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MASSACRE CONTROL

What can be done to prevent mass shootings?

By Julius (Jay) Wachtel. Please forgive us if this essay seems a bit more prescriptive than what *Police Issues* normally offers, but it's only been a few days since an angry, heavily armed man [opened fire in a rural Texas church](#), leaving twenty-six dead and more than a dozen injured, many critically.

It's not to make light of this horror to point out that within hours of last month's reveals about [Hollywood Harvey](#), waves of similar accusations engulfed prominent figures on both sides of the Atlantic, leading a growing number of highly-placed "untouchables" to lose lucrative contracts, past honors and memberships in influential groups and making them vulnerable to unwelcome non-sexual advances by aggressive prosecutors.

So where's the follow-through when dozens of innocents are gunned down? That's the question we should have asked after [Las Vegas](#). And [Orlando](#). And [San Bernardino](#). And [Sandy Hook](#). And [Aurora](#). And on and on. (Click [here](#) for CNN's comprehensive list of mass shootings.) To be sure, one might argue that every killer was appropriately punished. Excepting a few such as James Holmes, who drew life without parole for murdering a dozen movie-goers in Aurora, Colorado, mass shooters have usually perished at their own hands or those of the police.

When it comes to violent crime, it really *is* all about prevention. Poor behavior is far less likely when one has the capacity to reason and a lot to lose. Publicly shaming Hollywood Harveys affords a lot of welcome support to victims of sexual misconduct. Lasting cultural reform seems just around the corner. In contrast, calling it a day (as we usually do) after yet another unhinged killer commits suicide or is killed by a cop seems wildly inadequate.

So far, though, the White House has played it close to the chest. Sure enough, President Trump called the Las Vegas shooter "[sick](#)" and "[demented](#)." But our Commander-in-Chief otherwise declined to show his hand. Gun control? "At some point perhaps that [discussion] will come. That's not today." [His reticence was mirrored](#) by Senate Majority Leader Mitch McConnell: "Look, the investigation has not even been completed, and I think it's premature to be discussing legislative solutions, *if there are any*." (That's our emphasis, by the way.)

Then Texas happened. Once more, President Trump [attributed the massacre to mental illness](#): “Mental health is your problem here. This was a very, based on preliminary reports, this was a very deranged individual, a lot of problems over a long period of time.” This time, though, he also addressed gun laws. In his view, [tougher restrictions would not have helped](#):

...there would have been no difference three days ago, and you might not have had that very brave person who happened to have a gun or a rifle in his truck go out and shoot him, and hit him, and neutralize him. I can only say this, if he didn't have gun, instead of having 26 dead, you would have had hundreds more dead. So that's the way I feel about it...You look at the city with the strongest gun laws in our nation is Chicago, and Chicago is a disaster, a total disaster....

This post will outline a variety of approaches to prevent mass shootings. We'll begin with the two championed by our Twitterer-in-Chief, then move on to address our long-running preoccupation with firearms lethality.

Keeping firearms from the mentally ill

Fear of punishment can't be expected to deter those whose capacity to reason is seriously impaired. Skimming the personal histories of mass shooters suggests that they are indeed a flaky bunch. Consider, for example, the [title](#) of a recent New York Times piece about the Texas shooter: “In Air Force, Colleague Feared Church Gunman Would ‘Shoot Up the Place’.” Or the [headline](#) that crowns a CBS News report on the Orlando gunman: “James Holmes saw three mental health professionals before shooting.”

Mental problems have beset at least a few so-called “terrorists.” Consider, for example, [Ahmad Rahami](#), the prototypical holy warrior who was recently convicted of planting improvised bombs in New York City, injuring several dozen. Although he seemed normal as a youth, by the time he reached his late twenties Rahami [had become sullen and aggressive](#), leading to repeat entanglements with the law, once for violating a restraining order and another for stabbing a relative.

[A detailed 2016 study](#) for the Department of Justice reported that forty-eight percent of “solo” mass killers (four or more victims) had a history of mental illness (p. 23). But some experts [caution against](#) equating one with the other. [A recent Congressional report](#) concedes that most mass killers “arguably suffered from some form of mental instability, at least temporarily.” However, many didn't meet the clinical definition of “psychotic” or “hallucinatory” and lacked significant encounters with police or the mental health system (p. 30).

Therein lies the crux of the dilemma. [Federal law](#) prohibits possession of firearms by any person who has been “*adjudicated* as a mental defective” or “*committed* to a mental institution.” (Emphases ours.) Prior judicial determinations are also required under State laws (e.g., [Arizona](#)). So the law’s present reach is at best limited. What’s more, most states don’t require background checks [for gun transfers between private parties](#); even if someone is of record as mentally ill, enforcement is uncertain.

What about early intervention? “[A Stitch in Time](#)” suggested that police officers are well placed to identify candidates for mental health services. Rahami might have benefitted from such early attention. Ditto for [Kevin Neal](#), the Northern California man who went on a rampage earlier this week, gunning down five including his wife and wounding several others before deputies shot him dead. His guns included several “[home-made](#)” [AR-15 type .223 caliber rifles](#) whose sale was never registered in California, where all gun transfers (including between private parties) must be recorded. Neal faced assault and robbery charges, was under a restraining order for allegedly stabbing a girlfriend and striking her mother, and had been ordered by a judge to surrender his guns because neighbors had repeatedly complained of his reckless gunfire and harassment. But he still wasn’t considered sufficiently deranged to be forcibly committed.

What could be done?

- Compel aggressive citizens to mental health treatment and make it part of the official record
- Extend legal prohibitions on gun possession to persons who have been treated for mental illness although not formally adjudicated
- Subject all gun transfers, including between private parties, to a background check
- Prohibit private citizens from assembling firearms from parts, or require that such weapons be registered

To be sure, these measures are inherently intrusive and could conflict with Federal and State laws and constitutional provisions. They are also at odds with some sentiment in the mental-health community. [According to a major advocacy group](#), “most people with mental illness are not violent” and barring them from guns would be counter-productive:

Creating new federal or state gun laws based on mental illness could have the effect of creating more barriers to people being willing to seek treatment and help when they need it most. Solutions to gun violence associated with mental illness lie in improving access to treatment, not in preventing people from seeking treatment in the first place.

Arming private citizens

After massacring more than two dozen parishioners, [Devin Kelley](#) left his Ruger AR-556 .223 caliber rifle (an AR-15 clone) in the church and stepped out brandishing two handguns. That's when an armed citizen opened fire with a rifle, wounding Kelley twice. After a wild car chase, Kelley shot himself dead. Although President Trump's claim that "you would have [otherwise] had hundreds more dead" seems wildly overblown, private citizens brought the episode to an end, safeguarding the lives of other persons and police.

It's to be expected that in a society as awash with guns as the U.S. interventions by armed citizens will occur with some frequency. A pro-gun website, [Crime Research](#), tracks such incidents, or at least those that turn out well. Those that don't are fodder for [groups with opposing views](#). Indeed, past posts have mentioned significant goofs by armed "good guys." In one, [a well-meaning armed citizen](#) tried to take on the [Tacoma Mall shooter](#) and lost – badly. And there was the Johnny-come-lately armed citizen who mistakenly [went after the wrong person](#) at the 2011 Tucson massacre. (Thankfully, unarmed civilians apprehended the real shooter.)

Academics have long debated the value of arming ordinary folks. [A 1999 paper](#) by John R. Lott Jr. (a well-known booster of gun carry) and William M. Landes reported significantly fewer multiple victim shootings where permissive gun carry laws were in effect. In his [seminal pro-gun book](#), "More Guns, Less Crime," Professor Lott went so far as to conclude that "without concealed carry, ordinary citizens are sitting ducks, waiting to be victimized" (p. 197). As one might expect, anti-gunners [have risen to the challenge](#).

For a "fair and balanced" assessment we turn to [an exhaustive 2005 meta-review](#) by a CDC-affiliated working group. Its members examined fifty-five studies that assessed the influence of gun laws on violence, including four that addressed the effects of permissive ("shall issue") concealed-carry statutes. (Eight papers including [one co-authored by John Lott](#) were excluded for the same methodological flaws that have some academics to criticize his alleged pro-gun bias.)

No matter. After a substantial effort, the task force concluded, in effect, that no conclusion was possible:

Based on findings from national law assessments, cross-national comparisons, and index studies, evidence is insufficient to determine whether the degree or intensity of firearms regulation is associated with decreased (or increased) violence. (p. 59)

“[Do Gun Laws Work?](#)” arrived at a similarly unsatisfying end. We initially found that as the [strength of state gun laws](#) increased, [homicide rates](#) significantly declined ($r = -.366^*$). But when differences in poverty were taken into account, the association between gun laws and homicide became statistically non-significant ($r = -.196$). (On the other hand, the relationships between gun law strength/gun deaths and gun law strength/gun suicides remained substantial.)

Arming private citizens raises some critical issues:

- Psychological suitability. Would expanded carry laws imperil public safety by encouraging mentally unstable persons to “pack”?
- Effects on the police workplace. Can armed citizens help? Would they be readily distinguishable from criminals? Or are they more likely to disrupt the police response, adding needless complexity to fluid and uncertain situations?

One might tackle such concerns by revisiting the concept of a citizens militia. Certain gun privileges could be conditioned on membership in an organized, vetted and well-trained citizen group. Excluding marginal characters wouldn't be easy, though, and require a process that resembles what's presently done when hiring police.

Limiting gun lethality

Prior posts (see, for example, “[Bump Stocks](#)” and “[A Ban in Name Only](#)”) have commented about this concern in considerable detail, so here we'll summarize aspects that seem most pertinent to mass shootings.

Mass killers have nearly always used “assault weapons,” usually militarily-derived semi-automatic rifles with large magazine capacities and fearsome ballistics. AR-15 clones in .223 caliber have proven especially popular, featuring in the recent Northern California massacre as well as those in Texas, Las Vegas, Orlando, San Bernardino, Sandy Hook and Aurora. Lethally equivalent AK-47 clones in 7.62 caliber were used by the shooter who wounded four at a [Congressional baseball practice](#) in June and the sniper who murdered five officers and wounded nine [while perched in a Dallas office building](#) last year.

These weapons share particularly lethal features. Large magazine capacities reduce the need to reload. A high cyclic rate allows quick discharge of a volley of rounds. Accuracy at range lets snipers deposit accurate fire from a distance. Yet the possibly most significant characteristic, ballistics, is seldom mentioned even by the most rabid anti-gunners. High-velocity centerfire rifle projectiles such as .223 and 7.62 calibers create temporary cavities in flesh that are many times the bullet diameters, shattering bones and pulverizing organs and blood vessels (Vincent Di Maio, “Gunshot Wounds,” Chapter 7, summary [here](#)).

We’ve repeatedly warned, most recently in “[Bump Stocks](#)”, that rounds fired by such weapons [easily penetrate the ballistic vests](#) normally worn by street cops. That’s how two Palm Springs (Calif.) police officers died last October, struck by .223 caliber rounds fired through a home’s front door. [Table 38](#) of the UCR’s latest “Law Enforcement Officers Killed and Assaulted” report quantifies this threat in stark terms. Rifle fire killed all but one of the twenty-two officers slain between 2007-2016 with rounds that penetrated body armor. That’s why police have “militarized,” deploying armored vehicles and adopting tactics that seem more attuned to combat zones than our nation’s cities.

So what can be done? “[A Ban in Name Only](#)” pointed out the futility of reinstating the Federal assault weapons ban. Cannily devised to avoid upsetting the firearms industry and gun enthusiasts, it made much hash of irrelevant external baubles such as handgrips and flash suppressors while allowing substantial magazine capacities and ignoring ballistics altogether. For a study in contrast consider [England’s reaction](#) to the 1987 Hungerford massacre. One year after sixteen persons were gunned down by a deranged man wielding a handgun and two rifles Great Britain banned all semi-automatic rifles beyond .22 rimfire, a prohibition that still stands.

Of course that seems a very far stretch in the U.S., where massacres (their victims are invariably ordinary citizens and street cops) draw far less of a response than the sexual peccadillos of the wealthy and famous. With that in mind, here are a few options:

- Devise a point system that scores firearm lethality. Factors to consider include ammunition capacity, cyclic rate, accuracy at range and, of course, ballistics. Guns whose scores exceed specified thresholds could be subject to a range of controls, including limits or outright prohibitions on manufacture, possession and transfer.
- Require that all gun transfers to private parties, or all that involve firearms whose lethality exceeds a specified threshold, go through a licensed dealer and be

subject to a criminal records check.

- Prohibit the marketing of parts that private persons can use to assemble firearms while circumventing a records check. (For more on that click [here](#) and [here](#)).

Your faithful blogger is ready to help (*pro bono*, no less) a public university or major nonprofit assemble a public symposium on mass shootings. Sure, it's politically chancy. But given what keeps happening, it's really, really hard to think of a more pressing concern. Here's hoping that there will be a taker!

Incidentally, this also happens to be our three-hundredth blog post. Pop a cork!