues are diverted to cover the financial costs of medically treating gunshot victims (usually at public expense) and of law enforcement needs.**

The costs of fear, suffering, and avoidance are largely subjective. The challenge is to place a monetary value on these subjective effects, and in particular to estimate how much households would be willing to pay to reduce the perceived risks. One approach is to analyze property values, comparing neighborhoods that are differentially affected by gun violence while controlling for other factors that may be relevant in the real-estate market. That approach is bound to be incomplete (since at best it only can capture the local place-related effects of gun violence) and poses an almost insurmountable statistical challenge (since other neighborhood problems are highly correlated with gun violence). Given the difficulty of extracting estimates from property values, a preferred approach is to survey the public about people's willingness to pay for increased safety. This "contingent valuation" method is widely used by economists in valuing different aspects of the environment.

The first contingent valuation of the cost of gun violence asked respondents to a national survey whether they would be willing to vote for a measure that would reduce gun violence in their community by 30 percent, if it were going to cost them a specified amount (which was randomly varied across respondents).

The pattern of answers was interesting and quite reasonable; for example, respondents with children at home had a greater willingness to pay more than those without. The overall estimate was that such a reduction would be worth \$24 billion. Multiplying up to a hypothetical 100 percent reduction suggests that interpersonal gun violence was at the time an \$80 billion problem, and that the subjective costs were by no means confined to the people and communities that were at highest risk of injury—indeed, the willingness to pay for this reduction actually increased with income.

In sum, the threat of gun violence degrades the quality of life in affected communities. Reducing gun violence would have tangible societal value.

The following is an analysis published by the University of Chicago Crime Lab entitled: Gun Violence Among School-Age Youth in Chicago. The analysis was coauthored by Roseanna Ander, Jens Ludwig and Harold Pollack of the University of Chicago and Philip J. Cook of Duke University. The analysis is available here: <http://crimelab.uchicago.edu/page/report>.

Reproduced with permission from the University of Chicago Crime Lab.

This study outlines common trends among urban youth in Chicago to examine the root causes of death and gun violence in Chicago and other cities across the country.

GUN VIOLENCE AMONG SCHOOL-AGE YOUTH IN CHICAGO

I. INTRODUCTION

A total of 510 people were murdered in Chicago during 2008. Eighty percent of these victims were killed by gunfire. Nearly half were between the ages of 10 and 25, and the vast majority were male.¹ The dramatic overrepresentation of both young males and firearms in homicide is not unique to Chicago, nor are these patterns new. Yet **over the past 50 years, our society has made far less progress in understanding how to protect our citizens from gun violence (and violence more broadly) than we have learned about how to protect citizens from other serious threats to life and health.** From 1950 to 2005, the overall age-adjusted death rate in the United States declined by nearly 45 percent, from 1,446 to 799 deaths per 100,000 people. This decline was driven in large part by massive drops in deaths from heart disease and cerebrovascular diseases (stroke), as seen in **Figure 1**, while infant mortality rates also declined dramatically. In contrast, despite some cyclical ups and downs, the murder rate in 2005 remained about 20 percent higher than its 1950 value.²

Why have we made such dramatic progress in reducing deaths from disease while homicide remains such a persistent problem throughout the United States?

We believe one answer is that data and evidence are generally taken more seriously in medicine than in the area of violence. Before any new cholesterol drug or heart stent is used by the public, the Federal Drug Administration requires a rigorous series of randomized clinical trials to determine whether these medical innovations are actually effective.

In contrast, federal, state, and local governments throughout the United States have implemented a wide variety of innovative programs to reduce gun violence by youth and young adults over the past 50 years—but almost never in a way that can be rigorously evaluated. The logic behind many of the programs that have been tried often seems quite promising. Claims of dramatic success are not in short supply. And yet the youth gun violence problem

remains. The lesson is that progress in addressing youth gun violence in Chicago, or anywhere, is extremely difficult without guidance about what programs work, for whom, why, and how they can be improved.

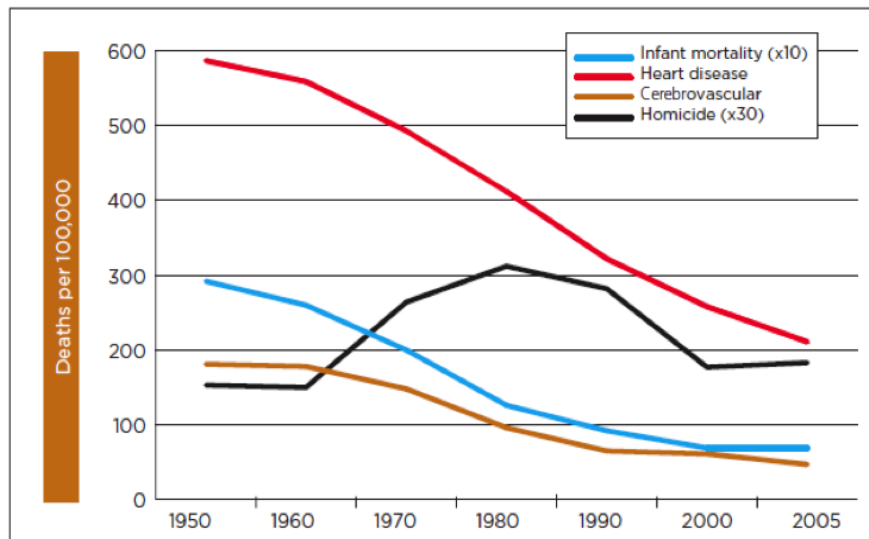
This report summarizes the analysis of a variety of administrative data and surveys, as well as interviews and focus groups that the Crime Lab has conducted with people and organizations all over Chicago, to answer three key questions:

- **Who are the youth involved with gun violence in Chicago as victims or as perpetrators?** It is well known that low-income, gang-involved young minority males are vastly overrepresented as both victims and offenders of gun violence. Our new research for this report highlights several additional contributing factors—such as alcohol use, mental health problems, and perhaps particularly school failure—which seem to be underutilized targets for intervention. And while many people despair that nothing can be done to keep guns away from youth in a country with over 250 million guns in circulation, our research—perhaps surprisingly—argues that there are productive opportunities for disrupting youth access to guns.
- **When do we lose these youth?** At some level, the answer flows back to the first five years of life. But our analysis suggests that another critical turning point seems to occur as children approach middle school age, when both arrest and dropout rates begin to increase. Another important lesson from our analysis is that most “criminal careers” are relatively brief, so that no youth is ever really “lost.” These findings taken together suggest we should be thinking about interventions that both start early (as young as age 10) and help young people navigate the highest-risk years, which may run through the early 20’s.
- **What can we do about the youth gun violence problem?** Our data analysis suggests the value of what we call *focused prevention*, which involves the strategic use of resources to prevent youth gun violence from happening, rather than just addressing the problem after the fact. Our research, together with a growing body of evidence from psychology and behavioral economics, suggests that one way to prevent youth gun violence is to make the incentives that youth face to engage in pro-social activities (particularly schooling) and avoid risky behaviors (such as gun involvement) more swift, certain, and salient.

¹ These figures are from Chicago Police Department, Research and Development, Crime Summary (January 2009).

² This is not to say that dramatic progress has been made in reducing mortality rates from all disease-related causes. For example, death rates from malignant neoplasms (cancer) have held fairly steady, equal to 194 per 100,000 in 1950, compared to 184 per 100,000 in 2005. Nevertheless the overall all-cause, age-adjusted mortality rate in the United States, which is dominated by disease deaths (compared to injury deaths), has declined dramatically, from 1,446 per 100,000 in 1950 to 799 per 100,000 in 2005. Even suicide rates have shown a long-term decline, equal to 13.2 per 100,000 in 1950, compared to 10.9 per 100,000 in 2005, perhaps in part due to the introduction of increasingly effective antidepressant drugs (Ludwig, Marcotte, and Norberg, 2007). Mortality figures reported in the text come from the NCHS report Health, United States, 2007 (table 29) and infoplease.com/ipa/A0779935.html (downloaded December 27, 2008).

Figure 1: Trends in death rates for selected causes, United States, 1950–2005



Source: National Center for Health Statistics

Many city agencies and community-based organizations in Chicago and around the country have already implemented promising programs consistent with our definition of focused prevention. Few, however, are equipped to generate rigorous evaluations of the effectiveness of these programs in a way that is analogous to the sorts of clinical trials common in the medical arena. This lack of feedback about the effectiveness of different intervention strategies makes it difficult for agencies and other organizations to allocate their resources to the most cost-effective approaches and for cities to learn from their own experiences or those of other jurisdictions.

One model for the long-term aspiration of the University of Chicago Crime Lab is the Massachusetts Institute of Technology's Poverty Action Lab, which partners with governments and non-governmental organizations around the world to identify the most effective (and cost-effective) ways of improving health and reducing poverty in the developing world. Our goal is similar, but with a focus closer to home. The United States Department of Education has tried to support the increased use of evidence-based practice in schools through the creation of the Institute of Education Sciences, but nothing similar currently exists for delinquency and violence. We hope that, in time, Chicago will become the global focal point for thinking about how to address the problem of youth gun violence.

Our report is organized into four sections. Section II reviews our analysis of the costs of youth gun violence in Chicago. Sections III, IV, and V address each of the above questions in turn.

II. VICTIMS AREN'T THE ONLY VICTIMS

Chicago's murder rate has markedly declined over the past two decades. Yet in the past few years, Chicago, like many other large American cities, has experienced an increase in lethal violence. A total of 510 Chicagoans were murdered in 2008, compared to 445 in 2007. Even with this recent increase, Chicago's homicide rate is nowhere near the highest in the nation. Nevertheless, our homicide rate remains well above that of such peer cities as New York, Los Angeles, and London, differences that are driven mostly by

elevated rates of gun homicide in Chicago.

Chicago's violence—and particularly gun violence—is unevenly distributed across communities. Shootings are disproportionately concentrated in our most disadvantaged neighborhoods, a pattern that is common to all big cities in the United States. To understand the impact of youth gun violence on these communities, the Crime Lab conducted interviews and focus groups with almost 100 residents throughout Chicago. These men, women, and youth represented diverse perspectives on the problem, including students and other youth, single mothers, faith leaders, educators, teachers, police officers, emergency medicine physicians, and other emergency responders.

Many parents were exhausted by the strain of trying to raise a family in the midst of what several called a war zone. Consider, for example, one mother's personal story of loss:

In 1999, my son was killed by these two guys. I had to go to the hospital and see my son's lifeless body laying on a slab. Then I had to go to the morgue to see where they cut his head open for an autopsy. . . . Within a month . . . my other brother got killed. . . . And it needs to stop. People [are] just taking people's kids' lives for no apparent reason. They have no value on life. They don't know what the parents go through, how they feel.

Our interviews and focus groups highlight that even families who are not directly victimized by gun violence suffer from the fear of being shot that pervades their communities, which is what we mean by "victims aren't the only victims." As expressed by one mother:

One of our young students was shot and killed. And we as a school grieved over that issue. . . . We are angry beyond words that we have to struggle so much every single day just to find some level of normalcy.

We have to drive our kids everywhere. We can't go to work full time because we worry about how are our kids gonna get to and from school? I mean how are they gonna go to the corner store? We can't send one 15-year-old girl down to the corner

store three houses down from ours because there are too many kids hanging around on the corner. There are grown men hanging on the corner. We know they're packing. We know they're selling. . . . The hardest part is that it's an everyday struggle and it's exhausting and it's infuriating because when you want to build a successful future for your children. . . .It's ongoing and it's 365 days a year, 24 hours a day. It's not like, "Oh, the summer's here. It's bad." Yeah, it is bad in the summer, but it's bad in the winter. It's bad all the time. The drugs don't stop. The violence doesn't stop. We're tired.

In fact, the toll of gun violence in Chicago extends far beyond the most disadvantaged neighborhoods of the city, in which shootings are disproportionately concentrated. A study coauthored by Crime Lab member Steve Levitt of the University of Chicago found that suburban flight seems to be substantially affected by homicide. Levitt's analysis of data on a national sample of urban areas suggests that, on average, every homicide reduces a city's population by 70 people. His results imply that the increase in homicides that Chicago experienced from 2007 to 2008 reduced the city's population by nearly 5,000 people.

Violence also poses key obstacles to the economic vitality of low-income communities. Businesses are more likely to close early in higher-crime neighborhoods (Hamermesh, 1999). Even more importantly, high crime rates deter business investment, particularly the creation, growth, or relocation of service-related establishments that would be a valuable source of employment to lower-skilled workers (Greenbaum and Tita, 2004).

For these reasons and others, the direct and indirect costs of gun violence are large and are shared by the entire Chicago community. While the most tangible costs, such as the treatment of gunshot wounds, garner the most attention, in financial terms these are a surprisingly small part of the full social costs arising from such violence. Every crime-related gunshot wound imposes costs on society on the order of \$1 million, according to previous research by Crime Lab members [Dr.] Philip Cook of Duke University and Crime Lab co-director Jens Ludwig of the University of Chicago (Cook and Ludwig, 2000; Ludwig and Cook, 2001). Over the past 10 years, Chicago has averaged roughly 420 gun homicides per year. Our new Crime Lab calculations suggest the social costs that gun violence imposes on Chicago over this period are on the order of about \$2.5 billion each year—about \$2,500 per Chicago household.³

III. WHO ARE THE YOUTH INVOLVED WITH GUN VIOLENCE IN CHICAGO?

The University of Chicago Crime Lab's investigation of administrative data from many diverse sources underscores the distressingly familiar demographic patterns of youth gun violence. Both victims and offenders are disproportionately likely to be young African American males;⁴ [who] come from poor, single-parent households; and... hail from some of the city's most disadvantaged neighborhoods. Despite concern in the popular media that immigration contributes to violence, Hispanic/Latino youth are represented as homicide victims roughly in proportion to their presence in the Chicago population.⁵ Similar patterns are observed in most major American cities.

Research in criminology consistently finds that 6 percent of each birth cohort accounts for up to half of all crime and two-thirds of all violent crime (see, for example, Tracy, Wolfgang, and Figlio, 1990). People who have been arrested at least three times have more than a two-thirds chance of being arrested again. The disproportionate concentration of crime and violence among a relatively small subgroup suggests that changing the behavior of even a small share of the highest-risk youth could generate a notable drop in the overall volume of gun violence.

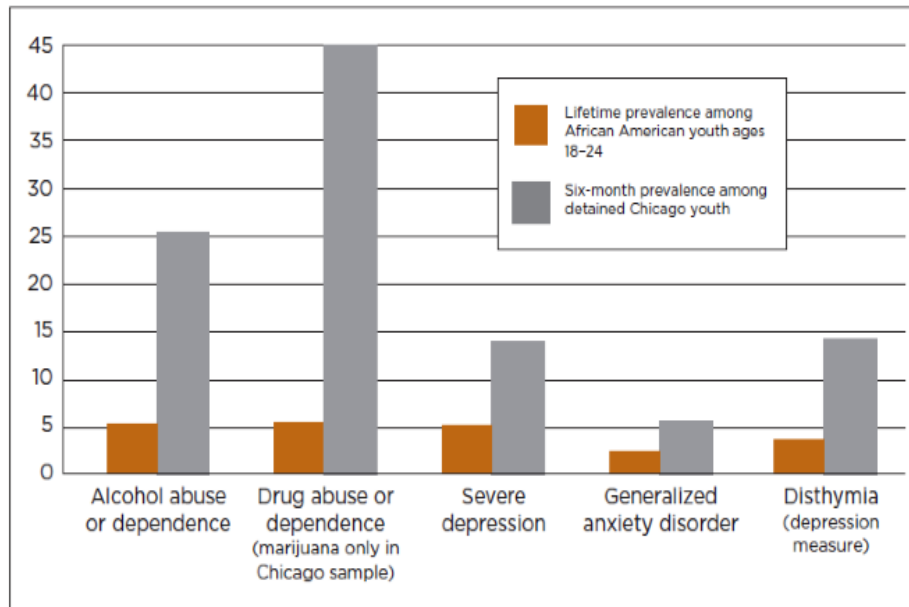
Gang involvement appears to be one characteristic of this highly criminally involved subset of all youth, particularly in Chicago. What should count as a "gang" remains the topic of ongoing debate among criminologists and sociologists. But when the United States Department of Justice surveyed arrestees in different cities in 1996-97, 20 percent of Chicago arrestees said they were currently in a gang and 45 percent said they had been in a gang at some point. This is a far higher rate than in the median city in the sample, which had 3 percent of arrestees report current gang involvement and 15 percent report lifetime involvement. Los Angeles was the only city that came close to Chicago's level of reported gang activity.⁶

In recent years, the Chicago Police Department (CPD) has reported that roughly 45 percent of homicides in Chicago are related to gang altercations or narcotics. The CPD also reports that 90 percent of all homicide offenders and nearly three-quarters of homicide victims have prior arrest records, which suggests that involvement with gangs, drugs, guns, or other illegal activities is associated with an increased risk of violence and victimization as well as offending.⁷

The sociodemographic and geographic concentration of inter-

3 In 2008, there were 412 gun homicides in the City of Chicago. Figures for the numbers of gun homicides for the years 1999 through 2007 come from the Chicago Police Department's "2006—2007 Murder Analysis in Chicago" (https://portal.chicagopolice.org/portal/page/portal/ClearPath/News/Statisticalpercent20Reports/Homicidepercent20Reports/2006percent20-percent202007percent20Homicidepercent20Reports/06-07_MA.pdf). If we look at the past five years rather than the past 10 years, Chicago averages 360 gun homicides per year. Analyses by Crime Lab team member Philip Cook of Duke University indicate that the likelihood that an assault-related gunshot wound results in the death of the victim is about one in six, so that for each gun homicide we observe in a city, on average we expect there to be an additional five nonfatal firearm assaults (Cook, 1985). Our estimate for the social costs per crime-related gunshot wound comes from contingent valuation survey estimates for what the American public would be willing to pay to reduce the number of such shootings by 30 percent, taken from Cook and Ludwig (2000). One limitation for present purposes is that these are national figures, and in principle the public's willingness to pay to reduce gun violence might be different in Chicago compared to the United States as a whole. Another important caveat is that the public's willingness to pay to avert gun violence may not be proportional to the change in the number of shootings (so that, for example, the value of eliminating gun violence altogether need not be 3.33 times the value of reducing gun violence by 30 percent). With these qualifications in mind, our estimates suggest that over the previous 10 years Chicago would average about $420 \times 6 = 2,500$ crime-related shootings per year, so that the total social cost of gun violence to the city would be on the order of $2,500 \times \$1 \text{ million} = \2.5 billion .

4 The most detailed data on Chicago homicides are drawn from the 448 reported cases occurring in 2005, including 190 cases in which the victims were between the ages of 10 and 24. We examined these cases closely using data from the Illinois Violent Death Reporting System (IVDRS). IVDRS links data from the Cook County Medical Examiner's Office, Illinois Department of Public Health, and Chicago Police Department to create the most detailed available picture of these homicides. Ninety percent of these young homicide victims were male. More than 90 percent were African American or Hispanic/Latino. African Americans comprised 36 percent of Chicago residents and 67 percent of young homicide victims. These figures reflect the disproportionate toll violence takes on African American youth, who across the United States face seven times the homicide rate experienced by non-Hispanic whites.



Sources: National Survey of American Life, Northwestern Juvenile Project

personal gun violence in modern America should not be cited or construed to “blame the victim.” American society has a responsibility to continue to address persistent social inequality and to focus resources on the individuals and neighborhoods most likely to bear the costs of violent crime. It is also important to acknowledge that ending poverty and racism in America is a daunting task that is not likely to be accomplished in the short term. Eliminating street gangs is equally daunting—in fact, our University of Chicago colleague Irving Spergel has argued that this might not even be possible.⁸

Moreover, no Chicago youth is entirely safe from the problem of gun violence. The Crime Lab’s original data analysis suggests that perhaps as many as one out of every five youths killed by gunfire in Chicago was an innocent bystander and not the intended target of the shooter.⁹ Being in the “wrong place” at the “wrong time” can be lethal for young people living in some of our city’s most dangerous neighborhoods. Yet in using this phrase, we are mindful of former Chicago Public Schools CEO Arne Duncan’s comments regarding the 2007 shooting death of Blair Holt on a city bus on his way to his grandmother’s house after school. As stated by Arne Duncan, “*Since when is being on the bus on your way home from school being ‘at the wrong place, at the wrong time?’*” That is exactly where he was supposed to be.

We must find ways of preventing youth from getting shot while society continues to struggle to address other fundamental social problems. The key question for policy makers then becomes: Why do some people become involved with gun violence while most others, growing up in similar circumstances, do not? Most low-income males growing up in Chicago’s most disadvantaged and dangerous neighborhoods never become involved with gun violence. Our research has identified several answers that, taken together, suggest some promising potential areas for policy interventions.

Mental Health: Our analysis of data on 1,646 juvenile detainees randomly sampled at intake at the Cook County Juvenile Temporary Detention Center, collected by the Northwestern Juvenile Project, suggests that the majority of youth involved with the crim-

inal justice system experience at least one psychiatric disorder, rates that are far higher than what we see among nationally representative samples of young African Americans (see figure 2).

It is not unreasonable to impose stiff prison penalties on violent felons. Yet every Chicagoan would benefit if we could do a better job of identifying and treating mental health problems among young people before these disorders lead to violence.

School Failure: Our analysis of data from the Northwestern Juvenile Project indicates that juvenile detainees are, academically speaking, a troubled population. Standardized vocabulary scores were on average below the fifth percentile based on national norms; that is, the average youth in juvenile detention in Chicago in the late 1990s scored lower in reading than 95 percent of all

5 According to the 2000 Census, Hispanic/Latino residents comprised 26 percent of the Chicago population. By 2005, Hispanic/Latino youth were likely a higher percentage of Chicago residents in their age group. That same year, 25 percent of young Chicago homicide victims were identified as Hispanic/Latino. Although Hispanic/Latino youth are not “overrepresented” overall in Chicago’s youth homicide statistics, segments of the Hispanic/Latino community clearly experience high rates of homicide and interpersonal violence that require police response. In contrast to recent claims about the role that immigrants play in escalating violence, 88 percent of these homicide victims were United States born.

6 The United States Department of Justice survey from which these results are drawn is called the Drug Use Forecasting system; these results are taken from Cook, Ludwig, Venkatesh, and Braga (2007, table 4, p. F577). As we note in the text, in Chicago 20 percent of arrestees in 1996–97 said they were currently in a gang, and 45 percent said they had been in a gang at some point in their lifetimes. Among arrestees in Los Angeles, 19 percent said they were currently in a gang and 34 percent said they had ever been in a gang. The city with the next-highest reported level of gang involvement among arrestees was Birmingham, where 11 percent of arrestees were in a gang currently and 20 percent had ever been in a gang. The median city in the sample had around 3 percent of arrestees report current gang involvement and around 15 percent say they had ever been in a gang.

7 These figures are taken from the CPD’s “2006–2007 Murder Analysis in Chicago.”

8 University of Chicago Magazine, August 1995, “Attack on All Fronts.” magazine. uchicago.edu/9508/August95Investig.html.

9 For this report, University of Chicago student Garrett Brinker systematically reviewed web/ media accounts of every available homicide in which the victim was a Chicago youth between 13 and 18 years of age between September 11, 2006, and September 6, 2008. This analysis reviewed all stories in the Chicago Tribune, the Chicago Sun-Times, and CBS News. Not every known murder was covered in these news outlets. However, news stories covered murders of 73 youth. Sixty-two of these homicides involved a firearm. One-fifth of these cases (15/73) involved an unintended victim caught in crossfire, killed by a stray bullet, or a victim killed within a crowd into which shots were apparently fired indiscriminately.

similarly aged youth nationwide. Twenty-six percent of the Chicago youth in juvenile detention reported that they had dropped out or were expelled from school. Forty-eight percent reported that their last report card had no better than a “D” average. A large share of detained youth had dropped out of school altogether, and, in fact, gang involvement is thought to help youth fill the void after they have dropped out. Nationwide, high school graduation rates have been declining in recent decades, while the labor market rewards to a diploma have been increasing. While improving our public schools remains a high priority everywhere, student engagement is also necessary for any school to be a success, and it is possible that many youth may not adequately understand the value of schooling for their future. Improving the schooling engagement and outcomes for high-risk youth seems like a particularly important component of any antiviolence strategy, because—unlike such after-the-fact strategies as sending juvenile offenders to detention—prevention programs that improve schooling outcomes have the potential to reduce the burden of violence and delinquency to society while at the same time helping, rather than harming, those youth who are at highest risk for violence involvement.

Alcohol Use: Media accounts frequently link youth gun violence to the use or selling of hard drugs like heroin or cocaine. Yet analysis of data on Chicago homicides from the Illinois Violent Death Reporting System found that only 3 percent of victims ages 10 to 24 tested positive for recent cocaine or opiate use. In contrast, 35 percent of homicide victims had alcohol in their blood at the time of death, often at levels above legal thresholds defined for alcohol intoxication.

One final point, which bears repeating, is the impact that gun availability has particularly when combined with such risk factors for youth violence involvement as mental health problems, alcohol or drug abuse, and school failure or disengagement. Europe, Canada, and Australia have many youth who suffer from these same problems, yet their homicide rates are far lower than ours in the United States.

In the absence of [accessible] guns[s]...youth problems in school or with mental health or substance abuse are not nearly as lethal. Guns intensify violence and make violent events more lethal (Zimring, 1968; Cook, 1991; Cook and Ludwig, 2006). The lethality of guns means it is important to try to keep guns away from youth who are engaged in violence as an independent goal, above and beyond trying to reduce youth involvement with violent events.

With around 250 million guns already in circulation in America (Cook and Ludwig, 2006), it is not surprising that many people have come to believe that it is impossible to keep guns out of the hands of youth, criminals, and other high-risk people. But our own study of the underground gun market in Chicago suggests that, perhaps surprisingly, conventional wisdom may be overly pessimistic.

Transaction costs in underground gun markets are substantial: prices are high relative to the legal gun market; wait times are considerable; mistrust is common between buyers and sellers; and many transaction attempts go unfulfilled, even by people who are well-connected in the underground economy (Cook, Ludwig, Venkatesh, and Braga, 2007). The underground market seems to work far less smoothly for guns than for drugs, perhaps in part because guns, unlike drugs, are durable goods, so the number of market

transactions is lower and exchange becomes more difficult to manage. These patterns suggest opportunities for enforcement efforts that disrupt the illicit gun market. Measures such as buy-and-bust operations or efforts to incentivize arrestees to provide information about buyers and sellers in the gun market may prove more effective than those directed at illegal drugs.

Deterring gun carrying may also help reduce the homicide rate in Chicago above and beyond efforts to prevent gun access in the first place. As noted above, 80 percent of homicides in Chicago in 2008 involved firearms, while CPD data for 2007 suggest that nearly three-quarters of all homicide victims were found outdoors. These figures suggest that in a large share of all homicides the offender must have been carrying a gun in public beforehand. Our analysis of Chicago’s underground gun market also suggests that young people, criminally-involved young adults, and even drug-selling street gangs respond to police pressure against illegal gun carrying and use.

While it is certainly true that federal gun policy in the United States is currently suboptimal, our study suggests that there are still several ways in which strategic enforcement pressures can help reduce gun use.

IV. WHEN DO WE LOSE THESE YOUTH?

A growing body of evidence suggests that we begin losing children essentially from the day they are born. Psychologists claim that there are income disparities in physical aggression in children as young as 16 months (see, for example, the discussion in Ludwig and Sawhill, 2007). Research from criminology and psychology shows that aggressive or violent behavior, even at very young ages, as well as early academic problems, are predictive of violent behavior and other social problems later in life (Reiss and Roth, 1993).

A particularly important turning point seems to come around eighth or ninth grade for many youth. Arrest rates seem to increase in aggregate data for Chicago and in the nation as a whole around ages 13 or 14. Trying to help support children before they reach this key transition period—for example focusing on children as young as age 10 to help them prepare for their upcoming transition—may have great value in reducing subsequent rates of youth gun violence.

At the same time, it is important to recognize that there is an “exit” as well as an “enter” door into the high-risk life (Blumstein, Co-

10 To place the prevalence estimates for mental health problems among juvenile detainees in context, in figure 2 we compared these to estimates derived from the National Survey of American Life (NSAL). NSAL is an extensive epidemiological study, which oversampled African American respondents. Because NSAL respondents are all over age 18, we examined lifetime prevalences of psychiatric disorders among African American respondents age 18 to 24. Because lifetime prevalence rates (which is what we have for the national sample) are always higher than prevalence rates estimated for shorter periods of time (such as the six-month prevalence rates we estimate for juvenile detainees in Cook County), our comparisons shown in figure 2 will if anything understate the degree to which juvenile detainees have higher rates of mental health problems than national samples of youth.

11 *University of Chicago Magazine*, August 1995. “Attack on All Fronts.”

12 Allensworth and Easton (2001) estimate that the high school dropout rate among CPS students is 44 percent, while Heckman and LaFontaine (2007) show that nationwide the high school graduation rate has been declining over the past 40 years and has not converged at all between whites and minorities. Goldin and Katz (2007) show that the wage premium to high school graduates versus dropouts was substantially higher in 2005 than in 1980 (despite a small dip from 2000 to 2005).

hen, Roth, and Visser, 1986; Moffitt, 1993; Piquero, Farrington, and Blumstein, 2003). Most research in criminology suggests that criminal careers are short: for instance, arrest rates in Chicago and elsewhere for most crimes tend to peak during late adolescence or very early adulthood (early 20s). Most of the youth who become involved with crime and violence during the highest-risk part of their lives are not lost causes, since most will eventually desist from crime. There is great value in considering ways of expediting the rate of exit from high-risk behaviors and circumstances. Conversely, interventions and policies serving juvenile offenders that fail to provide proper support and monitoring or that disrupt positive developmental trajectories can worsen youth violence by slowing this exit rate. We should help young people transition out of their criminal careers throughout the high-risk ages—even up through the early 20's.

V. WHAT CAN WE DO ABOUT THE YOUTH GUN VIOLENCE PROBLEM?

Real progress in reducing youth gun violence requires better efforts to evaluate what our society is doing to address this problem and doing more of what is most effective (and cost-effective). As noted above, homicide rates in the United States were about 20 percent higher in 2005 than in 1950. This pattern stands in marked contrast to the dramatic progress we have made over the past 50 years in reducing death rates from a wide range of illnesses. This adverse trend is especially striking when one considers the marked advances over the same period in public health and emergency medicine that lessen the likelihood that a given violent act will be fatal.

One potentially important explanation is that clinical trials are standard in medicine in providing feedback about which interventions are most effective. This is decidedly not the case in violence prevention, where most federal, state, and local governments implement new pilot programs in ways that cannot be rigorously evaluated. As a result, we know remarkably little about how to reduce gun violence and which interventions, among the wide array of plausible candidates, are actually effective. As noted by a blue ribbon panel commissioned by the National Academy of Sciences to assess the problem of gun violence in America:

Answers to some of the most pressing questions [about gun violence] cannot be addressed. . . . It is simply not known whether it is actually possible to shut down illegal pipelines of guns to criminals, nor the costs of doing so. . . . [Anti-gun] policing programs are widely viewed as effective, but in fact knowledge of whether and how they reduce crime is limited.¹⁶

Our meetings and conversations across Chicago indicate there could be many effective interventions out there already that are reducing the toll of youth gun violence every day. Yet public and private funders have almost no way right now to reliably distinguish plausible interventions that work from program models that are less effective.

At the same time, promoting positive youth development is not as simple as just launching a new program, since many of our city's highest-risk youth do not fully avail themselves of the social or educational services that are already available to them. For some of these youth, problems with mental health or substance abuse

might make it difficult to fully engage with existing programs. But our focus group discussions and data analyses also confirm what a growing body of research in behavioral economics suggests: While our social service institutions could surely improve, it appears that the rewards for prosocial behaviors and the costs of antisocial activities—like attending school—confront teenagers with tangible and immediate costs, while the benefits are deferred and abstract. Chicago's new Green for Grades program, which provides cash rewards for academic achievement in several Chicago high schools, represents one creative attempt to make the benefits of schooling more swift, certain, and salient to students. Much more might be done along these lines, including efforts that take better advantage of the leverage that the criminal justice system currently has over many high-risk youth to compel schooling, work, and treatment.

We also miss many opportunities to prevent youth gun violence by deterring youth from participating in high-risk activities. Research suggests people are more responsive to swifter and more certain punishment than to more severe punishment. Our existing criminal justice practices too often run exactly counter to this principle: Youths often are not punished when they engage in risky behaviors, like illegal gun possession or carrying, until they cross over some line that seems clear to government officials but not to the youths themselves. At that point very harsh penalties are imposed that are quite costly to both the young person and to the entire society. We would do society as a whole and the youth themselves a favor by making far greater use of swifter, less severe punishments for infractions like gun carrying, including intermediate sanctions like community service or more stringent probation conditions.

Clearly youth gun violence is a serious and persistent challenge in Chicago and other cities across the United States. The deep costs and tragic consequences, while not shared evenly, are spread broadly in society. Victims are not the only victims. What we hope this [study] also makes clear is that while society continues to work on the "root causes" of gun violence, such as poverty, there are promising and often overlooked points of intervention that could help reduce the toll of youth gun violence in the near term. But to know whether or not new strategies are working, we must also begin to take evidence in this area as seriously as it is taken in medicine.

The overall vision of the University of Chicago Crime Lab is to conduct and rigorously evaluate—first in Chicago and eventually nationwide—promising pilot programs to reduce the toll that crime and violence impose on American society every year. This accumulated set of evaluation evidence will help cities learn from one another about what are the "best practices" for reducing the social costs of crime and violence. Chicago has the potential to become a world leader in addressing these problems.

13 Medical examiners did not routinely test for the presence of marijuana, which would have likely proved more prevalent than other illicit drugs.

14 For example nationwide in 2006, the number of people arrested for murder (or all FBI Index 1 violent crimes) were: 0 (515) for people under 10; 9 (4,602) for those ages 10 to 12; 72 (16,308) for those ages 13 to 14; 146 (14,584) for those 15 years of age; 287 (18,215) for 16-year-olds; 442 (19,767) for 17-year-olds; 667 (21,683) for 18-year-olds; 649 (20,607) for 19-year-olds; 636 (19,054) for 20-year-olds; and 538 (18,537) for 21-year-olds. See the Sourcebook of Criminal Justice Statistics Online, albany.edu/sourcebook/pdf/t472006.pdf, table 4.7.2006.

15 See for example the Chicago Police Department's 2007 Annual Report.

16 Wellford, Pepper, and Petrie (2004), pp. 2, 6, 8, 10.

The following is the article “Public Health Approach to the Prevention of Gun Violence.” by David Hemenway, PhD., and Matthew Miller, M.D., M.P.H., Sc.D. It was originally published in *The New England Journal of Medicine*.

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This article explores realistic public health responses to gun violence in order to reduce the number of gun deaths in America.

PUBLIC HEALTH APPROACH TO THE PREVENTION OF GUN VIOLENCE

Scientists, policymakers, and advocates are increasingly advised to use “the public health approach” to address myriad social issues, from alcoholism to arthritis to vision care and war. However, it is rarely clear what exactly is meant by “the public health approach.”

Policymakers at the Centers for Disease Control and Prevention (CDC) describe the public health approach as a four-step model: Define the problem, identify risk and protective factors, develop and test prevention strategies, and ensure widespread adoption of effective programs. Yet the public health approach is more than this model, for these steps are little more than a scientific approach to any problem.

We believe that the public health approach has five key components. First, the approach is population-based and rarely involves identifiable individuals. Second, it focuses on prevention—usually as far upstream as possible. It is often more effective to change the agent and the environment in which the problem occurs than it is to focus on trying to change the individual with the last clear chance to prevent the problem (e.g., victim or perpetrator). Third, borrowing from human-factors engineering, public health uses a systems approach—trying to create a system in which it is difficult (rather than easy) to make mistakes or behave inappropriately and in which mistakes and inappropriate behavior do not lead to serious injury. Fourth, the approach is broad and inclusive—it examines all possible interventions, including changing social norms and passing new laws, and it tries to engage as many people and institutions as possible in a multifaceted way. Finally, the approach tends to emphasize shared responsibility over blame. Prevention works best when everyone is trying to help. By contrast, assessing blame can sometimes be counterproductive to the goal, which is to prevent the problem from occurring.

A great success of the 20th century—the reduction in motor vehicle deaths—helps illustrate the public health approach. Almost all motor vehicle crashes and deaths can be ascribed to driver error or deliberate misbehavior (e.g., speeding and running red lights). Drivers, especially when tired, drunk, or angry sometimes

make mistakes or behave inappropriately. At first blush, it would appear that if drivers are at fault for almost all collisions, the focus of preventions should be on drivers. Indeed, in the 1950’s, the safety focus was on driver education and enforcement of the traffic laws. At the same time, public health physicians began asking a different question—not “Who caused the accident?” but “What caused the injury?” They found that drivers’ vital organs were ruptured when the spear like steering column punctured the chest; faces and major arteries were ripped apart by windshield glass; occupants were thrown from the car; and many motorists died when their car left the road and hit the unyielding signs, lights, and trees that lined the highways. These physicians asked, Why can’t cars have collapsible, energy-absorbing steering columns, safety glass, seat belts and air bags? Why can’t we make the roads safer? After all, we were not placing unyielding impediments along the sides of airport runways.

Over the past 60 years, cars and roads have been much safer, and the emergency medical system has improved. Traffic-safety experts do not think that drivers today are much better than they were in the 1950s (although alcohol use while driving is down, cell-phone use, texting, and road rage are all up), but fatalities per mile driven have fallen by more than 80 percent. The modern traffic-safety approach does not neglect the driver, but it also emphasizes the importance of upstream prevention.

The success in reducing motor vehicle fatalities illustrates a systems approach—first, create a system in which mistakes are unlikely or quickly corrected (e.g., by Botts’ dots, which alert drivers when they are veering outside the lane) and unlawful behavior is discouraged (e.g., by speed bumps, which reduce the desire to drive at high speeds); and second, ensure that even if motorists still make mistakes or deliberately break traffic rules, the likelihood of serious injury resulting from a crash is greatly reduced (e.g., through the use of air bags).

The motor vehicle success also illustrates the importance of a multifaceted approach. For example, key to the success in reducing drunk driving deaths was a combination of stronger laws and enforcement, changes in social norms about the acceptability of drinking and driving, more “crashworthy” cars, better roads, and an improved emergency medical system. Keys to the seat-belt success story were the requirement that manufacturers install seat belts, the enactment of laws governing seat-belt use, and the new social norm that seat-belt use is both expected and desirable.

Guns kill an average of 85 Americans per day. Compared with all other First-World countries, we have average rates of assault, burglary, and robbery, but we have the most guns, the weakest gun laws, and by far the highest rates of gun homicide, gun suicide, and accidental gun death.

A public health approach to the prevention of firearm violence recognizes that just as we have many motor vehicles in the United States, we also have many guns. And just as there are many types of public health problems caused by motor vehicles (e.g., injuries to pedestrians and bicyclists, side-impact collisions, rollovers, head-on crashes, and car fires) that require diverse policies in or-

der to have a substantial effect, there are also many public health problems caused by guns (e.g., accidents, suicides, intimate-partner violence, mass shootings, gang killings, and assassinations) that require diverse policies to reduce the problem.

The initial steps in the public health approach are to create good data systems that provide consistent and comparable detailed information across sites and over time—and then to ensure that there is adequate funding for analyses of the data collected. Data and research are crucial for highlighting the problem and for targeting and evaluating interventions. For example, from the data system for motor vehicle deaths, we learned that 16-year-old drivers had three times the risk of 19-year-olds. Research showed that these novice drivers were at greatest risk at night and when driving with other teens. State programs for graduated licensure now put limits on such drivers—and have substantially reduced fatalities. The beginning of an excellent data system for gun violence—the National Violent Death Reporting System—is currently available in 18 states. This system should be expanded to the entire nation, with funds made available for analyses and for dissemination of findings, such as through annual reports by the surgeon general.

We believe that many sensible policies could help reduce our gun problem. For example, we should ensure that gun manufacturers do more. To reduce crime, **manufacturers can produce guns with unique serial numbers that cannot be easily obliterated.** New pistols should allow ballistic fingerprinting; laws requiring microstamp-ready guns have already been passed in California and Washington, D.C. The guns should be personalized so that stealing them will not be profitable and the stolen guns cannot be used by criminals (just as automobile manufacturers make personalized radios that will not work if stolen from the vehicle). Gun manufacturers should also exert strong oversight over their distributors to help ensure that guns do not easily get into the wrong hands.

Manufacturers can reduce gun accidents if they stop making guns that can go off when dropped. Guns should be childproof (as are aspirin bottles). All semiautomatic pistols should have magazine safety locks to ensure that they do not fire when the clip is removed. An all too common—and predictable—accident is when an adolescent finds his or her dad’s semiautomatic, removes the magazine, and believes the gun is unloaded. Rather than blame the adolescent or the parents, manufacturers can easily change the gun and prevent the problem.

The gun-distribution system needs improvement. Many firearms are currently obtained without a background check. Universal background checks are the rule in virtually every other developed nation and should be required in the United States. The Bureau of Alcohol, Tobacco, Firearms, and Explosives needs more authority and support to ensure that scofflaw gun dealers do not readily supply felons. Sting operations have shown that many of the dealers whose guns are disproportionately used in crime will disobey the law, and public health studies show that far too many other dealers show a willingness to sell to individuals who are clearly straw purchasers. Most important, as we have reduced the selling of alcohol and tobacco to minors, we must ensure that all dealers

follow the best practices (e.g., employee responsibility training) that reduce the likelihood of selling guns to straw purchasers.

All developed countries require that drivers be licensed; like all other developed nations (and some U.S. states), we should require that gun owners be licensed. Other high-income countries (and some U.S. states) require gun owners be trained and store their guns safely. We should follow their lead.

The criminal justice system—including police, probation, parole, judges, and corrections—plays a crucial role in helping to prevent interpersonal gun violence. More effective policing may have been one reason for reductions in gun crimes over the past two decades. Public health particularly applauds innovative policing that works with the community to help prevent violence.

A public health approach also involves changing social norms. As the norm about the propriety of social drinking and diving has changed over time, so should norms about guns. For example, the norm should be that all gun owners, not just some, store their guns safely. Hundreds of thousands of guns are stolen every year, and many are subsequently used in violent crimes.

The public health approach tries to enlist many people and institutions in addressing a problem and building coalitions that reinforce one another. In the motor vehicle age, Hollywood was instrumental in helping advance the concept of the designated driver. Hollywood might play a part in changing the pernicious current norm that real men use guns to solve problems and settle disputes. When an inner-city youth feels disrespected by a peer, far too often he thinks he must defend his manhood—with a gun, rather than with his fists or by simply walking away. In some cities, ex-gang members have been hired as violence interrupters to broker treaties and help change norms about violent retaliation.

None of these proposed changes will be easy, but public health has had many successes, even against powerful and intractable private interests (e.g., the tobacco lobby). Given the lack of data and research funding, and given that many of the proposals that are discussed here have not even been tried, no overwhelming scientific evidence proves that any specific initiative will (or will not) reduce firearm violence. Fortunately, a virtue of the public health approach is that it is pragmatic rather than dogmatic. As the CDC emphasizes, public health policymakers believe in evaluating all policies, scrapping the ones that don’t work, and promoting the ones that do.

Since the assassinations of Martin Luther King, Jr. and Robert Kennedy, more U.S. civilians have been killed with guns than all U.S. soldiers who have ever been killed in war—from the American Revolution to the present day. We are learning to live more safely with our cars; a public health approach may help us begin to learn to live more safely with our guns. Currently, far too many of us are dying. We believe the public health approach provides a blueprint for success.

The following is a condensed version of the article "Homicide, Suicide, and Unintentional Firearm Fatality: Comparing the United States with Other High-Income Countries in 2003" by Professor David Hemenway, Ph.D. of Harvard University and Erin G. Richardson, S.M. The article was originally printed in *The Journal of TRAUMA® Injury, Infection and Critical Care*. Emphases are original to this report. Citations and ellipses have been omitted.

From *Journal of TRAUMA® Injury, Infection, and Critical Care*, Erin G. Richardson, S.M. & David Hemenway, Ph.D., "Homicide, Suicide, and Unintentional Firearm Fatality: Comparing the United States With Other High-Income Countries, 2003," Vol.70, No. 1, Pages 238-243. Copyright © (2011) Lippincott, Williams & Wilkins. Reprinted with permission from Lippincott, Williams & Wilkins.

In this article, the authors analyze the World Health Organization's Mortality Database to collect information on homicides, suicides and unintentional firearm deaths in 23 high-income nations.

HOMICIDE, SUICIDE & UNINTENTIONAL FIREARM FATALITY: COMPARING THE UNITED STATES WITH OTHER HIGH-INCOME COUNTRIES IN 2003

INTRODUCTION

Violence is a major public health problem in the United States.

For example, in 2003, homicide and suicide were respectively, the second and third leading causes of death for 15-year olds to 24-year olds, and the third and second leading cause of death for 25-year olds to 34-year olds. Most of these deaths were firearm related.

A report from the Centers for Disease Control and Prevention used data from the early 1990's to compare the United States to the other high-income countries in terms of violent deaths (homicide, suicide, and unintentional gun deaths) of children aged 5 to 14. It found that the children in the United States were far more likely to die from violence than children in other high-income nations.

FINDINGS

United States

In 2003, the overall homicide rate in the U.S. was 6.0 per 100,000, driven by the overall firearm homicide rate of 4.1 per 100,000 (Table 1). Firearm homicide rates were highest in the 15-year old to 24-year old age group (10.7 per 100,000). The overall suicide rate in the U.S. was 10.8 per 100,000, slightly over half of these deaths were firearm suicide (5.8 per 100,000). Firearm suicides rates increased with age. Unintentional (0.3 per 100,000) and undetermined firearm deaths were highest in the 15-year old to 24-year old age group (Table 1). Overall, there were almost 30,000 firearm deaths, with the highest rates in the 15-year old to 24-year old age group. The firearm death rate for men was more than six times that for women (17.4 per 100,000 compared with 2.8 per 100,000) (Table 1).

Non-U.S. Countries

In 2003, the overall homicide rate in the other high-income countries was 0.9 per 100,000 and the overall firearm homicide rate of 0.2 per 100,000 (Table 2). Firearm homicide rates were highest in the 25 year old to 34 year old age group (0.4 per 100,000). The overall suicide rate was 14.9 per 100,000; the firearm suicide rate was 1.0 per 100,000. Firearm suicide rates increased with age. Overall, there were slightly more than 7,500 firearm deaths, with the highest rates in the 65+ old age group. There were > 10 times as many firearm deaths of men as of women (Table 2).

U.S.—Non-U.S. Comparison

The United States had a homicide rate 6.9 times higher than those in the other high-income countries, driven by a firearm homicide rate that was 19.5 times higher (Table 3). For 15 year olds to 24 year olds, the firearm homicide rate in the United States was 42.7 times higher than in the other countries. The overall non-firearm homicide rate was 2.9 times higher in the United States. Results were statistically significant.

The U.S. firearm suicide rate was 5.8 times higher than those in other high-income countries, but the non-firearm suicide rate was only 40 percent as high. Indeed, the U.S. non-firearm rate was lower than that of the other countries for all age groups except 5 year olds to 14 year olds. The overall U.S. suicide rate was 30 percent lower than the overall suicide rate for these other countries. Again, these results were statistically significant.

The U.S. unintentional firearm death rate was 5.5 times higher than the rate in these other countries. The overall firearm death rate in the U.S. was 7.5 times higher. These results were also statistically significant.

For males, the U.S. firearm homicide rate was 22.0 times higher than that of other high-income countries (Table 3); for females it was 11.6 times higher (Table 3). For males, the U.S. firearm suicide rate was 5.3 times higher than that of other high-income countries; for females, it was 14.4 times higher. The overall ratio of firearm death rates for U.S. males, compared with non-U.S. males, was 7.2; the similar figure for females was 11.5.

Total population for the United States for 2003 was 290.8 million; the combined population for the other 22 countries was 563.5 million. There were 29,771 firearm deaths in the United States (Table 1) and 7,653 firearm deaths in the 22 other countries (Table 2). Thus, **among these 23 countries, 80 percent of all firearm deaths occurred in the United States in 2003, 86 percent of all women killed by firearms were U.S. women, and 87 percent of all children aged 0 to 14 killed by firearms were U.S. children.**

DISCUSSION

These results show **that the United States has a large relative firearm problem; firearm death rates in the U.S. are more than seven times higher than they are in the other high-income countries.** Firearm homicide rates are 19 times higher in the U.S. compared to the other 22 countries in this analysis, firearm

TABLE 1. Death Rates in the United States per 100,000 Population, Overall and by Gender, 2003

	0-4 yr	5-14 yr	15-24 yr	25-34 yr	35-64 yr	65+ yr	Totals
Overall							
Gun homicide rate	0.2	0.5	10.7	8.9	3.0	0.8	4.1
Nongun homicide	3.4	0.3	2.3	2.3	2.1	1.6	1.9
Total homicide rate	3.6	0.8	13.0	11.2	5.1	2.3	6.0
Gun suicide rate	0.0	0.2	5.0	6.0	7.5	10.7	5.8
Nongun suicide rate	0.0	0.4	4.6	6.7	7.4	3.9	5.0
Total suicide rate	0.0	0.6	9.7	12.7	14.9	14.6	10.8
Unintentional gun death	0.0	0.1	0.5	0.3	0.2	0.2	0.3
Undetermined gun death	0.0	0.0	0.2	0.1	0.1	0.1	0.1
Firearm death rates	0.3	0.8	16.4	15.2	10.9	11.8	10.2
Firearm deaths	56	322	6,754	6,079	12,334	4,226	29,771
Males							
Gun homicide rate	0.3	0.6	18.8	15.5	4.8	1.1	7.1
Nongun homicide	3.7	0.3	3.0	2.9	2.8	2.2	2.5
Total homicide Rate	4.0	1.0	21.7	18.3	7.7	3.3	9.6
Gun suicide rate	0.0	0.3	8.9	10.4	13.0	23.7	10.4
Nongun suicide rate	0.0	0.6	7.1	10.1	10.3	6.0	7.2
Total suicide rate	0.0	0.9	15.9	20.5	23.4	29.7	17.6
Unintentional gun death	0.1	0.2	0.9	0.5	0.4	0.5	0.5
Undetermined gun death	0.0	0.1	0.3	0.2	0.1	0.1	0.1
Firearm death rates	0.3	1.2	28.8	26.5	18.4	25.4	17.4
Firearm deaths	35	255	6,098	5,367	10,232	3,792	25,779
Females							
Gun homicide rate	0.2	0.3	2.2	2.1	1.3	0.5	1.2
Nongun homicide	3.0	0.3	1.5	1.8	1.3	1.1	1.4
Total homicide rate	3.2	0.6	3.7	3.9	2.7	1.7	2.6
Gun suicide rate	0.0	0.1	1.0	1.4	2.2	1.5	1.4
Nongun suicide rate	0.0	0.2	2.0	3.2	4.6	2.3	2.8
Total suicide rate	0.0	0.3	3.0	4.6	6.8	3.8	4.2
Unintentional gun death	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Undetermined gun death	0.0	0.0	0.0	0.0	0.1	0.0	0.0
Firearm death rates	0.2	0.3	3.3	3.6	3.7	2.1	2.8
Firearm deaths	21	67	656	712	2,102	434	3,992

suicide rates, and unintentional firearm death rates are over five times higher. Of all the firearm deaths in these 23 high-income countries in 2003, 80 percent occurred in the United States.

These data show that, comparatively, **the United States has a serious problem with homicide**; our homicide rate is almost seven times higher than those of other high-income countries. Males in the U.S. are more than eight times more likely and females more than four times more likely than their male counterparts in these other countries to be victims of homicide (and 22 and 11 times more likely to be victims of firearm homicide).

The U.S. age group at greatest relative risk of homicide is the 15 year olds to 24 year olds, and compared with young people in these other high-income nations, U.S. youth have a firearm homicide rate 42 times higher, and an overall homicide rate more than 14 times higher. Both young men and young women aged 15 to 24 are at higher risk: young men are being killed with firearms at more than 46 times the rate of young men in these other countries, and females at more than 23 times the rate.

The data in this study does not tell us why U.S. homicide rates are relatively so high, only that they are. There are various possible explanations for the higher rates of homicide in the United States. For example, it could be that the U.S. is for some reason the most violent of these twenty-three countries. After all, non-

gun homicides are somewhat high in the United States, and we have the highest incarceration rates for crime. On the other hand, our non-lethal crime and violence rates, as reported in comparable victimization surveys, are similar to these other nations—with many high-income countries reporting more crimes and violence than the United States. It may be that we are an average country in terms of basic violence, and that our firearm crime rate actually drives up our non-firearm homicide rate.

Although it is often thought that there may be a substitution between firearm-related homicides and non-firearm-related homicides (e.g., if a capable “hit man” decides to kill a person with a firearm rather than a knife, there will be one more person killed with a firearm and one fewer killed with a knife), an increase in firearm homicide might actually increase non-firearm homicides by encouraging retaliation homicides. Firearms are highly lethal, and a drive-by shooting by one gang can lead to the other gang killing in revenge by any means possible.

Whatever our basic level of violence, the empirical evidence from ecological, case-control and other studies indicate that readily accessible firearms—by making killing easy, efficient and somewhat impersonal—increase the lethality of violence.

The suicide picture is different. Although firearm-related suicide rates are substantially higher in the United States compared with

TABLE 2. Death Rates in the Non-US High Income Countries per 100,000 Population, Overall and by Gender, 2003

	0-4 yr	5-14 yr	15-24 yr	25-34 yr	35-64 yr	65+ yr	Totals
Overall							
Gun homicide rate	0.0	0.0	0.3	0.4	0.3	0.1	0.2
Nongun homicide	0.8	0.2	0.7	0.8	0.7	0.6	0.7
Total homicide rate	0.8	0.2	0.9	1.2	1.0	0.7	0.9
Gun suicide rate	0.0	0.0	0.6	0.7	1.3	1.8	1.0
Nongun suicide rate	0.0	0.4	7.7	12.9	18.8	20.6	13.9
Total suicide rate	0.0	0.4	8.3	13.6	20.1	22.4	14.9
Unintentional gun death	0.0	0.0	0.0	0.0	0.1	0.0	0.0
Undetermined gun death	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Firearm death rates	0.0	0.1	0.9	1.2	1.7	2.1	1.4
Firearm deaths	12	46	654	961	3,967	2,013	7,653
Males							
Gun homicide rate	0.0	0.0	0.4	0.6	0.4	0.1	0.3
Nongun homicide	0.8	0.2	0.9	1.0	1.0	0.7	0.9
Total homicide rate	0.8	0.2	1.3	1.6	1.4	0.8	1.2
Gun suicide rate	0.0	0.0	1.0	1.2	2.5	4.3	1.9
Nongun suicide rate	0.0	0.4	11.2	19.4	28.7	31.6	20.7
Total suicide rate	0.0	0.5	12.2	20.6	31.1	35.9	22.6
Unintentional gun death	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Undetermined gun death	0.0	0.0	0.1	0.2	0.2	0.3	0.2
Firearm death rates	0.1	0.1	1.6	2.1	3.2	4.8	2.4
Firearm deaths	9	33	576	844	3,613	1,909	6,984
Females							
Gun homicide rate	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Nongun homicide	0.8	0.2	0.4	0.6	0.5	0.5	0.5
Total homicide rate	0.8	0.2	0.5	0.7	0.6	0.6	0.6
Gun suicide rate	0.0	0.0	0.1	0.1	0.1	0.1	0.1
Nongun suicide rate	0.0	0.3	4.1	6.2	9.0	12.8	7.4
Total suicide rate	0.0	0.3	4.2	6.3	9.2	12.8	7.5
Unintentional gun death	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Undetermined gun death	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Firearm death rates	0.0	0.0	0.2	0.3	0.3	0.2	0.2
Firearm deaths	3	13	78	117	354	104	669

these other high-income countries, our non-firearm-related suicide rates are substantially lower. Our overall suicide rate is in line with these other countries: we have a slightly lower than average rate.

It might appear that the suicide data indicate a large degree of substitution, that suicidal individuals in other countries, where firearms are not so readily available, use other means. If there were complete substitution it would mean that firearms availability merely changes the means of suicide, not the numbers of suicides.

However, the empirical literature indicates that method substitution is far from complete. For example, a dozen case control studies in the United States all find that a firearm in the home increases the likelihood, not only of firearm suicide, but overall suicide. **Ecological studies show that cities, states and regions in the United States with more firearms have both more firearm suicide, and more total suicide.** Availability and accessibility of lethal methods increases suicide rates. Everyone in gun-owning households appear to be at greater risk for completed suicide. Examining the evidence, an international consensus conference of twenty three experts from fifteen countries concluded “restricting access to lethal means reduce suicide rates.”

Firearms are a swift and lethal means of suicide, with a very high case-fatality rate. Studies show that many suicide attempts, even using highly lethal means, are impulsive, and the urge to die fades away. This is particularly true for the younger aged populations, where suicide attempts are more likely to be spontaneous; by contrast, suicide attempts by older adults are more likely to be carefully planned. The results of this study show that firearm suicides, as a percentage of total suicides, are highest for the 65+ age group, in both the United States, and in the other high-income nations.

Results show that our unintentional firearm death rate is more than five times higher than that of the other high-income countries. Our children and young adults are comparatively at highest relative risk—they have over 10 times the risk of dying from an accidental shooting compared with children and young adults in these other countries. There is no reason to expect substitution here—e.g., that if the victims had been not accidentally shot they would instead likely have died from an accidental drowning or an accidental fall.

This study updates previous cross-national studies of violent deaths that compare the United States with other high-income countries. With data from the early 1990s, the Centers for Disease Control examined U.S. violent death rates for children aged 5 to 14 compared with the other high-income countries. Our re-

TABLE 3. Ratio of US Death Rates to Death Rates in Other High Income Countries, Overall and by Gender, 2003, and Statistical Tests Showing the Significance of Each Fatality Occurrence in the US vs. Non-US Countries

	0-4 yr	5-14 yr	15-24 yr	25-34 yr	35-64 yr	65+ yr	Totals
Overall							
Gun homicide rate	7.8	13.4	42.7	23.2	11.9	8.0	19.5
Nongun homicide	4.3	1.8	3.4	2.9	2.8	2.5	2.9
Total homicide rate	4.4	3.6	14.2	9.4	5.1	3.3	6.9
Gun suicide rate	—	8.0	8.8	8.9	5.8	5.9	5.8
Nongun suicide rate	—	1.2	0.6	0.5	0.4	0.2	0.4
Total suicide rate	—	1.6	1.2	0.9	0.7	0.7	0.7
Unintentional gun death	—	10.6	11.6	6.9	4.0	4.7	5.5
Undetermined gun death	0.5*	4.5	2.0	1.0*	0.6*	0.3	0.8
Firearm death rates	6.8	10.6	17.3	12.8	6.3	5.6	7.5
Firearm deaths	68	368	7,408	7,040	16,301	6,239	37,424
Males							
Gun homicide rate	5.7	20.3	46.7	25.1	12.8	8.8	22.0
Nongun homicide	4.8	1.7	3.4	2.8	2.8	3.0	2.9
Total homicide rate	4.8	4.2	17.0	11.1	5.6	3.8	8.2
Gun suicide rate	0.0	7.9	8.7	8.5	5.3	5.5	5.3
Nongun suicide rate	0.0	1.4	0.6	0.5	0.4	0.2	0.3
Total suicide rate	0.0	2.0	1.3	1.0	0.8	0.8	0.8
Unintentional gun death	0.0	9.9	10.8	6.9	3.7	4.2	5.2
Undetermined gun death	0.7*	4.5	2.1	1.0*	0.5*	0.3*	0.7*
Firearm death rates	5.7	11.7	17.6	12.8	5.8	5.3	7.2
Firearm deaths	44	288	6,674	6,211	13,845	5,701	32,763
Females							
Gun homicide rate	15.3	7.3	23.6	14.7	9.6	7.1	11.6
Nongun homicide	3.8	1.8	3.5	3.1	2.7	2.1	2.8
Total homicide rate	4.0	2.9	6.9	5.4	4.2	2.7	4.4
Gun suicide rate	0.0	8.3	9.5	12.7	16.4	19.0	14.4
Nongun suicide rate	0.0	0.9	0.5	0.5	0.5	0.2	0.4
Total suicide rate	0.0	1.1	0.7	0.7	0.7	0.3	0.6
Unintentional gun death	0.0	0.0	30.4	6.7	10.0	17.3	12.0
Undetermined gun death	0.0	0.0	1.4*	0.8*	1.7	0.3*	1.2*
Firearm death rates	10.2*	7.8	14.2	12.3	11.8	11.1	11.5
Firearm deaths	24	80	734	829	2,456	538	4,661

* All associations testing significant differences between US and non-US countries are significant at the $p < 0.05$ level except for those denoted by asterisk.

sults suggest a small relative improvement for the United States a decade later; our relative firearm homicide rate is now 13 times higher than these other countries rather than 17 times higher, and our firearm suicide rate is eight times higher rather than 10 times higher.

With data from the late 1990s, a study analyzed female homicide across 25 high-income countries and found that female victimization rates were significantly associated with firearm availability, largely because of the United States. The U.S. women had 11 times the firearm homicide rate, and almost five times the overall homicide rate of women in the other countries. Our results show little change in these figures.

CONCLUDING FINDINGS

In conclusion, our results do show that the United States, which has, per capita, more firearms and particularly more handguns than these other countries, as well as the most permissive gun control laws, also has a disproportionate number of firearm deaths—firearm homicides, firearm suicides, and firearm accidents.

Firearm violence is a major problem in many parts of the world.

Compared with other high-income countries, homicide is a particular problem for the United States, largely due to firearm homicide. And it is young Americans aged 15 to 24 who have the highest absolute and relative (to the other high income countries) rates of firearm homicide, and total homicide, as well as overall firearm deaths.

The data are clear that compared with other high income countries, **the United States is suffering a disproportionate burden of firearm homicides, firearm suicides, and unintentional firearm fatalities.**

STATE OF GUN LAWS IN
AMERICA & PROPOSALS FOR
PREVENTING GUN VIOLENCE

The following is a summary of an analysis conducted by The Educational Fund to Stop Gun Violence entitled: Justice Denied: The Case Against Gun Industry Immunity. The full analysis is available here: <http://www.efsgv.org/wp-content/uploads/2013/11/Justice-Denied-Report-PDF.pdf>. Citations and ellipses have been omitted.

Justice Denied: The Case Against Gun Industry Immunity. Copyright © (2013) The Educational Fund to Stop Gun Violence. Reprinted with permission from The Educational Fund to Stop Gun Violence.

This analysis discusses the lack of federal regulation and broad protection from civil liability afforded to the gun industry.

JUSTICE DENIED: THE CASE AGAINST GUN INDUSTRY IMMUNITY

THE IMPORTANCE OF LITIGATION IN BRINGING TRANSPARENCY TO THE GUN INDUSTRY

At first glance, the gun industry may appear to be well regulated, with manufacturers and sellers licensed, and their customers required to undergo background checks. Upon closer inspection, gaping holes can be seen in the regulatory structure.

First, not all firearm sales require a background check. [Additionally,] unlike almost every other consumer product in the United States, no federal agency has the authority to regulate the safe design of firearms. In fact, the Consumer Product Safety Commission—the federal agency charged with overseeing the safety of most of the nation’s household products—is expressly forbidden from regulating firearms or ammunition.

Within this regulatory void, lawsuits had proven to be one of the most powerful methods for wronged individuals to hold the gun industry accountable, and for the broader public to learn about the harmful behavior of the industry.

Unfortunately, the Protection of Lawful Commerce in Arms Act largely removes the gun industry from the salutary effects of the civil justice system, giving them unprecedented immunity from negligence-based lawsuits.

THE PROTECTION OF LAWFUL COMMERCE IN ARMS ACT

The Protection of Lawful Commerce in Arms Act was conceived and written after several municipalities—Atlanta, Chicago, Gary, and New York City—filed lawsuits against firearms manufacturers and distributors alleging that their actions had undermined public health and caused those municipalities to incur substantial financial obligations.

PLCAA created immunity for federally licensed manufacturers, distributors and dealers of firearms and/ or ammunition (and trade associations) from qualified civil liability in federal and state court “for the harm solely caused by the criminal or unlawful mis-

use of firearm products or ammunition products by [third parties] when the product functioned as designed and intended.”

The Act was written with several exceptions that its supporters cynically argued would allow lawsuits to proceed against the gun industry. Since 2005, court rulings have suggested that these exceptions are very narrow in practice. Far from targeting only “frivolous” lawsuits, PLCAA provides broad protection to members of the gun industry that make unsafe products and engage in distribution practices that result in easy access by criminals. As a result, the law has had a chilling effect, discouraging attorneys from taking cases involving legitimate causes of action against the gun industry.

DISAPPEARING EXCEPTIONS

As noted previously, PLCAA shields the gun industry from “the harm solely caused by the criminal or unlawful misuse of firearm products or ammunition products by [third parties] when the product functioned as designed and intended.”

The Act also lists six types of claims, which it specifically does not prohibit:

1. *Lawsuits against a defendant who “knowingly transfers a firearm, knowing that such firearm will be used to commit a crime of violence,” brought by a victim “directly harmed” by the transfer.*
2. *Lawsuits against sellers based on negligent entrustment or negligence per se.*
3. *Lawsuits against a defendant who “knowingly violated a state or federal law applicable to the sale or marketing of the product, and the violation was a proximate cause” of the victim’s harm.*
4. *Lawsuits against manufacturers and sellers for breach of contract or warranty in connection with the purchase of the product.*
5. *Lawsuits against manufacturers or sellers “for death, physical injuries or property damage resulting directly from a defect in design or manufacture of the product, when used as intended or in a reasonably foreseeable manner, except that where the discharge of the product was caused by a volitional act that constituted a criminal offense, then such act shall be considered the sole proximate cause of any resulting death, personal injuries or property damage.”*
6. *Proceedings brought by the U.S. Attorney General to enforce the Gun Control Act and National Firearms Act.*

The six categories of permissible suits are generally referred to as “exclusions” or “exceptions.” In practice, however, it can be difficult for plaintiffs to meet their requirements.

BEFORE PLCAA

Prior to the enactment of the Protection of Lawful Commerce in Arms Act, civil litigation encouraged positive change in the gun industry and compensated victims of violence. Lawsuits against the gun industry were also a strong tool to pry free otherwise hid-

den information about marketing and distribution practices. One important finding revealed by lawsuits launched by municipalities, including Chicago and New York, was that a small number of gun dealers were the source of a vastly disproportionate number of crime guns.

Additionally, heads of major gun companies were forced to answer basic questions under oath that they had long avoided[.]

Finally, product liability lawsuits against manufacturers were responsible for some of the most important safety improvements in the gun industry, including basic changes like making guns that don't accidentally fire when dropped.

One high profile example of successful litigation occurred when victims of the 2002 D.C. sniper shootings successfully sued gun distributor Bull's Eye Shooter Supply and manufacturer Bushmaster Firearms, Inc. for actions that created an unnecessary risk that their products would fall into criminal hands.

For 20 days, the Washington metropolitan area struggled to respond to the random and often lethal shootings. When the Bushmaster AR-15-style rifle used by the killers was eventually traced across the country to Bull's Eye Shooter Supply in Tacoma, Washington, **the store said they were not even aware they were no longer in possession of the weapon.** It simply had disappeared from their inventory, they claimed. ATF investigators found that 238 firearms had also inexplicably "disappeared" from Bull's Eye over the preceding three years. Under a September 2004 settlement agreement, the victims and their families eventually received \$2.5 million dollars for this negligence, \$500,000 of which came from Bushmaster.

PRODUCT IMMUNITY FOR FIREARMS: UNPRECEDENTED AND UNNECESSARY

The gun industry's singular protection from legal accountability for its actions is unparalleled in the United States. While at least two other industries—vaccine manufacturers and general aviation manufacturers—enjoy immunity from civil lawsuits like the gun industry, their protection is limited in scope or accompanied by an alternative form of recovery for individuals harmed by their products. Moreover, the limited immunity offered to them serves rational goals and the public interest.

Victims of gun violence are not compensated from a fund created by taxes on firearms purchases, like victims harmed by childhood vaccines. Nor do they have 18 years from the time a firearm is put on the market to sue, as purchasers of general aviation aircraft do. Furthermore, the broad immunity which the firearms industry enjoys is not necessary to keep gun makers in business.

RESTORING JUSTICE TO VICTIMS OF GUN VIOLENCE

The best way to give victims and survivors of gun violence their rights back is to repeal the Protection of Lawful Commerce in Arms Act in its entirety. Another approach would be to amend PLCAA to allow lawsuits based on state law to go forward.

In January 2013, Representative Adam Schiff (D-CA) introduced H.R. 322, the *Equal Access to Justice for Victims of Gun Violence Act*, which prohibits a court from dismissing "an action against a manufacturer, seller, or trade association for damages or relief resulting from an alleged defect or alleged negligence with respect to a product, or conduct that would be actionable under State common or statutory law in the absence of the *Protection of Lawful Commerce in Arms Act* on the basis that the action is for damages resulting from, or for relief from, the criminal, unlawful, or volitional use of a qualified product." Essentially, the bill continues to protect the gun industry against suits involving the criminal acts of third parties, the purported purpose of PLCAA; but allows suits alleging industry misconduct to go forward.

Another partial remedy worth investigating would be to have states amend their negligence and public nuisance laws to explicitly mention gun commerce, thereby making it easier for courts to find that state law creates a predicate exception by being "applicable to the sale or marketing of the product." Highly tailored efforts to reform state laws are a promising but speculative path to removing some of the negative impacts of PLCAA.

CONCLUSION

America's civil justice system exists to help compensate victims and create the possibility of a safer future. When businesses are held to account for their irresponsible practices, they are given a compelling reason to avoid mistakes and prevent their products from causing harm. Given the importance of keeping guns out of the hands of criminals, the civil justice system holds the potential to create a powerful check against actions that enable gun violence.

The Protection of Lawful Commerce in Arms Act (PLCAA) denies justice to gun violence victims and increases the chance that preventable gun violence will continue to occur. The enactment of PLCAA has prevented victims' families and survivors from holding gun sellers accountable for their unreasonable behavior, including the arming of hardened criminals and domestic abusers.

Having seen the negative results of giving the gun industry unprecedented and unnecessary protection, it is now time to put people over gun industry profits once again. The best available remedies are to reform PLCAA at the national level and pursue state-level laws that can help victims seek justice through the civil system. Gun violence victims deserve no less.

The following is a condensed study entitled: Preventing Domestic Abusers and Stalkers from Accessing Guns, published by the Center for American Progress. This study was authored by Winnie Stachelberg, Arkadi Gerney, Chelsea Parsons, and Megan Knauss. Most emphases are original to this report. Citations and ellipses have been omitted. The full version of this study can be found at www.americanprogress.org.

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This study outlines the shortcomings of state and federal laws related to firearm possession by domestic abusers.

PREVENTING DOMESTIC ABUSERS & STALKERS FROM ACCESSING GUNS

While opinions may differ as to the scope of the Second Amendment right to keep and bear arms, almost all Americans agree that criminals should not have access to guns. Congress recognized the need to keep guns out of the hands of dangerous people more than 40 years ago when it passed the Gun Control Act of 1968, which prohibited felons and other dangerous individuals from owning guns. The Supreme Court has also sanctioned restrictions on gun ownership by such individuals, repeatedly holding in recent decisions that such federal and state laws to prohibit gun ownership by criminals and other dangerous individuals are well within the bounds of the Constitution.

Intimate-partner violence is a pernicious crime that affects millions of women across the country. Women are more than three-and-a-half times as likely to be killed by an intimate partner than men. **In 2005, 40 percent of female homicide victims nationwide were killed by a current or former, intimate partner, and guns were used in more than half of those murders.** The lethality of domestic-violence incidents—and therefore the risk to women—increases exponentially when a firearm is present in the home. Having a gun in the home increases the risk of homicide of an intimate partner by eight times compared to households without guns.

Congress has previously recognized the unique dangers posed by domestic abusers with guns. In the mid-1990s it enacted legislation to ban domestic-violence misdemeanants and individuals subject to some domestic-violence restraining orders from buying or possessing guns. Still, federal laws that are currently designed to protect women from gun violence suffer from four key weaknesses:

- Background checks are not required on all gun sales, so domestic abusers prohibited from gun ownership can easily circumvent the gun-ownership ban by buying a gun from a private seller.
- The federal limits on domestic abusers are too narrow because they omit abusers in dating relationships and abusers subject to some emergency restraining orders.
- There is no federal ban on gun ownership for stalkers convicted of misdemeanor crimes and who are subject to restraining orders.
- Federal, state, and local authorities do not adequately enforce the laws already in place by disarming and prosecuting domestic abusers who violate the current laws and maintain possession of firearms.

Congress must act to close these loopholes in the law and ensure that victims of stalking and domestic violence are not further victimized, looking at the end of a gun.

CURRENT FEDERAL LAW PROHIBITING GUN OWNERSHIP BY DOMESTIC ABUSERS

In 1994 Congress passed the Violence Against Women Act, a major piece of legislation designed to protect victims of domestic violence, and provide them with support and services, and ensure strong penalties for perpetrators. In recognition of the dangers posed by abusers with guns, one component of this comprehensive legislation was a ban on gun ownership by certain perpetrators of domestic violence. Under this provision, individuals subject to a restraining order that was issued after a hearing to protect an “intimate partner”—defined as a spouse or former spouse, a parent of a child in common, or a current or former co-habitant—are prohibited from buying or possessing firearms.

In 1996 Congress acted again to protect victims of domestic violence by amending the Gun Control Act of 1968 to prohibit gun ownership for individuals who have been convicted of a “misdemeanor crime of domestic violence.” A misdemeanor conviction qualifies under this provision if it involved “the use or attempted use of physical force, or the threatened use of a deadly weapon” and if the perpetrator committed the crime against a current or former co-habitant, or a person “similarly situated” to a spouse, parent, or guardian of the victim. This legislation known as the “Lautenberg Amendment” for its sponsor the late Senator Frank Lautenberg of New Jersey, received overwhelming bipartisan support in the Senate, passing by a vote of 97-2.

In the years since domestic-violence offenders have been prohibited from firearm ownership, they have represented a significant portion of individuals who have sought to buy guns and been prevented from doing so after a background check. Between November 1998—when the National Instant Criminal Background Check System was created—and March 31, 2013, domestic-violence misdemeanor convictions have accounted for more than 10 percent of gun-sale denials and were the second-most frequent reason for denial of an application to purchase a firearm by the FBI. **Out of the 2 million denials of applications to purchase a firearm between November 1998 and March 2013, more than 146,000 applications have been denied because of the applicant’s history of domestic violence.**

FOUR KEY WEAKNESSES IN FEDERAL LAW AND LAW ENFORCEMENT

Problem No. 1: Not all gun sales require a background check

There is currently a loophole in the federal law that permits a significant number of guns to change hands without a background check. Sales between private individuals, for example, are exempted from the background-check requirement, which means that guns may be sold by private sellers at gun shows, over the Internet, through classified ads, or through other methods without first conducting a background check to ensure that the purchaser is legally qualified to possess a gun. The best estimate

is that 40 percent of gun sales every year occur in this manner, which accounts for more than 6 million gun transfers with no background checks. Additionally, data from a survey of prison inmates revealed that nearly 80 percent of those polled who had used a handgun during the commission of a crime had acquired it from someone who was not a licensed dealer.

Problem No. 2: The current limit on domestic abusers is too narrow

The federal law disqualifying domestic-violence misdemeanants from firearm ownership excludes a key group of domestic-violence victims from its protection: individuals in a current or former dating relationship who never lived together or had a child together or had a child with a perpetrator. Research has shown that violence is at least as prevalent in dating relationships as in the other intimate-partner relationships currently covered by the federal law.

The provision of the law that prohibits individuals subject to certain domestic-violence restraining orders from possessing guns suffers from the same infirmity. Perpetrators who have a restraining order against them in the context of a dating relationship are not banned from firearm ownership.

The federal law that prevents individuals who are subject to certain domestic-violence restraining orders from buying or possessing guns also suffers from another significant flaw: It only covers permanent orders issued after notice and an opportunity for a hearing, and does not disarm accused domestic-violence offenders when emergency temporary restraining orders are issued prior to a hearing.

Problem No. 3: Failure to prevent stalkers from obtaining guns

Current federal law fails to protect victims of stalking from gun violence. According to the Centers for Disease Control's National Intimate Partner and Sexual Violence Survey, one in six women and 1 in 19 men have been stalked during their lifetime. One study finds that stalkers use weapons to harm or threaten victims in one out of every five cases.

Problem No. 4: Failure to adequately enforce the laws against domestic abusers

While federal law prohibits domestic-violence misdemeanants and individuals subject to certain domestic-violence restraining orders from buying or possessing guns, federal and state law-enforcement agencies have largely failed to enforce this prohibition and ensure that these individuals are relieved of any guns in their possession.

The failure to disarm domestic abusers can have devastating consequences for victims. **An investigation by *The New York Times* in March 2013 found that over the past decade in Washington state—one of the states examined in the investigation—at least five women were shot and killed less than a month after obtaining protective orders, and in at least six other instances in the state, a person subject to a restraining order shot and killed a person other than the one who had taken out the restraining order.**

FOUR PROPOSALS TO STRENGTHEN THE FEDERAL LAWS AND LAW ENFORCEMENT

Solution No. 1: Require background checks for all gun sales

The only way to ensure that domestic-violence offenders—a group of individuals that Congress has already determined pose a unique threat to public safety and therefore should not have guns—are unable to buy firearms is to close the loophole that allows some gun sales to occur without a background check.

A vast majority of Americans support expanding background checks. A CBS News/*New York Times* poll in January 2013 found that 92 percent of Americans support background checks for all gun sales. 93 percent of gun households and 85 percent of those who live with a member of the NRA support background checks for all gun sales.

Requiring background checks for all gun sales would help protect victims of domestic violence from future gun violence. In states that have acted to close this loophole and require background checks for all gun sales, 38 percent less women are shot to death by intimate partners.

Congress should act quickly to reconsider and pass this legislation that would help ensure that domestic-violence perpetrators cannot continue to easily acquire guns from private sellers and pose a threat to their victims.

Solution No. 2: Include dating relationships and temporary restraining orders in the ban on gun ownership

The federal prohibition on gun ownership by domestic-violence perpetrators overlooks a key group of perpetrators that pose a potential risk to public safety: individuals convicted of a domestic-violence misdemeanor or subject to a restraining order because of conduct committed against a current or former dating partner. **The precise nature of the relationship between a perpetrator of domestic violence and the victim should not control whether the individual is banned from gun ownership,** but dating relationships are not currently included in the law. That the parties were never married, never lived together, or currently included in the law. That the parties were never married, never lived together, or do not have a child together does not lessen the risk of future gun violence that Congress has already recognized is posed by perpetrators of domestic violence.

Congress should amend the federal law to include domestic abusers in a current or former dating relationship among those prohibited from buying or possessing firearms. Congress should also strengthen the protections for domestic-violence victims by expanding the law to prohibit individuals subject to a temporary restraining order from possessing guns.

Those subject to a temporary restraining order issued by a civil or criminal court in domestic-violence proceedings are routinely deprived of numerous freedoms before there is an opportunity for a full hearing. Courts often issue temporary restraining orders on an ex parte basis that direct respondents to stay away from their own homes, to have no contact with their children, and

Zina Daniel,²² Brookfield, Wisconsin, October 2012

Killed by a gun bought without a background check by a domestic abuser under a restraining order

After being married for a number of years, Zina Daniel and Radcliffe Haughton became estranged. In October 2012 Daniel obtained a restraining order against Haughton, telling the court that he had slashed her tires and had threatened to throw acid in her face and burn her and her family with gas. She told the court that his threats against her “terrorize[d] her every waking moment.”²³

Despite being prohibited from buying or possessing a gun under federal law because of this restraining order, Haughton easily purchased a gun on the Internet from a private seller, who was not required to conduct a background check.²⁴ On October 21, 2012, Haughton appeared at the salon and spa where Daniel worked, shot and killed her and two other women, and injured four others before killing himself.²⁵

Christen Naujoks, Wilmington, North Carolina, June 2004

Killed by her felon ex-boyfriend, who bought a gun without a background check

Christen Naujoks and John Peck, students at the University of North Carolina, Wilmington, dated for a time before Naujoks ended the relationship. Peck, a convicted felon for a prior sexual assault of another woman, began stalking Naujoks and in March 2004 Naujoks reported Peck to campus security and the local police and ultimately obtained a restraining order against him.²⁶

On May 14, 2004, Peck bought an SKS assault rifle from a private seller, who was not required to conduct a background check, which would have revealed Peck as barred from gun ownership because of his felony conviction.²⁷ On June 4, 2004, Peck gunned Naujoks down in front of her apartment building, fatally shooting her 11 times.²⁸ Peck committed suicide after a shootout with police three days later.²⁹

Jitka Vesel, Oak Brook, Illinois, April 2011

Killed by a prohibited purchaser, who bought a gun without a background check

Jitka Vesel and Dmitry Smirnov briefly dated in 2008 after meeting on an online-gaming website; Vesel, however, broke off the relationship.³⁰ Following the breakup, Smirnov began harassing Vesel via email and phone calls and in 2009 she filed a complaint with the local police department.³¹

In April 2011 Smirnov, a Canadian resident who was prohibited from owning a gun in the United States because of his immigration status, entered the country and bought a gun from a private seller in Washington state who had advertised the gun online.³² Smirnov then drove to Vesel's home outside of Chicago, placed a GPS tracking device on her car, and followed her for several days.³³ On April 13, 2011, Smirnov approached Vesel in a parking lot and shot her repeatedly, killing her. He was apprehended by police shortly after the shooting, pleaded guilty to stalking and first-degree murder, and was sentenced to life in prison without parole.³⁴

to stay away from numerous other locations, including schools, workplaces, and other places where the victim is likely to be present. Such orders, while temporarily infringing on the freedom of a respondent before the individual has had an opportunity for a full hearing on the accusations, are necessary to protect victims of domestic violence while the court proceedings are pending. Courts already have processes in place to ensure that respondents are quickly afforded a full and fair hearing on the accusations against them.

Solution No. 3: Prohibit convicted misdemeanor stalkers from gun ownership

Seven states and the District of Columbia have recognized the potential risks posed by stalkers and have banned them from firearm ownership. Notably, during the period from 2001 through 2010, these states had a rate of gun homicides of women that is 28 percent lower than the national average. Congress should amend the law to prohibit individuals convicted of misdemeanor stalking from being able to buy or possess guns.

Solution No. 4: Better enforce the current laws by disarming prohibited domestic abusers

The federal law is clear: A domestic-violence conviction or qualifying restraining order bars a person from purchasing any new firearms and makes any further possession of firearms a felony. Unfortunately, federal, state, and local authorities are not doing enough to ensure that these prohibited persons are, in fact, dis-

armed. Federal, state, and local authorities should consider the following measures to better enforce the existing laws.

- Direct ATF taskforces to make disarming prohibited domestic abusers a top priority
- Establish an alert system for prohibited domestic abusers who attempt to buy firearms
- Establish state and local post-conviction protocols to disarm prohibited abusers

CONCLUSION

Domestic abusers and stalkers should not have guns. Furthermore, individuals who perpetrate these crimes engage in a continuing course of escalating conduct that all too often culminates in tragedy. There are serious gaps in federal law that allow too many dangerous abusers to easily obtain guns, and more can be done to enforce the laws we have to prevent domestic abusers and stalkers from obtaining guns.

As Congress continues to consider legislative options to address gun violence, Representatives should take steps to protect victims of domestic violence and stalking from gun violence and help ensure that countless Americans don't join the ranks of those whose lives were cut short by gun-wielding abusers and stalkers.

The following is an article entitled: "Policies to Prevent Firearm Trafficking" by Professors Jon S. Vernick, J.D., M.P.H. and Daniel W. Webster, Sc.D. at the Johns Hopkins Bloomberg School of Public Health's Center for Gun Policy Research.

The article was originally printed in *Injury Prevention*, an international peer-reviewed journal for health professionals. Emphases are original to this report. Citations have been omitted.

From *Injury Prevention*, Jon S. Vernick, J.D., M.P.H. & Daniel Webster, Sc.D., "Policies to prevent firearm trafficking," Vol. 13, Page No. 78-79 Copyright © (2007) BMJ Publishing Group Ltd. Reprinted with permission from BMJ Publishing Group Ltd.

In this article, the authors analyze several potential state and federal legislative policies that can be implemented to reduce gun trafficking and straw purchases—thereby reducing overall violence and total firearm deaths.

POLICIES TO PREVENT FIREARM TRAFFICKING

Measures to prevent firearms moving from the licit to the illicit market within the U.S. can also reduce international trafficking.

Excluding military conflicts, firearms are used in more than 200,000 deaths annually, including nearly 30,000 in the US alone, and 7-8 million new firearms are manufactured each year worldwide.

Firearm manufacturers typically market their products through a network of licensed distributors and dealers, before the gun is sold to an individual buyer. Virtually every firearm used to commit a homicide or other violent crime was first purchased from a licensed dealer by someone deemed to be legally eligible. Typically, however, the individuals who use firearms to commit violent crimes are not the initial lawful purchasers, but have instead obtained firearms through an illicit market.

The secondary market in firearms—which includes guns acquired from private individuals both legally and illegally—is largely unregulated, making it difficult to hold people who supply guns to criminals accountable for their actions. However a number of policies can be implemented to enhance accountability and thereby prevent violent injury and death.

U.S. POLICIES TO PREVENT TRAFFICKING

IMPROVED LICENSING AND OVERSIGHT OF DEALERS

People in the business of selling firearms in the U.S. must obtain a federal firearms license issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE), and maintain records of their inventory and the guns they sell. Corrupt firearm dealers are an important source of guns for criminals. **In one analysis, just 1 percent of licensed dealers were responsible for almost 60 percent of guns traced to crime.** Under a federal law enacted in 1986, however, BATFE is limited in its ability to inspect and punish dealers who funnel guns to criminals. States could fill this void by

requiring their own state license in addition to the federal license, and by engaging in routine inspection and oversight of dealers. But only 17 states require a state license, and only two mandate regular inspection of dealers. Enhanced oversight of dealers by law enforcement, including undercover sting operations, is associated with reduced trafficking.

SCREENING OF ALL FIREARM PURCHASERS

Most firearm control policies in the US are designed to keep firearms away from dangerous people. In the U.S., purchasers of firearms from licensed dealers must undergo a background check to verify their eligibility status. Convicted felons, certain misdemeanants and several other categories of prohibited people may not lawfully purchase or possess firearms.

Unlike purchases from licensed dealers, when a buyer acquires a firearm from a private seller, federal law does not require a background check. Fifteen states require background checks for private sales of handguns, but even in those states enforcement may be limited. As a result, people without a criminal history can purchase firearms from a dealer and then sell them to prohibited purchasers with little risk.

Sometimes a prohibited purchaser will even specifically direct someone else to buy the gun for them. This is a so-called "straw purchase." In one study, more than half of the dealers surveyed were willing to facilitate this kind of illegal sale. Laws regulating private sales, if properly enforced, could reduce trafficking by holding the private seller criminally accountable for an unlawful sale.

Laws requiring firearms to be registered—on the books in only a few U.S. states—could aid in the enforcement of private sales regulations and reduce trafficking by providing a chain of lawful ownership for law enforcement to follow. By comparison, many other developed countries have firearm registration systems. For example, Canada registers all firearms, although there have been recent efforts to repeal or modify that system. Australia introduced a national registration system after a mass shooting in Tasmania in 1996. Relatively few U.S. crime guns originate in Canada, Australia or elsewhere.

MANDATORY REPORTING OF GUN THEFTS

Another way that firearms can move from the licit to the illicit market is through theft. **Approximately 500,000 firearms are stolen from U.S. homes annually.** Guns may also be stolen directly from dealers. Laws that require prompt reporting of thefts enhance owner accountability. Without mandatory theft reporting, when law enforcement attempts to determine if a gun has been transferred unlawfully, an owner can more easily claim that his or her gun was stolen at some point in the past.

ONE-GUN-PER-MONTH LIMITS

No federal law generally prohibits purchasing more than one—or even hundreds—of firearms at one time. Only three states have one-gun-per-month laws that limit, with certain exceptions, the

purchase of a firearm to a maximum of one per 30-day period. The purpose of these laws is to make it harder for a potential trafficker to buy many guns at one time with the intention of reselling them to prohibited buyers. An analysis of Virginia's one-gun per-month law indicated that the law reduced interstate trafficking of firearms originally bought in Virginia.

BANNING HIGH-RISK FIREARMS

Some firearms—for example, low-cost, poorly made handguns known as Saturday Night Specials—may be particularly attractive for traffickers and price sensitive criminals. Restricting the sale of these firearms can eliminate one source of inexpensive, trafficked guns.

TRACING THE SOURCE OF CRIME GUNS

Routine tracing of firearms recovered from criminals is key to the effective enforcement of each of these policies. Firearms in the U.S. are required to have a unique serial number, enabling BATFE to identify both the dealer and the first retail purchaser of guns used in crime. Those trace data can be used by law enforcement to identify dealers who sell a disproportionate number of crime guns. Those dealers can then be subjected to heightened scrutiny. Individual traffickers can also be identified through trace data.

IMPLICATIONS FOR INTERNATIONAL TRAFFICKING

In general, small arms are smuggled from countries with weaker laws to those with stronger laws—just as in the U.S. guns flow from states with weaker laws to those with stronger restrictions. **The Small Arms Survey—a project of the Graduate Institute of International Studies in Geneva—reports that a large proportion of guns recovered in crimes in Mexico, Canada and even Japan were originally smuggled from the U.S.**

Many of the same policies that can prevent firearms from moving from the licit to the illicit market within the U.S. can also prevent international firearms trafficking. Organizations such as the International Action Network on Small Arms also recommend policies such as registration, theft reporting, tracing of firearms and dealer oversight.

There are costs associated with implementing and enforcing each of these policies. But the direct and indirect costs of gun violence in the U.S. alone have been estimated at approximately \$100 billion annually. Policy makers and advocates in the U.S. should also consider the costs and benefits of improved policies to regulate gun trafficking for the rest of the world.

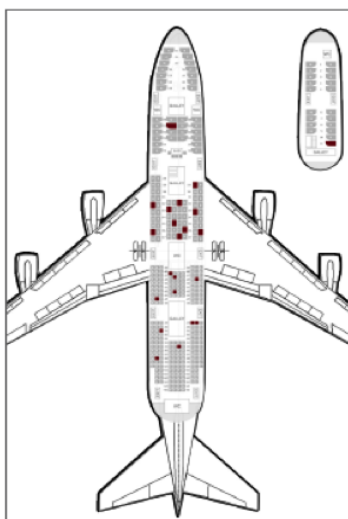
The following is a research study entitled: Felon Seeks Firearm, No Strings Attached released in September 2013 by Mayors Against Illegal Guns (MAIG). The full report can be found here: maig.us/felonseeksfirearm. Most emphases are original to this report. Citations and ellipses have been omitted.

Reprinted with permission from Mayors Against Illegal Guns, a project of Everytown for Gun Safety.

In the report study, MAIG investigates how criminals are flocking to the online marketplace to evade background checks and obtain firearms from unlicensed sellers, with no strings attached.

FELON SEEKS FIREARM, NO STRINGS ATTACHED: HOW DANGEROUS PEOPLE EVADE BACKGROUND CHECKS & BUY ILLEGAL GUNS ONLINE

IF 1 IN 30 PEOPLE ON A BOEING 747 WERE ON **A TERRORIST WATCH LIST...**



...THE PLANE WOULD HAVE **22 SUSPECTED TERRORISTS ABOARD**

Of 607 would-be gun buyers, 3.3 percent — 1 in 30 — had committed crimes that prohibited them from possessing a firearm.¹⁹ To put this number in context, if 1 in 30 people on a Boeing 747 were on a terrorist watch list, the plane would have 22 suspected terrorists aboard.²⁰

INTRODUCTION

In an era of bitter partisan divides, there is remarkable unity on one point: 92 percent of American voters support requiring a background check before every gun sale.

And the evidence is clear that background checks save lives. Sixteen states have gone beyond federal law to require checks for private handgun sales. In those states with enough data to analyze, 38 percent fewer women are shot to death by their intimate partners, 39 percent fewer police officers are murdered with handguns, 17 percent fewer firearm aggravated assaults are committed, and 49 percent fewer suicides are committed with guns.

Conversely, when Missouri eliminated its background check requirement for private sales, crime rates jumped. In 2007, the state repealed its 'permit to purchase' system for private handgun sales—which required potential buyers to pass a background check—and the state's gun murder rate climbed 25 percent while murders committed with other weapons declined. The share of guns found at Missouri crime scenes that were bought in Missouri increased 25 percent. And Missouri crime guns that were recovered within two years of their first sale—a key trafficking indicator—rose by 113 percent.

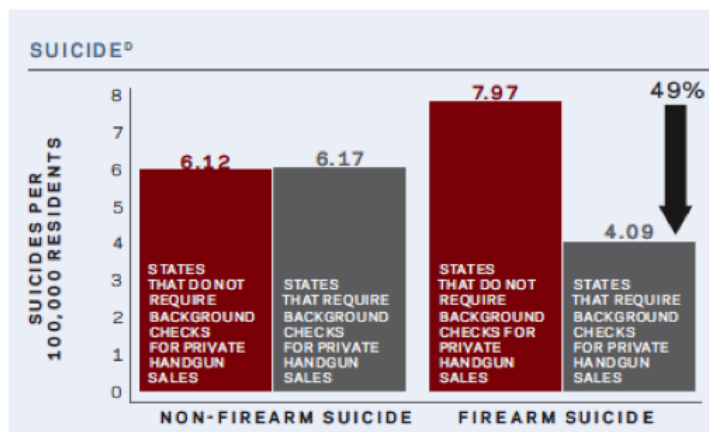
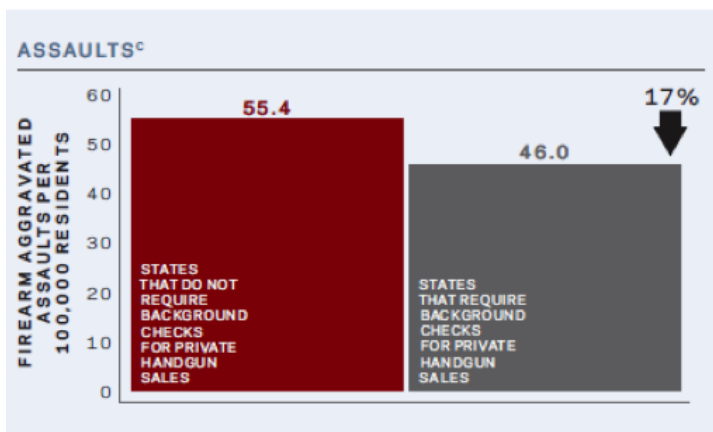
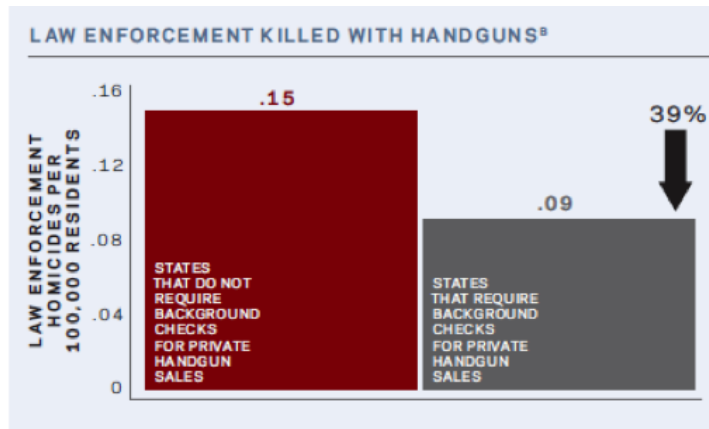
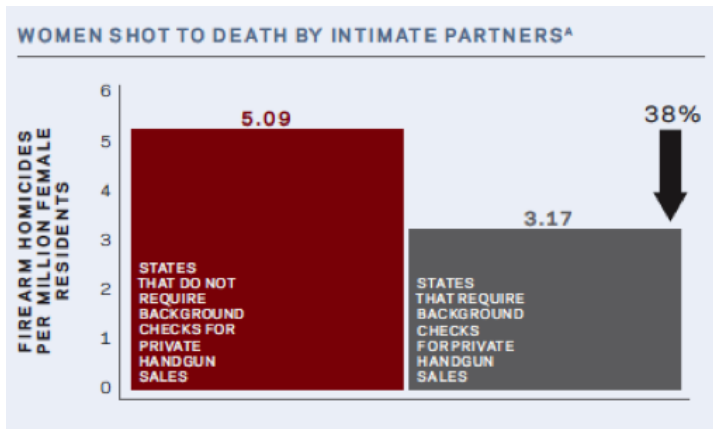
Despite the near unanimous approval of voters and the overwhelming weight of evidence, Congress has refused to require background checks for all gun buyers. Under federal law, licensed dealers must conduct checks, but 'private sellers'—any unlicensed individual with a gun to sell—are exempt. Because around 40 percent of U.S. gun transfers do not involve a dealer, this constitutes an enormous loophole—and one that has grown exponentially larger as the gun trade has moved online. Criminals and other dangerous people who are prohibited from buying guns can and do seek out private sellers—notably online and at gun shows—to evade checks, limit personal interaction, and avoid leaving a paper or electronic trail.

The purpose of this investigation was to determine (1) whether prohibited individuals are more likely to seek out private sellers than licensed dealers; and (2) how many criminals are exploiting this gap in federal law.

The investigation found that prohibited gun buyers are clearly turning to the online marketplace. Individuals looking for guns on Armslist are nearly four times more likely to have prohibiting criminal records than buyers at licensed dealers. **Where fewer than 1 in 100 prospective buyers at a dealer fails a federal background check due to a criminal history, 1 in 30 prospective buyers on Armslist is prohibited for that reason, and no background check prevents them from completing the sale.**

THE BACKGROUND CHECK SYSTEM AND THE PRIVATE SALE LOOPHOLE

Under federal law, several classes of particularly dangerous individuals are prohibited from firearm possession—including felons, the seriously mentally ill, domestic abusers and drug addicts. The names of prohibited purchasers are contained in the National Instant Criminal Background Check System (NICS), a system of



databases operated by the Federal Bureau of Investigation, and licensed gun dealers are required to run the names of would-be buyers through NICS before they complete their sales.

This system is efficient and effective. Despite the gun lobby's claims that checks impose a burden on buyers, filling out the paperwork and completing a background check takes just a few minutes. During an attempted purchase, the dealer phones the NICS call center or submits the buyer's information to NICS through its web-based E-Check system. Phone calls to NICS are answered within seven seconds, on average, and more than 90 percent are resolved immediately while the dealer is on the phone. If a buyer's name is in NICS because he is federally prohibited, NICS will instruct the dealer to deny the sale, without revealing any other information about the would-be buyer.

Since its creation in 1998, NICS has blocked more than two million gun sales to criminals and other prohibited purchasers.

But not all gun sellers are required to conduct background checks. Under federal law, licensed firearms dealers must do so, but unlicensed sellers who are not "in the business" of selling firearms are exempt.

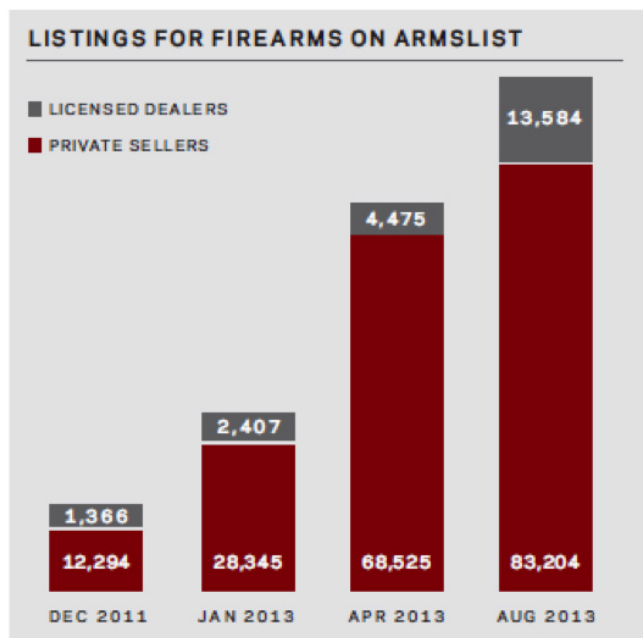
This two-tiered system has created a vast secondary market, leaving a large share of firearms sales completely unregulated. National

telephone surveys and law enforcement data suggest that some 40 percent of gun transfers do not involve a licensed dealer—meaning an estimated 6.6 million guns were transferred without background checks in 2012. The National Survey on Private Ownership and Use of Firearms, a telephone survey of 2,568 individuals funded by the Department of Justice, showed that 37 percent of recent gun buyers had obtained their gun in a transfer that did not require a check. Similarly, according to Michigan State Police, 48 percent of state handgun transfers are conducted without a licensed dealer. This amounts to more than 50,000 private-party handgun transfers each year in Michigan alone.

THE ONLINE MARKET FOR GUNS

The unregulated private market for guns is flourishing in a range of commercial settings, including gun shows—temporary exhibitions where firearms and accessories are bought and sold in person—and websites, where a buyer needs little more than a phone number or email address to buy a gun.

Online sales are a vast and growing share of the firearms market. More than a decade ago, the Justice Department estimated that guns were sold online at 80 firearm auction sites and about 4,000 other websites. The number of active sites has grown immeasurably in the years since.



A simple web search will return hundreds of online storefronts operated by individual licensed dealers; online brokers like eBay that mediate sales between buyers and sellers; and classified aggregators where would-be buyers and sellers post ads, such as Armslist, the “Craigslist” for guns. While there is no authoritative estimate of the total number of firearms sold online each year, the number of gun ads listed by private sellers on Armslist has expanded almost sevenfold within the last twenty months—from 12,000 in December 2011 to 83,000 active ads in August 2013.

THE MECHANICS OF AN ONLINE GUN SALES

In most respects, online gun sales are subject to the same rules as other gun sales. If a prospective buyer wants to buy a gun online from a licensed dealer, the buyer must pass a background check—typically conducted in person at a local dealership—before taking possession of the gun. Transferring a gun between people from different states also usually involves a background check because federal law prohibits private sellers from shipping guns across state lines directly to would-be buyers. In such cases, the seller typically ships the gun to a licensed dealership in the buyer’s state, where the dealer runs a check on the buyer before giving them the gun.

But federal law does not require private sellers to conduct background checks when they sell to in-state buyers: they can meet face-to-face and exchange guns for cash with no questions asked. And websites like Armslist—where the vast majority of the listings are posted by private sellers—are designed to help buyers find private sellers in their home states.

ILLEGAL ONLINE SALES BY PRIVATE SELLERS

Without conducting a background check, private sellers have no way of knowing if they are selling to a prohibited purchaser. A first-of-its-kind investigation by New York City in 2011 shed light on how online private sales play out in practice. The investigation found

that a majority of private online sellers have no qualms about selling guns to people who admitted they were prohibited purchasers.

The City’s investigators called 125 private sellers in 14 states advertising guns on 10 websites, including Armslist. During each conversation, the investigators told the sellers that they probably could not pass a background check. Fully 62 percent of these sellers agreed to sell the gun anyway, though it is a felony to sell a firearm to a person the seller has reason to believe is a prohibited purchaser. Fifty-four percent of the private sellers who posted ads on Armslist were willing to sell guns to people who admitted they were prohibited purchasers.

In the wake of the 2011 investigation and the subsequent mass shooting at Sandy Hook Elementary School in Newtown, Connecticut, one of the websites the City examined—KSL, managed by Deseret Media Companies—suspended firearms listings on its classified ads pages. Craigslist, which had officially barred firearm sales but still featured thousands of gun ads at the time of the investigation, also appears to have strengthened its system for flagging and removing firearms listings.

While the 2011 investigation demonstrated that online private sales provide ample opportunity for prohibited purchasers to buy guns, there has been no measure of how many criminals are exploiting this loophole. This investigation provides the first snapshot of the problem.

THE INVESTIGATION

Despite the size and significance of the private firearms market, little public data is available about private online gun sales, including the extent to which prohibited purchasers use websites to avoid background checks.

The vast majority of ads, on sites like Armslist, are posted by sellers, but would-be buyers can also post ads that describe the guns they seek (known as ‘want-to-buy’ or WTB ads). These ads offer a window on would-be buyers in the private online gun market.

To learn more about would-be gun buyers online, this investigation reviewed a unique data set: the identifying information voluntarily provided by would-be gun buyers in want-to-buy ads on Armslist.

DATA COLLECTION

Armslist is a large, national online marketplace where private sellers and buyers exchange guns. The website hosts tens of thousands of gun ads from every state, and nearly all of them are posted by private sellers. In want-to-buy ads, the prospective buyer typically describes a firearm he is seeking and sellers make contact through the website; some want-to-buy ads also provide a phone number or email address.

Our investigators ‘scraped’ (a software technique for extracting online data) 13,298 want-to-buy ads for firearms posted on Armslist from February 11, 2013 to May 10, 2013, and examined them for identifying information. Unique phone numbers or email addresses

were found in 1,430 of the ads. Using reverse lookup phone data, 607 of those identifiers could be linked to an individual living in the state where the ad was placed.

Investigators then conducted criminal record checks on each individual by searching court records in the geographic areas where the individual was known to have maintained a current or past address. Any felony convictions, domestic violence misdemeanor convictions, bench warrants or orders of protection that could be linked to the individual were subjected to legal analysis to determine if they prohibited possession of firearms under federal law.

To ensure that matches between would-be gun buyers and criminal records were valid, investigators called the phone number posted in each ad to confirm that the subscriber had placed the ad, and that their name and date of birth matched the criminal record. This step eliminated six individuals who had placed ads but were incorrectly linked to prohibiting criminal records—for example, because they listed a phone number that belonged to someone else, or because a former phone subscriber had a criminal record but the person who posted the ad did not.

Due to unavoidable limitations of this methodology, the investigation's results considerably understate the actual scope of the problem:

Conservative sample: Criminal gun buyers seeking to remain anonymous are more likely to browse for-sale ads and contact sellers directly rather than posting their own ads and divulging their contact information. As a result, the share of want-to-buy ads placed by criminals almost certainly underestimates the total share of online gun buyers that are prohibited from purchasing guns.

Limited scope of records reviewed: Investigators only examined criminal records in the jurisdictions where the subscriber was known to have maintained a residence, so individuals who committed prohibiting crimes in other jurisdictions were not identified. Nor did the investigators examine records of non-criminal prohibiting criteria, including serious mental illness, drug abuse, dishonorable discharge from the Armed Forces and immigration status.

Mismatched records: Gun buyers may have posted ads online but listed the phone number of a friend or family member with a clean record. In such cases, they would not have been identified as prohibited, resulting in an undercount of criminal buyers. Investigators did not make follow-up calls to apparently non-prohibited buyers to ensure that they were, in fact, the person who placed the ad.

RESULTS

Of 607 would-be gun buyers, 3.3 percent—1 in 30—had committed crimes that prohibited them from possessing a firearm. To put this number in context, if 1 in 30 people on a Boeing 747 were on a terrorist watch list, the plane would have 22 suspected terrorists aboard.

Looking at other scenarios in which government assigns risks and takes steps to ameliorate them is also insightful. Regulators and private industry routinely intercede when consumer products present hazards to health or safety that are far smaller than those posed

by the online private sale loophole.

In 2010, Toyota recalled more than two million vehicles after receiving complaints of unintended acceleration at a rate of 72 per 100,000 vehicles sold—a 1 in 1,389 risk of failure. In January 2013, Fisher-Price voluntarily recalled 800,000 Newborn Rock 'n Play Sleepers because of concerns about mold after receiving 600 complaints—1 in 1,333 at risk. And in November 2010, the Food and Drug Administration recalled the drug propoxyphene because it appeared to increase the risk of drug-related deaths over a five-year period by 6 per 100,000 compared to an alternative medication—a 1 in 16,667 increase in absolute risk.

The 1-in-30 chance of selling a gun to a criminal on Armslist is an order of magnitude greater than these. Many of the prohibited buyers identified in the investigation had lengthy criminal histories that included recent violent crimes:

- A 25-year-old male in Louisiana posted an ad on March 21, 2013 offering to “meet face to face” and promising “cash in hand.” A review of his criminal record revealed that a month earlier, he had been charged with aggravated assault with a firearm, a felony. Two days prior to posting the ad, he had been charged with illegally carrying a weapon, also a felony. A month after posting the ad, he received a third charge, for domestic abuse battery. Each of these offenses was sufficient to disqualify him from possessing firearms.
- A 25-year-old male in Columbus, Ohio posted an ad on March 24, 2013 offering “cash, ammo, or a combo of both for payment.” Criminal records indicate that he was named as a defendant in 15 felony or misdemeanor cases between 2007 and 2013, including pending charges for aggravated robbery and drug possession and repeated charges of illegal gun possession. He also pled guilty to possession of crack cocaine in 2010, a felony that prohibited him from buying guns.
- A 27-year-old male in Fort Collins, Colorado posted an ad on March 30, 2013 seeking an M&P22 handgun. In 2005, the would-be buyer had attacked his ex-girlfriend and was found guilty of domestic violence harassment; he later violated an order of protection. Both offenses barred him from purchasing or possessing firearms.
- A 35-year-old male in North Carolina posted an ad for an M1A SOCOM 16 rifle on March 27, 2013, insisting on meeting “face to face ONLY.” The would-be buyer had been arrested as a fugitive in Iowa in 2003 and extradited to North Carolina; he was also found guilty of a series of felony charges, including robbery with a dangerous weapon, in 1996. These offenses rendered him a prohibited purchaser.
- A 27-year-old in Louisville, Kentucky posted an ad on March 28, 2013 in search of an XDM 3.8” handgun, promising “will pay cash.” In 2006, he had been found guilty in Ohio of misdemeanor assault against the mother of his child, which prohibited him from possessing firearms. He had also been convicted twice for drug abuse.

COMPARING ONLINE SALES TO SALES BY LICENSED DEALERS

The estimated share of criminals seeking guns in private online sales is dramatically higher than those who try to buy from licensed gun dealers. In 2012, licensed dealers conducted 8,725,425 federal background checks. 76,260 of these potential sales—0.87 percent—were blocked because the check revealed a history of crime or domestic violence. By contrast, the share of buyers seeking guns on Armslist who are prohibited for those reasons is nearly four times higher.

One likely explanation for this disparity is that the background check system is successfully deterring criminals from attempting to buy from licensed dealers and driving them to private online sales. Indeed, sites like Armslist makes it easy to avoid background checks by allowing users to limit searches to ads listed by private parties with the click of a button.

This explanation is consistent with another development: the share of background checks conducted by licensed dealers that results in denial has been declining since the system became operational in 1998, even though the NICS database has become more comprehensive. It is possible that this decline reflects a migration of prohibited purchasers away from licensed dealers—and background checks—and toward unregulated private sellers.

Laws that require background checks for private sales close off this avenue to criminals. And indeed, states that have passed their own laws requiring background checks for private sellers have lower rates of gun violence and crime than states that have not.

Critics of the background check system sometimes suggest that if the system were expanded to cover private sales, some persistent criminals would simply take their search to the black market. This may be true. But research shows that, contrary to conventional wisdom, buying guns on the black market is neither cheap nor easy. Criminals report paying \$250 to \$400 on the black market for guns valued at only \$50 to \$100 in the legal market; the quality of these firearms is less reliable; and conducting these transactions poses substantial risk of harm or arrest. A study of underground gun markets in Chicago found that more than one in three attempts to buy a gun from a black market dealer ended in failure.

ARMING CRIMINALS

On an average day, more than 2,000 new gun ads are posted on Armslist. At the present rate, Armslist alone will host 790,000 unique firearm ads in 2013.

This investigation of would-be gun buyers who post ads and voluntarily include identifying information suggests that a minimum of 1 in 30 gun buyers on the website have committed crimes which prohibit them from purchasing guns.

At this prevalence, gun sales transacted on a single website may put at least 25,000 guns into the hands of criminals—and likely many more—this year alone.

RECOMMENDATIONS

Congress must act to close the loophole that allows criminals to buy guns online without a background check. And the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF) and the websites that host these gun marketplaces must do their part, too.

- **Congress should enact legislation to require a background check for every commercial gun sale, including those facilitated by websites.** The existing background check system is efficient and effective, but limited: as long as private sales remain exempt from this common-sense requirement, criminals will exploit this loophole and wreak havoc on American communities. Bipartisan legislation under consideration by both chambers of Congress—sponsored in the Senate by Joe Manchin (D-WV) and Pat Toomey (R-PA) and in the House by Representatives Peter King (R-NY) and Mike Thompson (D-CA)—would enact the necessary reform.

- **ATF should improve enforcement of existing laws.** This investigation shows that criminals are arming themselves online every day. ATF should use all the tools at its disposal to interdict illegal online sales, including by conducting undercover investigations of websites that sell guns, documenting when guns recovered from crimes were originally sold online and offering online tutorials to train sellers and buyers about the laws governing online sales.

- **Websites should adopt tougher protocols to deter crime.** The internet has created enormous opportunities for businesses and vastly expanded the choices available to individual consumers. But online actors should meet the same public safety standards they are required to satisfy in the brick-and-mortar marketplace. Websites that host gun ads can do so by demanding transparency from their sellers and buyers, flagging suspicious behavior, and taking reasonable steps to ensure they are not facilitating illegal gun sales to criminals. Strategies some websites already employ include requiring visitors to register before viewing or posting ads; asking buyers and sellers to complete a verification process to confirm their identity; and providing features that allow users to easily flag suspicious activity for review by site administrators.

The following is a condensed consolidation of two analyses by the Consortium for Risk-Based Firearm Policy entitled: *Guns, Public Health, and Mental Illness: An Evidence-Based Approach for Federal Policy and Guns, Public Health, and Mental Illness: An Evidence-Based Approach for State Policy*.

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Reprinted with permission from the Consortium for Risk-Based Firearm Policy. These analyses outline policy recommendations for state and federal government, emphasizing an increased focus on dangerousness instead of mental illness. Most emphases are original to this report. Citations and ellipses have been omitted.

GUNS, PUBLIC HEALTH, & MENTAL ILLNESS: AN EVIDENCE-BASED APPROACH FOR FEDERAL & STATE POLICY

INTRODUCTION

The Consortium for Risk-Based Firearm Policy (Consortium) includes the nation's leading researchers, practitioners, and advocates in gun violence prevention and mental health. In March of 2013, members of the Consortium met for a two-day conference to discuss evidence, identify areas of consensus, and formulate evidence-based policy recommendations to prevent gun violence.

While much of the national dialogue around recent mass shootings has focused on the relationship between mental illness and violence, the research evidence shows that the large majority of people with mental illness do not engage in violence against others and most violence is caused by factors other than mental illness. The research evidence points to several key factors that are associated with risk of committing firearm violence—toward self and others—in people both with and without mental illness, including history of violent crime, perpetration of domestic violence, alcohol abuse, and drug abuse. Current federal policies do not adequately reduce access to firearms by individuals who meet these evidence-based criteria for risk of violence.

Policy solutions should be evidence-based, promote public safety, and respect persons with mental illness. The Consortium recognizes that violence prevention policies targeting broad groups of people with mental illness—most of whom will never be violent—could further stigmatize those with mental illness and potentially

create barriers to mental health treatment seeking. While some updates to the existing federal mental health firearm disqualification policy are needed, the Consortium has concluded that rather than focusing primarily on mental illness, future gun violence prevention policy efforts should use evidence-based criteria shown to increase the risk of violence—including suicide—to disqualify individuals meeting those criteria from purchasing or possessing firearms. Importantly, successful implementation of our recommendations depends on all firearm transfers requiring a background check under federal law.

THE ROLE OF RESEARCH EVIDENCE

Research evidence suggests that violence has many interacting causes, and that mental illness alone very rarely causes violence. As a result, strategies that aim to prevent gun violence by focusing solely on restricting access to guns by those diagnosed with a mental illness are unlikely to significantly reduce overall rates of gun violence in the U.S.

Unless they have other risk factors for violence, individuals with common mental health conditions, such as anxiety and depression, are not much more likely to be violent toward others than individuals without these conditions. Similarly, most people with serious mental illness—which includes conditions such as schizophrenia and bipolar disorder—are not violent toward others, and are in fact more likely to be victims than perpetrators of violence. However, research suggests that **small subgroups of individuals with serious mental illness, at certain times, such as the period surrounding a psychiatric hospitalization or first episode of psychosis, are at elevated risk of violence.** In addition, the population with serious mental illness experiences high rates of co-occurring substance use, an important risk factor for violent behavior in the general population. Only a very small proportion of violence in the United States—about 4 percent—is attributable to mental illness.

Current federal law prohibits persons who have been involuntarily committed to inpatient psychiatric care, persons found incompetent to stand trial or acquitted because of serious mental illness, and persons placed under conservatorship because of serious mental illnesses from having a gun. That said, there is a case to be made for gun seizure policies that are focused on dangerousness and history of violence, rather than on mental health diagnoses *per se*.

While the public dialogue about mental illness and violence has focused on violence toward others, mental illness is much more strongly linked with risk of suicide. Depression is the mental illness most strongly associated with risk of suicide. Suicide is the second leading cause of death among young adults aged 25-34, and the 10th leading cause of death among all Americans. While most suicide attempts do not involve guns, half of completed suicides are firearm suicides. Because of the lethality of firearms, 90 percent of firearm suicide attempts result in death. Critically, the majority (approximately 60 percent) of gun deaths in the United States are suicides. In 2011, nearly 20,000 people died as a result of firearm suicide, almost twice as many as were killed as a result of firearm homicide that year.

To date, hardly any studies have examined how gun violence prevention policies targeting persons with mental illness affect suicide. One of the few studies that has been conducted on this issue was published in 2000 and showed that the implementation of the Brady Law in states with waiting periods for a gun purchase was responsible for a 6 percent decline in the suicide rate for adults over age 55. However, multiple research studies have shown that easy access to firearms increase risk of suicide. This finding suggests that policies to restrict firearm access among persons with mental illness, particularly those with depression, could help to prevent suicide.

In the large majority of cases, mental illness does not lead to violence. In contrast, the evidence suggests that other factors—including alcohol abuse, drug abuse, conviction for violent misdemeanor crimes, and perpetration of domestic violence—significantly increase individuals' risk of committing future violence. Use of these evidence-based criteria to prohibit firearm purchase and possession by individuals at high risk of committing future violence is a promising avenue for gun violence prevention policy. Existing federal policy mechanisms fail to effectively prevent these groups from possessing guns, suggesting a need for new evidence-based firearm prohibitions focusing on groups at heightened risk of committing future violence.

TWO PATHS FORWARD FOR FEDERAL POLICY

The Consortium supports two distinct paths for policy intervention at the federal level. The first concerns needed updates to the existing federal mental health disqualification policy. The second path expands federal firearm prohibitions to include people who meet specific, evidence-based criteria that elevate their risk for committing violence. With this dual approach we offer policy makers a way forward that is informed by the best available evidence, meaningful for the victims and families affected by gun violence, and respectful of individuals with mental illness and their care providers.

Recommendation #1: Make one addition to existing federal mental health firearm disqualification criteria and update the current process and standards for restoration of individuals' ability to purchase and possess firearms following a federal disqualification due to mental illness.

Federal policy related to mental illness and gun violence prevention should be updated to reflect current knowledge. We recommend:

1.1 Current provisions for permanently disqualifying individuals from purchasing or possessing firearms under federal law should be maintained. These provisions follow a judicial or administrative order for involuntary commitment to a facility and in other specified circumstances.

1.2 Involuntary outpatient commitment should disqualify individuals from purchasing or possessing firearms under federal law if there is a court finding of substantial likelihood of future danger to self or others or an equivalent finding. This recommendation is predicated on the creation of a reasonable and fair restoration process.

1.3 Restoration of an individual's ability to purchase or possess a firearm following a firearm disqualification due to mental illness should require a qualified clinician to provide evidence on the petitioner's mental health status and to affirm that the petitioner is unlikely to relapse and present a danger to himself or others in the foreseeable future.

Recommendation #2: Enact new prohibitions on individuals' ability to purchase and possess a firearm based on presence of evidence-based risk factors for violence.

Our recommendations for new temporary firearm prohibitions focus on groups at heightened risk of future violence:

2.1 Individuals convicted of a violent misdemeanor.

2.2 Individuals subject to a temporary domestic violence restraining order.

2.3 Individuals convicted of two or more DWI or DUIs in a period of five years.

2.4 Individuals convicted of two or more misdemeanor crimes involving a controlled substance in a period of five years.

THREE PATHS FORWARD FOR STATE POLICY

The Consortium supports three distinct paths for intervention at the state level. The first concerns a needed expansion of current state mental health firearm disqualification policies. The second path expands state firearm prohibitions to include people who meet specific, evidence-based criteria that elevate their risk of committing violence. The third introduces a new mechanism to remove firearms from individuals who pose a serious risk of harm to self or others. With this threefold approach we offer policy makers a way forward that is informed by the best available evidence, meaningful for the victims and families affected by gun violence, and respectful of individuals with mental illness and their care providers.

Recommendation #1: Current state law should be strengthened to temporarily prohibit individuals from purchasing or possessing firearms after a short-term involuntary hospitalization. Concurrently, the process for restoring firearm rights should be clarified and improved.

1.1 States should enact new legislation temporarily prohibiting individuals from purchasing or possessing firearms after a short-term involuntary hospitalization. This prohibition should be predicated on a clinical finding of danger to self or others.

1.2 Restoration of an individual's ability to purchase or possess a firearm following a firearm disqualification due to mental illness should be based on an evaluation by a qualified clinician and a finding that the petitioner is unlikely to relapse and present a danger to self or others in the foreseeable future.

Recommendation #2: States should enact new prohibitions on

individuals' ability to purchase or possess a firearm that reflect evidence-based risk of dangerousness.

Our Recommendations for new temporary firearm prohibitions focus on groups at heightened risk of future violence:

- 2.1: Individuals convicted of a violent misdemeanor
- 2.2: Individuals subject to a temporary domestic violence restraining order
- 2.3: Individuals convicted to two or more DWI or DUIs in a period of five years
- 2.4: Individuals convicted of two or more misdemeanor crimes involving a controlled substance in a period of five years.

Recommendation #3: Develop a mechanism to authorize law enforcement officers to remove firearms when they identify someone who poses an immediate threat of harm to self or others. States should also provide law enforcement with a mechanism to request a warrant authorizing gun removal when the risk of harm to self or others is credible, but not immediate. In addition, states should create a new civil restraining order process to allow family members and intimate partners to petition the court to authorize removal of firearms and temporarily prohibit firearm purchase and possession based on a credible risk of physical harm to self or others, even when domestic violence is not an issue.

3.1: Authorize law enforcement to remove guns from any individual who poses an immediate threat of harm to self or others. Law enforcement officers are well versed in the "use of force" continuum, and may also use risk/lethality assessments to judge the risk of particular situations. In emergency situations, this authority can be exercised without a warrant.

3.2: **Create a new civil restraining order process to allow private citizens to petition the court to request that guns be temporarily removed from a family member or intimate partner who poses a credible risk of harm to self or others.** This process should mirror the restraining order process in most states and include a temporary *ex parte* order as well as a long-term order issued after a hearing in which the respondent had an opportunity to participate. Respondents to an order issued through this process (Gun Violence Restraining Order or GVRO) will be prohibited from purchasing and possessing guns for the duration of the order and required to relinquish all firearms in their possession for the duration of the order. Law enforcement officers should be able to request a warrant through this process to remove guns when there is a credible risk of harm that is not immediate.

3.3: Include due process protections for affected individuals. Specifically, provide respondents with an opportunity to participate in a hearing after having their guns removed by law enforcement (3.1) or through the GVRO process (3.2) and assure processes are in place for returning all removed guns at the conclusion of the temporary prohibition.

GENERAL POLICY REFORM

Successful implementation of new federal and state firearm prohibitions depends on (A) states entering all relevant records into the NICS firearm background check system and (B) all firearm sales requiring a background check under federal law.

The NICS is the federal background check system licensed gun dealers check, at the point of sale to verify that the purchaser is not prohibited from purchasing and possessing a gun. States submit the names of individuals prohibited from having a gun under federal law—due to mental illness or other reasons—to the federal NICS system. To ensure that all state records are entered into NICS, Congress should expand the grant funding originally provided to a subset of states through the NICS Improvement Act of 2007. The original round of grant funding led to significantly increased reporting of civil commitment and other mental health records from funded states. Expanded funding would allow additional states to develop the data systems necessary to report complete mental health records to NICS.

As the states increase their ability to ensure that records from civil commitment proceedings are automatically entered into NICS background check system, there is a parallel opportunity for states to automate the system so that disqualifying domestic violence restraining orders or misdemeanor domestic violence convictions are automatically included in NICS. As with disqualifying mental health records, many states have been remiss in including disqualifying domestic violence records in the NICS firearm background check system. The first step to ensuring that violent abusers cannot access firearms is making sure that disqualifying records are included in the system.

CONCLUSION

The recommendations in this study provide a blueprint for strengthening federal and state firearm policy by which expanding firearm prohibitions to encompass groups the research evidence shows are at heightened risk of committing violence, and developing mechanisms to allow for firearms to be removed from individuals who are at a serious risk of physical harm to self or others.

The following is a condensed article entitled: "Key Perspectives and Insights on Personalized Guns," published by Stephen P. Teret, a Professor at the Johns Hopkins Bloomberg School of Public Health. The article originally appeared in a series of papers commissioned by the Small Arms Survey. Most emphases are original to this report. Citations and ellipses have been omitted.

From Technology and SLAW Control: Civilian Protection, the UN-POA, and Transfer Control (SmartCon), Stephen P. Teret, J.D., M.P.H., "Key Perspectives and Insights on Personalized Guns," Page No. 24 Copyright © (2013) Small Arms Survey. Reprinted with permission from Small Arms Survey.

In this article, Professor Teret discusses the history of smart gun technology as well as the scientific and engineering developments that can limit the use of specific firearms.

KEY PERSPECTIVES & INSIGHTS ON PERSONALIZED GUNS

INTRODUCTION

The technology to personalize guns presently exists, although the availability of such guns has not yet become widespread, largely for political reasons. Once they become widely manufactured and distributed, and begin to replace traditional guns that can be operated by anyone, the incidence of firearm-related morbidity and mortality will decrease.

THE NEED FOR PERSONALIZED GUNS

The number of people killed worldwide each year by small arms is both difficult to assess and controversial. In its Global Burden of Armed Violence report, the Small Arms Survey estimated that "at least 526,000 people die violently every year." Out of this global figure, between 42 percent and 60 percent are firearms related deaths. Sceptics of this figure, suggest that the number is smaller, but still in the hundreds of thousands. In a country for which accurate records are kept—the United States—total firearm deaths for 2010 were 31,672, with 61 percent of those being suicides, 35 percent homicides (excluding legal intervention), and the remainder either accidental or of undetermined intent.

The number of these deaths that would be prevented by personalized guns is a function of several factors. Firstly, a large reservoir of existing firearms in civilian hands are functional, and available for homicides, suicides, and unintended deaths. Secondly, some, but not all gun deaths are accomplished as a result of an authorized gun user pulling the trigger. Clearly, therefore, once personalized guns are introduced into the marketplace, some gun deaths will be averted, but not all of them. Critics of personalized guns point out that such guns will not address all gun deaths, but this argument would be true for any safety or health device. For example, antibiotics are not an effective method of preventing many chronic diseases, but we still embrace antibiotics for the lifesaving benefits they confer against many infectious diseases. Others argue that with so many handguns presently in homes, why bother making a safer gun? This would be tantamount to arguing that because

at one time there were so many automobiles without seatbelts or air bags, why make newly built automobiles with these safety devices? The answer is that **we need continually to improve manufactured products by incorporating new safety technologies to reduce the unacceptable toll these products take on the public's health.**

The types of gun deaths and injuries that would be most affected by the advent of personalized guns are accidental gun deaths, youth suicides, and assaultive and homicidal shootings.

Unintended shootings that take place when a young child finds a handgun, though small in number compared to suicides and homicides, are particularly tragic and preventable. As discussed below, gun makers have been aware of these types of shootings for well over a century and now have the capacity to eliminate them, as well as other types of unintended shootings. **A 2003 study examined a series of unintended gun deaths in the states of Maryland and Wisconsin and estimated that 37 percent of these deaths would have been avoided had the guns in question been personalized.**

Youth (ages 0-19) suicides by gunfire, which in the United States represents a modest percent of all firearm-related suicides, are also preventable in that most youths would not be authorized to fire a personalized gun. Some skeptics might suggest that the absence of an operable gun would just cause a depressed teenager to find another means of suicide, but research shows that substitution or displacement of means of suicide frequently does not occur. Also, the case fatality rate for intentionally self-inflicted gunshot wounds is much higher than for most other means of attempting suicide, i.e. there is little emergency medicine can do to save the life of someone who has shot him-/herself in the head compared to someone who has ingested pills.

With regard to criminal, assaultive behavior with guns, **an estimated 500,000 guns are stolen each year in home burglaries in the United States, and these guns enter the illicit market. If such guns were inoperable by the thief or the persons to whom the thief sells the guns, gun crime resulting in deaths would decrease.**

Some argue that the solution to the large number of gun deaths is to educate the gun-owning population and those who live with them (e.g. their children) to act carefully in the presence of guns. Such a reliance on safety training is misplaced. Understandably, children act like children, even after they have been instructed about the dangers of guns. Even those who provide gun safety education are subject to error. Recently, in Maryland a police trainer in firearm safety accidentally shot a police cadet in the head.

THE BACKGROUND & HISTORY OF MECHANICAL FIREARM PERSONALIZATION TECHNOLOGY

In the 1880s, D.B. Wesson one of the founders of the prominent gun company Smith & Wesson, learned of a young child shooting another with a handgun. Wesson asked his son, Joseph, a gun designer, to create a childproof handgun to eliminate such incidents. The result was a handgun that employed a grip safety on the rear of the gun that had to be squeezed at the same time that the trigger

was pulled in order to fire the gun—a task that Smith & Wesson stated was beyond the ability of a child under the age of eight years.



A Smith & Wesson 'Childproof' revolver developed in the 1880s, showing the grip safety.

The company sold more than a half million handguns utilizing this technology between 1886 and 1940. While this falls short of the personalization or modern childproofing of guns, it illustrates both the need for and the feasibility of changing the design of guns to prevent their unwanted discharge by young people. Other mechanical (non-electronic) ways of personalizing guns were used by some companies in the latter half of the 20th century. The Tri-C Corporation of Meriden, Connecticut sold the Fox carbine in the 1970s that utilized a three-wheel combination lock design to prevent unauthorized use. In its sales brochure the company marketed this device by stating, "Accidental and unauthorized firing is prevented by a patented and built-in combination lock safety (which can easily be set by owner to any of 1,000 possible combinations)." In 1997 Taurus International, a manufacturer of revolvers, pistols, and rifles, introduced a lock-and-key device on its firearms that it stated in its advertising renders the firearm "inoperable at the turn of a key."



A Fox TAC-1 carbine, from the 1970s, utilizing a three-wheel combination lock

EARLY EXPERIMENTS TO ELECTRONICALLY PERSONALIZE HANDGUNS

Undergraduate engineering students at the Johns Hopkins University produced a prototype of a personalized handgun in 1992. Faculty in the university's School of Public Health gave the students a \$2,000 grant and disabled revolver and requested them to convert it into a gun that could be fired only by an authorized user. The stu-

dents employed touch memory technology, which involved a small battery and a reader on the grip of the gun. A semiconductor chip in the possession of the authorized user that stored a unique serial number had to come in contact with the reader on the gun in order for a blocking mechanism built into the gun to move, allowing the gun to fire. Although patents issued to others had earlier proposed electronic ways of personalizing guns (U.S. patent 4,467,545), this prototype was among the first to actually demonstrate the ability to inexpensively and readily place electronics in guns for safety purposes.

In an effort to encourage the further research and development of personalized gun technology, the U.S. government, through its National Institute of Justice, established a grant program for interested gun makers. On May 12, 2000, President Clinton announced that two \$300,000 grants were being awarded to Smith & Wesson and FN Manufacturing. A White House Press release stated that:

Today's grants will support the design and testing of smart gun prototypes as well as additional research into specific technologies, including fingerprint identification and embedded microelectronics, to prevent firing by unauthorized users.

Later in 2000 the U.S. Congress appropriated considerably more funds for such research and development, which were granted by the National Institute of Justice to both gun manufacturers and electronics firms.

In about 2002 a subsidiary of the Mossberg Technology Group, iGun Technology, developed a personalized long-gun, which it describes as follows:

The ITIC iGun™ works on mechanisms that block the trigger while the gun is at rest. The user wears a ring with a special system that triggers power to the iGun system when the ring comes in close range to the normal ring-finger placement on the firearm's stock. When the iGun senses that the ring is near enough, it compares a unique code (billions of combinations) from the ring to the gun to see if there is a match. If the code matches and certain other conditions are met, an electric current from the battery bank actuates a mechanism to unblock the trigger.

U.S. LEGISLATIVE AND LITIGATIVE ACTIVITY

In the absence of meaningful voluntary efforts by most established gun manufacturers to incorporate personalization technology into their products, exploration was begun in the United States of strategies for mandating guns to be personalized through legislation, regulation, and litigation.

In 1997 the Attorney General for Massachusetts, Scott Hashbarger, promulgated regulations designed to make new handguns sold in that state childproof. But the regulations, some of which were later adopted by the state legislature into statutory law, did not require personalization technology: indeed, technology such as the Smith & Wesson childproof handgun from the late 1800s might have satisfied the childproofing portion of the Massachusetts law. Similarly, in 1999 California passed a law requiring firearms sold in the state to be accompanied by a state-approved safety device designed to reduce the likelihood that a child could discharge the weapon, but

personalization was not mandated.

The first suggestion for legislation mandating personalization came from the Johns Hopkins University's Center for Gun Policy and Research, which in 1998 published *A Model Handgun Safety Standard Act*. This offered a blueprint for states and localities in the United States to establish, through a commission, a performance standard for all newly manufactured handguns sold in that jurisdiction. The standard would require built-in personalization technology that could not be readily deactivated.

Based on the Johns Hopkins model law, in 2002 the state of New Jersey enacted a law providing that once a personalized gun is introduced for sale in the state and is recognized by the New Jersey attorney general as complying with the statutory definition of a personalized or childproof gun, then three years after that date all new handguns sold in the state must be personalized.

Bills have been introduced in the U.S. Congress calling for a mandate that some guns be personalized or childproof, but these bills have not been enacted into law. For example, in June 1999, Congressman Bill Pascrell of New Jersey and others introduced H.R. 2025, which called for a ban on the manufacture of handguns that are not personalized. Other [M]embers of Congress are currently considering introducing similar bills.

Most recently, a bill has been introduced into the California State Senate that would require that 18 months following the state attorney general's reporting that owner-authorized (i.e. personalized) handguns are available for retail sale, all handguns sold in California would have to be owner-authorized.

Given how difficult it is to pass legislation mandating personalized guns, it had been thought and suggested that litigation could force gun makers to utilize personalization technologies. The scenario was posed that a person injured or killed by another with a gun that the shooter was not authorized to operate could sue the gun maker for its failure to make an adequately safe product. **The use of litigation to enhance the safety of cars had been successful and it seemed that the same strategy could apply to guns. But in 2005 the U.S. Congress passed the Protection of Lawful Commerce in Arms Act, which provides extensive immunity to gun makers from many product liability lawsuits.**

CURRENT TECHNICAL OPTIONS FOR PERSONALIZING GUNS

Recent developments in technology now permit the manufacture and sale of personalized guns. The most promising technologies involve radio frequency identification (RFID) and biometric recognition devices.

RFID uses "tags," which can be objects containing tiny electromagnetic transmitters, and "readers," which receive the information from the tags. RFID is now widely in use, allowing for controlled building access, vehicle parking access, and library book theft prevention, among many other uses. **With regard to guns, RFID enables a gun maker to provide a tag in a wristwatch, ring, bracelet, or other device that communicates with the reader embedded in the gun (often in the grip of a handgun). When**

the reader detects the tag, a mechanical device in the gun can move a blocking mechanism that has been preventing the firing of the gun, thereby allowing it to be fired. Without the tag being in close proximity to the reader on the gun (i.e. when the gun is being held by an unauthorized user), the blocking mechanism will remain in place, rendering the gun inoperable.

TiggerSmart™, an Irish company, is an example of a start-up business that has recently developed RFID technology for use in a personalized pistol. The TriggerSmart™ high-frequency RFID system establishes communication between the firearm and a bracelet in order to authenticate a user. The firearm's battery, antenna, and electronic interface are built into the handgrip of the gun. Once the radio frequency tags in the bracelet fall within a distance where it can communicate with the antenna in the handgrip, the gun enters an "instant on" phase where it can be fired.

Armatix, a German company, has produced the iP1 pistol, which is a personalized .22 caliber handgun that works like a conventional pistol, except for the fact that it is digital and battery operated, which allows for software flexibility, depending on the needs of the consumer. The Armatix pistol is accompanied by an RFID wristwatch (designated by Armatix as iW1) that uses radio frequencies to activate the handgun, making it operable. The watch also uses a personal identification number (PIN) that must be entered in order to unlock the electromechanical firing pin lock, making the gun operable by the owner. Armatix is interested in licensing other gun makers to use its technology.

Kodiak Industries (which also refers to itself as Kodiak Arms) in Salt Lake City, Utah, debuted a retrofit personalization product for existing pistols at the Shot Show in January 2013. This product, which the company says it is ready to mass market, replaces the grip on an ordinary pistol, and the new grip reads the fingerprint of the person holding the gun. The fingerprint reading computer chips will be designed to recognize the prints of up to 20 different people.

Another company working on fingerprint reading is Safe Gun Technology, which describes its product as follows:

The key differentiator of the SGTi™ technology is that every element of user-authorized small arms safety technology is fully incorporated in the small arm itself, and no external device or component is required for operation thereof... Unlike the wrist watch concept or the ring concept, SGTi™ technology cannot get lost or otherwise separated from the firearm... Further, unlike systems that require repetition or "training" of the firearm to recognize a user SGTi™'s user-friendly technology allows a master user to easily and rapidly add or delete additional users.

The New Jersey Institute of Technology has been working for years on a different form of biometric recognition in a personalized gun. Its product employs "grip recognition." The handgun, after some period of use by its owner, recognizes the palm configuration of the owner and will work only when held by this authorized user.

CURRENT PERSPECTIVES

While the technology for firearm personalization has progressed

impressively over the past two decades, now allowing for the production and distribution of such guns, controversy still surrounds making changes in guns as a consumer product. Some lingering questions remain regarding certain aspects of the technology, and the politics of personalized guns are being fought hard.

As to technology, some are proponents of RFID personalization and others favor biometrics. But there is no need for governments to choose one technology over others. Competition among gun manufacturers with regard to competing technologies is helpful and ultimately the purchasers of such guns will determine whether one technology is favored. If governments want to regulate the safety of guns, as they have regulated the safety of other consumer products, they can do so by the promulgation of performance standards that mandate issues such as reliability, leaving to the manufacturers how they achieve such reliability, rather than setting design standards.

The factor that influences the widespread availability of personalized guns is currently politics more than technology. In January 1999 Beretta issued the following statement regarding smart guns:

As the leading designer and manufacturer of high-quality firearms in the world, Beretta has recently been asked by several news organizations about the feasibility and advisability of making handguns that include so-called "smart gun" technology or "personalized" internal locks. Beretta has considered this issue for several years and has concluded that existing design concepts of this type are neither advisable nor feasible.

Although the concept of a "smart gun" or "personalized gun" has received public attention recently, we believe that careful consideration has not been given to potentially dangerous risks associated with these concepts. In our opinion, such technology is undeveloped and unproven. In addition, Beretta strongly believes that "smart gun" technology or "personalized" guns... could actually increase the number of fatal accidents involving handguns.

The public position of most (but not all) gun makers has not changed substantially in the past decade or more. Unlike the manufacturers of other products, who have embraced technology to make their goods safer and more attractive to the public, gun makers still rely on designs that are a century old. The National Shooting Sports Foundation in the United States, which is the trade association for the gun industry, still claims on its website that personalized guns are ill advised, citing the 1996 Sandia report that focused on police weapons:

"Personalized" or "smart gun" technology, while in development stages, is neither reliable nor available. A U.S. Department of Justice-funded project, researched by Sandia National Laboratories, concluded, "There is not currently a perfect smart gun technology." Owner recognition technology, such as fingerprint recognition or a radio transmitter, requires a power source to work. Any technology that relies on a power source will fail, possibly at the worst time imaginable.

The fear that traditional gun makers express about personalized guns appears to stem from two situations. The first is the threat of punishment from gun groups if the manufacturer embraces new

technology and the second the fear that governments will mandate that all new guns be made personalized, which would make the manufacturers' present product lines obsolete resulting in a loss of revenue.

This fear from gun groups is not just based on conjecture, but comes from the memory of the devastating boycott that Smith & Wesson faced a few years ago. At the turn of the 21st century, gun makers including Smith & Wesson were being sued by local and state governments, as well as the U.S. federal government. The bases of these lawsuits were that the manufacturers allegedly were not taking adequate care in their distribution systems to keep guns out of the hands of criminals, nor were they designing their guns as safely as was feasible. In an effort to settle the lawsuit against it, Smith & Wesson agreed to make changes in both its distribution system and the design of its guns. In doing so, it broke rank with the other gun makers and with groups such as the National Rifle Association. The punishment levelled against Smith & Wesson was swift and severe. Boycotts of its products were begun and the company had to close its factory temporarily due to severe declines in revenue.

There are concerns that legislative mandates for the personalization of new guns, such as that passed in New Jersey in 2002, would cause financial hardship for some makers of traditional guns that refuse to utilize new technologies. But governments have a well-established duty to protect the health and safety of the public, and a gun manufacturer that refuses to make use of safe technology should have no cause to complain about financial loss any more than a car maker would about financial loss for its failure to use seatbelts and air bags.

After the tragic shooting deaths of 20 young children in Newtown, Connecticut, President Barack Obama established a Task Force to explore many methods to reduce the incidence of gun violence in America. One of the meetings of the Task Force, in January 2013 focused on technology, and the subject of personalized guns was prominently featured. When Obama declared 23 executive orders shortly thereafter, one of them called for the U.S. Department of Justice to more fully explore the benefits that personalized guns offer.

Meanwhile, venture capitalists in the United States have become interested in investing in the further development of personalized gun technology.

The widespread availability of personalized guns seems to be inevitable: the technology is currently available and will soon be enhanced; the political will to foster its availability appears to be present at national and local levels; and the interest of the media and the public is growing. After decades of delay, this lifesaving technology is finally coming to fruition.

3

A NATION STANDS ITS GROUND:

POLICY RECOMMENDATIONS TO
REDUCE GUN VIOLENCE IN AMERICA

As we consider methods to end gun violence, it's critical that policymakers employ an approach that involves federal, state and local stakeholders. It's equally important that policymakers use a comprehensive approach that addresses the safety, economic and public health implications of gun violence.

TOP PRIORITIES FOR THE 113TH CONGRESS

The following federal gun bills have garnered tremendous support from gun reform and community safety advocates and represents opportunities for Congress to pass common sense gun reforms this year.

COMMERCIAL ACTIVITY REGULATIONS

- **Establish Universal Background Checks (H.R. 1565—Rep. Peter King).** This bipartisan bill, the *Public Safety and Second Amendment Rights Protection Act of 2013*, would amend and expand the *Brady Handgun Violence Prevention Act* to require background checks for private sales—thereby closing the gun show and online loopholes that allow private sellers to sell firearms without conducting a background check.
- **Reauthorize the Federal Assault Weapons Ban (H.R. 437—Rep. Carolyn McCarthy).** The *Assault Weapons Ban of 2013* would extend and reauthorize the *Federal Assault Weapons Ban*, an expired federal law that prohibited the manufacturing, transportation or distribution of semi-automatic weapons and ammunition feeders.
- **Require Ammunition Sellers to Obtain a License (H.R. 142—Rep. Carolyn McCarthy).** The *Stop Online Ammunition Sales Act of 2013* would require ammunition sellers to obtain a license in order to reduce the unlawful sale of munition supplies.
- **Regulate Guns Like Other Potentially Dangerous Consumer Products (H.R. 2464—Rep. Robin Kelly).** The *Improving Gun Safety Standards Act* would amend the *Consumer Product Safety Act* to include firearms in the definition of “consumer product”—thereby permitting the Consumer Product Safety Commission to issue consumer safety rules for firearms in the same manner as other potentially harmful consumer products like fireworks, bicycles, car safety seats and cribs. Firearms are currently specifically excluded from the statutory definition of “consumer product.”
- **Help the ATF Track Straw Purchase Data (H.R. 661—Rep. Barbara Lee).** The *Tiahrt Restrictions Repeal Act* would repeal various restrictions that prohibit the ATF from tracking straw purchasers and tracing purchase data, as well as investigating gun retailers that falsify background check records.

PUBLIC HEALTH REGULATIONS

- **Expand the Federal Definition of “Intimate Partner” (H.R. 1177—Rep. Lois Capps).** The *Domestic Violence Survivor Protection Act* would expand the federal definition of “intimate partner” to include dating partner or former partner in order to protect more victims of domestic violence from abusive partners who may engage in gun violence.

- **Keep Guns From High Risk Individuals (H.R. 2648—Rep. Robin Kelly).** The *Keeping Guns From High Risk Individuals Act* would expand the current federal prohibitions on the sale of guns to include additional groups of high risk individuals such as stalkers and violent misdemeanants and place extended time limitations on their ability to purchase firearms in the future.
- **Examine Gun Violence as a Matter of Public Health (H.R. 2465—Rep. Robin Kelly).** The *Recognizing Gun Violence as a Public Health Emergency Act* would require the U. S. Surgeon General to conduct an annual study and report to Congress on the effects of gun violence on public health.
- **Promote the Tracing of Firearms Used in Criminal Activity (S. 1337—Sen. Richard Durbin).** The *Crime Gun Tracing Act of 2013* would promote the tracing of firearms used in criminal activity in order to combat gun violence and gun trafficking.
- **Waive Gun Manufacturer Liability Exemption (H.R. 332—Rep. Adam Schiff).** The *Equal Access to Justice for Victims of Gun Violence Act* would provide victims of gun violence access to civil remedies by repealing gun makers’ immunity and holding gun manufacturers to similar standards as those in place for other consumer products.

TOP PRIORITIES FOR STATES

- **Repeal Stand Your Ground Laws.** State legislatures should impose a duty to retreat on individuals before they are deemed justified in using deadly force. Requiring the duty to retreat significantly reduces homicide rates and allows for accountability in our criminal justice system.
- **Develop a Firearm Restraining Order Petition Process.** States should create gun restraining order systems that operate parallel to domestic violence restraining orders to allow the friends and family of gun owners to petition the court to take a firearm away from a person whose conduct or behavior suggests mental instability or that they pose a danger to themselves or others.
- **Expand Domestic Violence Statutes to Include Stalking and other Dangerous Activity.** Most states do not include stalkers within the definition of domestic abuser—preventing many victims of stalking and harassing behavior from obtaining the necessary protections they need for their safety. Forbidding convicted stalkers and individuals convicted of other harassing activities from obtaining a firearm upon having a restraining order imposed on them will help protect innocent lives and keep guns out of the hands of dangerous individuals.
- **Require Court or Medical Professional Pre-Clearance for Gun Reinstatement for Individuals Hospitalized for Mental Health Purposes.** Studies indicate that short-term court-ordered hospitalizations are a clear indicator of a person’s mental health status. States should implement a mandatory waiting period for firearm purchases for individuals who’ve been involuntarily hospitalized until such individual has received the certified clearance of a judge or medical professional.

- **Require Physicians to Ask Child-Wellness Questions to Promote Home Safety.** Just as pediatricians advise parents on safety measures such as bicycle helmets, food products and home supplies, so too should doctors be able to give patients candid advice on gun ownership safety and proper storage to prevent accidents, suicides and homicides of children in the home.
- **Support Smart Policing.** Proactive initiatives by police departments to prevent criminal activity, paired with an increased visible police presence in some of the most dangerous neighborhoods, are an effective means of preventing crime and gun violence. Similarly, police departments can work with local schools to target high-risk individuals—both victims and criminals—to prevent them from being placed in dangerous situations. For example, the Chicago Police Department has joined with Chicago Public Schools to promote early intervention by determining which students are most at-risk and encouraging them to enter mentoring programs and other positive activities

NON-LEGISLATIVE PRIORITIES

- **Promote the Understanding of and Attention to the Mental Health Needs of Students.** Too often mental health issues are either misunderstood or ignored, often resulting in tragic consequences. School teachers should receive mental health training to help them better identify potential warning signs so they're able to intervene earlier. Similarly, community groups, medical and mental health professionals should be better supported in public education and mental health destigmatization efforts that encourage people to seek mental health treatment.
- **Increase Academic Research on the Costs of Gun Violence.** In order to promote the most effective local, state and federal policies to end gun violence, policymakers must have access to accurate and up-to-date data. Increased academic attention and federal and state funding for studies analyzing the economic and public health costs of gun violence are essential to crafting the most comprehensive laws to address the social costs of gun violence.
- **Invest in Smart Gun Technologies.** A vast majority of firearms used in criminal activities are stolen or their origins are unknown. If every gun had an irremovable tracking number, it would be significantly easier for law enforcement to minimize gun trafficking and track illegal gun transfers. Similarly, inclusion of RFID (radio frequency identification) tags on guns that allow them only to fire if read by a corresponding chip worn by the owner would prevent gun violence that results from gun theft or wrongful use. The technology for smart guns currently exists. Investments in research and development to mass produce smart guns and to make them affordable are imperative to prevent unnecessary gun violence.
- **Change the Social Dynamic in Urban Communities and Increase Proactive Prevention Programs in Schools.** Nothing stops a bullet like a job, or a quality education. After school programs, job training programs, mentoring programs with local business leaders and community recreational programs, such as Chicago's "Windy City Hoops," keep kids off the streets and working towards productive futures. Additionally, alternatives to violence and conflict resolution can be promoted through mentoring programs with former gang members that inform young people of the perils of gang association and gang violence. Similarly, programs connecting urban youth with police officers will help bridge the gap and provide sensitivity and awareness training that will improve community trust of law enforcement, and assist in decreasing gang violence and police brutality.

CONCLUSION

Our nation has suffered from horrific acts of gun violence far too much—and for far too long.

Most gun owners are responsible, law-abiding citizens who use their guns safely. The "right to bear arms" is—and shall remain—a fundamental Constitutional right that must be protected. But we must also protect the safety of our children and our communities with the same intensity and vigor.

As a nation, we can and must do more. We CAN prevent the drive-by gang shootings that slaughter innocent schoolchildren on playgrounds in Chicago and Oakland. We CAN stop mass shootings like the ones that occurred in Newtown, Aurora, Oak Creek, and Tucson. We just need the will to act.

With commonsense as our guide, we can free ourselves from the burden of gun violence.

The key is coming together as a nation—at all levels of government and from all walks of life—to take a stand for the future of our country by enacting common sense gun reforms and community supports to end the bloodshed. Gun reform is a can we can't afford to kick further down the road.

The time to act is now.

SPECIAL THANKS

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