



**WARNING SIGNS:**  
PREVENTING GUN VIOLENCE  
IN CRISIS SITUATIONS



POLICE

# Preventing the Next Mass Shooting Before It's News

**Columbine, Virginia Tech, Tucson, Aurora, Newtown.** Most Americans can easily list many of the high profile mass shootings that our nation has experienced. News reports after these events frequently mention that friends, family members, and acquaintances noted a change in the shooter's behavior in the time leading up to the tragedy. While a variety of legislative proposals can help reduce mass shootings, one approach is to give community members ways to act, so that access to guns can be temporarily removed when a person is in crisis.

Like federal law and the laws in most states, Arizona does not require schools or law enforcement in this situation to do anything to remove the person's ability to purchase guns. In fact, in the absence of legislation that addresses this issue, school administrators and law enforcement agencies are prevented from taking meaningful action. Family members also have no authority under current law to help prevent a person from further access to guns.

Many factors must be considered when approaching issues surrounding the

**In almost every mass shooting, people associated with the shooter noted clear warning signs of dangerous behavior beforehand. However, these community members were unable to prevent the shooting because of gaps in our gun laws.**

Take, for example, Pima Community College, where Jared Lee Loughner was a student until four months before he shot and killed six people and wounded 13 others, including Representative Gabrielle Giffords, in a parking lot in Tucson. In the year before the shooting, campus police had five contacts with him for classroom and library disruptions. The college eventually suspended Loughner and told him that he could return only if a mental health professional agreed he was not dangerous.<sup>i</sup> At one point, his parents had taken away his shotgun upon the recommendation of college officials, but no further action was taken to restrict his access to guns.<sup>ii</sup>

intersection of guns and mental illness, but there are solutions to this complicated problem. A growing number of states have recently enacted laws that provide the necessary legal mechanisms to temporarily remove a person's access to guns whenever there is a high potential for violence. These laws have an enormous potential to reduce gun deaths and save lives, helping to prevent mass shootings and suicides.

# Is There a Link Between Violence & Mental Illness?

Research shows that most people with common mental illnesses are no more likely to commit violent crimes than the average person. Even people with severe mental illnesses may only be at an elevated risk of violence toward others at extreme times, such as during a time of intense emotional disturbance or the person's first psychotic episode.<sup>iii</sup> While a person may experience a disturbance of this kind over a long period, he or she almost always warns or threatens others before committing an act of violence.

Suicides are violent, horrific acts that devastate the families, friends, and communities of the people who are lost. The evidence shows that suicides and suicide attempts occur most frequently during a time of crisis, and that suicides are often impulsive acts: 90% of people who live through a suicide attempt do not ultimately die by suicide.<sup>vii</sup> Suicide attempts with a gun are much more likely to be fatal than suicide attempts by other methods.<sup>viii</sup> **The conclusion is obvious: many suicides and murder-suicides could be prevented if the person's access to a firearm was temporarily restricted at the time.**

## Risk of Suicide Increases with Gun Access



approximately 60% of gun deaths are suicides

Despite the media's emphasis on mass shootings and violent crime, the most frequent occurrence that demonstrates the link between mental illness and gun violence is suicide. About 90% of people who commit suicide had a diagnosable mental illness,<sup>iv</sup> and certain mental illnesses, such as depression, significantly increase the risk of suicide.<sup>v</sup> Suicides account for more than half of all gun deaths each year, and about half of suicides are committed with a gun.<sup>vi</sup>

A person entering a mental health crisis often exhibits signs that may alert community members to the person's mental state. For example, 80% of people considering suicide give some sign of their intentions<sup>ix</sup> and 38 out of the 62 mass shooters in the last twenty years were reported as displaying signs of dangerous mental health problems prior to the killings.<sup>x</sup> In many of these shootings, people who knew the shooter observed these signs, but federal and state laws provided no clear legal process to restrict the shooters' access to guns, even temporarily. As a result, there was no direct way for these people to prevent these acts of violence.

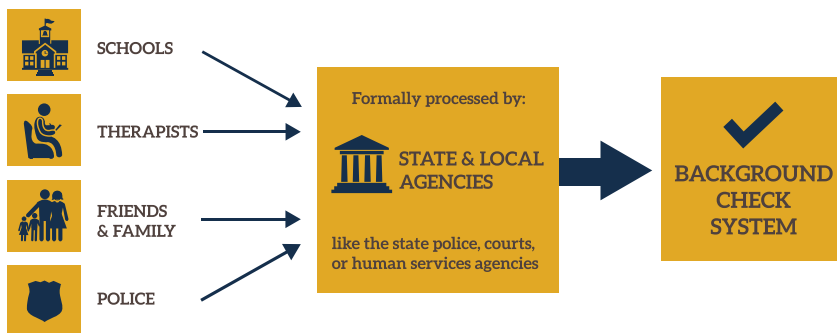
# Community Reporting & Background Checks

One way to reduce mass shootings and suicides involves creating legal safeguards that can temporarily prevent a person from gaining access to a gun when he or she is violent or suicidal. These policies give community members—teachers, school administrators, doctors, family members, and law enforcement officers—the opportunity to bring a person to the attention of the authorities who can conduct a proper assessment

ous individuals who should not have easy access to firearms.

Under federal law, people are generally only prohibited from purchasing a gun on the basis of a dangerous mental illness if a court has formally committed the person to a mental institution or found the person criminally incompetent or insane.<sup>xi</sup> However, many states deny access to guns by dangerous

## How Community Reporting Can Help Screen Gun Purchasers



and, if appropriate, temporarily remove the person's access to guns.

A basic framework already exists for screening gun purchasers nationwide. Federal law requires licensed gun dealers to conduct background checks on purchasers.<sup>xi</sup> These background checks are the crux of our nation's system for restricting access to guns by people who may pose a threat to themselves or others. Unfortunately, current federal law does not require private, unlicensed sellers to conduct a background check on a gun purchaser.

Ensuring that all gun sellers, not just licensed gun dealers, conduct background checks is vital to keeping guns out of the wrong hands. States can also strengthen the background check system by defining additional danger-

people beyond those identified by Congress. For example, some states take into account reports from community members indicating that a person may be dangerous or suicidal and provide a formal process that can temporarily disqualify a person from possessing a gun based on the careful review of these reports.

The background check system also allows states to remove records as easily as they can submit them, and includes strong privacy protections. As a result, states can create "temporary holds" so that a person cannot obtain access to guns until he or she is no longer dangerous or suicidal. **States have begun to enact laws of this kind, which use the best features of the background check system to prevent gun deaths and injuries.**

## Empowering Community Members to Help Prevent Gun Violence

People who witness another person's violent behavior are often hamstrung by the lack of a process to temporarily prevent the person from accessing guns. It doesn't have to be this way. States have begun to enact laws that empower community members to speak out about dangerous situations and provide a formal opportunity for a legal evaluation about whether the person's access to guns should be restricted.

Here are some examples of the first efforts by states to empower community members to prevent gun violence by strengthening state gun laws.

### Courts

When judges make certain formal determinations about a person's mental illness, the federal gun prohibition is triggered. Unfortunately, states often fail to submit records identifying these people to the background check system. For example, the Virginia Tech shooter passed two background checks despite being federally prohibited from purchasing a firearm because Virginia had not properly reported his records.

Since the Virginia Tech shooting, most states have passed new laws<sup>xiii</sup> in this area, and the number of disqualified mentally ill people identified in the system has increased over 700%. Unfortunately, some states aren't taking the necessary steps.<sup>xiv</sup> As of November 2013, 12 states have still identified less than 100 such people.

### Schools

Schools play an important role in identifying at-risk individuals. In 2013, Illinois began requiring school administrators to report any person exhibiting threatening, suicidal, or violent behavior to the state police.<sup>xv</sup> People flagged under this law cannot obtain a license or own a firearm until after additional evaluation.<sup>xvi</sup>

### Hospitals

People who have been involuntarily hospitalized for a mental health emergency are often not formally committed. Sometimes they continue treatment voluntarily or appear more stable. Federal law does not restrict their gun access, even though research indicates that they are at a significantly higher risk of violent and suicidal behavior, at least temporarily.

In 1991, California enacted a law requiring mental health facilities to report to the Department of Justice anyone held for the state's involuntary 72-hour emergency evaluation. Individuals reported for this reason lose their gun eligibility for up to five years, but may petition to regain their gun eligibility sooner.<sup>xvii</sup>

### Law Enforcement

Police officers sometimes encounter people who appear suicidal or violent. If the person appears ready to commit a crime, officers may temporarily remove guns, but they are usually required to return them soon thereafter. Smart legal processes can give law enforcement tools to both remove guns from dangerous situations and prevent guns from being returned without a proper evaluation. For example, Indiana and Connecticut have laws that create a process for the removal of guns and enable a court to consider a person's dangerousness before a gun is returned.<sup>xviii</sup>

### Friends & Family Members

Friends and family members are often the first people to notice the warning signs of impending violence. If a person appears to be violent or suicidal, friends and family can contact law enforcement. In addition, in 2014, a bill was introduced in California to allow someone to petition the courts for a gun violence restraining order, which would restrict a person's gun access if he or she poses a significant risk of personal injury to self or others by possessing firearms.

# Legal Expertise & Research Are Crucial to Preventing Unnecessary Gun Deaths & Injuries

Americans for Responsible Solutions and the Law Center to Prevent Gun Violence are bringing together their collective expertise to find solutions to keep guns out of dangerous hands through careful research and legislative drafting.

While there is no scientific calculus to identify the next mass shooter, community members can often identify potentially violent and dangerous individuals and alert public officials. Appropriate legislation can ensure that law enforcement and other state agencies like courts carefully evaluate these situations. This information can then be used to temporarily restrict gun access when necessary for the purpose of

public safety, with the person being given a prompt, formal process to reinstate access if and when appropriate.

The Law Center and Americans for Responsible Solutions are working to provide our research and recommendations to legislators and activists alike. Together with our allies, we can analyze the various avenues that states may use to prevent dangerous people from accessing guns and can identify existing models for new laws, including codified state laws and past and pending legislative proposals. This toolkit can help states identify what can be done to prevent gun violence.

**The Law Center to Prevent Gun Violence and Americans for Responsible Solutions will continue to research and develop policies that respect individuals' rights while also protecting our communities from gun violence.**

**Together, we will empower communities across the country by:**

- Assisting legislators and activists in crafting legislative solutions that target the specific needs of different communities;
- Reviewing legislation to ensure that it complies with the Second Amendment;
- Fighting efforts to enact dangerous legislation that puts children and communities at risk; and
- Providing informative educational resources and extensive knowledge on a variety of approaches to preventing gun violence.



# Find Out More & Get Involved



**LAW CENTER TO  
PREVENT GUN VIOLENCE**

BECAUSE SMART GUN LAWS SAVE LIVES

The Law Center to Prevent Gun Violence is a non-profit organization dedicated to ending the epidemic of gun violence in America. The Law Center's trusted and in-depth legal expertise, analysis, and comprehensive tracking are relied upon by the media, legislators, and advocates from across the country.

Formed in the wake of the July 1, 1993 assault weapon massacre at a law firm in San Francisco, the Law Center is now the premier clearinghouse for information about federal and state firearms laws and Second Amendment litigation nationwide.

**For more information, visit our website: [smartgunlaws.org](http://smartgunlaws.org) or call 415.433.2062**

**AMERICANS FOR  
RESPONSIBLE  
SOLUTIONS**

On the second anniversary of the horrific Tucson shooting, as America mourned the dead in Newtown, Former US Representative Gabrielle Giffords and her husband, retired Navy Captain and astronaut Mark Kelly, launched Americans for Responsible Solutions to encourage elected officials to stand up for solutions to prevent gun violence and protect responsible gun ownership.

As gun owners and strong supporters of the Second Amendment, Gabby and Mark know we must protect the rights of Americans while fighting for commonsense solutions to prevent shootings from shattering communities across the nation. Americans for Responsible Solutions engages the public on ways to reduce gun violence and supports lawmakers willing to take a stand for responsible policies.

**For more information, visit our website: [americansforresponsiblesolutions.org](http://americansforresponsiblesolutions.org)**

For an annotated copy of this publication, visit [smartgunlaws.org](http://smartgunlaws.org) or [americansforresponsiblesolutions.org](http://americansforresponsiblesolutions.org).

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# Endnotes

- <sup>i</sup> CBS News, *Who is Jared Loughner? Friends Reveal Alienation*, Jan. 10, 2011, at <http://www.cbsnews.com/news/who-is-jared-loughner-friends-reveal-alienation/>.
- <sup>ii</sup> Michael Martinez and Chelsea J. Carter, *New details: Loughner's parents took gun, disabled car to keep him home*, March 28, 2013, at <http://www.cnn.com/2013/03/27/justice/arizona-loughner-details/>.
- <sup>iii</sup> Consortium for Risk-Based Firearms Policy, *Guns, Public Health, and Mental Illness: An Evidence-Based Approach for State Policy* 6 (Dec. 2013), at <http://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-policy-and-research/publications/GPHMI-State.pdf>.
- <sup>iv</sup> National Institute of Mental Health, *The Numbers Count: Mental Disorders in America*, at <http://www.nimh.nih.gov/health/publications/the-numbers-count-mental-disorders-in-america/index.shtml#ConwellSuiAging> (citing Conwell Y, Brent D. *Suicide and aging I: patterns of psychiatric diagnosis*. *International Psychogeriatrics*, 1995; 7(2): 149-64).
- <sup>v</sup> Consortium for Risk-Based Firearms Policy, *Guns, Public Health, and Mental Illness: An Evidence-Based Approach for State Policy* 5 (Dec. 2013), at <http://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-policy-and-research/publications/GPHMI-State.pdf>.
- <sup>vi</sup> Nat'l Ctr. for Injury Prevention & Control, U.S. Centers for Disease Control and Prevention, *Web-Based Injury Statistics Query & Reporting System (WISQARS) Fatal Injury Reports, National and Regional, 1999-2010* (April 2014), at [http://webappa.cdc.gov/sasweb/ncipc/mortrate10\\_us.html](http://webappa.cdc.gov/sasweb/ncipc/mortrate10_us.html). In 2010, for example, 31,672 people died from gunshot wounds, including homicides, suicides and unintentional deaths; 38,364 people committed suicide by some means or another; and 19,392 of these people killed themselves using a gun.
- <sup>vii</sup> Matthew Miller and David Hemenway, *Perspective: Guns and Suicide in the United States*, *New England Journal of Medicine*. 2008; 359:989-991 at <http://www.nejm.org/doi/pdf/10.1056/NEJMp0805923>.
- <sup>viii</sup> Matthew Miller et al., *The Epidemiology of Case Fatality Rates for Suicide in the Northeast*, 43 *Annals Of Emergency Med.* 723, 725 (2004).
- <sup>ix</sup> Mental Health America, *Suicide*, at <http://www.mentalhealthamerica.net/suicide>
- <sup>x</sup> Mark Follman, *Mass Shootings: Maybe What We Need Is a Better Mental-Health Policy*, *Mother Jones* (Nov. 9, 2012) at <http://www.motherjones.com/politics/2012/11/jared-loughner-mass-shootings-mental-illness>.
- <sup>xi</sup> 18 U.S.C. § 922.
- <sup>xii</sup> 18 U.S.C. § 922.
- <sup>xiii</sup> See Law Center to Prevent Gun Violence, *Mental Health Reporting Policy Summary*, at <http://smartgunlaws.org/mental-health-reporting-policy-summary/>.
- <sup>xiv</sup> Federal Bureau of Investigation, Dep't of Justice, *National Instant Criminal Background Checks System 2007 Operation Report*, at [http://www.fbi.gov/about-us/cjis/nics/reports/2007-operations-report/ops\\_report\\_2007](http://www.fbi.gov/about-us/cjis/nics/reports/2007-operations-report/ops_report_2007) (As of December 31, 2007, there were 518,499 records based on a prohibiting mental health history maintained in the NICS Index.) and *Active Records in the NICS Index as of April 30, 2014*, at <http://www.fbi.gov/about-us/cjis/nics/reports/nics-index-040514.pdf> (3,440,997 records). See also Federal Bureau of Investigation, Dep't of Justice, *National Instant Criminal Background Checks System 2006 Operation Report* at [http://www.fbi.gov/about-us/cjis/nics/reports/2006-operations-report/ops\\_report\\_2006.htm](http://www.fbi.gov/about-us/cjis/nics/reports/2006-operations-report/ops_report_2006.htm) (298,571 records as of December 2006).
- <sup>xv</sup> 405 Ill. Comp. Stat. 5/6-103.3; 430 Ill. Comp. Stat. 65/8.1.
- <sup>xvi</sup> 430 Ill. Comp. Stat. 65/8, 10.
- <sup>xvii</sup> Cal. Welf. & Inst. Code § 8103(f)(2).
- <sup>xviii</sup> Ind. Code Ann. §§35-47-14-3, 8; Conn. Gen. Stat. § 29-38c.