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Policy Brief

A Roadmap For Reducing Gun
Violence in America

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The Herbert Lourie Memorial Lecture on Health Policy, sponsored by the Maxwell School of Citizenship and Public Affairs of Syracuse University and the Central New York Community Foundation, Inc., honors the memory of Herbert Lourie, MD, a distinguished Syracuse neurosurgeon, professor, and community leader for nearly 30 years. Generous contributions from his family, friends and colleagues, and former patients have endowed this series.

The Policy Brief series is a collection of essays on current public policy issues in aging; urban and regional studies; education finance and accountability; public finance; social welfare, poverty, and income security; and related research done by or on behalf of the Center for Policy Research (CPR) at the Maxwell School of Syracuse University.

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Policy Brief

A Roadmap For Reducing Gun Violence in America

Daniel Webster

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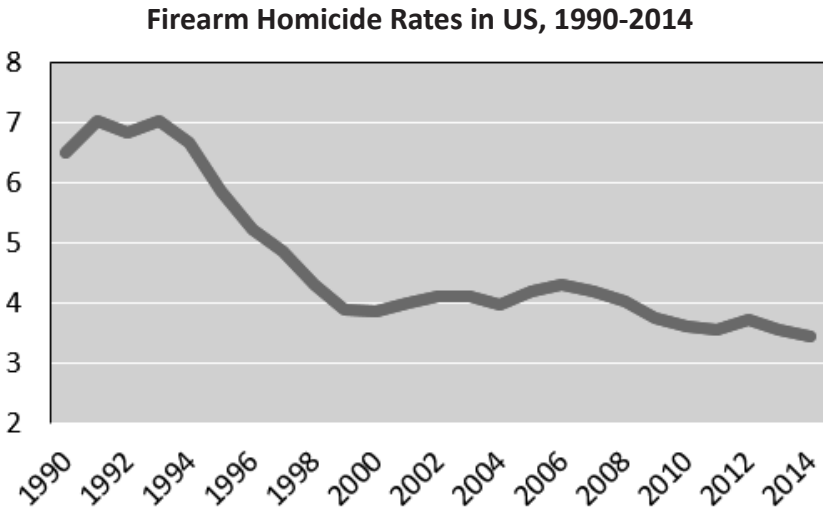
Introduction

How do you reduce gun violence in America? It seems rather daunting. Today I'm going to take you through some key things I think we can do to have far less gun violence in America.

When we think about our country and violence, it's easy for us to conclude that we are a terribly violent nation. We see violence on a daily basis when we open our newspapers, turn on our computers, or listen to the radio or TV. I want to impress upon you what I think the data tells us about the United States and violence. If you compare the United States to other high-income Western democracies, you will find that we are average on a broad range of indicators of aggression, violence, and risk factors for violence. We don't use violent media any more than these other countries. We don't have more bullying or adolescent fighting. Our rates of mental illness are comparable. When it comes to substance abuse, we're actually on the low end of the spectrum (Hemenway, 2004). What sets us apart are our homicide rates. Our homicide rates are about seven times higher than the average of these other high-income countries, and that's because our gun homicide rate is about 25 times higher (Grinshteyn & Hemenway, 2016). This was a trend for our homicide rates nationally from 1990 through

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2014. These data come from the Centers for Disease Control and Prevention (CDC), based upon death certificate data; they do not include 2015.



Source: Centers for Disease Control and Prevention, 2016

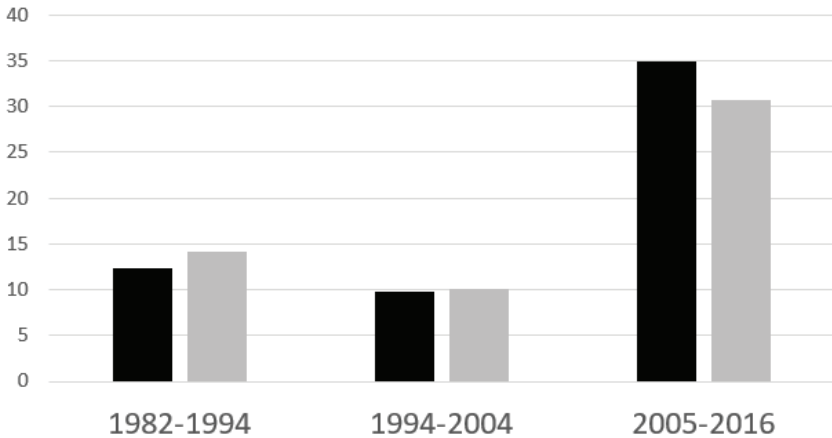
The FBI, which is a different government agency collecting information on similar outcomes, has shown that we have experienced a noteworthy increase in gun homicide rates in 2015. In some cities we are seeing increases in 2016 as well. However, the important thing I want to impress upon you is just how far we have come.

Gun Violence in America

Our gun homicide rates are about half what they used to be, maybe even less. When I first entered this field, there was a feeling of, "How are we ever going to tackle this problem? How are we going to create greater safety and less gun violence?" But we did just that. What is noticeable, however, are the amount of mass shootings that occur in public places, with a lot of victims,

that make us all feel incredibly vulnerable. This simple graph shows you some different eras, before, during, and after we had a federal assault weapons ban, which also banned large-capacity magazines. What we see here is a three-fold increase in recent years in both the number of people killed and non-fatally wounded in public mass shooting events.

Persons Wounded and Murdered in Mass Shootings per 12 Months Before, During, and After Federal Assault Weapons Ban



Source: Follman, Aronsen, and Pan, 2017

One thing we don't see on this graph is the most common form of death by gun in the United States, suicide by guns. Suicides by guns outnumber homicides by guns almost two to one. So, this is an enormous part of our problem. I'm only going to briefly talk about that today, but I think there's a lot we can and should do on this front.

Here are the points I'm just going to touch on in our conversation today that I think are important pathways to having much lower rates of gun violence in America. I will cover current prohibiting

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conditions. How do we screen people to decide who can legally have a gun and who cannot? I'll also talk about how we can screen people in a far more rational way, a way that would screen out more people prone to violence, than our current policies do. However, if screening is going to be effective, we also need basic measures of accountability built into our firearm policy to prevent prohibited people from obtaining guns. These are what I broadly call accountability measures.

We also need to make the investigation of gun crimes far more scientific than it is today. Sometimes you watch TV shows and get the feeling that police have these enormous amounts of scientific resources at their disposal. I wish it was that easy. However, I do think we can make advancements in this area, not only when it comes to the physical evidence, but also in social science. For example, how do you elicit information from witnesses? How do you make them feel comfortable enough to come forward to help you solve crimes, to help you get criminals off the street who are shooting people, and to change a current dynamic of street justice? We need to improve in these areas.

Regulation of Firearm Sales

Here is a snapshot of what gun policy looks like as it relates to the regulation of firearm sales in the United States. It is somewhat complicated. The first column has to do with how we determine prohibiting conditions. The second column is whether or not it is a federal policy. The last column is the number of states, including the District of Columbia, that have these measures in place.

Snapshot of Federal and State Gun Sales Laws

	Federal	States including DC
Felons, juveniles, dangerously mentally ill, prohibited	Yes	?
Violent misdemeanants prohibited	Only DV	13
21 minimum legal age for handgun purchase/possession	No	13
Temporary prohibition for serious juvenile offenses	No	27
Private sales regulated (background checks, records)	No	19
Permit to purchase handgun licensing	No	11
- any		
- in-person application (usually w/ fingerprint)		7
Handgun registration	No	7

Source: The Law Center to Prevent Gun Violence and the Johns Hopkins Center for Gun Policy and Research

Background Checks

Background check records are something we hear a lot about. Eighteen states¹ plus the District of Columbia have some form of law extending background checks to private sales. So the federal law, and the case in most states, is that if you want to purchase a firearm from a federally-licensed gun dealer, you have to go through a background check and there are record-

¹ On November 8, 2016, a ballot measure in Nevada was voted on that made Nevada the 19th state to adopt a law extending background check requirements for firearm purchases to private transfers as well as those conducted by licensed dealers.

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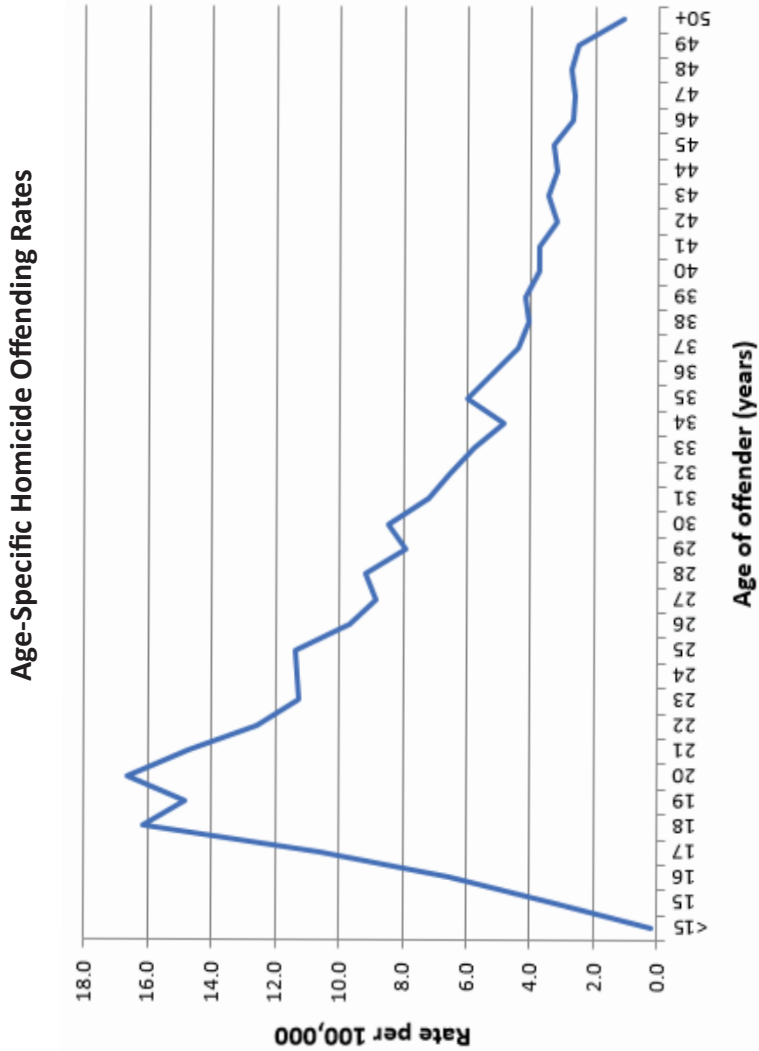
keeping requirements on the part of the licensed gun dealer. If, however, you want to purchase a firearm from someone who is not a federally licensed gun dealer, you do not have to pass a background check, and there is no record keeping. I liken this to an airline security system that sets up two lines at the airport. One line is for people who would like to go through all the scanners and security measures in order to get on the plane, and another line that allows you to skip security and jump right on the plane. This is basically what we do in these states that do not have comprehensive background checks. We say to people, “You’re free to make a choice. You may go to a federally licensed gun shop, and have a background check with records; or you can simply go online, go to a gun show, or go to other people who are not licensed, and skip all that inconvenience”. In my opinion, if an instrument is lethal and we want to keep it out of certain people’s hands, these background checks should extend to private sales. A mechanism that we can use to compliment the background check system is a licensing system for handgun purchasers. You can think of it as very similar to a driver’s license.

Age Restrictions

If you are under the age of 18 you cannot purchase a gun. It often comes as a surprise to people that in most states, if you are between the ages of 18 and 20, you may not legally purchase or consume an alcoholic beverage, but you can legally purchase and acquire a handgun. Other prohibiting conditions, such as being adjudicated as being dangerous to self or others due to mental illness, will also prohibit you from purchasing a gun.

The next graph is an age distribution. This data comes from the FBI’s Uniform Crime Reporting System, *Supplemental Homicide Report* for the year 2014. You can see that homicide offending peaks between the ages of 18 and 20. It remains high well into a person’s 20s and then drops off quite dramatically.

What many of us believe is that we could have, for some of the less serious offenses, not lifelong prohibitions, but prohibitions that take one through their riskiest years, and have a demonstrable effect in lowering gun violence. But, right now, most states will still allow very young people to possess handguns.



Source: FBI Uniform Crime Reporting System, 2014

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Felonies and Misdemeanors

Generally, at the federal level and in most states, if you have been convicted of a felony you will not be able to get a gun. When you look at convictions for violent crimes that are not felonies, but are associated with future violence, many of those crimes were originally charged as felonies and then pled down to misdemeanors. Federal law only prohibits someone from purchasing a gun if that violent misdemeanor was a domestic battery charge. Thirteen additional states extend this beyond just domestic violence to cover other violent misdemeanors.

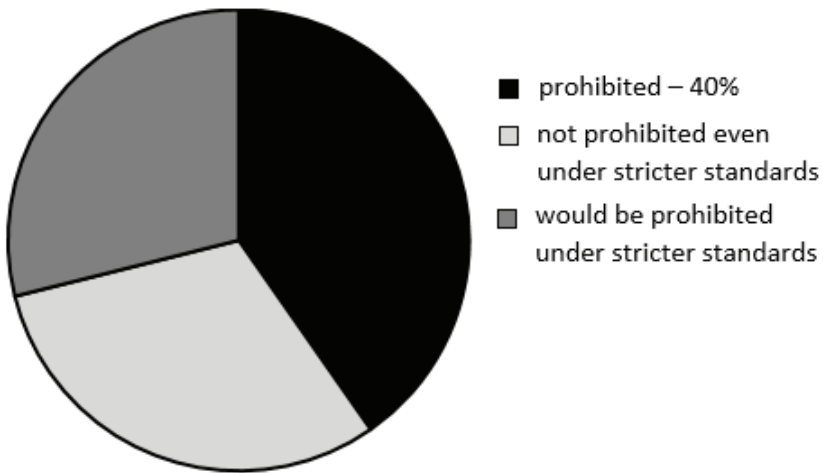
Many people are interested in what laws we have to keep guns out of the hands of people who have committed domestic violence. Federal law prohibits firearm ownership for those who have been convicted of domestic violence. If someone has a restraining order for domestic violence that is final, that person may not possess firearms while that order is in place. Despite these laws, there are important gaps. Federal law does not protect dating partners or victims with temporary restraining orders. We have found that the time period right around when someone gets a temporary restraining order is often one of the most dangerous times, but most state laws do not cover that time period (Campbell et al., 2003).

Standards For Gun Ownership

Now let's move on to the issue of what our legal standards look like. We did a study in which we looked at data from a 2004 survey of state prisoners that the Department of Justice conducted. We looked at the 13 states that had the lowest standards for legal gun ownership that basically mimicked our federal standards. Out of the prisoners who were serving time for committing a violent crime with a firearm, only 40% of them were prohibited from

possessing that firearm at the time they committed the violent act (Vittes et al., 2013).

Legal Gun Ownership Status of Persons Before They Committed a Gun Crime Leading to Incarceration in 13 States With Weakest Standards for Legal Gun Possession



Source: Vittes et al., 2013

The important part of the pie chart above is the red slice. Twenty-nine percent of those offenders would have been prohibited from owning a gun in states with stricter standards. This gives you some sense of the potential gain from extending the prohibitions to a broader range of individuals with histories of violence and reckless behavior.

Mental Illness, Drug and Alcohol Abuse, and Domestic Violence

Under the leadership of Josh Horwitz, some colleagues and I formed the Consortium for Risk-Based Firearm Policy in the months following the Newtown shooting in 2012. We formed this

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consortium with the intent of trying to have more evidenced-based policies, as they relate to mental illness and gun policy. At one of our meetings, we reached a consensus that we'd have a much larger impact on interpersonal violence if the focus was not, "what diagnosis you may or may not have for mental illness", because most people with mental illnesses are no more violent than a person without a mental illness. What is far more predictive of violent behavior is past violent behavior. There are, of course, a subset who have experienced prior violent behavior and have a mental illness, but if you look at some of the best research on interpersonal gun violence, you will find that only about 4% of the cases may be attributable to the perpetrator's serious mental illness (Swanson et al., 1990).

So, we have other recommendations that we think are more data driven and would have more impact (Consortium for Risk-Based Firearm Policy, 2013a, 2013b). For example, we believe that we should be focusing on people with violent misdemeanor convictions and people with multiple alcohol or drug-related arrests in a short amount of time. In particular, we need to look at the relationship between alcohol abuse and violence because that relationship is very strong – much stronger than the relationship between drug abuse and violence. We have found that generally, when you extend gun prohibitions to cover more of the violent behaviors, you have greater reductions in violence. For example, we know that for domestic violence restraining orders, several studies, including some that I've been involved in, show that this reduces intimate partner homicides, by about 8% (Zeoli, Malinski & Turchman, 2016). We have found that it does have a protective effect. In a current study I'm collaborating on with April Zeoli, we have evidence that extending firearm prohibitions for violent misdemeanants' reduces intimate partner homicides by 18% (Zeoli, 2016).

In January of 2016, California adopted a system that operates like other civil restraining order processes for victims of domestic violence. However, it offers more prohibitions in that, if a family member or someone close to you who has access to firearms and appears to be in a very dangerous place, whether it is a mental breakdown or something else, then on a temporary basis, a judge can give authority to have their firearms removed until the situation can be assessed. So, a lot of risk is very incident-focused. There can be a time of crisis when it is very important to ask authorities to remove guns temporary until you know that the situation is safe enough to return the firearms.

Accountability Measures

How Do Criminals Get Guns?

What about the accountability measures that I have referred to? How in the world do criminals get guns?

**How Criminals Get Their Guns
2004 Nationally Representative Survey of State Prisoners**

Source/Method	%
From friend or family member	40
“street”/underground market	38
Purchased from licensed dealer - legal transaction	5
- illegal transaction	6
Gun show/flea market	2
Theft	10

Source: Webster et al., 2013a

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A lot of conversations about gun policy or gun control consist of people saying that criminals will break the gun laws and only the law-abiding people will comply with the laws. What I hope to convince you of is that there are connections between the legal and illegal markets. How easily guns flow from the legal to illegal markets has a lot to do with the set of regulations in place for firearm sales. Nearly 80% of criminals that we found, in a 2004 nationally representative survey of state prisoners, obtained their gun through a private transaction, most of which were unregulated and not through a licensed dealer (Webster et al., 2013a). This means there were no background check requirements for those transactions and there was no record-keeping. Theft accounted for 10% of direct criminal acquisitions of guns.

What particularly frustrates me as a researcher is the survey category “street/underground market”. That could be so many different things. Is that a trafficker or is it somebody who is burglarizing homes and then selling stolen guns on the street? We honestly do not know, but when we asked directly, “did you steal the gun you used in crime?” about 10% said that they did.

Another way to try to understand where these guns are coming from and where there are points of diversion, is to look at federal gun trafficking cases. Gun trafficking investigations done by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), show that licensed dealers are an important channel for gun trafficking. A study looking at the late 1990s found some very common conduits for this diversion, which principally had to do with unscrupulous firearm dealers, licensed firearm dealers who were either incredibly negligent or flat-out criminal in how they were conducting their businesses. Straw purchasers, or someone who’s

purchasing a gun on behalf of someone else who is prohibited, were also an important conduit.

The final important channel was something they referred to as unlicensed sellers (U.S. Bureau of Alcohol, Tobacco and Firearms, 2000). These are individuals who are in the business of selling firearms, but don't have the required license. In this day and age, we all know you don't have to have a brick and mortar storefront to run a business that sells products. There are a lot of individuals who sell guns online and at gun shows, who are completely unregulated, and who make a fair amount of income through their unlicensed business (Everytown for Gun Safety, 2015). The sale of guns online is an issue we have been seeing much more of lately. There has been some interesting and important research done by Everytown for Gun Safety, showing that on websites such as Armslist.com, where there is little oversight, you find a great number of individuals who only want to buy a gun from someone who is not a licensed gun dealer. In one study, Everytown for Gun Safety was able to get information on who these online buyers were and their criminal histories, and they found that a significant number were in fact prohibited purchasers who were taking advantages of loopholes in our laws through convenient websites like Armslist.com (Everytown for Gun Safety, 2013). This is an issue we need to address.

Badger Guns & Ammo

I am going to tell you a story about the importance of problematic gun dealers. A gun shop just outside of Milwaukee, Badger Guns & Ammo, was in the news earlier this year regarding a lawsuit. The shop had facilitated, fairly blatantly, an illegal straw sale to a young man who then used the gun to permanently disable two Milwaukee police officers. I was an expert witness in this

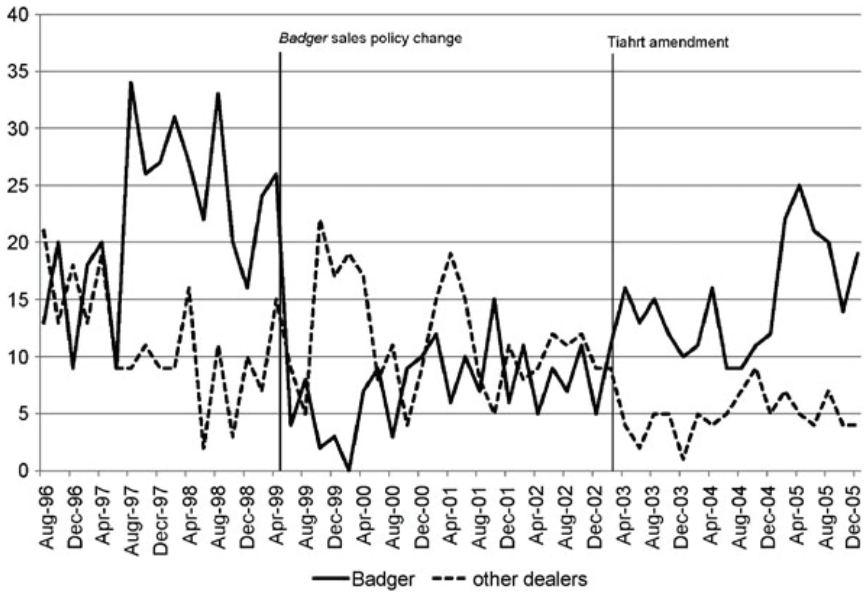
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case, which was eventually settled. Badger Gun & Ammo had been a problematic gun dealer for decades in West Milwaukee. In May of 1999, at the tail end of the Clinton Administration, the ATF released a report that singled out the top 10 licensed gun dealers in terms of how many of their guns were recovered in criminal use (Diedrich, 2015). Number one on that list was Badger Guns & Ammo. Right around the same time, another licensed dealer nearby lost his license and a few other dealers in Chicago were being sued for their problematic practices. So, two days after Badger Guns & Ammo was named number one in the United States for selling crime guns, the people running the store announced they were making their own voluntary changes in how they were selling guns and what type of guns they were going to sell. These changes ended up having a very dramatic effect in reducing the number of guns sold by a gun dealer that subsequently were used in crime within a year of retail sale (Webster et al., 2006a). Later on, as more gun shops were being sued, a variety of policymakers who were friendly to the gun industry started adopting laws to protect gun shops, to insulate them from scrutiny, particularly lawsuits. Todd Tiahrt, a Republican from Kansas was the worst offender. When he was asked why he was protecting gun shops, he simply said, "I have a lot of friends who are gun dealers". I guess he didn't care about the friends who were dying in Milwaukee and other places because of the unscrupulous practices of licensed gun dealers.

Now, I do not believe that all licensed gun shops are crooked, because that is not the case. Research has actually shown that only 5% of licensed gun dealers are connected to about 90% of the guns used in crime. It is a small number of bad offenders that are taking advantage of very weak regulations and oversight. Eventually, many of these dealers do end up losing their license for blatantly and willfully violating firearm sales practice.

I want to show you some data from one of our studies that was published in the *Journal of Urban Health* in 2012 (Webster et al., 2012). The solid line is guns that were sold by Badger Guns & Ammo, and then recovered in crime.

Number of Guns Diverted to Criminals Within a Year of Retail Sale, Badger vs. Other Dealers



Source: Webster et al., 2012

In the spring of 1999 you can see that this rate dramatically declined when they changed their sales policies. This was right after they were named the number one dealer in the country for selling guns that were used to commit a crime. Based on this evidence, you can see that when gun shop owners put certain policies into place, they can affect how often guns from their shop are used in crime. The interesting part of this situation was that Badger Guns & Ammo gradually began to feel less heat. Eventually Todd Tiahrt enacted the Tiahrt Amendment, which bottled up the

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data so that no one can know who is selling the guns that end up being used in crime. I was only able to get this data because the Milwaukee Police Department were curious to know whether the downturn in new crime guns originating from sales by Badger Guns & Ammo had been sustained beyond 2002. The department shared the post-Tiahrt amendment crime gun trace data with me. So you can see a 200% increase in the number of guns diverted to criminals following the Tiahrt Amendment. What is particularly notable is the dotted line, which is all the other gun shops. So Mr. Tiahrt's amendment protected the "bad apple" gun dealers and this is how Badger Guns & Ammo responded.

Effects of Undercover Stings and Lawsuits

We have done some research on the effects of undercover stings against gun dealers. We found that when police conduct undercover stings, to find licensed gun dealers who are selling guns that are later used in crime, and then bring lawsuits against them, in some cases criminal prosecutions, you see pretty dramatic reductions in indicators of diversion of guns to criminals after a retail sale.

Effects of Stings + Lawsuits Against Gun Dealers on Flow of New Guns to Criminals

Location	In-state dealers % change
Chicago	-62
Detroit	-36
New York City	Out of state dealers -82

Source: Webster 2006b and Webster & Vernick, 2013

If you look at within-state gun dealer sales and then criminal involvement, you see a 62% reduction in Chicago and a 36% reduction in Detroit (Webster et al., 2006b). New York City saw

the evidence that we produced on these cities, and then wanted to do their own undercover stings and lawsuits. New York had a very different situation because they have much stronger gun laws than places such as Chicago and Detroit. The vast majority of New York's guns were coming from out of state, so they sent in undercover investigators to outside states that were trafficking guns to criminals in New York City. The majority of those who were sued after these undercover stings settled almost immediately, and New York was not asking them for a nickel. The settlement instead asked them to abide by a code of responsible firearm sales practices. My research team gave them the recommendations of what those practices should be. After these new sales practices were instituted, we saw an 82% reduction in the likelihood that a gun sold by these particular dealers would end up in crime in New York City (Webster & Vernick, 2013). Again, this is more evidence that what you do at a retail level does make a difference when it comes to the diversion of guns to criminals.

Seller Accountability

I have mentioned that gun seller accountability is something we need to work on. For instance, it would be beneficial to make gun seller law compliance data publicly available. Let's say you are going out to a restaurant tonight and you want to look at reviews before you decide where to go. You can go online and find these reviews easily. You can find out whether a particular restaurant has had any health department violations. Information about almost anything we buy and where we buy it is at our fingertips. However, you will not find government information relevant to the safety of these gun dealers online. So, as I said before, 5% of gun shop owners have issues with the law. If you want to buy a gun, how do you know who's a good guy and who's a bad guy? Currently, the federal policies are such that this type of information is unavailable.

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Another way we could improve gun seller accountability is to define what it means to “be in the gun business”. Right now it is not clear, so a lot of people are getting around the laws. Additionally, in federal law, in order to convict people of firearm sales violations, you not only have to prove that they broke the law, you have to prove that they did it willfully. Just outside of Baltimore City, we had our own Badger Guns & Ammo kind of gun shop, Valley Guns. It was a bad operation and ATF knew this after the initial inspection. It took ATF nearly a decade to put this shop out of business because they had to prove not only that they were violating laws, but doing it willfully.

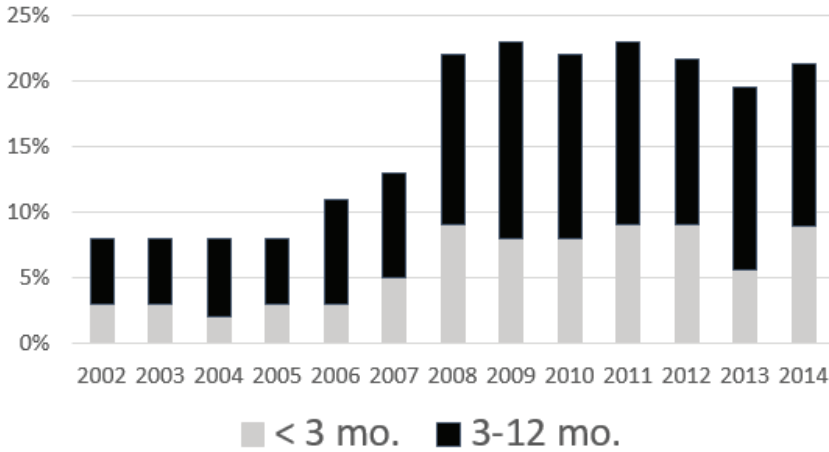
How Can State Policies Affect Gun Violence?

I have mentioned using gun trace data in looking at measures of diversion. We published a couple of studies that look at the association between state firearm sales policies and within state diversion. These are guns that are sold in a state and then used in crime in the same state. We also looked at across state diversion, or interstate trafficking. What we found is some degree of consistency in that permit to purchase, or licensing laws for handgun purchasers, are highly protective, as is extending background checks to all sales. We also found something very interesting when we looked at the regulation and oversight of gun dealers. We surveyed state and local law enforcement in states that had their own state regulations to oversee gun shops. These states didn’t leave it simply to the ATF. They recognized that the ATF’s laws and resources are quite limited and they cannot always hold people who sell firearms fully accountable. What we found is that the laws themselves were not associated with diversion. It was only when we had evidence that law enforcement were actually using and applying the laws, rather than just having them to appease people, that we saw an association with diversion (Webster et al., 2009).

Mirror Images: Missouri and Connecticut

I am going to tell you a story about two states, Missouri and Connecticut. These are mirror image states in terms of the policies that they had in place and the changes that they made. In August of 2007, Missouri repealed a decades-old law that required background checks and a permit to purchase if you were going to purchase a handgun in the state, from a licensed dealer or a private seller. You could get this permit or license through the local sheriff's office. When Missouri repealed this law there was no longer regulation of private sales and no background checks or record-keeping. This made it much easier for straw purchasers to obtain guns. If you are a felon and you want a gun, it is now much easier to ask a friend to get one for you. Before this law was repealed in 2007, your friend would have to go down to a local law enforcement office and there would be a record that your friend bought a gun. The fact that your friend no longer has to go through this process, is going to affect whether that person says yes or no to getting a gun for you. So we tracked changes in the interval between a retail sale and the gun's use in a criminal act over time, specifically the share of crime guns that had been sold less than a year before being recovered by police. We found a two-fold increase in this measure of diversion in Missouri when it got rid of those protections. So after 2007, you see a very short interval between a retail sale and criminal involvement (Webster et al., 2013a).

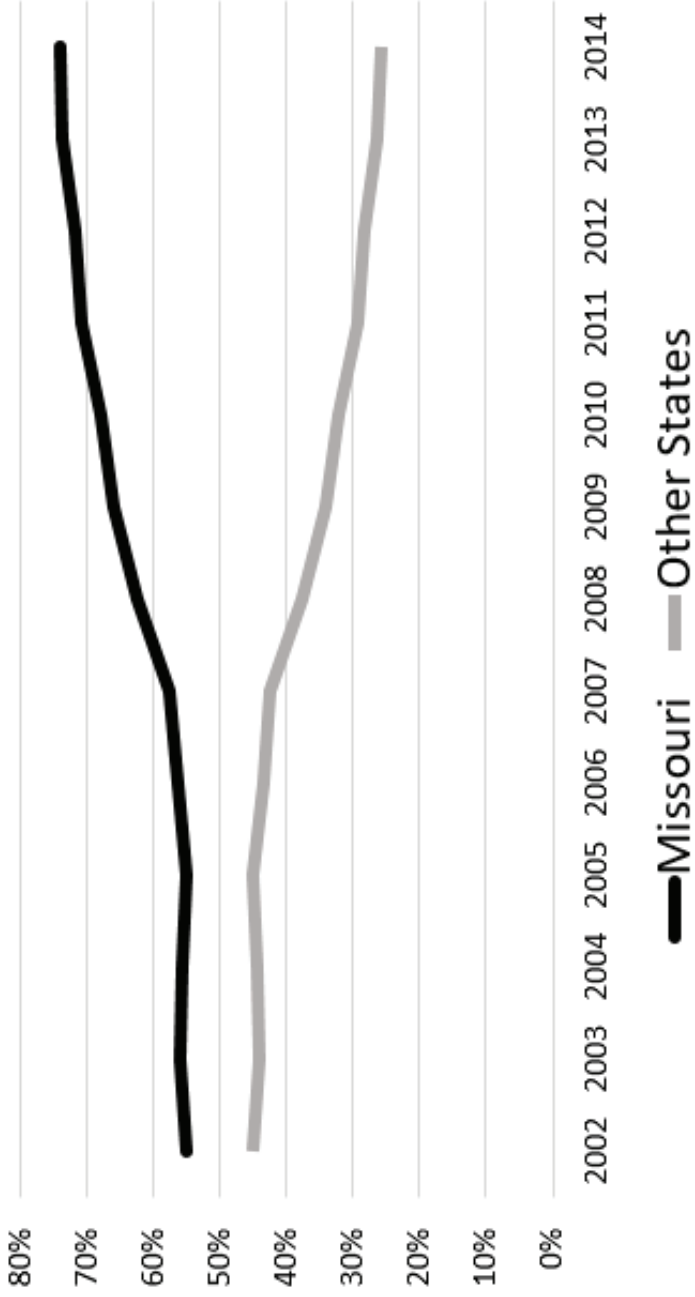
**Share of Guns That had Been Sold Less Than a Year Before Crime
by Year Recovered by Police in Missouri**
Data from Bureau of Alcohol, Tobacco, Firearms and Explosives



Source: U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, 2016

We also found a very dramatic shift in the percentage of guns that were used in crimes in Missouri that were also sold in Missouri. This was particularly remarkable because typically, if you look at the percentage of guns that are used in crime that were originally sold within a state versus out of state, those percentages are incredibly constant over time; they hardly ever shift. However, in Missouri, after the gun laws were repealed, we saw a very dramatic shift. Before August of 2007, about 55% of the guns used in crime in Missouri had been sold in Missouri. By 2014, about 75% of the guns used in crime in Missouri were coming from in-state gun dealers (US Bureau of Alcohol, Tobacco, Firearms and Explosives, 2016).

Percent of Crime Guns First Sold in Missouri vs. Other States

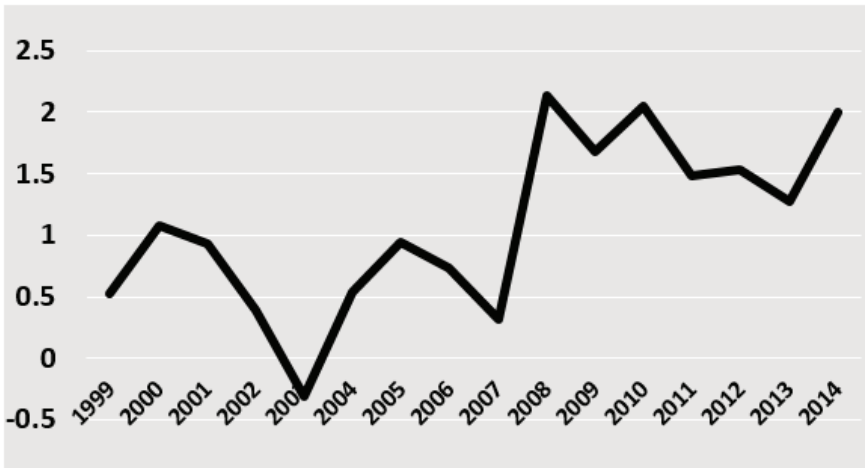


Source: U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, 2016

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Next, you see a simple difference between the firearm homicide rate in Missouri versus the rest of the United States. You will see that it was fluctuating up and down about point 5 per 100,000 higher, generally compared to the rest of the states. Then, very abruptly, beginning in 2008, you have a totally different phenomenon. It is now fluctuating between 1.5 and 2 gun homicides per 100,000 difference (Centers for Disease Control and Prevention, 2016).

Difference Between Missouri and US Firearm Homicide Rates, 1999-2014



Source: Centers for Disease Control and Prevention, 2016

We have very methodically tried to rule out a range of explanations of what could have happened. We were able to rule out that it had to do with policing levels. We also ruled out that it had to do with incarceration rates. We control for poverty, unemployment, general crime rates as measured by burglaries, as well as other public policy changes. What we found is an 18% higher rate of gun homicide associated with this policy change over a six-year period. That translates into about 49 additional

homicides per year as a result of this policy change (Webster, Crifasi, & Vernick, 2014; Johns Hopkins Center for Gun Policy and Research, 2015). No other state had a larger per capita increase in gun homicide rates over that time period. It should also be noted that there was no change in non-firearm homicide rates. What might be most surprising is what happened with suicide rates. Suicide rates also increased significantly by 16%, or an additional 64 suicides every single year associated with this policy. This is more than 100 additional deaths per year following Missouri's policy change (Crifasi et al., 2015).

In October of 1995, Connecticut instated a Permit-to-Purchase (PTP) Handgun Law, which did basically the opposite of what Missouri did in 2007. The PTP law extended background check requirements for handgun sales and required fingerprinting by the police. It also put a licensing system into place and added a safety training component, which consisted of eight hours of safety training. We published a study in the *American Journal of Public Health* showing that in our estimates, this law reduced gun homicide rates by 40% over the first 10 years the law was in place (Rudolph et al., 2015). We also saw a 15% reduction in gun suicides (Crifasi et al., 2015) and an 80% reduction in law enforcement officers killed by handguns while in the line of duty (Crifasi, Pollack, & Webster, 2016).

Maryland's Firearm Safety Act

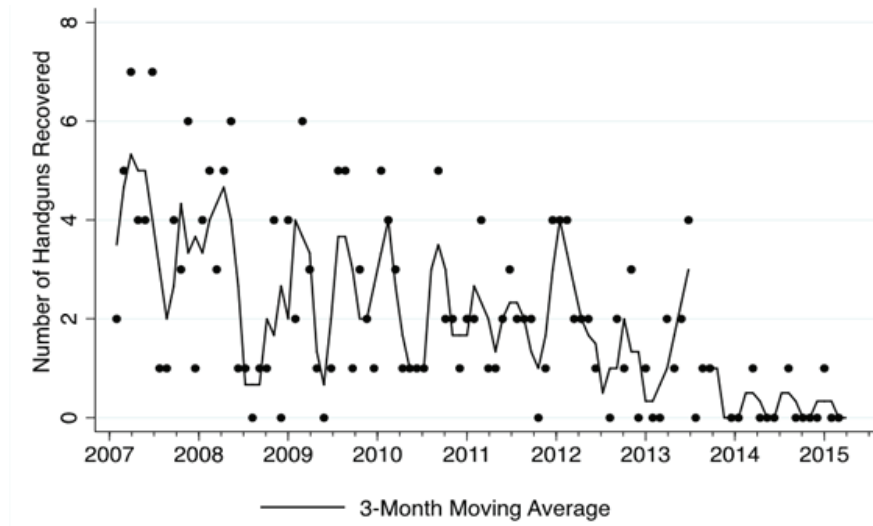
In 2013 Maryland adopted the Firearm Safety Act, which had many components. Many of the components focused on the accountability measures that I mentioned earlier. At this time, Maryland already required background checks for private handgun sales, as well as dealer sales for handguns. What they added was a handgun licensing provision, which included fingerprint verification and safety training. The Firearm Safety Act

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also included mandatory reporting if your gun is stolen. A very important component of this act was they gave the state police authority to take action against licensed gun dealers who are not complying with state gun laws. This gave the police this ability to fine, suspend, or in some severe cases, revoke licenses, which was an ability they had previously lacked.

Here is a chart showing the diversion of guns sold in Maryland and used in crime shortly after, within a 12-month period, in cases where the purchaser is someone other than the criminal possessor; a classic straw purchase scenario. In October of 2013, you can see a noteworthy downward slope following Maryland's policy going into place. We were able to estimate that this type of straw purchase transaction decreased by 76% after October 2013 (Crifasi, Buggs, Chocksy, & Webster, 2016).

Three-month Moving Average of Handguns Originally Sold in Maryland and Recovered Within 1 Year of Retail Sale, Purchaser Different from Possessor



Source: Crifasi, Buggs, Chocksy, & Webster, 2016

Additionally, if you look more broadly, even when the purchaser and possessor are the same individual, you also saw a 63% reduction in the amount of guns used in crime shortly after purchase.

My colleagues and I also did something that hadn't been done until this time. We simultaneously looked at the gun trace data and we did surveys of offenders in Baltimore City. So, we recruited for anonymous interviews with people who were on parole and probation in Baltimore City and asked them a series of questions about their experiences buying, selling, and carrying guns. We surveyed 195 offenders and we found that 40% said that the policy change in 2013 made it more difficult to get a gun. Forty percent said the policy change affected the cost of guns, meaning that they became valuable on the street, therefore costing more. Thirty-four percent said that the law affected the willingness of others to buy a gun for them and 25% said that it affected their ability to identify trusted suppliers (Crifasi, Buggs, Chocksy, & Webster, 2016).

Sometimes it can seem as though there are just too many guns in the United States to keep a criminal from having one, but what we have learned through studies such as this one is that, in the words of gun policy guru and economist Philip Cook, one scarce commodity when it comes to purchasing a gun, is a trusted seller or supplier (Cook et al., 2015). In the vast majority of cases, people do not want to do gun transactions with people they don't know, trust, or been vouched for. So, if you can put a policy into place that makes it harder to find a trusted seller or supplier, that can make an impact in the number of criminals who are able to get guns.

Law Enforcement Matters!

One aspect of gun control that we sometimes do not discuss is whether or not gun laws are actually used and enforced. When they are not properly enforced, it is very problematic, perhaps for obvious reasons. One issue is that some laws have weak penalties. Some have other burdens of proof that are very difficult to prove. So, what ends up happening is, very few people are actually held accountable when they do not comply with the laws.

We have been studying the effects of these laws in Pennsylvania and Maryland. One of the most striking findings in our preliminary analysis is that Pennsylvania provides a wonderful, natural laboratory experiment, so to speak. In 1995, Pennsylvania extended background checks for all gun sales. However, the penalties for not issuing background checks were weak and there was not a lot of enforcement. Around 2008, some interesting things happened. The penalties for not running background checks increased and the state appropriated 5 million dollars to Philadelphia to create a unit whose sole purpose was to investigate and hold people accountable for violating this law. Our preliminary evidence from Pennsylvania indicates that it was only when the penalties were increased and this unit was created that you saw protective effectives; which makes good sense.

There is something called focused deterrence, which is very prevention oriented towards people who we know, based upon a combination of intelligence and criminal history, are driving a lot of violence in urban neighborhoods. We can encourage these people not to use violence, not simply by threatening to throw them in jail, but by also reaching out to them with services and people from within their community who are calling for them to come be a positive part of the community. This has worked more

consistently than any single thing we have done to address gun violence, but it is not easy to do (Braga & Weisburd, 2015).

I want to talk about one other topic that relates to enforcement. We just completed a study in Baltimore that looked at a range of things that were being done to try to address homicides and shootings. We were particularly interested in drug law enforcement practices. What we found is that this is an incredibly costly practice; costly in so many ways, whether it be the actual police, the prosecutors, or jails. It is also costly to the communities that are losing fathers and contributing members of their communities because they're involved in this illegal economy. This is a public health problem. What we found was that when there are surges, or big increases in drug sales arrests, more shootings follow. You are disrupting an illegal economy, and because that demand does not go away and, sadly, the labor supply for that drug industry is endless, what you are doing is incentivizing using violence to settle whatever disruption occurred when you arrested a lot of people for selling drugs. When drug law enforcement is systematically studied, it more often than not shows increases in violence rather than decreases in violence (Mazarolle et al., 2006). So we can instead shift law enforcement's attention to gun offenders, where we have a pretty consistent track record of reducing gun violence when gun laws are enforced.

Public Support for Stronger Gun Laws

We have found that policies that keep guns from dangerous people are not controversial, but banning guns is. We've conducted a couple of national surveys; most recently in January of 2015 (Barry et al., 2015). We found that policies that are directly designed to keep guns out of the hands of very dangerous people, garner little to no difference in support between gun owners and those who don't own guns, and very high support for

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most measures by gun owners. Most gun owners are supportive of raising standards for legal gun ownership. One thing to keep in mind regarding the legal standards for gun ownership is that these standards determine not only who can purchase a gun and store it in their home, but also, in the vast majority of states, who can purchase a gun and carry it into a variety of public places. This adds a whole other dimension of risk.

Strong Public Support for Keeping Guns from Dangerous People, 2015

Prohibiting Conditions	Gun Owners	Non-Owners
Temporary DVRO	78%	80%
Domestic violence crime	76%	69%
Threat with a firearm	75%	67%
Serious crime adjudicated in juvenile court	73%	73%
Temporary gun violence restraining order – threatening/dangerous behavior reported	64%	74%
Multiple misdemeanor drug crimes	62%	64%
Multiple drunk driving offenses	43%	52%
Background checks for all gun sales	84%	84%
License from local police to buy handgun	59%	76%
ATF authorized to suspend license if dealer can't account for 20+ guns	79%	79%
ATF release data to police and public on number of crime guns linked to dealers	78%	79%
Allow lawsuits against negligent dealers	67%	74%
Child access prevention/safe storage law	50%	74%

Source: Barry et al., 2015

When we look at the accountability measures and look at support among gun owners versus non-gun owners, we see absolutely no difference between gun owners and non-gun owners. Eighty-four percent want background checks for all gun sales. About six in ten gun owners are perfectly fine with the licensing of handgun purchasers. In the states that already had licensing, roughly 80% are fine with it. You have a lot of support for these accountability measures for gun dealers (Barry et al., 2015). Through surveys and focus groups with gun owners we have found that generally, most of them are totally onboard with keeping guns out of the wrong hands and they are very safety conscious. Most do not sell guns to strangers, but if they do, some of them voluntarily try to do things to make sure that they are selling to a legal purchaser, such as requiring a concealed carry permit, which is very common in a number of states. Gun owners also report that they lock up their guns in order to keep them out of the hands of dangerous people.

Guns and Politics

There is one public health strategy, Cure Violence, that hires former gang members to work in the neighborhoods where they are from to gain the trust of potentially dangerous individuals and to show them a new way; to show them how to mediate, how to resolve conflicts without shooting one another. These former gang members are now trying to change the norms for dealing with conflict and become local heroes and positive forces for nonviolence. I studied this approach in Baltimore from 2007 through 2015 and what we found was a 27% reduction in shootings associated with the application of this prevention model (Webster et al., 2017).

Politically, we are in a rut right now. You hear about this cultural war, guns versus anti-guns, urban versus rural, coastal states versus mid-America and southern states, and so on. This is

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precisely what the gun lobby wants because it keeps us in this rut. We need to change how we talk about this issue. The way to do this is to form relationships with gun safety oriented gun owners. In public health we talk a lot about cultural competence when we're trying to promote behavior change and we're reaching across racial, ethnic, gender, and other kinds of lines. It's the same issue when you're trying to create behavior change and social change when it comes to gun owners. We need to know how to gain trust; how do we respect them when we communicate about this issue? We need to focus on keeping guns from dangerous people because, it matters the most in terms of public safety and it is the most politically easy thing to do compared to a broad band on assault weapons, for example.

Finally, we need to connect the gun lobby to the gun industry, which has been done in some ways; the gun lobby is heavily funded by the industry. I also think in this political time, we need to connect them to an insurrectionist movement. It's a movement that is basically questioning the legitimacy of our democratically elected government institutions and encouraging people, in essence, to take up arms if they're not happy with how that democratic election process goes. This is incredibly dangerous to our society and our democracy and I think if you are a candidate that can't wait to get your A-plus rating from the NRA, you have to own what they are saying to this insurrectionist crowd that wants to use arms to get what they can't get through the ballot box.

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