

SB

174

<TARGET><BILL>SB 174</BILL><SUBJECT>SB
174</SUBJECT><COMM>SEDC29</COMM></TARGET>

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 2/8/16

Date of 5-Day Notice: 2/11/16
(in accordance with Uniform Rule 23)

FURTHER: Judiciary

DATE TURNED
IN TO OFFICE: 2/25/16

Education Committee considered SENATE BILL NO. 174

SB 174-REG. OF FIREARMS/KNIVES BY UNIVERSITY

"An Act relating to the regulation of firearms and knives by the University of Alaska."

and recommends:

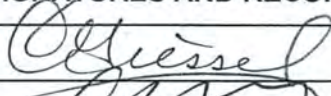
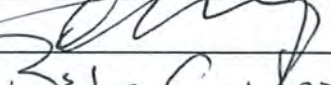
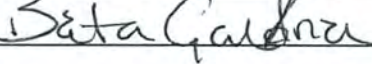
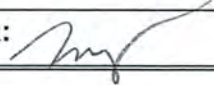
- be replaced with CS Senate Bill 174 (EDC) Same Title [] New Title
- [] adopt previous CS SB 174 (_____) [] Same Title [] New Title
- [] attached amendment(s)
- [] adopt _____ Letter of Intent
- [] further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
EED	MVA
DEC	DNR
DFG	DPS
GOV	REV
DHS	DOT
AJS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
UA	✓			1

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

[] APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Giessel			X	
	Hungar	X			
	Gardner		X		
CHAIR: 	DuLeau	X			

Alaska State Legislature

SENATOR PETE KELLY

SESSION:

Alaska State Capitol
Juneau, AK 99801
Phone: (907) 465-3709
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Sponsor Statement

Senate Bill 174

“An Act relating to the regulation of firearms and knives by the University of Alaska”

Senate Bill 174 affirms Alaskans’ constitutional right to bear arms is not surrendered when they step on the campuses of our public universities. The bill resolves the conflict between the University of Alaska's Board of Regents' weapon's ban and the Alaska Constitution, ensuring that law abiding Alaskans may carry firearms while pursuing postsecondary education.

Art. 1, Sec. 19 of the Constitution of the State of Alaska guarantees the individual right to keep and bear arms; a right that cannot be infringed by the State or a political subdivision of the State. AS 29.35.145 further acknowledges the power to regulate firearms and knives is reserved to the state. Under state law, there is no prohibition for law-abiding citizens to exercise their individual right to bear arms at University of Alaska campuses.

Since 1995, the Board of Regents' policy has prohibited the carrying of firearms in buildings or parts of buildings owned or controlled by the university, on developed adjacent university land, or at university sponsored events under threat of administrative sanctions.

Senate Bill 174 acknowledges that the power to place any limitations on that right rests only with Alaskans’ democratically elected and accountable members of their state legislature, and those limitation shall be narrowly tailored to meet a compelling governmental interest by the least restrictive means possible.

The attacks at Virginia Tech, Northern Illinois University, and other past mass shootings bring a reasonable person to the unassailable conclusion that "gun-free zones" have failed to afford their occupants any protection from violence and, furthermore, denied law-abiding citizens the option of providing their own constitutionally guaranteed self-defense with a firearm.

SB 174 would end the disarmament of law-abiding citizens on university campuses in Alaska and I urge your support.

Alaska State Legislature

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Sectional Analysis

Senate Bill 174

“An Act relating to the regulation of firearms and knives by the University of Alaska”

Section 1

It is the findings and intent of the legislature that the right to bear arms is constitutionally protected under Art. 1, Sec. 19 of the Alaska Constitution, that the University Of Alaska Board Of Regents may not abridge that right, and the legislature reserves to the state the authority to regulate firearms.

Section 2

Amends AS 14.40 (The University of Alaska and the Community Colleges statutes) affirming the authority to regulate firearms and knives is reserved to the state and except as provided by statute, the Board of Regents may not regulate firearms and knives.

The Board of Regents may adopt and enforce policies regulating the open carry of firearms and knives, restricting the discharge, and prohibiting the possession in restricted access areas.

The University is prohibited from creating a database or registry of persons who possess firearms on campus.

The University is also immune from civil liability for policies enforced under this section.

Section 3

The Board of Regents have 30 days after the effective date to adopt conforming policies.

29-LS1306N
Martin
2/20/16

CS FOR SENATE BILL NO. 174(EDC)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE EDUCATION COMMITTEE

Offered:
Referred:

Sponsor(s): SENATORS KELLY, Dunleavy, McGuire, Giessel, Stoltze

A BILL
FOR AN ACT ENTITLED

1 **"An Act relating to the regulation of firearms and knives by the University of Alaska."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
4 to read:

5 FINDINGS AND INTENT. The legislature finds that the individual right to keep and
6 bear arms is a constitutionally protected right under art. I, sec. 19, Constitution of the State of
7 Alaska, and may not be abridged by the Board of Regents of the University of Alaska. The
8 legislature reserves to the state the authority to regulate firearms, except as specifically
9 provided in AS 14.40.173.

10 * **Sec. 2.** AS 14.40 is amended by adding a new section to read:

11 **Sec. 14.40.173. Regulation of firearms and knives.** (a) The authority to
12 regulate firearms and knives is reserved to the state, and, except as specifically
13 provided by statute, the Board of Regents may not enact or enforce a policy regulating
14 the possession, ownership, use, carrying, registration, storage, or transportation of
15 firearms or knives.

1 (b) The Board of Regents may not regulate the possession, ownership, use,
2 carrying, registration, storage, or transportation of concealed handguns or knives,
3 except

4 (1) in a manner identical to state law;

5 (2) when the behavior of a student or an employee demonstrates that
6 the student or employee poses a risk of harm to self or others;

7 (3) in student dormitories or other shared living quarters;

8 (4) in university facilities where health services, counseling services,
9 or other services related to sexual harassment or violence are provided;

10 (5) in university facilities during adjudication of staff or student
11 disciplinary ^{disciplinary} issues; or

12 (6) in restricted access areas under (c)(3) of this section.

13 (c) The Board of Regents may adopt and enforce policies

14 (1) regulating the possession, ownership, use, carrying, registration,
15 storage, and transportation of openly carried firearms and knives;

16 (2) restricting the discharge of firearms on any portion of university
17 land where there is a reasonable likelihood that people, domestic animals, or property
18 will be jeopardized; policies adopted or enforced under this paragraph may not abridge
19 the right of the individual guaranteed by art. I, sec. 19, Constitution of the State of
20 Alaska, to bear arms in defense of self or others; and

21 (3) prohibiting the possession of firearms or knives in the restricted
22 access area of university buildings; the university shall post notice of the prohibition
23 against possession of firearms or knives at each entrance to the restricted access area.

24 (d) The University of Alaska shall establish a process to allow a person who is
25 prevented from carrying a concealed handgun or knife under (b)(2) of this section to
26 regain the ability to carry a concealed handgun or knife on university property.

27 (e) The Board of Regents, the University of Alaska, and any officers,
28 employees, or agents of the University of Alaska may not create a database or registry
29 of persons who possess a firearm on campus.

30 (f) The University of Alaska, the Board of Regents, and any officers,
31 employees, or agents of the University of Alaska are immune from civil liability for

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any act or omission resulting from a policy or regulation adopted or enforced under this section by the Board of Regents or the president of the University of Alaska, or a claim arising from the possession, ownership, use, carrying, registration, or transportation of firearms or knives by any person.

(g) In this section,

(1) "concealed handgun" has the meaning given in AS 18.65.790;

(2) "firearms" includes firearms, or any other element relating to firearms or parts of the firearm including ammunition and reloading components;

(3) "restricted access area" means the area beyond a secure point where visitors are screened and does not include common areas of ingress and egress open to the public.

Alaska State Legislature

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Summary of Changes Version H to Version N

Senate Bill 174

“An Act relating to the regulation of firearms and knives by the University of Alaska”

Page 2, Lines 3-12

Under AS 14.40.173(b) adds to the exceptions of how the Board of Regents may regulate the possession, ownership, use, carrying, registration, storage, or transportation of concealed handguns or knives by incorporating the recommendations from the University of Alaska Board of Regents

- (b)(2) when the behavior of a student or an employee demonstrates that the student or employee poses a risk of harm to self or others [lines 5-6]
- (b)(3) in student dormitories or other shared living quarters [line 7]
- (b)(4) in university facilities where health services, counseling services, or other services related to sexual harassment or violence are provided [lines 8-9]
- (b)(5) in university facilities during adjudication of staff or student disciplinary issues [lines 10-11]
- (b)(6) in restricted access areas under (c)(3) [line 12 referencing lines 21-23]

Page 2, Lines 24-26

Adds a subsection (d) that requires the University to establish a process to allow a person who is prevented from carrying a concealed handgun or knife under (b)(2) [lines 5-6] to regain the ability to carry a concealed handgun or knife on university property.

Page 3

Removes the transition language [previously in Section 3] giving the Board of Regents 30 days following the effective date to implement conforming policies.

AMENDMENT

OFFERED IN THE SENATE
TO: SB 174

BY SENATOR GARDNER

1 Page 2, following line 14:

2 Insert a new subsection to read:

3 "(d) Notwithstanding (b) of this section, the Board of Regents may require a
4 person who possesses, owns, uses, carries, registers, stores, or transports a concealed
5 handgun to obtain a permit to carry a concealed handgun under AS 18.65.700 -
6 18.65.790."
7

8 Reletter the following subsections accordingly.

AMENDMENT

OFFERED IN THE SENATE
TO: SB 174

BY SENATOR GARDNER

1 Page 2, line 3:

2 Following "in":

3 Insert "(1)"

4 Following "law":

5 Insert ";

6 (2) university facilities where programs for preschool, elementary,
7 junior high, or secondary students are provided; or

8 (3) restricted access areas under (c)(3) of this section"

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

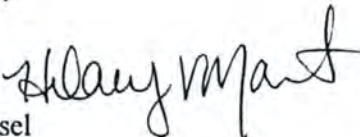
State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 17, 2016

SUBJECT: Immunity from civil liability
(SB 174; Work Order No. 29-LS1306\H)

TO: Senator Pete Kelly
Attn: Joe Byrnes

FROM: Hilary V. Martin 
Legislative Counsel

You have asked about the civil liability immunity section in SB 174. You want to know what the ramifications are of including this section, what sort of liability the University is open to without this section, what liability the University is protected from with this section, and a hypothetical scenario in which those liabilities come into play.

The civil liability immunity section at page 2 of the draft states:

The University of Alaska, the Board of Regents, and any officers, employees, or agents of the University of Alaska are immune from civil liability for any act or omission resulting from a policy or regulation adopted or enforced under this section by the Board of Regents or the president of the University of Alaska, or a claim arising from the possession, ownership, use, carrying, registration, or transportation of firearms or knives by any person.

The civil liability immunity section is absolute, regardless of the recklessness of the University's action or inaction. The provision prevents a person from suing the University, or an officer, employee, or agent of the University, for any act or omission resulting from a policy adopted or enforced regarding firearms or knives and from bringing a claim arising from the use or possession of a firearm on University property. Because the adoption and enforcement of a policy is discretionary under the bill draft, immunity would also apply for failure to adopt a policy.

The most likely scenario where the civil liability immunity provision would be relevant is in a school shooting. Someone who is injured or the family of a person who is killed or injured may sue the University. If the University had adopted policies but not enforced them, a litigant might try to argue that because the University failed to enforce its own policies, they have liability for the shooting. If the University does not adopt any policies relating to guns or knives, a litigant may argue that the University is liable because they

Senator Pete Kelly
February 17, 2016
Page 2

failed to adopt appropriate policies for the safety of the students, employees, and visitors. In either of these cases, the civil liability immunity provision should insulate the University from suit.¹

If I may be of further assistance, please advise.

HVM:lem
16-149.lem

¹ This situation is a hypothetical, and it is impossible to predict what type of lawsuit might be brought against the University and if the civil liability immunity section would protect them in every situation.

Guns and Campus Safety

University position on campus weapons management

SB 174

“An Act relating to the regulation of firearms and knives by the University of Alaska.”



SB 174 significantly impacts UA's ability to manage firearm risk proactively.

SB 174 OVERVIEW

Senate Bill 174 would preclude the Board of Regents and university administration from effectively managing student and employee conflicts and campus safety issues where concealed weapons are involved. The University of Alaska opposes this legislation in its current form.

SB 174 LIMITS UA'S ABILITY TO MANAGE KNOWN HIGH-RISK SITUATIONS

The university is seeking amendments to SB 174 that would allow UA to manage known high risk situations, including:

- When the behavior of students or employees demonstrates a risk of harm to themselves or others.
- In shared student housing where they otherwise would be accessible to underage roommates and guests, where alcohol is readily available, and where UA serves as the responsible adult. This would be consistent with state law age limits on concealed carry, alcohol restrictions on possession of weapons, as well as requirements that the “adult resident” (in this case, UA) consent to concealed carry in their residence.
- In dedicated programs for K-12 students consistent with state law that generally criminalizes adult possession of weapons on K-12 grounds, buildings and events.
- During adjudication of staff or student disputes, disciplinary or academic actions commonly involving combative and highly stressed students or employees, consistent with state law criminalizing possession in similar situations such as court.
- In university health and counseling centers and Title IX compliance offices where allegations of sexual assault, sexual harassment and domestic violence are investigated and assistance provided to alleged victims and alleged perpetrators. This would avoid situations where disgruntled and seriously stressed parties could bring concealed weapons to investigative or other meetings and would be consistent with state law criminalizing possession of a firearm on the grounds of a domestic violence shelter.

Permitting regulation in these circumstances allows UA to take potentially preventative action when aware of a violation that poses a threat of harm.

CURRENT UA POLICY IS BALANCED

University firearms regulations do not extend into the community at large, applying only to conduct in university buildings and on UA's developed property;

UA policies apply only to situations and people for which the university is responsible. The constitutional right to bear arms is not implicated when restrictions apply only to sensitive places such as schools and government buildings.

UA POLICY DOES NOT BAN ALL WEAPONS

Under existing UA Policy and Regulations weapons are permitted:

- At supervised activities, such as rifle range usage;
- At events with permission, such as gun shows;
- In cars on campus streets and parking lots;
- By faculty or staff in residences;
- By students using secure storage;
- On undeveloped or uninhabited land;

Weapons are not permitted in UA buildings including student dorms, classrooms, labs or meeting space.

Alaska Gun Law Allows Restrictions on People and Places

- Concealed carry for people under 21
- Concealed carry in residences, without permission of an adult resident
- Loaded firearms in places where intoxicating liquor is served
- Possession in child care facilities
- Possession in court system facilities
- Possession in domestic violence/sexual assault shelters
- Possession in K-12 schools

UA campuses have many of the same sensitivities



UNIVERSITY
of ALASKA

Many Traditions One Alaska

February 16, 2016

Senator Lesil McGuire
Chair, Senate Judiciary Committee
State Capitol Room 121
Juneau Alaska, 99801

Senator Mike Dunleavy
Chair, Senate Education Committee
State Capitol Room 11
Juneau Alaska, 99801

Dear Senators McGuire and Dunleavy:

The Student Services Council (SSC) of the University of Alaska, comprised of the Officers with the responsibility of overseeing student life operations on the University campuses including residence halls, student activities and health and wellness *oppose* SB 174.

Foremost in our reasoning: the challenges inherent to college life (including the stress and social obstacles found in high density communal living) which when combined with the presence of alcohol and drugs, and overlain with weapons, could have potentially lethal consequences for our campus communities. Given such stresses, we contend that introducing guns into this mix increases the safety risks to students, faculty and staff.

This isn't about being pro or anti guns. UA allows weapons on campus in a reasonable way, such as in secure storage, at special events and in locked cars. SB 174 creates a situation where UA is responsible for conduct in shared student housing but is unable to do what makes sense.

The availability of weapons on campus could also have an adverse impact on the student suicide rate. Suicide is the second leading cause of death for American college students¹, and thousands more attempt suicide but do not succeed. Add to this that the State of Alaska's suicide rate is nearly twice the national average and the leading cause of death in Alaska for people ages 15 to 24² and our collective concern deepens.

Open access to firearms on campus and especially in residence halls would likely worsen this serious problem, as suicide attempts involving firearms are almost always fatal. Weapons in residence halls will also require training 18, 19, or 20-year-old student employees - Resident Assistants ("RA's") to deescalate students in possession of a weapon and possibly impaired. While hard to predict, it is reasonable that many students will choose to no longer work in residence halls and either work off campus or perhaps take more in student loans to pay for their educations. This chilling effect on the ability to recruit, retain, and properly train employees extends to both students and staff.

The University of Alaska campuses are places of education and training that have been specifically set aside for debate; the free exchange of ideas, exploration and discovery among young people making the transition to adulthood. Weapons on campus don't enhance that learning and growth experience; they detract from it.

Sincerely,

Saichi Oba
UA
Associate VP
Student & Enrollment

Dr. Bruce Schultz
UAA
Vice Chancellor
Student Affairs

Dr. Michael Straga
UAF
Vice Chancellor
University & Student
Advancement

Joe Nelson
UAS
Vice Chancellor
Enrollment Mgmt. &
Student Affairs

¹ Suicide Prevention Resource Center, <http://www.sprc.org/collegesanduniversities/campus-data/prevalence>

² <http://www.adn.com/2013/11/23/3193331/study-suggests-connection-between.html>



Alaska Suicide Facts and Statistics

- ⌘ Alaska has the highest rate of suicide per capita in the country.
- ⌘ The rate of suicide in the United States was 11.5 suicides per 100,000 people in 2007. In 2007, Alaska's rate was 21.8 suicides per 100,000 people. The rate of suicide among Alaska Native peoples was 35.1 per 100,000 people in 2007.
- ⌘ Alaska had 1,369 suicides between 2000 and 2009, an average of 136 deaths by suicide per year. The highest number of suicides, 167, occurred in 2008. The lowest number, 123, occurred in 2003. That is an average of about 2.6 suicides in Alaska every week, or more than 10 a month.
- ⌘ At least one suicide occurred in 176 Alaskan communities between 2000 and 2009.
- ⌘ About 78% of suicides in Alaska are committed by men and 22% are committed by women, according to the Suicide Prevention Resource Center.
- ⌘ Alaska Native men between the ages of 15-24 have the highest rate of suicide among any demographic in the country, with an average of 141.6 suicides per 100,000 each year between 2000 and 2009.
- ⌘ Youth who are exposed to suicide or suicidal behaviors are more at-risk for attempting suicide, according to the American Association of Suicidology.
- ⌘ Suicide deaths consistently outnumber homicide deaths by a margin of three to two, according to the American Association of Suicidology.
- ⌘ More than 90% of people who die by suicide have depression or another diagnosable, treatable mental or substance abuse disorder, according to American Association of Suicidology.

Information is from the Alaska Bureau of Vital Statistics unless otherwise specified.

February 12, 2016

**University of Alaska Concerns About SB 174
Concealed Carry on Campus**

SB 174 takes away most of the Board of Regents' authority to regulate the carrying of concealed handguns and knives at the university, even by persons who don't have a concealed carry permit.

As drafted, the legislation would preclude the Board of Regents and University administration from effectively managing student and employee conflicts and campus safety issues where concealed weapons are involved. The Board of Regents and UA Administration oppose the bill in its current form. The following details the University's concerns about the proposed legislation and explains changes requested by the University.

Differences Between the University and State or Municipal Governments. Unlike state or municipal laws, the University's firearms regulations do not extend into the community at large. University policy and regulation only apply to conduct in University buildings and on UA's developed property.¹ These rules do not establish criminal penalties, and primarily affect students and University employees.

In addition, these rules are required to permit the University to manage areas, situations and people *for which the University is responsible*. This distinction is critical because unlike the state or a municipality, the University must proactively manage and is responsible for how thousands of students and employees interact as they live, eat, work and play on its premises.

Critical Changes Requested – UA does not support this bill because it eliminates UA's ability to effectively manage student and employee conflicts and safety issues where concealed weapons are involved. However, amendment to permit regulation in the highly sensitive situations discussed below would address a number of concerns.

¹ The University believes its current policy and regulations are constitutional and allow it to effectively deal with safety issues as they arise. Firearms are permitted: at approved and supervised activities, including rifle ranges, gun shows, etc.; in cars located on streets or in parking lots; by faculty or staff in residences and by dormitory students in approved storage, and while transporting firearms directly to residences or dormitory storage locations; and on undeveloped and uninhabited university land. As detailed in a March 31, 2014 memo to Senate Finance, the constitutional right to bear arms is not implicated when restrictions apply only to sensitive places such as schools and government buildings. That memo is attached as Appendix A.

The University must have rules to effectively manage the following critical situations. In addition, these situations are analogous to situations in which concealed carry is criminalized under current state law. However, because of technical distinctions, they fall short of coverage by criminal law, and could not be regulated by the University under the current bill. UA requests amendment to permit regulation in the following circumstances to address these critical safety issues:

1) When the behavior of students or employees demonstrate they pose a risk of harm to themselves or others - The Report to the NRA by the National School Shield Task Force recommends that schools react promptly to behavior that indicates a risk. However, under the bill as structured, a student or employee who exhibits behavior indicating they pose a risk of harm to themselves or others, or who exhibits warning signs including depression, suicidal gestures, or overt hostility or aggression (everyday occurrences on residential college campuses) could not be deprived of his/her concealed weapons.² The Americans with Disabilities Act and comparable state law prohibits the university from simply removing mentally ill individuals from campus. Allowing regulation that provides a reviewable process to prohibit or restrict troubled individuals from possessing weapons on campus would provide an essential tool to keep campuses safe while complying with state and federal anti-discrimination law. This is particularly true given the high rate of suicide in Alaska, and the increased fatality rates associated with suicide attempts using firearms.

2) In student dormitories or other shared living quarters – Unlike private homes, student housing and dorms provide a high density, communal living environment for the convenience of students. Unlike private landlords, UA has significantly more responsibility for student well-being. UA serves as the “adult,” through residence advisors and other staff, monitoring student well-being, resolving disputes, and requiring compliance with rules. More than half of resident students are under 21 years old, may not legally carry concealed weapons, and do not necessarily get to choose their roommates. The bill would result in concealed weapons being present in dorms where they would be accessible to ineligible roommates and transient guests, and where alcohol is readily available for consumption. Allowing regulation that would prohibit possession of concealed weapons in shared student residences would be

² This is the case even if the person is involuntarily hospitalized for psychological evaluation, if the evaluation ends without a formal finding of mental illness or formal commitment for treatment. Unless a person is formally adjudicated mentally ill he/she remains eligible to possess weapons under state and federal law. While this may be appropriate in the broader community, it is not required for “sensitive places” like schools, universities and government buildings in which there is no constitutional right to carry weapons.

consistent with existing age limits on concealed carry, alcohol restrictions on possession of firearms, as well as with requirements for “adult resident” consent to concealed carry in a residence.

3) In university programs for K-12 students and in facilities where programming for K-12 students is provided – The University runs numerous dedicated programs for K-12 students on university premises.³ These include programs like Mat-Su Middle College and ANSEP at UAA, Upward Bound and RAHI at UAF, and summer college experience programming at UAS. Allowing regulation in this area would avoid a situation where the University cannot manage these programs consistent with existing state law that generally criminalizes adult possession of deadly and defensive weapons on K-12 grounds, in buildings, and at K-12 events.

4) In university facilities housing health and counseling services or other services related to sexual harassment or violence – University health and counseling centers and Title IX compliance offices routinely investigate allegations of sexual assault, sexual harassment and domestic violence as well as provide assistance to alleged victims and alleged perpetrators. Allowing regulation in these areas would avoid situations where the University must allow disgruntled and seriously stressed parties to bring concealed weapons to investigative or other meetings, and would parallel existing state law making possession of a firearm on the grounds of a domestic violence shelter a crime.

5) During adjudication of staff or student disputes or disciplinary issues – The University routinely adjudicates staff and student disputes, disciplinary and academic issues. On the student side these cases frequently involve assaultive behavior. Allowing regulation would avoid a situation where the University would be required to allow combative and highly stressed students or employees to carry a concealed weapon to adjudications, and would be consistent with current state law that makes possession of a firearm in a court facility a crime.

All the above situations are analogous to situations that have been criminalized under state law. Absent the ability to regulate in these high-risk areas, UA will be placed in a situation where it

³ Literally thousands of K-12 students are on our campuses during the course of a year, taking classes, participating in outreach or other educational programming.

cannot act when harm is foreseeable, and cannot comply with the standard of care suggested by those statutes.⁴

Permitting regulation in these circumstances has value even if the regulations are not always followed. Even criminal law does not prevent all crimes from occurring. UA's policies, like criminal laws, allow UA to take potentially preventative action when it becomes aware of a violation that poses a threat of harm⁵ and to respond administratively when non-criminal violations occur. This is particularly important in the high conflict circumstances common on University campuses described above. UA requests that the bill be amended to permit UA to manage in these circumstances.

Concealed Carry Permit

SB 174 also omits the requirement in Senator Coghill's 2014 bill that a person obtain a concealed handgun permit as a condition to carry a concealed handgun at the university. In 2014 the university opposed concealed carry permits as a substitute for the University's ability to manage its students, workforce and property. For the reasons discussed in the 2014 memo to Senate Finance,⁶ a permit requirement alone is not an adequate substitute for the ability to manage in the sensitive areas described above.

However, a requirement that a person obtain a permit, in addition to the requested amendments providing University authority to regulate in these sensitive areas, makes sense in the university environment. A permit would require some training and knowledge about gun safety and applicable law, and exclude individuals with certain (but not all) criminal backgrounds from obtaining a permit.

⁴ The University appreciates the fact that the bill includes an immunity provision. While that should be effective against state damage claims, that will not be much consolation if an avoidable incident occurs. State immunity also may not bar certain civil rights actions or administrative sanctions by federal agencies.

⁵ The University is a small community where information about firearm possession may be shared by roommates, classmates or by the owner, sometimes willingly to brag or intimidate, and sometimes unwittingly.

⁶ Attachment A, March 31, 2014, UA General Counsel Memo to Senate Finance, at pp.7-8.

REGENTS' POLICY
PART II - ADMINISTRATION
Chapter 02.09 - Public Safety

P02.09.010. Public Safety Department; University of Alaska Police.

- A. There is hereby established the University of Alaska Department of Public Safety, which shall be known as the University of Alaska Police Department. Pursuant to AS 14.40.043, the department shall enforce state and local laws in connection with offenses committed on the property of the university. In this section, "department" means the University of Alaska Police Department.
- B. The department shall have units located on the University of Alaska Anchorage campus, the University of Alaska Fairbanks campus, and at such other university sites as the president may designate.
- C. The department may be comprised of commissioned and noncommissioned personnel. Only personnel eligible under Alaska Statutes and regulations of the Alaska Police Standards Council (APSC) and commissioned by the president may hold the positions of university public safety officer or university police officer and exercise police authority. For purposes of this subsection, "personnel eligible under Alaska Statutes and regulations of the Alaska Police Standards Council" includes persons who:
1. are eligible for, have applied for, and are awaiting notification of APSC certification;
 2. have received prior APSC certification that has not been revoked;
 3. are exempt from certification under AS 18.65.280; or
 4. are eligible for probationary employment under Alaska Statutes and regulations of the APSC. Unless their employment is earlier terminated, the probationary period for such probationary officers will be at least six months, but no more than allowed by Alaska Statutes and APSC regulations. If required by APSC regulations for any reason, such as failure to obtain a basic certificate by the applicable deadline, the officer's employment will end. This section on probationary police officer employment supersedes any conflicting general employment provisions of Regents' Policy or University Regulation.
- D. The department shall operate in accordance with university regulation.

(09-24-10)

P02.09.020. Possession of Weapons.

- A. Except as otherwise provided by this policy or University Regulation, possession or carrying of firearms in buildings or parts of buildings owned or controlled by the university, on developed university land adjacent to university buildings, or at university sporting, entertainment or educational events, is a violation of Regents' Policy and may result in administrative sanctions. Entering or remaining on university premises or at university events in violation of this provision is expressly prohibited.
- B. This section shall not apply to a concealed handgun carried by a duly commissioned law enforcement officer in relation to the officer's law enforcement function or by a person expressly authorized by the president or appropriate chancellor in extraordinary circumstances.
- C. The president may adopt university regulations governing possession of firearms, explosives or prohibited weapons that are consistent with or that provide exceptions to this policy.

(06-06-14)

P02.09.030. Traffic and Parking.

- A. The president is authorized to promulgate and enforce rules governing parking and traffic on university premises, and governing related forms and procedures including citations, hearings, penalties, and appeals. The president may delegate the authority to promulgate and enforce such rules.
- B. The president is authorized to approve parking fee charges for the university campuses.

(02-17-95)

UNIVERSITY REGULATION
PART II – ADMINISTRATION
Chapter 02.09 – Public Safety

R02.09.010. Public Safety Department: University of Alaska Police

A. Organizational Structure

1. The University of Alaska Police Department shall have units at the University of Alaska Anchorage and the University of Alaska Fairbanks.
2. Each department unit will be organized in accordance with the Operation Procedure Manual in effect for that unit on May 12, 1992, or as it may thereafter be duly amended.
3. The director or chief of each department unit will report to the campus chancellor through the vice chancellor for administration or equivalent.
4. Each chancellor shall designate an appropriate body to serve in an advisory capacity to the local department. This body may be an existing campus safety-related committee or a new body established specifically for this purpose. The advisory committee shall include representation from students, faculty and staff, as well as any additional representation the campus chancellor deems appropriate.
5. Responsibility and authority for the systemwide coordination of the University of Alaska Police Department is vested in the vice president and general counsel.
6. The president, in consultation with the chancellors, will determine whether commissioned officers carry firearms in the course of performing their duties as law enforcement officers on University property. The decision will be made following consultation with representatives of appropriate constituent bodies, the local department director or chief, the office of the general counsel, and such others as the president deems appropriate.

B. Operation Procedure Manuals

1. Each local unit of the department will maintain and function in accordance with official operations procedures manuals.
2. Variations between departmental units' operation procedure manuals may be necessary to allow for local organizational considerations, but in all other respects the operation procedure manuals will be the same for each unit.
3. Existing operation procedure manuals may be amended and new operation procedure manuals may be adopted, subject to the approval of the campus chancellor and the vice president and general counsel of the University.

C. Mutual Aid Agreements

The Department is authorized to enter into written mutual aid agreements with other duly authorized law enforcement entities in the State of Alaska, provided such agreements are in the best interests of the University, and subject to the approval of the campus chancellor and the vice president and general counsel of the University.

(06-12-92; 02-17-95)

R02.09.020. Possession of Weapons

- A. Regents' Policy and University Regulation regulating possession and storage of firearms shall not be construed to prohibit an individual from possessing a firearm while that individual is within a motor vehicle, or to prohibit an individual from storing a firearm that is locked in the individual's motor vehicle while the motor vehicle is otherwise legally parked in or on university, state or municipal property or another person's property. This applies only to possession of a firearm by an individual who may legally possess a firearm under state and federal law.
- B. Activities involving firearms, explosives and/or reloading activities may be carried on at the University only under supervised educational, recreational, professional or research programs where such activities are expressly authorized in advance by the appropriate chancellor or chancellor's designee.
- C. Loaded or unloaded firearms may not be carried or stored on University property or in University buildings without the prior written permission of the appropriate chancellor or chancellor's designee, except for the following:
1. firearms being transported directly to or from an activity authorized under Section B. above;
 2. firearms being transported directly to or from student or faculty and staff housing as authorized under Section D. below;
 3. firearms carried by licensed security guards in uniform while performing services for the University;
 4. firearms carried by commissioned law enforcement officers in relation to their law enforcement function; or
 5. on undeveloped and uninhabited investment property.
- D. In order to balance the individual resident's right to bear arms with the University's compelling interest in providing a safe environment conducive to learning and the open exchange of ideas, the University permits the possession of firearms in residences subject to the following limitations:
1. Students bringing firearms into residential units are required to store their firearms in a central storeroom under the supervision of a designated University

employee. Firearms, explosives and reloading activities are not permitted in resident rooms or apartments or in any common areas.

2. Faculty and staff residing on University property may possess firearms within the confines of their private residences. Firearms, explosives and reloading activities are not permitted on residential grounds or in any common areas.
- E. The chancellor of each campus may adopt additional local provisions for implementation of this Regulation.
 - F. Nothing in this Regulation should be construed as authorizing the use of firearms, explosives or ammunition in violation of state or federal laws or regulations.

(02-23-10)

Table 1.05 Headcount by Age and Academic Organization (AO)

Fall 2014

	Age						Not		% < 25	Median Age
	Under 20	20-24	25-29	30-39	40-49	Over 50	Reported	Total		
Anchorage	2,732	4,973	2,510	2,355	1,198	984	2	14,754	52.2	25
Kenai	561	772	470	485	213	214	1	2,716	49.1	25
Kodiak	130	242	151	144	64	62		793	46.9	26
Mat-Su	490	587	266	267	134	100		1,844	58.4	23
PWSC	173	107	82	116	70	115	18	681	41.1	28
Fairbanks	1,202	2,174	1,115	1,077	519	444	1	6,532	51.7	25
CRCD										
Bristol Bay	166	83	76	96	53	137		611	40.8	29
Chukchi	32	40	46	49	45	83	1	296	24.3	37
Interior-Aleutians	121	39	41	71	46	57	1	376	42.6	29
Kuskokwim	86	125	71	105	72	50	1	510	41.4	28
Northwest	83	42	47	61	34	47		314	39.8	28
Rural College	358	217	111	120	67	63		936	61.4	22
UAF CTC	704	972	433	491	248	257		3,105	54.0	24
Juneau	534	469	348	554	414	353		2,672	37.5	30
Ketchikan	56	165	122	136	72	58		609	36.3	28
Sitka	244	197	134	201	91	87		954	46.2	26
UA Anchorage	3,826	5,844	3,042	2,963	1,547	1,406	21	18,649	51.9	25
UA Fairbanks	1,927	2,759	1,588	1,724	944	1,046	4	9,992	46.9	26
UA Southeast	750	661	511	775	525	478		3,700	38.1	29
UA System	6,430	9,037	4,968	5,273	2,933	2,856	25	31,522	49.1	25
% of UAA	20.5	31.3	16.3	15.9	8.3	7.5	0.1	100.0		
% of UAF	19.3	27.6	15.9	17.3	9.4	10.5	0.0	100.0		
% of UAS	20.3	17.9	13.8	20.9	14.2	12.9		100.0		
% of UA System	20.4	28.7	15.8	16.7	9.3	9.1	0.1	100.0		

The University of Alaska has an older student population in comparison with students attending higher education nationally. The median age at the UA System was 25 in fall 2014. Almost 50 percent of students were less than 25 years old. Nationally, 60 percent of students were under 25, and 25 percent of students were over 30 in fall 2011 (NCES 2013, https://nces.ed.gov/programs/digest/d13/tables/dt13_303.55.asp).

Note: Student age is calculated as of October 1. Ages that are not reported are excluded from the median age calculations. Reporting level headcount is unduplicated. Academic Organization (AO) headcount totals may add up to more than university/system totals. This occurs because students often concurrently enroll at multiple AOs and/or universities in the same semester. Therefore, some students would be double counted if headcounts were summed across campuses and universities. Headcount includes students who audit credit courses.

Source: Data supplied by universities via UA Information Systems: UA Decision Support Database (RPTP.DSDMGR) Fall 2014. Compiled by UA Institutional Research and Planning.



2015 Campus Security and Fire Safety Report
2012 To 2014 UAF Campus Crime Statistics - Reported to Police

Crime	Year	~Student Residences~	On Campus	Non-Campus	Public Property	Total	Unfounded
Aggravated Assault	2012	1	1	0	0	1	N/A
	2013	1	2	0	0	2	N/A
	2014	0	0	0	0	0	0
Arson	2012	0	0	0	0	0	N/A
	2013	0	0	0	0	0	N/A
	2014	0	0	0	0	0	0
Burglary	2012	3	8	1	0	9	N/A
	2013	1	6	0	0	6	N/A
	2014	0	2	1	0	3	0
Motor Vehicle Theft	2012	0	0	0	0	0	N/A
	2013	0	3	0	0	3	N/A
	2014	0	0	0	0	0	2
Murder/Non-Negligent Manslaughter	2012	0	0	0	0	0	0
	2013	0	0	0	0	0	0
	2014	0	0	0	0	0	0
Negligent Manslaughter	2012	0	0	0	0	0	0
	2013	0	0	0	0	0	0
	2014	0	0	0	0	0	0
Robbery	2012	0	0	0	0	0	N/A
	2013	0	0	0	0	0	N/A
	2014	0	0	0	0	0	0

~ The "Student Residence" ~ category is a subset of the "On Campus" category. If an incident occurred in a student residence hall, it is counted once under Student Residences and once under On Campus. The total number of crimes column includes On Campus, Non-Campus, and Public Property categories combined. Every attempt is made to count crimes once in this report.

New Clery reporting requirement for 2015-Unfounded- Two vehicles reported stolen. One parked vehicle rolled into the woods from parking lot and was not stolen. One vehicle reported stolen was later remembered to be parked elsewhere by owner.



2015 Campus Security and Fire Safety Report

2012 To 2014 UAF Campus Crime Statistics - Reported to Police

Crime	Year	~Student Residences~	On Campus	Non-Campus	Public Property	Total	Unfounded
Sex Offenses- Forcible	2012	2	4*	0	0	4	N/A
	2013	5	6	0	0	6	N/A
Rape (sodomy, sexual assault w/object, oral copulation)	2014	0	0	0	0	0	3
Fondling	2014	2	2	0	0	2	0
Sex Offenses- Non-Forcible	2012	0	0	0	0	0	N/A
	2013	0	0	0	0	0	N/A
Incest	2014	0	0	0	0	0	0
Statutory Rape	2014	0	0	0	0	0	1
Total Sex Offenses	2012	2	4	0	0	4	N/A
	2013	5	6	0	0	6	N/A
	2014	2	2	0	0	2	4

Sex Offenses categories changed effective 2015 per required Clery reporting guidelines.

~ The "Student Residence"~ category is a subset of the "On Campus" category.

* One report of possible on-campus (location unknown) sexual assault from 1976

Unfounded- New Clery Reporting Requirement- Two reports of rape were unfounded by officers after investigations revealed false statements were given. One report of statutory rape was determined by the District Attorney to be unfounded due to all parties being of consent age. One third hand report of possible rape was unfounded by officer when all parties reported it was consensual.

Crime	Year	~Student Residences~	On Campus	Non-Campus	Public Property	Total	Unfounded
Domestic Violence ****	2012	1	1	0	0	1	N/A
	2013	3	4	0	0	4	N/A
	2014	1	2	0	0	2	2
Dating Violence****	2012	3	3	0	0	3	N/A
	2013	3	6	0	0	6	N/A
	2014	3	3	0	0	3	0
Stalking	2012	3	8	0	0	8	N/A
	2013	1	4	0	0	4	N/A
	2014	4	7	0	0	7	0

****** Domestic and Dating Violence may include reports also counted as aggravated assaults**

Domestic Violence-

Incidents committed by a person who is or was spouse, or is living in the same household as a spouse, intimate partner, or family member, or whom share a child together. Domestic violence incidents include felonies or misdemeanor crimes of violence.

Dating Violence-

Incidents committed by a person involved in a romantic or intimate relationship outside of the circumstances listed above for domestic violence are considered dating violence.

Stalking-

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety, the safety of others, or suffer substantial emotional distress and includes cyberstalking.



2015 Campus Security and Fire Safety Report 2012 To 2014 UAF Campus Arrests

Arrests	Year	~Student Residences~	On Campus	Non-Campus	Public Property	Total	Unfounded
Liquor Law	2012	22	43	0	4	47	N/A
	2013	25	40	0	5	45	N/A
	2014	20	33	0	6	39	0
Drug Violation	2012	11	28	0	7	35	N/A
	2013	3	13	0	4	17	N/A
	2014	2	21	0	3	24	0
Weapon Possession	2012	1	1	0	1	2	N/A
	2013	0	1	0	0	1	N/A
	2014	0	2	0	0	2	0

Every attempt is made to count offenses only once in this report.

~ The "Student Residence"~ category is a subset of the "On Campus" category.

2012 To 2014 UAF Main Campus Disciplinary Actions*

Disciplinary Actions	Year	~Student Residences~	On Campus	Non-Campus	Public Property	Total
Liquor Law	2012	111	112	0	0	112
	2013	121	124	1	0	125
	2014	70	76	0	0	76
Drug Violation	2012	28	28	0	0	28
	2013	26	27	1	0	28
	2014	28	39	0	0	39
Weapon Possession	2012	1	1	0	0	1
	2013	0	0	0	0	0
	2014	0	0	0	0	0

* The referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction. If both an arrest and a disciplinary referral are made, only the arrest is counted.



2015 Campus Security and Fire Safety Report 2012 To 2014 UAF Campus Hate Crimes

Hate Crimes are crimes in which the victim is intentionally selected because of the actual or perceived race, gender, religion, sexual orientation, ethnicity or disability of the victim.

Year	Description
2012	One report of a hate related vandalism on campus property characterized by religion bias.
2013	No report of a hate crime
2014	No report of a hate crime

UAF Campus Fire Statistics

Fire Reporting only includes response to reported fires in Campus Residence Facilities

Fire Category	Year	Type of Fire	Number of Fires	Deaths/Injuries	Property Damage	Campus Housing Facility
Unintentional	2012	Cooking, confined to container	1	0/0	0	Wickersham Hall
	2013	Smoking Materials	1	0/0	0	Wickersham Hall
	2013	Building fire	1	0/0	2000	Moore Hall
	2014	Candles left burning on wooden table	1	0	500	Cutler Apts
Intentional	2012		0	0/0	0	
	2013		0	0/0	0	
	2014		0	0/0	0	
Undetermined	2012		0	0/0	0	
	2013		0	0/0	0	
	2014		0	0/0	0	
2012	No fires reported for these housing facilities	Bartlett, Moore, Skarland, Nerland, McIntosh, Harwood, Walsh, Stevens, MacLean, Lathrop, Hess Village, Garden Apts, Cutler Apts, Stuart, Sustainable Village				
2013	No fires reported for these housing facilities	Bartlett, Skarland, Nerland, McIntosh, Harwood, Walsh, Stevens, MacLean, Lathrop, Hess Village, Garden Apts, Cutler Apts, Stuart, Sustainable Village				
2014	No fires reported for these housing facilities	Bartlett, Moore, Skarland, Nerland, McIntosh, Harwood, Walsh, Stevens, MacLean, Lathrop, Hess Village, Garden Apts, Wickersham, Stuart, Sustainable Village				

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The UAS campus crime statistics are compiled from an in-house database and with cooperation from the local law enforcement office. We use both systems as a check and balance for the crime stats generated for the Clery Act.

The crime statistics are based on a calendar year (January through December) not an academic year. These statistics are published and distributed each Fall Semester. The statistics are also entered in to the Department of Education website. This is a federal requirement and is a means for the government to track compliance.

The Clery Act requires that all staff, faculty and students have access to these crime statistics. The statistics are published in the [UAS Annual Security Report](#) . For more information about the report, please contact:

Lori Klein, Student Resource Center Director
 11120 Glacier Highway
 Juneau, AK 99801
lklein@uas.alaska.edu
 907-796-6529



Juneau Campus Crime Stats (2012-2014)

Juneau campus crime statistics were compiled in conjunction with Juneau campus officials and the Juneau Police Department.

KEY: C=On Campus*, R=Residence Facilities, N=Non Campus Buildings, P=Public Property

** On-campus is the sum of Residence Facilities plus any other crimes reported on main campus.*

Criminal Offenses	2012				2013				2014			
	C	R	N	P	C	R	N	P	C	R	N	P
Murder/Non-negligent	0	0	0	0	0	0	0	0	0	0	0	0

Manslaughter												
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses-Rape	1	1	0	0	0	0	0	0	1	1	0	0
Sex Offenses-Fondling	0	0	0	0	1	1	0	0	2	2	1	0
Sex Offenses-Incest	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses-Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	1	0	0	0	0
Motor Vehicle Theft	0	0	0	0	1	1	0	0	1	0	0	1
Arson	0	0	0	0	0	0	0	0	0	0	0	0

Arrests	2012				2013				2014			
	C	R	N	P	C	R	N	P	C	R	N	P
Liquor Law Violations	0	0	0	0	1	0	0	0	5	5	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0

Disciplinary Action / Judicial Referrals	2012				2013				2014			
	C	R	N	P	C	R	N	P	C	R	N	P
Liquor Law Violations	21	21	0	0	29	29	0	0	23	23	0	0
Drug Law Violations	9	9	0	0	1	1	0	0	9	9	0	0
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0

Dating Violence, Domestic Violence, and Stalking	2012				2013				2014			
	C	R	N	P	C	R	N	P	C	R	N	P
Dating Violence	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Domestic Violence	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0
Stalking	n/a	n/a	n/a	n/a	0	0	0	0	0	0	0	0

Hate Crimes — Calendar Years 2012–2014

A hate crime is a crime that manifests evidence that the victim was intentionally selected because of the perpetrators bias against the victim's race, gender, religion, sexual orientation, ethnicity/national origin, or disability. Hate crime statistics include the crimes listed in the table above and includes additional categories: simple assault; intimidation, destruction, damage, or vandalism of property; or any other crime that involves bodily injury to any person.

The University of Alaska Southeast has no hate crimes to report for the years of 2012 and 2013. In 2014, there was one non-campus intimidation incident for Juneau characterized by sexual orientation bias.

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 Juneau, AK 99801
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 907-796-6529

[Juneau](#) [Ketchikan](#) [Sitka](#)

Ketchikan Campus Crime Stats (2012-2014)

Ketchikan campus crime statistics were compiled by Ketchikan campus officials. Statistics from the Ketchikan Police Department were not made available to UAS for the purpose of this report.

KEY: C=On Campus, N=Non Campus Buildings, P=Public Property

Criminal Offenses	2012			2013			2014		
	C	N	P	C	N	P	C	N	P
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0



Sex Offenses-Rape	0	0	0	0	0	0	0	0	0
Sex Offenses-Fondling	0	0	0	0	0	0	0	0	0
Sex Offenses-Incest	0	0	0	0	0	0	0	0	0
Sex Offenses-Statutory Rape	0	0	0	0	0	0	0	0	0
Burglary	5	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0

Arrests	2012			2013			2014		
	C	N	P	C	N	P	C	N	P
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Weapons Law Violations	0	0	0	0	0	0	0	0	0

Disciplinary Action / Judicial Referrals	2012			2013			2014		
	C	N	P	C	N	P	C	N	P
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Weapons Law Violations	0	0	0	0	0	0	0	0	0

Dating Violence, Domestic Violence, and Stalking	2012			2013			2014		
	C	N	P	C	N	P	C	N	P

Dating Violence	n/a	n/a	n/a	n/a	n/a	n/a	0	0	0
Domestic Violence	n/a	n/a	n/a	n/a	n/a	n/a	0	0	0
Stalking	n/a	n/a	n/a	n/a	n/a	n/a	0	0	0

Hate Crimes – Calendar Years 2012–2014

A hate crime is a crime that manifests evidence that the victim was intentionally selected because of the perpetrators bias against the victim’s race, gender, religion, sexual orientation, ethnicity/national origin, or disability. Hate crime statistics include the crimes listed in the table above and includes additional categories: simple assault; intimidation, destruction, damage, or vandalism of property; or any other crime that involves bodily injury to any person.

The University of Alaska Southeast has no hate crimes to report for the years of 2012–2014 for the Ketchikan campus.

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Juneau
Ketchikan
Sitka

Sitka Campus Crime Stats (2012-2014)

Sitka campus crime stats were compiled in conjunction with Sitka campus officials and the Sitka Police Department.

KEY: C=On Campus, N=Non Campus Buildings, P=Public Property

Criminal Offenses	2012			2013			2014		
	C	N	P	C	N	P	C	N	P
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0

Sex Offenses-Rape	0	0	0	0	0	0	0	0	0
Sex Offenses-Fondling	0	0	0	0	0	0	0	0	0
Sex Offenses-Incest	0	0	0	0	0	0	0	0	0
Sex Offenses-Statutory Rape	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0

Arrests	2012			2013			2014		
	C	N	P	C	N	P	C	N	P
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Weapons Law Violations	0	0	0	0	0	0	0	0	0

Disciplinary Action / Judicial Referrals	2012			2013			2014		
	C	N	P	C	N	P	C	N	P
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Weapons Law Violations	0	0	0	0	0	0	0	0	0

Dating Violence, Domestic Violence, and Stalking	2012			2013			2014		
	C	N	P	C	N	P	C	N	P
Dating Violence	n/a	n/a	n/a	n/a	n/a	n/a	0	0	0

Domestic Violence	n/a	n/a	n/a	n/a	n/a	n/a	0	0	0
Stalking	n/a	n/a	n/a	n/a	n/a	n/a	0	0	0

Hate Crimes – Calendar Years 2012–2014

A hate crime is a crime that manifests evidence that the victim was intentionally selected because of the perpetrators bias against the victim’s race, gender, religion, sexual orientation, ethnicity/national origin, or disability. Hate crime statistics include the crimes listed in the table above and includes additional categories: simple assault; intimidation, destruction, damage, or vandalism of property; or any other crime that involves bodily injury to any person.

The University of Alaska Southeast has no hate crimes to report for the years of 2012–2014 for the Sitka campus.

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DISCLOSURES TO ALLEGED VICTIMS OF CRIMES OF VIOLENCE OR NON-FORCIBLE SEX OFFENSES

UAA will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the University against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, UAA will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

SEX OFFENDER GENERAL INFORMATION

The Campus Sex Crimes Prevention Act is a federal law which provides for the tracking of convicted sex offenders enrolled at or employed by institutions of higher education. The Act's intent is to extend the protections of sex offender registries to college campuses. Sex offenders who must register with the State of Alaska must also provide notice to the State that they are employed, carry on a vocation at, or are a student at UAA. Information concerning registered sex offenders may be obtained from the Alaska Department of Public Safety through the following web site: www.dps.state.ak.us/sorweb.

DEFINITION OF CLERY TERMS USED IN STATISTICS TABLES ON PAGES 47 - 53

The Clery Act statistics reported on the following pages use terms with federal definitions that allow comparability across campuses, regardless of the state in which the campus is located. Selected definitions are as follows:

Clery Geography

On Campus

1. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and
2. Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

On Campus Student Housing Facilities

Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility

Non Campus

1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
2. Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

Public Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Clery Act Crimes

Murder and Non-negligent Manslaughter

The willful (non-negligent) killing of one human being by another

Negligent Manslaughter

The killing of another person through gross negligence.

Sex Offenses: Rape

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Sex Offenses: Fondling

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Sex Offenses: Statutory Rape

Sexual intercourse with a person who is under the statutory age of consent.

Sex Offenses: Incest

Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Robbery

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary

The unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle.

Arson

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Arrests and Disciplinary Referrals

Drug Abuse Violations

The violation of laws prohibiting the production, distribution and/ or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

Liquor Law Violations

The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

Illegal Weapons Possession

The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

Violence Against Women Act (VAWA) Crimes

Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Domestic Violence

1. A felony or misdemeanor crime of violence committed—
 - a. By a current or former spouse or intimate partner of the victim;
 - b. By a person with whom the victim shares a child in common;
 - c. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
 - d. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
 - e. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
2. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for the person's safety or the safety of others; or
2. Suffer substantial emotional distress.

For the purposes of this definition:

- a. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- b. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- c. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Hate Crimes

A crime that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. The applicable categories of bias include the victim's actual or perceived race, gender, gender identity, religion, sexual orientation, ethnicity, national origin and disability.

CRIMES	ON CAMPUS			ON CAMPUS STUDENT HOUSING FACILITIES *			NON-CAMPUS			PUBLIC PROPERTY		
	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses – Total	3	6	4	3	4	3	0	0	0	0	0	0
A. Rape	N/A	N/A	3	N/A	N/A	2	N/A	N/A	0	N/A	N/A	0
B. Fondling	N/A	N/A	1	N/A	N/A	1	N/A	N/A	0	N/A	N/A	0
C. Statutory Rape	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
D. Incest	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
Robbery	0	0	1	0	0	0	0	0	0	0	0	0
Aggravated Assault	3	0	0	1	0	0	0	0	0	0	2	0
Burglary	1	3	4	0	0	4	0	0	0	0	0	0
Motor Vehicle Theft	0	4	1	0	0	0	0	0	1	0	0	0
Arson	0	1	1	0	0	0	0	0	0	0	0	0
ARRESTS												
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	3	2	3	0	0	0	0	0	0	1	0	1
Liquor Law Violations	2	14	9	0	9	4	0	0	0	0	0	2
DISCIPLINARY REFERRALS												
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	3	7	5	0	3	4	0	1	0	0	0	0
Liquor Law Violations	104	105	96	100	105	90	0	0	0	0	0	0
VIOLENCE AGAINST WOMEN ACT												
Dating Violence	N/A	2	6	N/A	2	4	N/A	0	0	N/A	0	0
Domestic Violence	N/A	2	0	N/A	1	0	N/A	0	0	N/A	0	0
Stalking	N/A	5	5	N/A	0	1	N/A	0	0	N/A	0	0

HATE CRIMES: In 2012, there were three reportable hate crimes: a) two on-campus intimidation incidents characterized by racial bias and b) one non-campus property damage incident characterized by ethnicity/national origin bias. There were no hate crimes reported in 2013 or 2014.

UNFOUNDED CRIMES: N/A in 2012 and 2013. There were no unfounded crimes reported in 2014.

* "On Campus Student Housing Facilities" is a subset of the statistics that occurred on campus; they are *not* in addition to those statistics found under "On Campus."

N/A = Not applicable. This was not required to be reported in those years.

	ON CAMPUS			NON-CAMPUS			PUBLIC PROPERTY		
	2012	2013	2014	2012	2013	2014	2012	2013	2014
CRIMES									
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses – Total	0	0	0	0	0	0	0	0	0
A. Rape	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
B. Fondling	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
C. Statutory Rape	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
D. Incest	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
ARRESTS									
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
DISCIPLINARY REFERRALS									
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
VIOLENCE AGAINST WOMEN ACT									
Dating Violence	N/A	0	0	N/A	0	0	N/A	0	0
Domestic Violence	N/A	0	0	N/A	0	0	N/A	0	0
Stalking	N/A	0	0	N/A	0	0	N/A	0	0

HATE CRIMES: In 2013, there was one reportable hate crime: an on-campus intimidation incident characterized by national origin bias. There were no hate crimes reported in 2012 or 2014.

UNFOUNDED CRIMES: N/A in 2012 and 2013. There were no unfounded crimes reported in 2014.

* "On Campus Student Housing Facilities" is a subset of the statistics that occurred on campus; they are *not* in addition to those statistics found under "On Campus."

N/A = Not applicable. This was not required to be reported in those years.

**KENAI PENINSULA COLLEGE -
KACHEMAK BAY CAMPUS**

	ON CAMPUS			NON-CAMPUS			PUBLIC PROPERTY		
	2012	2013	2014	2012	2013	2014	2012	2013	2014
CRIMES									
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses – Total	0	0	0	0	0	0	0	0	0
A. Rape	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
B. Fondling	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
C. Statutory Rape	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
D. Incest	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
ARRESTS									
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	1	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
DISCIPLINARY REFERRALS									
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
VIOLENCE AGAINST WOMEN ACT									
Dating Violence	N/A	0	0	N/A	0	0	N/A	0	0
Domestic Violence	N/A	0	0	N/A	0	0	N/A	0	0
Stalking	N/A	0	0	N/A	0	0	N/A	0	0

HATE CRIMES: There were no hate crimes reported in 2012, 2013, or 2014.

UNFOUNDED CRIMES: N/A in 2012 and 2013. There were no unfounded crimes reported in 2014.

* "On Campus Student Housing Facilities" is a subset of the statistics that occurred on campus; they are *not* in addition to those statistics found under "On Campus."

N/A = Not applicable. This was not required to be reported in those years.

**KENAI PENINSULA COLLEGE -
KENAI RIVER CAMPUS**

CRIMES	ON CAMPUS			ON CAMPUS STUDENT HOUSING FACILITIES *			NON-CAMPUS			PUBLIC PROPERTY		
	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses – Total	0	1	1	0	1	1	0	0	0	0	0	0
A. Rape	N/A	N/A	1	N/A	N/A	1	N/A	N/A	0	N/A	N/A	0
B. Fondling	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
C. Statutory Rape	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
D. Incest	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	6	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
ARRESTS												
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
DISCIPLINARY REFERRALS												
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	3	0	0	3	0	0	0	0	0	0
VIOLENCE AGAINST WOMEN ACT												
Dating Violence	N/A	0	0	N/A	0	0	N/A	0	0	N/A	0	0
Domestic Violence	N/A	0	0	N/A	0	0	N/A	0	0	N/A	0	0
Stalking	N/A	0	0	N/A	0	0	N/A	0	0	N/A	0	0

HATE CRIMES: There were no hate crimes reported in 2012, 2013, or 2014.

UNFOUNDED CRIMES: N/A in 2012 and 2013. There were no unfounded crimes reported in 2014.

* "On Campus Student Housing Facilities" is a subset of the statistics that occurred on campus; they are *not* in addition to those statistics found under "On Campus."

N/A = Not applicable. This was not required to be reported in those years.

	ON CAMPUS			NON-CAMPUS			PUBLIC PROPERTY		
	2012	2013	2014	2012	2013	2014	2012	2013	2014
CRIMES									
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses – Total	0	0	0	0	0	0	0	0	0
A. Rape	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
B. Fondling	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
C. Statutory Rape	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
D. Incest	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	1	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
ARRESTS									
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
DISCIPLINARY REFERRALS									
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
VIOLENCE AGAINST WOMEN ACT									
Dating Violence	N/A	0	0	N/A	0	0	N/A	0	0
Domestic Violence	N/A	0	0	N/A	0	0	N/A	0	0
Stalking	N/A	0	1	N/A	0	0	N/A	0	0

HATE CRIMES: There were no hate crimes reported in 2012, 2013, or 2014.

UNFOUNDED CRIMES: N/A in 2012 and 2013. There were no unfounded crimes reported in 2014.

* "On Campus Student Housing Facilities" is a subset of the statistics that occurred on campus; they are *not* in addition to those statistics found under "On Campus."

N/A = Not applicable. This was not required to be reported in those years.

	ON CAMPUS			NON-CAMPUS			PUBLIC PROPERTY		
	2012	2013	2014	2012	2013	2014	2012	2013	2014
CRIMES									
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses – Total	0	0	0	0	0	0	0	0	0
A. Rape	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
B. Fondling	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
C. Statutory Rape	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
D. Incest	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
ARRESTS									
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
DISCIPLINARY REFERRALS									
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
VIOLENCE AGAINST WOMEN ACT									
Dating Violence	N/A	0	0	N/A	0	0	N/A	0	0
Domestic Violence	N/A	0	0	N/A	0	0	N/A	0	0
Stalking	N/A	0	0	N/A	0	0	N/A	0	0

HATE CRIMES: There were no hate crimes reported in 2012, 2013, or 2014.

UNFOUNDED CRIMES: N/A in 2012 and 2013. There were no unfounded crimes reported in 2014.

* "On Campus Student Housing Facilities" is a subset of the statistics that occurred on campus; they are *not* in addition to those statistics found under "On Campus."

N/A = Not applicable. This was not required to be reported in those years.

CRIMES	ON CAMPUS			ON CAMPUS STUDENT HOUSING FACILITIES *			NON-CAMPUS			PUBLIC PROPERTY		
	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Sex Offenses – Total	0	0	0	0	0	0	0	0	0	0	0	0
A. Rape	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
B. Fondling	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
C. Statutory Rape	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
D. Incest	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0	N/A	N/A	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
ARRESTS												
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	4	0	3	4	0	3	0	0	0	0	0	0
DISCIPLINARY REFERRALS												
Illegal Weapons Possession	1	0	0	1	0	0	0	0	0	0	0	0
Drug Abuse Violations	1	0	0	1	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	5	0	0	5	0	0	0	0	0	0
VIOLENCE AGAINST WOMEN ACT												
Dating Violence	N/A	0	0	N/A	0	0	N/A	0	0	N/A	0	0
Domestic Violence	N/A	0	0	N/A	0	0	N/A	0	0	N/A	0	0
Stalking	N/A	0	0	N/A	0	0	N/A	0	0	N/A	0	0

HATE CRIMES: There were no hate crimes reported in 2012, 2013, or 2014.

UNFOUNDED CRIMES: N/A in 2012 and 2013. There was one unfounded motor vehicle theft on campus in 2014.

* "On Campus Student Housing Facilities" is a subset of the statistics that occurred on campus; they are *not* in addition to those statistics found under "On Campus."

N/A = Not applicable. This was not required to be reported in those years.

2015 FIRE SAFETY REPORT

CAMPUS FIRE SAFETY RIGHT-TO-KNOW ACT

The Campus Fire Safety Right-to-Know Act was signed into law on August 14, 2008. This legislation requires colleges and universities to report fire safety information related to on-campus residence halls. The 2015 Fire Safety Report includes general information and fire statistics from the previous three calendar years (2012-14) for UAA's three residential communities.

Several statistics are required to be included in the report: the number of fires; fire-related deaths; fire injuries; the cause of these fires; as well as the amount of damage caused by fires. Additionally, UAA is required to report the fire safety features of on campus residence halls including sprinklers, fire alarms, and other fire/life safety systems along with plans for future improvements to fire safety systems. Finally, UAA is required to list the type and amount of fire safety training provided to students and employees.

This report is published by:

**Dean of Students Office
University of Alaska Anchorage
3211 Providence Drive, SU 204
Anchorage, Alaska 99508
(907) 786-1214 • aydos@uaa.alaska.edu**

FIRE SAFETY REPORT DEFINITIONS

Quoted from the "Campus Fire Safety Right-to-Know Final Regulations."

Fire

Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Cause of Fire

The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.

Value of Property Damage

The estimated value of the loss of the structures and contents in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and fire related damages caused by smoke, water, and overhaul; however, it does not include indirect loss, such as business interruption.

FIRE SAFETY REPORT

The UAA Fire Safety Report is compiled by the Dean of Students Office and Environmental Health & Safety and Risk Management Support (EHSRMS) Office of Emergency Management.

ANCHORAGE CAMPUS RESIDENTIAL COMMUNITY

FIRE STATISTICS for 2012 to 2014

Location	Total Fires	Fire Number	Date of Fire	Cause	Fire Injuries	Fire Deaths	Fire Damage
North Hall 3555 Sharon Gagnon Ln.	0						
East Hall 3701 Residential Dr.	0						
West Hall 3601 Residential Dr.	0						
MAC 1 3550 Sharon Gagnon Ln.	0						
MAC 2 3530 Sharon Gagnon Ln.	1	1	9/15/2013	Unintentional/Cooking – Dirty Electric Burner	0	0	\$100 - \$999
MAC 3 3540 Sharon Gagnon Ln.	0						
MAC 4 3620 Sharon Gagnon Ln.	2	1	8/26/2013	Unintentional/Cooking – Grease Fire	0	0	\$0 - \$99
		2	9/6/2014	Unintentional/Cooking – Unattended Frying Pan	0	0	\$0 - \$99
MAC 5 3610 Sharon Gagnon Ln.	0						
MAC 6 3530 Sharon Gagnon Ln.	1	1	9/5/2013	Unintentional/Cooking – Dirty Electric Burner	0	0	\$0 - \$99
TW Bldg A – Apts 1-4 4000 Elmore Rd.	0						
TW Bldg B – Apts 5-6 4000 Elmore Rd.	0						
TW Bldg C – Apts 7-10 4000 Elmore Rd.	0						
TW Bldg D – Apts 11-14 4000 Elmore Rd.	0						
TW Bldg E – Apts 15-16 4000 Elmore Rd.	0						
TW Bldg F – Apts 17-20 4000 Elmore Rd.	0						

FIRE SAFETY SYSTEMS

UAA's residence halls (North, East, and West Halls) are equipped with smoke detectors and water sprinklers. Any alarm activated in those buildings reports directly to University Police Dispatch with 'addressable' information about the event location. Fire extinguishers are installed in each suite, and in the hallways. The six Main Apartment Complex (MAC) buildings are also addressable, and feature smoke detectors, carbon monoxide detectors, and sprinklers. Fire extinguishers are installed in common areas.

The remaining student housing facilities, known as the Templewood Apartments (TW), are townhouse style and now feature addressable smoke detectors. They also have stand-alone carbon monoxide detectors that do not report to UPD Dispatch. They are fully outfitted with water sprinklers, and activated sprinkler sensors report to University Police Dispatch. Fire extinguishers are installed in common areas.

IMPROVEMENT PLANS IN FIRE SAFETY

Facilities Maintenance is developing a comprehensive database for fire suppression testing and inspections for all University-owned buildings. Several Maintenance employees are being trained by factory representatives for various fire systems found across campus.

FIRE PREVENTION POLICIES

Smoking is not permitted inside any residence hall or apartment, and is restricted to outdoor areas 50 feet or more from buildings. Effective November 19, 2015, the Anchorage campus will be smoke- and tobacco-free. Among prohibited items in student housing units are: waterbeds, hot tubs, incense, candle warmers, oil lamps, fireworks, "open flames," hot plates, halogen lamps, lighted signs, candles, portable appliances with open coil burners, containers of flammable fuels (such as gasoline, kerosene, propane), internal combustion engines, exposed heating elements, and "cooking appliances or devices." The use of candles for birthdays or religious purposes is permissible when closely monitored by the resident. Microwave ovens, coffee pots, and popcorn cookers are allowed. Barbecue grills may be used, when at least fifteen feet from a building. Mid-semester safety inspections are conducted by resident advisors and may be conducted more frequently in the Templewood and MAC apartments.

FIRE SAFETY EDUCATION

Residential students are given basic fire safety and evacuation guidance during mandatory orientation sessions early in the fall semester. Further information is provided in the Fact Finder Student Handbook, Guide to Living on Campus, Housing Emergency Plan posters visible throughout each residential facility, and during various public events on campus taking place during September such as Safety Awareness Month.

FIRE DRILLS HELD IN 2014

Evacuation drills were conducted during daytime hours in March and October in the residence halls and Main Apartment Complex. While hardware and procedures worked well, a few students took in excess of ten minutes to leave their buildings, and one was disciplined for not evacuating at all from West Hall. No drills were conducted in Templewood apartments.

EVACUATION PROCEDURES

Students, employees and guests evacuating during an alarm are instructed to exit using the nearest door and stairwell, to avoid elevators, to stand back a minimum of fifty feet from the structure, and to make way for responding emergency personnel. For the purpose of including statistics in the annual fire safety report, fires should be reported to the on-duty Residence Coordinator or the UAA Emergency Manager.

Residents are restricted from returning to the building until an all-clear has been issued by authorities and the bells/horns have been silenced. During extreme weather or extended periods of time, temporary shelter is offered by opening the Gorsuch Commons facility.

REPORTING A FIRE

Incidents of fire are reported to the University Police or by calling municipal responders at 911. For the purpose of including statistics in the annual fire safety report, fires should be reported to the on-duty Residence Coordinator or the UAA Emergency Manager. A subsequent notification would then be made to the Director of Residence Life and/or Incident Management Team for incident management.

KENAI PENINSULA COLLEGE RESIDENTIAL COMMUNITY

FIRE STATISTICS for 2012 to 2014

Location	Total Fires	Fire Number	Date of Fire	Cause	Fire Injuries	Fire Deaths	Fire Damage
Kenai Hall* 949 E. Poppy Ln.	0						

* Opened in August 2013

FIRE SAFETY SYSTEMS

KPC's residence hall is equipped with smoke detectors and water sprinklers. Any alarm activated reports directly to a contracted alarm monitoring company with 'addressable' information about the event location. The monitoring company will initiate emergency response as well as contact the Residence Life Coordinator. Fire extinguishers are installed in each suite, and in the hallways.

IMPROVEMENT PLANS IN FIRE SAFETY

There are no improvement plans at this time. However, staff will inspect fire exits and lighted exit signs weekly, and smoke detectors and fire extinguishers monthly. Staff will report any equipment found to be in non-working condition. Maintenance staff will also create a preventative maintenance schedule to replace batteries and recharge fire extinguishers annually.

FIRE PREVENTION POLICIES

To comply with local and state codes and to observe prudent safety precautions, KRC Residence Life Personnel will enforce the following fire safety regulations:

1. Open flames, including candles, incense, kerosene lamps or stoves, and other similar items are not permitted in any college housing unit.
2. No flammable or combustible liquids such as gasoline, propane, or similar substances may be stored in any university-owned or approved housing unit. Turpentine, kerosene, paint thinner, and similar flammable substances used for camping or art classes may be stored in storage rooms or bathrooms in small quantities; no more than one half gallon. These should not be stored near heaters or any heat-producing appliances, nor should they be kept in a fashion where they might tip or spill. Additionally, such substances may only be stored in the approved containers in which they were sold. Any flammable substances found in student housing that violate this policy will be confiscated and disciplinary action will be taken against those responsible for storing such substances.
3. No paneling or excessive tapestry (unless fire treated and for which permission has been obtained from the Associate Director of Residence Life) is permitted in student housing.
4. Smoke detectors are not to be covered or blocked. Additionally, nothing should be hung from or affixed to smoke detectors in any way.
5. No tampering with the wiring or components of the smoke detection, carbon monoxide, or alarm systems is permitted. Fire extinguishers are not to be removed from their proper locations, including the wall-mounted extinguishers in suites, or to be discharged except in the event of a fire emergency. Nothing can be attached to, or hung from, sprinkler heads. To do so may activate the building's sprinkler system and cause thousands of dollars' worth of damage to college and private property. There is a \$50-100 fine and disciplinary action for tampering with fire safety equipment, including smoke and heat detectors, pull boxes, alarms and sirens, sprinkler heads, extinguishers, or fire panels.
6. Fire doors and any other doors with closing mechanisms are to be kept closed at all times except in the event of fire emergency. Fire exits may not be blocked with any furniture or objects. They must remain clean and empty at all times.
7. Only college wiring is allowed in units and suites. Extension cords are not allowed at any time. Power strips no longer than 12" are allowed. Students should take caution not to overload circuits

with too many large appliances; televisions, stereos, and other such appliances should be plugged directly into the wall electrical outlet. All approved heat-producing appliances such as hair dryers, coffee pots, popcorn poppers and irons must be plugged directly into wall outlets and unplugged when not in use.

8. Electrical cords must be exposed at all times; they may not be placed under carpets or rubber molding.
9. Flammable holiday decorations such as real Christmas trees, wreaths or garland made from spruce boughs, and untreated bunting is not permitted in student housing units.
10. No partitions or wall-like structures are to be installed in housing units by students.
11. Nothing is allowed to block, even partially, any means of egress, including doorways and windows. Furniture placed in front of windows must not be higher than will allow for access to the windowsill and for individuals to easily climb over the furniture to escape through the window.
12. Safety signs and markings are not to be tampered with or defaced.
13. The use of space heaters in student housing units is not permitted. Space heaters will be confiscated.

FIRE SAFETY EDUCATION

Residential students are given basic fire safety and evacuation guidance during mandatory orientation sessions early in the fall semester. Further information is provided in the Residence Hall Handbook, Housing Emergency Plan posters visible throughout each residential facility, and during various public events on campus taking place through the academic year.

FIRE DRILLS IN 2014

The Department of Residence Life conducted an evacuation drills in January 2014 and September 2014.

EVACUATION PROCEDURES

In the event of evacuation due to a fire or fire alarm, housing residents will meet at the front of the housing complex. In the winter months they will gather in the Career and Technical Education Center building, unless directed elsewhere (RAs will have keys to the CTEC building). Students should anticipate notable wait times outdoors before exiting their suites, and should therefore grab proper footwear, coats, and hats for the weather before leaving the building. Weather in Alaska can be harsh, and students might be waiting in snow, rain, or extreme cold until the buildings are cleared. An indoor rally point will be identified when extended displacement times have been determined. In case of evacuation, students will be notified of their ability to re-enter student housing by appropriate hall staff, the Soldotna Police Department, Central Emergency Services, or other emergency personnel.

REPORTING A FIRE

Incidents of fire are reported to the local emergency response agency by calling municipal responders at 8911. For the purpose of including statistics in the annual fire safety report, fires should be reported to the Residence Life Coordinator. A subsequent notification would then be made to the Associate Director of Residence Life and/or Incident Management Team for incident management.

PRINCE WILLIAM SOUND COLLEGE RESIDENTIAL COMMUNITY

FIRE STATISTICS for 2012 to 2014

Location	Total Fires	Fire Number	Date of Fire	Cause	Fire Injuries	Fire Deaths	Fire Damage
Copper Basin Hall 101 Alafna St.	0						
Cordova Hall 129 Pioneer Dr.	0						
Valdez Hall 105 Pioneer Dr.	0						

FIRE LOG

PWSC is required to maintain a fire log for all reportable fire events. The log will include the date, nature of the fire, date reported, and location. A printed copy of this log is maintained by and is available at the PWSC Administrative Services Office.

FIRE SAFETY SYSTEMS IN STUDENT HOUSING

PWSC's residential apartment complex buildings (Copper Basin, Cordova, and Valdez Halls) are provided smoke detectors, heat sensors, and water sprinklers. Any alarm activated in those buildings reports directly to Valdez Police Dispatch with 'addressable' information about the building location. Fire extinguishers are installed in each suite, and in the hallways. Each building has egress emergency lighting. Egress windows are installed in each apartment and every bedroom.

The Valdez Fire Station #1 is located approximately 400 feet from the Housing Complex.

IMPROVEMENT PLANS IN FIRE SAFETY

During the 2014 fire drill, occupants quickly responded and assembled as instructed. All three buildings evacuated in less than five minutes. After a sweep of the rooms by the Valdez Fire Department and PWSC staff, it was determined that all occupants had vacated. All bells worked. All interior and exterior strobe lights functioned properly. No propped doors were found. Therefore, there are no improvement plans at this time.

FIRE PREVENTION POLICIES

Smoking is not permitted inside any residence hall or apartment, and is restricted to outdoor areas 20 feet or more from buildings. Among prohibited items in student housing units are: hot tubs, incense, candles and other open flames, oil lamps, fireworks, hot plates, halogen lamps, space heaters, lighted signs, portable appliances with open coil burners, containers of flammable fuels (such as gasoline, propane or similar items), internal combustion engines, exposed heating elements, and cooking appliances or devices with exposed heating elements. Coffee pots, crock pots, popcorn cookers and similar appliances are allowed. Barbecue grills may be used, when at least 15 feet from a building.

Mid-semester safety inspections are conducted by the Housing Manager and Maintenance staff, resident advisors (RAs), and/or the Campus Safety Committee.

Please refer to the Residence Life Handbook for a full list of student housing fire code, fire prevention, and fire evacuation policies, available from the Housing Manager in the main campus building, Room 131E, or online at www.pwscc.edu/residence-life-handbook.shtml.

FIRE SAFETY EDUCATION

Residential students are given basic fire safety and evacuation guidance during orientation sessions early in the fall and spring semesters. Further information is provided in the Student Handbook, the Residence Life Handbook, and in the "Public Safety Agreement" that each resident signs upon move-in. "Housing Evacuation Plan" posters are visible throughout each residential facility.

FIRE DRILLS HELD IN 2014

Fire drills were conducted on October 9, 2014. The drills test and evaluate our monitoring systems, dispatch response times, mass notification capabilities, device hardware functionality, how quickly students responded/evacuated and how knowledgeable students are of the evacuation procedure. Two days prior to fire drills, each apartment unit/occupant was given a supplemental evacuation policy and information explaining what to do in the event of an alarm, where to assemble, etc.

Department of Public Safety

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In Alaska

Alaska Statutes Alaska Statutes 11.61.190 through 11.61.220 describe conduct with a weapon that is criminal. There is no prohibition against carrying a concealed weapon so long as the prohibited behaviors regarding the carry are respected:

- The person is 21 years or older.
- The person is eligible to own or possess a handgun under state and federal laws
- The firearm is legal.
- Upon contact with a peace officer, the person immediately informs the officer about the weapon, and allows the officer to secure the weapon for the duration of the contact.
- The person does not carry the weapon if they are intoxicated or impaired by alcohol or controlled substances
- The person does not carry the concealed weapon in certain places:
 - In someone else's home without their specific knowledge and permission

- In any place where intoxicating liquor is sold for on-site consumption, except a restaurant and the person does not consume alcohol beverages
- In or around any public or private K-12 school or on a school bus without the knowledge and consent of the school's administrator. (weapons may be unloaded and locked in the trunk of a car or secured in a locked container)
- In or around a child care facility. (weapons may be unloaded and locked in the trunk of a car or secured in a locked container)
- In a courthouse, court room, or office of the court system or justice related agencies
- In domestic violence or sexual assault shelters.

Alaska's laws do not apply to federal property, offices, installations, or places under federal jurisdiction. Such places can include national parks, military bases, federal court buildings, space rented by federal offices, airports, or airport terminal areas. Please consult with the appropriate federal agency before deciding if weapon carry or concealed carry is permitted.

The owners or management of facilities, including such places as hospitals, universities, gymnasiums, or private property, may restrict or deny concealed carry on their premises. Failure to comply while on their property could violate trespass statutes.

5700 E Tudor Road, Anchorage, AK 99507 Phone: (907) 269-5511
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- [Uniform Crime Reports](#)
- [Uniform Offense Citation Table](#)
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Firearm ownership or possession

Alaska does not expand upon Federal firearms laws for ownership or possession of firearms. Federal laws define people who are **not** allowed to possess or own firearms. Any person who would carry a firearm in Alaska must evaluate their own qualifications under the Federal laws to possess the weapon. Any violation could result in criminal charges and would be the sole responsibility of the individual.

Federal firearms laws are available on line or by consultation with appropriate legal counselors. United States Code Title 18, Part I, Chapter 44, Section 922: "Firearms, Unlawful Acts" is a summary of conditions that disqualify a person from firearm possession or ownership.

The person cannot be:

- under indictment for or have been convicted of a felony. (see note 1)

- a fugitive from justice
- an unlawful user of or addicted to any controlled substance
- adjudicated as a mental defective or has been committed to a mental institution
- an alien who is illegally or unlawfully in the United States (see note 2)
- discharged from the Armed Forces under dishonorable conditions;
- someone who has renounced his or her U.S. citizenship;
- subject to a court order that restrains the person from harassing, stalking, or threatening an intimate partner of the person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child
- convicted in any court of a misdemeanor crime of domestic violence,
 - Note 1: Felony conviction does not include any conviction which has been expunged or set aside, or for which a person has been pardoned, or has had civil rights restored, unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.
 - Felonies don't include non-violent business related crimes.
 - Civil rights are generally restored after the sentence is completed for felonies that are not crimes against persons.
 - Note 2: Legal immigrant aliens ("green card" or approved and pending green card) are not prohibited.

Alaska Stat. § 29.35.145

Copy Citation

Current through the 2015 First Regular Session and the First, Second, and Third Special Sessions of the Twenty-Ninth State Legislature.

Alaska Statutes TITLE 29. MUNICIPAL GOVERNMENT CHAPTER 35. MUNICIPAL POWERS AND DUTIES ARTICLE 1. GENERAL POWERS

Sec. **29.35.145**. Regulation of firearms and knives

- (a) The authority to regulate firearms and knives is reserved to the state, and, except as specifically provided by statute, a municipality may not enact or enforce an ordinance regulating the possession, ownership, sale, transfer, use, carrying, transportation, licensing, taxation, or registration of firearms or knives.
- (b) Municipalities may enact and enforce ordinances
- (1) that are identical to state law and that have the same penalty as provided for by state law;
 - (2) restricting the discharge of firearms in any portion of their respective jurisdictions where there is a reasonable likelihood that people, domestic animals, or property will be jeopardized; ordinances enacted or enforced under this paragraph may not abridge the right of the individual guaranteed by art. I, sec. 19, Constitution of the State of Alaska, to bear arms in defense of self or others;
 - (3) restricting the areas in their respective jurisdictions in which firearms or knives may be sold; a business selling firearms or knives may not be treated more restrictively than other businesses located within the same zone; and
 - (4) prohibiting the possession of firearms or knives in the restricted access area of municipal government buildings; the municipal assembly shall post notice of the prohibition against possession of firearms or knives at each entrance to the restricted access area.

(c) The prohibition on taxation in (a) of this section does not include imposition of a sales tax that is levied on all products sold within a municipality.

(d) This section applies to home rule and general law municipalities.

(e) In this section,

(1) "firearms" includes firearms, or any other element relating to firearms or parts thereof including ammunition and reloading components;

(2) "restricted access area" means the area beyond a secure point where visitors are screened and does not include common areas of ingress and egress open to the general public.

History

(§ 10 ch 74 SLA 1985; am §§ 2, 3 ch 82 SLA 2005; am §§ 5, 6 ch 54 SLA 2013)

▼ Annotations

Notes

REVISOR'S NOTES. --

Subsection (b) was enacted as subsection (c), subsection (c) was enacted as subsection (e), subsection (d) was formerly subsection (b), and subsection (e) was enacted as subsection (d). Relettered in 2005. In 2008, in paragraph (b)(3), "than" was substituted for "that" to correct a manifest error.

EFFECT OF AMENDMENTS. --

The 2005 amendment, effective October 19, 2005, rewrote subsection (a) and added subsections (c) [now (b)], (d) [now (e)], and (e) [now (c)].

The 2013 amendment, effective September 18, 2013, in (a) inserted "or knives" following "firearms" two times; in (b)(3) and (b)(4) inserted "or knives" following "firearms" four times.

Research References & Practice Aids

USER NOTE:

For more generally applicable notes, see notes under the first section of this article, chapter or title.



KENAI PENINSULA BOROUGH SCHOOL DISTRICT

Office of Superintendent

Sean Dusek, Superintendent of Schools
148 North Binkley Street Soldotna, Alaska 99669-7520
Phone (907) 714-8888 Fax (907) 262-9132

February 16, 2016

Senate Education Committee
C/O Senator Mike Dunleavy, Chair
State Capitol Room 11
Juneau, AK 99801

RE: Senate Bill 174

Dear Senators Dunleavy, Huggins, Giessel, Stevens and Gardner:

I am writing on behalf of the Kenai Peninsula Borough School District (KPBSD) to express opposition for SB174 that if passed, would allow firearms on our university campuses. Each semester Kenai Peninsula College (KPC) has approximately 170 KPBSD students taking college level courses for dual credit. In addition, over the next six months KPC will host more than 200 high school age students for various college orientation programs. It would be disconcerting to know that KPBSD students, most of whom are minors, might be attending classes with armed classmates.

The safety and welfare of our students is my number one priority. As such, I am concerned that the movement by my students from a gun free high school to a campus with armed students may offer a situation that is difficult to monitor. Finally, arming college students while they are on campus, and, or, living in the dorm in my opinion creates a volatile situation.

Thank you for considering this comment.

Sincerely,

Sean Dusek
Superintendent of Schools

Testimony regarding: SB 174: "An Act relating to the regulation of firearms and knives by the University of Alaska."

February 16, 2016

Lynn Willis, Eagle River, Alaska

First, please clearly define a "gun free zone". Absent positive screening for firearms such as at an airport or courthouse no zone in Alaska is anywhere near being certifiably "gun free". Are you willing to spend the money to secure our Universities to a level that might create an equivalent "gun free zone" in order to rationalize this legislative effort? Second, regarding firearms I assume this legislation would involve the carrying of handguns more than rifles. Proficiency with use of any firearm (and especially a handgun) requires frequent shooting of that weapon and that training has to be oriented toward use of that weapon in a combat scenario for the shooter to be effective in a confrontational situation; otherwise, the shooter can present more of a problem than a solution.

Lastly, I do appreciate the hypocrisy of those who would encourage the carrying of firearms on a University campus but not in the halls of the Alaska Legislature. At future public testimony might a citizen want to lay a loaded M1911A1 .45 cal. semi-automatic handgun on the table before them to align themselves with the philosophy promulgated in this extract from a published opinion article that appeared in the Anchorage Daily News dated February 8, 2013 signed by five currently sitting Alaska Legislators:

"Our Second Amendment has its roots in the natural right to self-defense, which was originally codified in the English Bill of Rights of 1689 following the overthrow of King James II during the Glorious Revolution. Americans use their arms for a variety of purposes, **but we must not forget the right to keep and bear arms was originally intended to be a check on government power.**" (Emphasis added).

Before you move this legislation with a recommend "DO PASS", you might want to reflect on that old adage: "What goes around comes around".

Thank you.



USUAS-JC

University of Alaska Southeast

United Students of the University of Alaska Southeast

Priority Reading
Resolution - 1516 -10

Sponsored By: President Callie Conerton

Date of Introduction: February 16th, 2016

Purpose: To oppose SB 174 Guns on Campus

Whereas:

The University of Alaska Southeast Juneau Campus students deserve to have a safe place to study that doesn't involve them being scared of people carrying guns

Whereas:

The University is a place of learning. It is not a gun range, hunting ground or a place with significant crime.

Whereas:

Many University of Alaska Southeast students are under 18 and there are many tours of University campuses statewide that include children from kindergarten to high school. It is not a safe choice to have guns being carried around without proper training with young children around. Guns are not allowed on school campuses for kindergarten through high school due to safety. The same safety should be considered for the dual enrolled students, the tour groups and the children of the students and staff who visit campus.

Whereas:

It would not be in the University's best interest to allow vulnerable students; many for the first time away from home, the ability to carry a gun. Many students are experimenting, some against the law, with alcohol. Students are dealing with stressful classes and situations that could get extremely out of hand with students being able to carry guns on campus.

Whereas:

There are no classes or permit required for an Alaskan citizen to purchase and carry a gun in the state of Alaska. This means that a student could purchase a gun and carry it on campus without the proper knowledge of how to use a firearm.

Whereas:

This bill would allow any student, no matter their state of mind or knowledge of firearm safety, to be able to carry a concealed weapon on any University of Alaska Campus.

Be It Resolved That:

The USUAS-JC highly discourages Senate Bill 174 and opposes students being able to f carry concealed weapons on University of Alaska property.

Be it Further Resolved That:

A copy of this resolution be sent to: President Johnsen, UA Board of Regents, Senate Education Committee, Senate Judiciary Committee, Senator Dunleavy, Senator McGuire, Senator Coghill, Senator Kelly, Senator Stoltze, Juneau Legislative Delegation, Vice President Dan White, Vice President Michelle Rizk, Associate Vice President Chris Christensen Chancellor Richard Caulfield, Vice Chancellor Joe Nelson, Vice Chancellor Michael Ciri, Interim Provost Priscilla Schulte, Campus Life Director Eric Scott, Dean of Arts and Sciences Karen Schmitt, Dean of Education Deborah Lo, Dean of Career Education Pete Traxler, Dean of School of Management Vickie Williams, UAS Staff Council, and UAS Faculty Senate.

This Bill Will Be Passed: February 16th, 2016.

X 
Callie Conerton President

Joseph Byrnes

From: Kelsi Pulczinski <kpulczinski@alaska.edu>
Sent: Thursday, February 11, 2016 09:36
To: Joseph Byrnes
Subject: Supporting SB174

RE: SB174

FROM: Kelsi Pulczinski 2/11/2016

Good afternoon,

I am writing today to voice my strong support of SB174.

I am a full time student at the University of Alaska, Anchorage campus, and every time I step foot on campus, I see signs adorning doorways that declare my public school a gun-free zone. When I see these signs, I know that I am not as safe as I could be. Criminals do not target areas where their victims are likely to be able to defend themselves. The only way to stop a bad guy with a gun, is a good guy with a gun. I have never heard of law enforcement arriving to the scene of an active shooter unarmed. And, when the police are minutes away, seconds count.

Pardon the clichés and buzz words, but the statistics of the situation back them up. Most real-world shootouts last only three to ten seconds. It is unlikely that a shootout between an armed citizen and an assailant would last more than a few seconds. Further, how could 10 seconds of two people shooting at each other be worse than ten minutes of an assailant walking up to unarmed, defenseless victims and shooting them in the head at pointblank range (as occurred in the Virginia Tech massacre)?

Additionally, the likelihood of accidental discharge is incredibly miniscule. In the last 20 years, there has been 150 college campuses that have allowed concealed carry. Roughly, a total of over 1500 combined semesters. In all of that time there has only been 3 accidental discharges. Two of these were the result of an imbecile carrying their weapon in their pocket, rather than a holster (both incidents resulted in minor injuries consistent with being shot in the leg due to their own idiocy). The third, was the result of a faculty member showing off a gun she was not yet familiar with, and resulted in minor abrasions to her hand.

Not a single campus that allows concealed carry has seen a single act of gun violence (including threats) or a single resulting suicide attempt.

The University of Alaska Board of Regents has overstepped their constitutional authority in their regulation of firearms on University campuses. Article I, Sec. 19 of the Constitution of the State of Alaska says that the state, nor any political subdivision of the state, may abridge an individual's right to keep and bear arms. The BOR is in its very nature, a political subdivision of the state. As such, the BOR has **no constitutional authority** to outright prohibit the carrying of arms on university property.

As a young woman, I have little to no recourse against a potential assailant due to this BOR policy. I am unable to defend myself. There are stories of women who were on their campus, just meters away from their University Police office, who were not packing their weapon due to the university policy, that were violently

raped and assaulted. This is terrifying to me...due to an arbitrary and unconstitutional law, I am unable to protect myself from would-be attackers.

This bill would prevent the University of Alaska Board of Regents from infringing on my God-given right to defend myself. This unconstitutional action needs to be reversed.

Respectfully,

Kelsi Pulczinski

Joseph Byrnes

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Subject: Supporting SB174

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Respectfully,

Kelsi Pulczinski

Joseph Byrnes

From: robert clift <robcliftalaska@gmail.com>
Sent: Thursday, February 11, 2016 13:40
To: Joseph Byrnes
Subject: S.B. 174

The Alaska Libertarian Party is in total support of SB 174. A bill which would allow Concealed Carry on University Of Alaska campuses. We feel it recognizes a right that Alaskans already have and can only result in greater individual liberty.

We strongly support this bill.

Rob Clift
Chair Alaska Libertarian Party

Joseph Byrnes

From: Mark <saddlemtman@gmail.com>
Sent: Thursday, February 11, 2016 18:27
To: Joseph Byrnes
Subject: In Support of Bill SB 176

I support Bill SB 176 which would allow students to conceal carry firearms and knives on UAA campus. It is the right of all students to carry and protect themselves while attending school. Knowing that this is a gun free zone attracts people who have intentions of doing harm to students and teachers, knowing people can not defend themselves is not safe for anyone on campus.

Thank you

Mark Frazure
7141 E. 34th Ave
Anchorage, AK 99504

907-351-1210

Joseph Byrnes

From: POMS@akleg.gov
Sent: Friday, February 12, 2016 10:25
To: Joseph Byrnes
Subject: New Pom:SB 174 Reg. Of Firearms/knives By Univ. Of Ak

Emily Kimball
1721 S University Ave #c59

Fairbanks 99709,

I am currently a senior at UAF and although this will be my last semester, I believe it is important to express my opinion that allowing students to carry on campus is an Act that should be passed. Feeling safe on campus is extremely important.

Joseph Byrnes

From: paul <pshunter@gci.net>
Sent: Friday, February 12, 2016 13:49
To: Joseph Byrnes
Subject: SB 174

Hi: A little info. You may find interesting. First of all, I support the bill but also have reservations about it. This is because I think it's unnecessary. Both the Alaska Constitution, and accompanying law makes very clear, relative to the right to keep & bear arms, that no political subdivision of the State can have an ordinance or policy that's more restrictive than State law. The University of Alaska is a State institution that qualifies as a political subdivision of the State. The University has a regents policy that prohibits firearms on campus except in a locked vehicle or, if you live in student housing on campus, in a locked locker that you have to have campus security retrieve if you want to take it off campus. This regents policy is illegal. In fact, a couple of years ago I spoke with UAA's attorney and after a lively discussion she acknowledged they could not issue a citation or make an arrest for carrying a gun on campus, however, she said they would trespass anyone who refused to leave campus because they had a firearm on their person. I informed her that would be interesting in court since I've never heard of someone being trespassed for doing what is legal. In fact, I told her I had a firearm on my person and I would prefer they not cite me, but arrest me, since I would be out within hours and believe the lawsuit would easily pay my mortgage off. Suffice it to say the University did not act on my dare. There was also a protest a couple of years ago involving a number of people who open carried on campus so this matter could be tested in court. I don't recall the University taking the bait because I think they realized they would lose. State law is so clear concerning this issue that's it's unlikely the most liberal judge in Alaska would go against it.

SB 174 would impose a restriction on open carry which does not currently exist. I question why we would want to set a precedent like this when it doesn't apply to any other State facility that is not a day care center, court house or restricted area such as beyond the security area at the airport. My preference is to try and get the University to issue someone a citation, take it to court and win. Then State law prevails and University property remains in conformity with every other State property except for the referenced exceptions. And, again, we don't set a precedent we may regret.

Joseph Byrnes

From: Linda Frazure <lbfracure@gmail.com>
Sent: Saturday, February 13, 2016 06:35
To: Joseph Byrnes
Subject: UAA Campus Carry

I am in support of the campus carry bill. Being a female that attended UAA for six years and not being allowed to carry was concerning to me. I had a schedule that varied and some semesters I was on campus as early as 6am and some semesters as late as 9pm. As I write this email I can't think of a time I saw campus security when I was walking to or from my car. So I would have had to rely on myself for protection. My backpack was heavy but I am pretty sure it would not have been much help against anyone wanting to do harm or take away my wallet. Thank you for your time in reading my testimony.

Linda Frazure
Anchorage, AK 99504

Sheila Peterson

From: Tom Smith <thsphoto@gmail.com>
Sent: Sunday, February 14, 2016 2:57 PM
To: Sen. Mike Dunleavy
Subject: firearms

I own several firearms and support gun ownership. However, there are reasonable limits.

Firearms on campus' are NOT a solution to any problem.

Tom Smith

Wasilla, AK

Sheila Peterson

From: Greg Stoddard <grg.stoddard@gmail.com>
Sent: Sunday, February 14, 2016 1:43 PM
Subject: SB174

Dear Senator,

I want you to know I support SB174, the carry on campus bill. I don't understand why we need to have legislation to make UA conform to the law but so be it. Personally I think all agencies and NGO's should be cut off from any government funding if they think they have the right to violate our civil liberties. I've said my piece so make a check mark in support of SB174 from me.....

Sheila Peterson

From: Charles Hunter <gremlin1@fastmail.us>
Sent: Sunday, February 14, 2016 1:02 PM
To: gremlin1@fastmail.us
Subject: SB174

Senator,

I support SB174. It doesn't go far enough but it's a step in the right direction. The University of Alaska is out of bounds as far as I'm concerned. They have no right to restrict peoples rights. They want the taxpayers money to support what they do but won't comply with the law. I say cut off all funding to them for this. How much of the bill of rights do they think they are entitled to violate? I'm angry with UA if you can't tell. Please support SB174.....Tks

--

Charles Hunter
gremlin1@fastmail.us

--

<http://www.fastmail.com> - Email service worth paying for. Try it for free

Sheila Peterson

From: Katherine Hicks <akhix49@gmail.com>
Sent: Saturday, February 13, 2016 10:27 AM
To: Sen. Pete Kelly
Cc: Sen. Mike Dunleavy; Sen. Cathy Giessel; Sen. Bill Stoltze; Sen. Lesil McGuire
Subject: SB 174

Thank you Senator Kelly for sponsoring SB174 and thank you Senators Dinleavy, Giessel, Stoltze and McGuire for co-sponsoring this bill. We are reminded almost daily of the consequences of "Gun Free Zones" and I am glad that you are doing something about this.

I will be contacting other Senators to urge the passage of this bill.

Regards,

Katherine Hicks

Sheila Peterson

From: Greg Stoddard <grg.stoddard@gmail.com>
Sent: Saturday, February 13, 2016 9:44 AM
To: Sen. Mike Dunleavy; Sen. Cathy Giessel; Sen. Lesil McGuire; Sen. Bill Stoltze; Sen. Pete Kelly; Sen. Gary Stevens; Sen. Kevin Meyer; Sen. Click Bishop; Sen. Mia Costello; Sen. Charlie Huggins; Sen. Peter Micciche; Sen. Anna MacKinnon
Subject: Eliminate Gun free killing zones -- U of A not above the law -- SB174

My email to all I know...Greg

Please help Eliminate “Gun Free Zones” at U of A! Support SB174 and email your Alaska State Senators NOW!

The University's BOR is not above the law and they're not lawmakers, 'we the people' are!

Too bad we have to make law to require UA's BOR to follow existing law, but we must! SB174 is very simple and well written.

Contact Senators [HERE](#).

Alaska's Constitution article 1 § 19. Right to Keep and Bear Arms

A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. The individual right to keep and bear arms shall not be denied or infringed by the State or a political subdivision of the State.

Senate Bill 174 was introduced by Senator Kelly and co-sponsored by Dunleavy, Giessel, **McGuire**, and Stoltze. You can read the bill [HERE](#). In a nutshell the bill stops UA from preventing concealed carry on campus. It still allows the Board of Regents to regulate open carry. It's unclear how the bill affects on campus storage of long arms, for instance is a cased shotgun considered concealed or open carry.

Thank you,

Greg Stoddard

(Personal message, not affiliated with any political entity or person)

Sheila Peterson

From: Chuck Green <chuckg@gci.net>
Sent: Friday, February 12, 2016 7:16 PM
To: Sen. Mike Dunleavy
Subject: SB174

Dear Senator,

I want you to know I support SB174, the carry on campus bill. I don't understand why we need to have legislation to make UA conform to the law but so be it. Personally I think all agencies and NGO's should be cut off from any government funding if they think they have the right to violate our civil liberties. I've said my piece so make a check mark in support of SB174 from me.....

Chuck Green

1916 Columbine St.

Anchorage, 99508

907-276-2003

Sheila Peterson

From: Betty Smith <pfbjsmi@gci.net>
Sent: Friday, February 12, 2016 5:57 PM
To: Sen. Mike Dunleavy
Subject: SB174

My Husband and I support SB174. Thank you for sponsoring the bill to keep UA safe. I believe terrorists will think twice if they know they will face resistance. Thanks again, and God bless.

Sent from my iPhone

Sheila Peterson

From: Russ Newell <mrfreeze_ak@yahoo.com>
Sent: Sunday, February 14, 2016 1:40 PM
To: Sen. Gary Stevens; Sen. Click Bishop; Sen. Mia Costello; Sen. Mike Dunleavy; Sen. Dennis Egan; Sen. Johnny Ellis; Sen. Berta Gardner; Sen. Cathy Giessel; Sen. Lyman Hoffman; Sen. Anna MacKinnon; Sen. Lesil McGuire; Sen. Kevin Meyer; Sen. Peter Micciche; Sen. Donny Olson; Sen. Bert Stedman; Sen. Bill Stoltze; Sen. Bill Wielechowski
Cc: marizk@alaska.edu; ua.president@alaska.edu; dlmilke@alaska.edu
Subject: Against SB 174 - please do not force guns onto the University's campuses

I am Russ Newell, at 1832 Loose Moose Loop, North Pole, AK. I am an alumni of the University of Alaska with a Masters of Business Administration. I am writing against the proposed Senate Bill 174 to allow guns in the Statewide University campuses.

The Utah legislators passed such a law. As such, Utah State University allows guns on campus. In 2014, that university became a national embarrassment/laughingstock when a scheduled visiting lecturer cancelled in the face of specific death threats. The local police said that the law prevented them from keeping guns out of the lecture area where the speaker was threatened to be shot dead if she gave her talk. The threats also mentioned mass murder. The police were hamstrung by the Utah legislators from protecting the speaker and the public. The invited lecturer never left the Salt Lake City airport and fled in fear.

Is this what Alaska's legislators want for the State of Alaska? And why do this in times of fiscal crisis?

The Utah State story not only made the front page of the New York Times. This story made the cover of Business Week, the cover of Rolling Stone, and was in many other national publications. I have included the Business Week, New York Times, and Rolling Stone links below as well as other. Please read about Utah's experience. Ask yourselves if you want to embarrass the State and the University by passing such legislation. Had the invited speaker given the talk and been killed, the blood would have been on the hands of the Utah legislators.

This is the cover story of Business Week.

<http://www.bloomberg.com/bw/articles/2014-11-26/anita-sarkeesian-battles-sexism-in-games-gamergate-harassment>

The first two paragraphs read:

"One night in October, before the media critic Anita Sarkeesian was scheduled to give a speech at Utah State University, someone e-mailed the school, threatening to commit mass murder. "This will be the deadliest school shooting in American history, and I'm giving you a chance to stop it," the message read. "I have at my disposal a semiautomatic rifle, multiple pistols, and a collection of pipe bombs," it went on. "I will write my manifesto in her spilled blood, and you will all bear witness to what feminist lies and poison have done to the men of America." The message mentioned Marc Lépine, a man who shot and killed 14 women at an engineering college in Montreal in 1989 before killing himself.

"Sarkeesian had been invited by the university's Center for Women and Gender to give a talk about sexism in the video game industry, which has lately become the kind of topic that generates death threats, in large part

because of Sarkeesian's work. As her plane made its way toward Salt Lake City, school officials quickly discussed the e-mail with police and decided it was safe for the talk to go on—it wasn't the first time someone had promised to create havoc at one of her appearances, they reasoned, and nothing too terrible had happened before. The "terror threat," as it was called, was reported in a local newspaper, and Sarkeesian learned about it after she got off the plane and checked Twitter. Her friends were e-mailing: "Are you OK?" She was too scared to leave the airport and called the school. After learning that the event staff couldn't screen for weapons because of Utah's concealed-carry laws, she canceled her talk, got back on a plane, and returned to California."

The New York Times front page article is here:

<http://www.nytimes.com/2014/10/16/technology/gamergate-women-video-game-threats-anita-sarkeesian.html>

The Rolling Stone cover story is here:

<http://www.rollingstone.com/culture/features/anita-sarkeesian-gamergate-interview-20141017>

The response of the main Mormon newspaper in Utah is here:

<http://www.deseretnews.com/article/865613500/Utah-gun-law-that-canceled-USU-speech-is-an-embarrassment.html>

Here is CBS News:

<http://www.cbsnews.com/news/gamergate-guns-and-threats-against-women-collide-in-utah/>

Here are some articles from the Salt Lake Tribune:

<http://www.sltrib.com/sltrib/news/58528113-78/sarkeesian-threats-threat-usu.html.csp>

<http://www.sltrib.com/sltrib/news/58521856-78/sarkeesian-usu-video-feminist.html.csp>

<http://www.sltrib.com/blogs/stateofdebate/1709935-155/utah-sarkeesian-threat-anita-feminist-cancels>

<http://www.sltrib.com/home/1734484-155/utah-gun-law-sarkeesian-speech-amend>

Here is the Guardian:

<http://www.theguardian.com/us-news/2014/oct/22/utah-state-university-defends-handling-gamergate-anita-sarkeesian-threat>

And some other salient links on the Utah State University example:

<http://www.standard.net/Our-View/2014/10/20/Our-View-Amend-Utah-s-gun-law.html>

http://www.salon.com/2014/10/15/when_gun_rights_trump_public_safety

<http://aattp.org/feminist-cancels-speech-after-threats-because-open-carry-laws-make-it-impossible-for-police-to-protect-her/>

Do we want the University of Alaska to be in the same position as Utah State University? As an alumnus, I do not. I would hope the Alaska Senate and House view the state's university campuses as a place of learning for our youths and not a place to embarrass our state nationally over petty politics as has happened in Utah.

Sheila Peterson

From: Jenny Jones <jbjones@alaska.edu>
Sent: Saturday, February 13, 2016 6:09 PM
To: Sen. Mike Dunleavy; Sen. Charlie Huggins; Sen. Cathy Giessel; Sen. Gary Stevens; Sen. Berta Gardner
Subject: Letter Opposing SB 174 Guns on Campus

Dear Honorable Members of the Senate Education Committee; I am writing today to urge you to observe your duty to the public and all those who use our University Campuses and **oppose SB 174** in the interest of the safety of all Alaskan citizens. Any efforts to increase the carrying of guns in urban public spaces are ill advised but suggesting that they be carried on University campuses, whether concealed or not, is especially irresponsible. I have been a gun owner for over forty years and I am increasingly alarmed by the line of thinking that civilians carrying guns in public spaces will make anyone or anything safer. The opposite is true and we are made aware of this almost on a daily basis as people, often young children, are injured or die as a result of firearms being discharged in residential areas and buildings. Even the children of our law enforcement personnel are not immune to this scourge. Scared civilians "returning fire" is the last thing we need on campus.

A hand gun is not a weapon of self defense; it is a weapon of offense and those who carry them around in public are presenting a threat to all of the rest of us. Very few civilians are proficient enough shooters to be able to pull a gun out of a holster or a purse and hit the target with the first round. They are even less able to do this in stressful situations where there is a lot of action. Many of these gun carriers have bought weapons for self protection but do not have a history as target-shooters. They do not put in the time at the range needed to be consistently accurate, so the likelihood of them actually being able to hit an assailant is extremely low, and even lower if the assailant shot or attacked first. If they shoot first then they are pre-empting an attack which they supposed was going to happen; this is a very questionable form of self-defense and most of us would call it aggression instead.

There is absolutely no useful reason for a person to bring a gun onto one of our campuses unless they belong to the rifle team or a branch of law enforcement. As an educator and an administrator, it is my duty to try to make sure that students and staff are safe and that becomes next to near impossible if people are carrying guns. Imagine if you will this scenario: a student makes an inappropriate comment to another student and the instructor takes the student aside after class and warns him or her not to repeat the comment. The instructor explains why it is inappropriate to talk that way to another student and warns that if it happens again she will make a report to the Dean. The next class meeting the student shows up armed and sits down in front of the instructor's desk. The student who was the recipient of the rude comment in the previous class is visibly afraid even though the armed student makes no aggressive moves or comments this time. The other students are also nervous and yes, the instructor is less than comfortable with an armed student who may have not enjoyed being reprimanded sitting six feet away from her. I hope you will all agree this does not create a good learning environment for anyone. To make things worse, the armed student has scheduled a meeting with the instructor in her office later the same day to discuss a low grade; perhaps you can imagine how that meeting might proceed? The student arrives at the front desk and our Admin sees the gun concealed under the student's coat and comes to my office shaking to tell me there is a student with a gun who says they have an appointment with a faculty member so at this point fear has spread throughout the office area. The faculty member requests that I attend the meeting with the student because she is afraid for her safety. The end result; a lot of people on edge and intimidated but nothing we can do because the student, while obviously armed, has not taken any action against anyone. This may be different than what you are anticipating by promoting concealed carry (or any carry) of firearms on campus, but I will tell you it is far more likely to occur than the scenario where some young hero "protects" the rest of us from an active shooter.

People carrying guns around instill fear in other people because the primary purpose for a hand-gun is aggression; most of us do not feel safer because a stranger near to us has a gun. If students feel threatened by other students carrying guns then they are likely to start carrying themselves thus increasing the risk to others. You may think it will just be the "good guys" carrying the guns but the reality is that everyone is a "good guy" until they do something bad and we all may have very different ideas about who the good guys are. No one in our classrooms or offices is going to be able to tell a good guy carrying a gun from a bad guy carrying a gun until the bad stuff starts happening. In the ensuing chaos they will still not be able to tell who is who and the job of the police will be made that much harder.

I do not personally know any students or staff who are so afraid for their safety on campus that they feel the need to carry a loaded gun to school. If indeed someone is that afraid or paranoid on a daily basis we have counseling services available that would probably be far more helpful than carrying a gun in terms of increasing a sense of safety. At UAF we have Community Service Officers who will provide escorts for people needing to get to vehicles at times when someone is concerned about walking to their vehicle. We have an excellent campus police force and I would very much prefer to count on them for protection than some armed student in a classroom or corridor. They are trained for that purpose and, in the event that there is a shooting event on campus, they should not be endangered in doing their duty by students or others joining into the fray.

Please do your duty and keep the public safe on our campuses rather than giving in to the demands of a small minority who are very paranoid about the world they live in and have a warped understanding of their "gun rights" and their abilities. Responsible gun owners like myself know that those rights come with responsibilities and one of those responsibilities is the exercise of common sense. Carry guns where they can be used safely; hunting or at the shooting range, and keep them out of public spaces where their use will endanger others.

Thank you for your consideration.

J Bell-Jones

--

Jenny Bell-Jones
Assistant Professor/Program Coordinator
Dept of Alaska Native Studies & Rural Development
College of Rural and Community Development
University of Alaska Fairbanks
P.O. Box 756500, Fairbanks, AK 99775
907 474 6842
FAX 907 474 6325

Sheila Peterson

From: David Tallmon <dtallmon42@yahoo.com>
Sent: Saturday, February 13, 2016 3:46 PM
To: Sen. Mike Dunleavy
Subject: Oppose SB 174

Dear Senator Dunleavy-

I write to express my firm opposition to SB 174. I am from Juneau and work at the University of Alaska Southeast and feel strong that SB174 is unnecessary and destructive. It is a solution in search of a problem. Thanks for your time and consideration,
David Tallmon

Sheila Peterson

From: Claudia Markham <claudiamarkham313@gmail.com>
Sent: Saturday, February 13, 2016 7:30 AM
To: Sen. Mike Dunleavy
Subject: No guns on campus

Dear senator,

I STRONGLY oppose allowing guns on campus.

Claudia Markham
Fairbanks

Envoyé de mon iPad

Sheila Peterson

From: Lili Misel <lmisel@gmail.com>
Sent: Saturday, February 13, 2016 7:24 AM
To: Sen. Mike Dunleavy; Sen. Charlie Huggins; Sen. Gary Stevens; Sen. Cathy Giessel
Subject: SB 174- Oppose Guns on University of Alaska Campuses

Dear Senate Education Committee Members,

I read about Pete Kelly's recently introduced bill, SB-174, which takes away the UA Board of Regent's ability to regulate the carrying of concealed handguns at the university, even by persons who do not have a concealed carry permit.

I strongly oppose this bill for a number of reasons- three of which I will list here.

First, the Senate should be focusing only on fixing the budget for the state of Alaska. Institute an income tax, adjust the dividend, and insure that the people who stay in the state have public services to support them.

Second, the current gun policy the BOR has is working. We have not had a major shooting on campus, students are not afraid to attend with their fellow students, teachers are not afraid of grading appropriately because there is not a threat of weapons on campus.

The idea of allowing guns on campus is a ridiculous one. Currently, a person can have a weapon but it must remain in their car and cannot be brought into buildings. To allow weapons into the classroom where tempers can grow hot because of bad grades, Financial Aid has been denied because of not meeting satisfactory academic progress, a strong debate between classmates over a an ethical subject, or because of mental instability would but more people in harm's way. What about the dorms? Alcohol is a part of weekends on campus and the idea of having weapons easily available to drunk students is a recipe for disaster for not only violence against each other but suicide attempts.

I have worked for UAF for 15 years. During that time, I supervised the Graduation Office. I cannot tell you the number of times where my staff and I spoke with students who were not able to graduate because they'd failed a class. They were not mad at themselves for not completing the work, they were mad at us - the staff- because we told them they were not graduating. We had incidents where the staff were personally afraid for themselves because of the emotional reaction of the non-graduating student. My staff had worked out a plan on what to do if they were faced with active shooter because of this issue. Again, to allow guns in a university building - with a person who is already angry and blames the university for not "allowing" them to graduate rather than themselves is not safe and not necessary.

The Board of Regents has a current policy that is working.

Stop SB-174. Do not support this short sighted bill.

Sincerely,

Lillian Anderson-Misel
Fairbanks, AK

This email has been sent from a virus-free computer protected by Avast.
www.avast.com



Guns on Campus: Overview

10/5/2015



In the wake of several campus shootings, the most deadly being the 2007 shooting at Virginia Tech University, states are considering legislation about whether or not to permit guns on college campuses. For some, these events point to a need to ease existing firearm regulations and allow concealed weapons on campuses. Others see the solution in tighter restrictions to keep guns off campuses.

In 2013, at least 19 states introduced legislation to allow concealed carry on campus in some regard and in the 2014 legislative session, at least 14 states introduced similar legislation. In 2013, two bills passed, one in Kansas that allows concealed carry generally and one in Arkansas that allows faculty carry. The Kansas legislation creates a provision that colleges and universities cannot prohibit concealed carry unless a building has "adequate security measures." Governing boards of the institutions, however, may still request an exemption to prohibit for up to 4 years. Arkansas' bill allows faculty to carry, unless the governing board adopts a policy that expressly disallows faculty to carry. In 2015, Texas became the most recent state to allow concealed carry weapons on college campuses.

On the other hand, recent shootings also have encouraged some legislators to strengthen existing firearm regulations. In 2013, five states introduced legislation to prohibit concealed carry weapons on campus. None of these bills passed.

Concealed Carry Weapon Laws and College Campuses

All 50 states allow citizens to carry concealed weapons if they meet certain state requirements. Currently, there are 19 states that ban carrying a concealed weapon on a college campus: California, Florida, Georgia, Illinois, Louisiana, Massachusetts, Michigan, Missouri, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, South Carolina, Tennessee and Wyoming.

In 23 states the decision to ban or allow concealed carry weapons on campuses is made by each college or university individually: Alabama, Alaska, Arizona, Arkansas, Connecticut, Delaware, Hawaii, Indiana, Iowa, Kentucky, Maine, Maryland, Minnesota, Montana, New Hampshire, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, Washington and West Virginia.

Because of recent state legislation and court rulings, eight states now have provisions allowing the carrying of concealed weapons on public postsecondary campuses. These states are Colorado, Idaho, Kansas, Mississippi, Oregon, Texas, Utah and Wisconsin. During the 2015 legislative session, Texas' legislature passed a bill permitting concealed carry on campus and making it the eighth state to permit guns on campus. The legislation will take effect in August 2016.

Utah remains the only state to have a statute specifically naming public colleges and universities as public entities that do not have the authority to ban concealed carry, and thus, all 10 public institutions in Utah allow concealed weapons on their property. Recently passed Kansas legislation creates a provision that colleges and universities cannot prohibit concealed carry unless a building has "adequate security measures." Governing boards of the institutions, however, still request an exemption to prohibit for up to four years. Wisconsin legislation creates a provision that colleges and universities must allow concealed carry on campus grounds. Campuses can, however, prohibit weapons from campus buildings if signs are posted at every entrance explicitly stating that weapons are prohibited. All University of Wisconsin system campuses and technical community college districts are said to be putting this signage in place. Legislation passed in Mississippi in 2011 creates an exception to allow concealed carry on college campuses for those who have taken a voluntary course on safe handling and use of firearms by a certified instructor.

Recent court cases have also overturned some long-standing systemwide bans of concealed carry on state college and university campuses. In March 2012, the Colorado Supreme Court ruled that the University of Colorado's policy banning guns from campus violates the state's concealed carry law, and in 2011 the Oregon Court of Appeals overturned the Oregon University System's ban of guns on campuses, allowing those with permits to carry concealed guns on the grounds of these public colleges (Oregon's State Board of Higher Education retained its authority to have internal policies for certain areas of campus, and adopted a new policy in 2012 that bans guns in campus buildings). In both cases, it ruled that state law dictates only the legislature can regulate the use, sale and possession of firearms, and therefore these systems had overstepped their authority in issuing the bans. See the "Guns on Campus: Campus Action," page for more information on these rulings, board policies and other campuses that allow concealed carry on their grounds.

For up-to-date information on legislation, see the Education Bill Tracking Database. Search under the topic "Postsecondary - Campus Safety."

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Empty holsters on campus

P.C. leaves innocents defenseless

By W. Scott Lewis

Should you ever find yourself perusing the newspaper archives at your local library, take a few minutes to track down and compare the August 2, 1966, and April 17, 2007, editions of any American newspaper. You'll undoubtedly find that, for two papers written more than four decades apart, they tell strikingly similar stories.

In both editions you'll likely see that coverage of American soldiers fighting a publicly unpopular war overseas is pushed to the back pages by news of a mass shooting on the campus of a major university. But although the headlines suggest a classic case of "history repeats itself," the facts lurking beyond the newsprint actually tell a very different story.

On the morning of Aug. 1, 1966, few people had ever considered the possibility that they might die in an indiscriminate shooting spree. But shortly before noon on that fateful day, a 25-year-old former Marine climbed to the top of the University of Texas bell tower and created a worldwide reference point for such fears.

As police rushed to the scene, officers already on the UT campus struggled to formulate a plan. At that time, the Austin Po-

lice Department had no SWAT team. Officers were armed only with service revolvers and shotguns, both useless against a sniper firing from a fortified position high above the ground.

Seeing that something had to be done, students quickly retrieved hunting rifles from dorm rooms and fraternity houses, took up defensive positions throughout the campus and returned fire. In the August 2006 edition of Texas Monthly magazine, Bill Helmer, a graduate student at UT during the shooting, recalled the experience to journalist Pamela Colloff: He said he remembered thinking, "All we need is a bunch of idiots running around with rifles." But what they did turned out to be brilliant. Once the shooter could no longer lean over the edge and fire, he was much more limited in what he could do. That's why he did most of his damage in the first 20 minutes.

Flash forward 40 years, eight months and 15 days to the campus of Virginia Tech. Once again students and faculty on a college campus find themselves under fire from a madman. But this time there are no armed citizens to fend off the attack. Students and faculty are left with little recourse but to hide under their desks, as surviving victim Emily Haas told CNN, "waiting and hoping [the shooter] wouldn't

come in." Sadly, the shooter did come into Emily's room. She survived with only superficial wounds, but her professor and 10 of her classmates lost their lives to a killer whose only advantage over his victims was a complete disregard for Virginia Tech's "gun-free" policy.

Though the notion of an indiscriminate shooting spree was a foreign concept in 1966, it's now very much a part of the national consciousness. Terms like "going postal" now populate the American vernacular. Students at elementary schools now practice what to do in the event of such an attack, much the same way their grandparents practiced "duck and cover." And yet, despite this awareness of and apparent desire to prepare for such threats, any suggestion that future shooting sprees might be mitigated by armed citizens — as was the UT sniper attack — is met with scorn and ridicule.

In the decades between these two college massacres, a pervasive idea took hold in America. Many individuals, particularly those in academic circles, began to view firearms as barbaric tools of violence symbols of machismo and false bravado only carried by men with small egos and smaller anatomies. Today, anyone who advocates carrying a handgun for self-defense is called a "cow-

boy" and accused of having a "John Wayne complex."

Whenever anyone suggests that concealed handgun license holders be allowed to carry concealed handguns on college campuses, the same way they're allowed to at movie theaters, office buildings, shopping malls and most other places, laughter, not intelligent rebuttal, is the response. Whenever proponents of "concealed carry" point to the success of concealed-carry laws throughout the nation, as well as studies showing that concealed handgun license holders are significantly less likely than non-license holders to commit violent crimes, they are answered with mockery, rather than intelligent discourse. In the world of academia and intellectual free expression, some issues are apparently not open for discussion.

This week students on more than 100 college campuses throughout the United States are wearing empty holsters as they go about their daily routines, as a reminder to everyone who sees them that they are defenseless against anyone not concerned with following the rules. These students understand something that students at the University of Texas were able to take for granted in the summer of 1966. All people have an innate right to defend themselves.

W. Scott Lewis, a commercial real estate agent and freelance writer from Austin, Texas, serves as the media coordinator for the nonpartisan Students for Concealed Carry on Campus.



APPEARS IN GUN LAWS

Right-To-Carry 2012

TUESDAY, FEBRUARY 28, 2012

Right-to-Carry 2012

41 RTC States – Violent Crime at 37-Year Low

Self-defense is a fundamental right. The U.S. constitution, the constitutions of 44 states, common law, and the laws of all states recognize the right to use arms in self-defense. RTC laws respect the right to self-defense by allowing individuals to carry firearms for protection.

The Supreme Court, striking down the District of Columbia's handgun ban in *District of Columbia v. Heller* (2008), ruled that "the inherent right of self-defense has been central to the Second Amendment right," and that the amendment protects "the individual right to possess and carry weapons in case of confrontation. This meaning is strongly confirmed by the historical background of the Second Amendment." In *Beard v. U.S.* (1895), the court approved the common-law rule that a person "may repel force by force" in self-defense, and that, when attacked, a person "was entitled to stand his ground and meet any attack made upon him with a deadly weapon," as needed to prevent "great bodily injury or death." In the Gun Control Act (1968) and Firearms Owners' Protection Act (1986), Congress said that it did not intend to "place any undue or unnecessary Federal restrictions or burdens on law-abiding citizens with respect to the acquisition, possession, or use of firearms appropriate to . . . personal protection, or any other lawful activity."

With Wisconsin's adoption of an RTC law in 2011, by landslide votes of 68-27 in the Assembly and 25-8 in the Senate, there are now 41 RTC states. Thirty-eight of them have "shall issue" laws, requiring that carry permits be issued to applicants who meet uniform standards established by the state legislature.¹ Three of the "shall issue" states also allow carrying without a permit, but maintain their permit systems for purposes of permit reciprocity² with other states. In addition to the "shall issue" states, Alabama and Connecticut have fairly-administered discretionary-issue carry permit systems. Another, Vermont, does not require a permit to carry. Eight of the nine non-RTC states have restrictively-administered discretionary-issue systems.³ Only Illinois and the District of Columbia⁴ do not have permit systems and prohibit carrying altogether.

More RTC, less crime: Since 1991, when violent crime peaked in the U.S., 24 states have adopted “shall issue” laws, replacing laws that prohibited carrying or that issued carry permits on a very restrictive basis; many other federal, state, and local gun control laws have been eliminated or made less restrictive; and the number of privately-owned guns has risen by about 100 million.⁵ The numbers of gun owners and firearms, RTC states, and people carrying firearms for protection have risen to all-time highs. Through 2010, the nation’s murder rate has decreased 52 percent to a 47-year low, and the total violent crime rate has decreased 48 percent to a 37-year low.⁶ The FBI preliminarily has reported that violent crimes decreased another 6.4 percent in the first half of 2011, translating into a seven percent decrease in the total violent crime per capita rate.⁷

RTC reduces crime: Studying crime trends in every county in the U.S., economist John Lott and David Mustard concluded, “allowing citizens to carry concealed weapons deters violent crimes. . . . [W]hen state concealed handgun laws went into effect in a county, murders fell by 8.5 percent, and rapes and aggravated assaults fell by 5 and 7 percent.”⁸

RTC success: Florida has issued the most carry permits—nearly 2 million—but revoked only 168 (0.008 percent) due to gun crimes by permit-holders.⁹ Former Colorado Asst. Atty. Gen. David Kopel: “Whenever a state legislature first considers a concealed carry bill, opponents typically warn of horrible consequences....But within a year of passage, the issue usually drops off the news media’s radar screen, while gun-control advocates in the legislature conclude that the law wasn’t so bad after all.”¹⁰ An article on Michigan’s RTC law: “Concerns that permit holders would lose their tempers in traffic accidents have been unfounded. Worries about risks to police officers have also proved unfounded.... National surveys of police show they support concealed handgun laws by a 3-1 margin.... There is also not a single academic study that claims Right to Carry laws have increased state crime rates. The debate among academics has been over how large the benefits have been.”¹¹

Background: Before 1987 there were 10 RTC states: Ind. Me., N.H., N.D., S.D. and Wash. had “shall issue” laws. Ala. and Conn. had fairly-administered discretionary-issue systems. Georgia’s law was interpreted as being “shall issue” in only some jurisdictions. Vermont allowed carrying without a permit. In 1987, Florida enacted a “shall issue” law that has since become a model for laws adopted in other states. Through 1992, Florida’s murder rate decreased 23 percent, while the U.S. rate rose nine percent; thereafter, murder decreased nationally and in Florida.¹² Then-Florida Licensing Division Director John Russi noted, “Florida’s concealed weapon law has been very successful. All major law enforcement groups supported the original legislation....[S]ome of the opponents of concealed weapon legislation in 1987 now admit the program has not created the problems many predicted.”¹³ In a 1995 letter to state officials, Dept. of Law Enforcement Commissioner James T. Moore wrote, “From a law enforcement perspective, the licensing process has not resulted in problems.”

31 RTC states since 1987: 21 had prohibited carrying, nine (*) previously had discretionary-issue systems, and one (**) was interpreted varyingly within the state. 1989: Oregon, Penna. (Phila. added in 1995), and West Virginia (also in 1989, a judicial ruling enforced “shall issue” in Georgia**); 1990: Idaho and Mississippi; 1991: Montana; 1994: Alaska, Arizona, Tennessee, and Wyoming; 1995: Arkansas, Nevada*, North Carolina, Oklahoma, Texas, Utah,* and Virginia*; 1996: Kentucky, Louisiana,* and South Carolina*; 2001: Michigan*; 2003: Colorado*; New Mexico, Minnesota,* and Missouri; 2004: Ohio; 2006: Kansas and Nebraska; 2010: Iowa,* and 2011: Wisconsin.

Citizens can defend themselves: Analyzing National Crime Victimization Survey data, criminologist Gary Kleck concluded “robbery and assault victims who used a gun to resist were less likely to be attacked or to suffer an injury than those who used any other methods of self-protection or those who did not resist at all.”¹⁴ In the 1990s, Kleck and Marc Gertz found guns were used for self-protection between 2.1-2.5 million times annually.¹⁵ The late Marvin E. Wolfgang, self-described as “as strong a gun-control advocate as can be found among the criminologists in this country,” said, “The methodological soundness of the current Kleck and Gertz study is clear. I cannot further debate it. . . . I cannot fault their methodology.”¹⁶ An earlier study for the Justice Department found 34 percent of felons had been “scared off, shot at, wounded or captured by an armed victim,” and 40 percent had not committed crimes, fearing victims were armed.¹⁷

The right to self-defense has been recognized for centuries: Cicero said 2,000 years ago, “If our lives are endangered by plots or violence or armed robbers or enemies, any and every method of protecting ourselves is morally right.” English jurist Sir William Blackstone observed that the English Bill of Rights recognized “the right of having and using arms for self-preservation and defense” as intended “to protect and maintain inviolate the three great and primary rights,” the first of which is “personal security.”¹⁸ Sir Michael Foster, judge of the Court of King’s Bench, wrote in the 18th century, “The right of self-defense . . . is founded in the law of nature, and is not, nor can be, superseded by any law of society.”¹⁹

Police aren’t required to protect you: In *Warren v. District of Columbia* (1981), the D.C. Court of Appeals ruled, “police personnel and the government employing them are not generally liable to victims of criminal acts for failure to provide adequate police protection . . . [A] government and its agents are under no general duty to provide public services, such as police protection, to any particular citizen.” In *Bowers v. DeVito* (1982), the Seventh Circuit Court of Appeals ruled “[T]here is no constitutional right to be protected by the state against being murdered by criminals or madmen.”

National RTC reciprocity: Rep. Cliff Stearns (R-Fla.) H.R. 822, the “National Right-to-Carry Reciprocity Act of 2011” proposes that a person with any state’s carry permit be allowed to carry in other states, as follows: In a state that issues permits, its laws would apply. In states that don’t issue

permits, a federal standard would permit carrying in places other than police stations; courthouses; public polling places; meetings of state, county, or municipal governing bodies; schools; passenger areas of airports; etc.

Brady Campaign (formerly Handgun Control, Inc.): Sarah Brady: “the only reason for guns in civilian hands is for sporting purposes.” The late Pete Shields: “put up no defense - give them what they want.” Dennis Henigan: self-defense is “not a federally guaranteed constitutional right.”²⁰ In 1999, HCI claimed that between 1991 and 1997, violent crime declined less in RTC states than in other states.²¹ HCI incorrectly categorized 31 states as having RTC during the period; only 17 had RTC in 1992. HCI calculated crime trends from 1992 to under-represent the impact of RTC laws; by 1992, many states had RTC for many years and had already experienced decreases in crime. HCI misclassified Alabama and Connecticut as “restrictive,” and credited restrictive laws for crime decreasing in some states, though states that had restrictive laws had them for many years, and crime did not begin declining in those states until the 1990s, when crime decreased nationally.

Violence Policy Center: In 1995, VPC claimed Florida’s RTC law “puts guns into the hands of criminals” and that “criminals do apply for concealed carry licenses.”²² However, the law permits a person to carry, not acquire, a firearm. And “to set the record straight,” then-Florida Secy. of State, Sandra B. Mortham, said, “As of November 30, 1995, the Department had denied 723 applications due to criminal history.” She added, “the majority of concealed weapon or firearm licensees are honest, law-abiding citizens exercising their right to be armed for the purpose of lawful self-defense.”²³ In 2001, VPC claimed more women are murdered with handguns, than criminals killed in self-defense.²⁴ However, the value of handguns for self-defense is not in how many criminals are killed, but in how often people use handguns to prevent crimes, and how often criminals don’t attack, fearing potential victims are armed. VPC also undercounted the number of criminals killed in self-defense by counting only those noted in police reports, thus excluding defensive homicides later determined to have been justified. VPC claims that permit-holders have committed crimes, but those listed by the group were mostly crimes not involving guns, crimes committed with guns for which a permit was not required, crimes committed in locations in which a permit was not required to possess a firearm, and instances in which no crime was committed.

McDowell Math: In 1995, anti-gun researcher David McDowell claimed that gun homicide rates increased in Miami, Jacksonville and Tampa after Florida’s RTC law.²⁵ But homicide rates had fallen 10, 18 and 20 percent, respectively, in those metropolitan areas from 1987 until 1993, the most recent data at the time.²⁶ To show an “increase,” McDowell calculated Jacksonville and Tampa trends from the early 1970s, when rates were lower than in 1993, but calculated Miami’s from 1983, since earlier rates were higher and suggested crime had decreased. None of McDowell’s homicides was committed by a carry permit holder, and he didn’t indicate which homicides had occurred in situations where a permit would have been required to carry a gun. McDowell once claimed D.C.’s murder rate decreased after its 1977 handgun ban; in fact the rate tripled.²⁷

The 43:1 claim: Based upon a small study of King's County, Washington, gun control supporters claim a gun at home is "43 times more likely" to be used to kill a family member than a criminal.²⁸ The ratio undercounts defensive gun uses by counting only instances in which criminals were killed. Kleck has called the 43:1 ratio and its variants "the most nonsensical statistic in the gun control debate."²⁹

Notes:

1. Ala., Alas., Ark. Ariz., Colo., Conn., Fla., Ga., Idaho, Ind., Ia., Kans., Kent., La., Maine, Mich. Minn., Miss., Mo., Mont., Neb., Nev., N.H., N.M., N.C., N.D., Okla., Ohio, Ore., Pa., S.C., S.D., Tenn., Texas, Utah, Va., Vt., Wash., W.V., Wis. and Wyo.
2. Alas., Ariz. And Wyo. "Permit reciprocity" is the term given to a law that allows a person to carry a firearm within a state, if he has a carry permit issued by another state, and such permit meets the requirements of the state in which the firearm is carried.
3. Calif., Del., Hi., Md., Mass., N.J., N.Y. and R.I.
4. D.C. had a restrictive permit system before *Heller*. Thereafter, D.C. abolished its system to avoid a legal challenge over its restrictiveness.
5. BATFE, firearm manufacturing, export, and import reports, www.atf.gov/firearms/stats/index.htm.
6. See FBI www.fbi.gov/stats-services/crimestats, BJS www.ucrdatatool.gov/Search/Crime/Crime.cfm, and NRA-ILA www.nra.org/Issues/FactSheets/Read.aspx?ID=128.
7. FBI, Preliminary Semiannual Uniform Crime Report, January-June 2011," table 1, www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2011/preliminary-annual-ucr-jan-jun-2011/data-tables/table-1.
8. Lott, "Crime, Deterrence, and Right To Carry Concealed Handguns," 1996.
9. Florida Division of Licensing, Monthly Statistical Report (http://licgweb.doacs.state.fl.us/stats/cw_monthly.html).
10. David Kopel, "The Untold Triumph of Concealed-Carry Permits," *Policy Review*, July-Aug. 1996, p. 9.
11. "Should Michigan keep new concealed weapon law? Don't believe gun foe scare tactics," *Detroit News*, 1/14/01.
12. Note 6, BJS.
13. Testimony before the Michigan House of Representatives Judiciary Committee, 12/5/95.
14. Targeting Guns, Aldine de Gruyter, 1997, p. 171.
15. "Armed Resistance to Crime," *Journal of Criminal Law and Criminology*, Fall 1995, pp. 150-187.
16. "A Tribute to a View That I Have Opposed," *Journal of Criminal Law and Criminology*, Fall 1995, pp. 188-192.
17. J. Wright and P. Rossi, *Armed and Considered Dangerous: A Survey of Felons and Their Firearms*, 1986, p. 155.

18. Stephen P. Halbrook, *That Every Man Be Armed*, The Independent Institute, 1994, pp. 17, 54.
19. Dowlut, Knoop, "State Constitutions and The Right to Keep and Bear Arms," *Okla. City Univ. Law Review*, 1982, p. 183.
20. Brady: Tom Jackson, "Keeping the battle alive," *Tampa Tribune*, 10/21/93; Then-HCI Chair Shields, *Guns Don't Die - People Do*, N.Y.: Arbor House, 1981; Henigan: *USA Today*, 11/20/91.
21. Handgun Control, Inc., "Concealed Truth." (www.bradycampaign.org/facts/research/?page=conctruth&menu=gvr).
22. "Concealed Carry: The Criminal's Companion."
23. *St. Petersburg Times*, 1/11/96.
24. "A Deadly Myth: Women, Handguns, and Self-Defense."
25. "Easing Concealed Firearm Laws: Effects on Homicide in Three States."
26. Note 6, BJS.
27. Ibid.
28. A. L. Kellermann, "Protection or Peril?", *New England Journal of Medicine*, 1986.
29. Note 12, pp. 177-178.

IN THIS ARTICLE

RIGHT-TO-CARRY

SELF-DEFENSE

NATIONAL REVIEW

The Facts about Mass Shootings

It's time to address mental health and gun-free zones.

By John Fund — December 16, 2012

A few things you won't hear about from the saturation coverage of the Newtown, Conn., school massacre:

Mass shootings are no more common than they have been in past decades, despite the impression given by the media.

In fact, the high point for mass killings in the U.S. was 1929, according to criminologist Grant Duwe of the Minnesota Department of Corrections.

Incidents of mass murder in the U.S. declined from 42 in the 1990s to 26 in the first decade of this century.

The chances of being killed in a mass shooting are about what they are for being struck by lightning.

Until the Newtown horror, the three worst K–12 school shootings ever had taken place in either Britain or Germany.

Almost all of the public-policy discussion about Newtown has focused on a debate over the need for more gun control. In reality, gun control in a country that already has 200 million privately owned firearms is likely to do little to keep weapons out of the hands of criminals. We would be better off debating two taboo subjects — the laws that make it difficult to control people with mental illness and the growing body of evidence that “gun-free” zones, which ban the carrying of firearms by law-abiding individuals, don't work.

First, the mental-health issue. A lengthy study by *Mother Jones* magazine found that at least 38 of the 61 mass shooters in the past three decades “displayed signs of mental

health problems prior to the killings.” *New York Times* columnist David Brooks and Cornell Law School professor William Jacobson have both suggested that the ACLU-inspired laws that make it so difficult to intervene and identify potentially dangerous people should be loosened. “Will we address mental-health and educational-privacy laws, which instill fear of legal liability for reporting potentially violent mentally ill people to law enforcement?” asks Professor Jacobson. “I doubt it.”

Gun-free zones have been the most popular response to previous mass killings. But many law-enforcement officials say they are actually counterproductive. “Guns are already banned in schools. That is why the shootings happen in schools. A school is a ‘helpless-victim zone,’” says Richard Mack, a former Arizona sheriff. “Preventing any adult at a school from having access to a firearm eliminates any chance the killer can be stopped in time to prevent a rampage,” Jim Kouri, the public-information officer of the National Association of Chiefs of Police, told me earlier this year at the time of the Aurora, Colo., Batman-movie shooting. Indeed, there have been many instances — from the high-school shooting by Luke Woodham in Mississippi, to the New Life Church shooting in Colorado Springs, Colo. — where a killer has been stopped after someone got a gun from a parked car or elsewhere and confronted the shooter.

Economists John Lott and William Landes conducted a groundbreaking study in 1999, and found that a common theme of mass shootings is that they occur in places where guns are banned and killers know everyone will be unarmed, such as shopping malls and schools.

I spoke with Lott after the Newtown shooting, and he confirmed that nothing has changed to alter his findings. He noted that the Aurora shooter, who killed twelve people earlier this year, had a choice of seven movie theaters that were showing the Batman movie he was obsessed with. All were within a 20-minute drive of his home. The Cinemark Theater the killer ultimately chose wasn’t the closest, but it was the only one that posted signs saying it banned concealed handguns carried by law-abiding individuals. All of the other theaters allowed the approximately 4 percent of Colorado adults who have a concealed-handgun permit to enter with their weapons.

“Disarming law-abiding citizens leaves them as sitting ducks,” Lott told me. “A couple hundred people were in the Cinemark Theater when the killer arrived. There is an extremely high probability that one or more of them would have had a legal concealed handgun with him if they had not been banned.”

Lott offers a final damning statistic: “With just one single exception, the attack on congresswoman Gabrielle Giffords in Tucson in 2011, every public shooting since at least 1950 in the U.S. in which more than three people have been killed has taken place where citizens are not allowed to carry guns.”

There is no evidence that private holders of concealed-carry permits (which are either easy to obtain or not even required in more than 40 states) are any more irresponsible with firearms than the police. According to a 2005 to 2007 study by researchers at the University of Wisconsin and Bowling Green State University, police nationwide were convicted of firearms violations at least at a 0.002 percent annual rate. That’s about the same rate as holders of carry permits in the states with “shall issue” laws.

Despite all of this evidence, the magical thinking behind gun-free zones is unlikely to be questioned in the wake of the Newtown killings. Having such zones gives people a false sense of security, and woe to the politician or business owner who now suggests that a “gun-free zone” revert back to what critics would characterize as “a wild, wild West” status. Indeed, shortly after the Cinemark attack in Colorado, the manager of the nearby Northfield Theaters changed its policy and began banning concealed handguns.

In all of the fevered commentary over the Newtown killings, you will hear little discussion of the fact that we may be making our families and neighbors less safe by expanding the places where guns aren’t allowed. But that is precisely what we may be doing. Both criminals and the criminally insane have shown time and time again that those laws are the least of the problems they face as they carry out their evil deeds.

— *John Fund is a national-affairs columnist for NRO.*

Despite Policy, Weapons Still Appear on University Campus

By EMILY SCHWING • DEC 21, 2012

Fairbanks, AK - It's not illegal to carry a concealed weapon in Alaska and the state doesn't require a permit. But according to a seventeen-year-old policy created by the University of Alaska Board of Regents, guns are amongst a number of weapons that are not allowed on University property. On December 8th, a former employee violated the weapons policy, carried a gun into the University of Alaska Fairbanks library and shot himself the incident sparked questions about how the policy is enforced.

Sean McGee is the Chief of Police at the University of Alaska, Fairbanks. His history at the school extends over nearly three decades. He began as a student in 1985. "In 85 it was not uncommon to see people cleaning their guns in the parking lots or things like that," he says. "You just don't see that kind of thing taking place in this day and age as often."

30 years ago, that kind of activity wasn't illegal. In fact, it still isn't. Guns are allowed on the UAF campus as long as they are locked in a vehicle or secured in storage at the University Police Department. In 1995, the UA Board of Regents established a policy that does not allow anyone to carry concealed guns, knives and explosives on to University property, inside University buildings and classrooms off campus or at University sanctioned events. But Chief McGee says Alaska's conceal and carry laws may keep him from enforcing that policy. "As the police chief and as a resident here in the state of Alaska, I think there's probably a greater number of firearms on campus than any of us really know about. It's just that these people aren't using their firearms to commit criminal acts," admits McGee.

On December eighth, 63 year-old Tschon Ombadykow walked into the library with a gun and shot himself in a fifth-floor study room. It's the second gun-related death on campus in 20 years. In 1993, 20-year old student Sophie Sergie was shot to death in Bartlett Hall. Her murder remains

unsolved. Since 2009, three violations of the University's gun policy have resulted in disciplinary action by the administration.

Don Foley is the Dean of Students and the Associate Vice Chancellor for Student Life at UAF. "Short of having some sort of airport-like TSA set up for every single building on campus," he says, "there's no real way to ensure that someone is not carrying something in a backpack, concealed on them."

In April of 2010, journalism student George Hines organized a protest on the University of Alaska campus in Anchorage. He argued that the Board of Regents' policy violated his second amendment right. When discussions between the Board and Hines broke down, he and 20 other students gathered on the Anchorage campus, weapons in hand. University police escorted the group off campus shortly thereafter.

Hines threatened to take the University to court over the issue, but three years later, he has yet to file suit.

Spokeswoman Kate Waddum says if someone did bring a case against the University system regarding the weapons policy, it would be a difficult one to argue. "The University of Alaska Board of Regents has a gun policy for our campuses and that policy doesn't violate the second amendment and doesn't break state law," explains Waddum.

Last March, Colorado's State Supreme Court ruled to allow students to carry weapons on university campuses. A similar ruling in 2011, allowed weapons on campuses in the state of Oregon. Mississippi, Wisconsin and Utah also allow weapons at post-secondary educational institutions.

It's unclear if the cases in Colorado and Oregon set a precedent for policies like the University of Alaska's, but Alaska statute also gives the Board of Regents' the authority to govern its premises.

UAF Dean Don Foley says when he speaks with parents during orientation each fall, he tries to guarantee them that their kids will be safe. "But then, I can't guarantee my safety walking across the parking lot either," he says. "However, what I can guarantee is that we are all making our best efforts to coordinate information and make sure that we are doing what we can to see that students have a safe place to study, that faculty and staff has a safe place to work and that the community has a safe place to come and make use of the university facilities," says Foley.

He and Police Chief Sean McGee are part of a behavioral intervention team. Together they address areas and individuals of concern. Foley says his challenge now is to convince people to come forward with concerns and take advantage of university resources. "I probably heard two or three people come to me and express concerns with the library incident," he says. "I think most people just scan beyond it, I'm not sure that's the best thing either."

Foley says the incident in the library and the recent shooting at Sandy Hook Elementary School in Connecticut did prompt some discussion among University administration but there are no plans to change the campus weapons policy.

TAGS: [UNIVERSITY OF ALASKA FAIRBANKS \(/TERM/UNIVERSITY-ALASKA-FAIRBANKS\)](#)

[POLICE \(/TERM/POLICE\)](#) [GUNS \(/TERM/GUNS\)](#) [WEAPONS POLICY \(/TERM/WEAPONS-POLICY\)](#)

[SECOND AMENDMENT \(/TERM/SECOND-AMENDMENT\)](#)

<http://fm.kuac.org/post/despite-policy-weapons-still-appear-university-campus>

CRIME PREVENTION RESEARCH CENTER

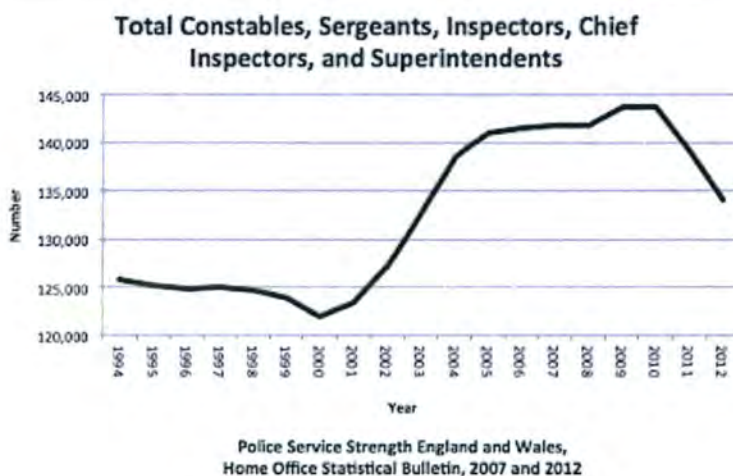
MURDER AND HOMICIDE RATES BEFORE AND AFTER GUN BANS

1 DEC . 2013

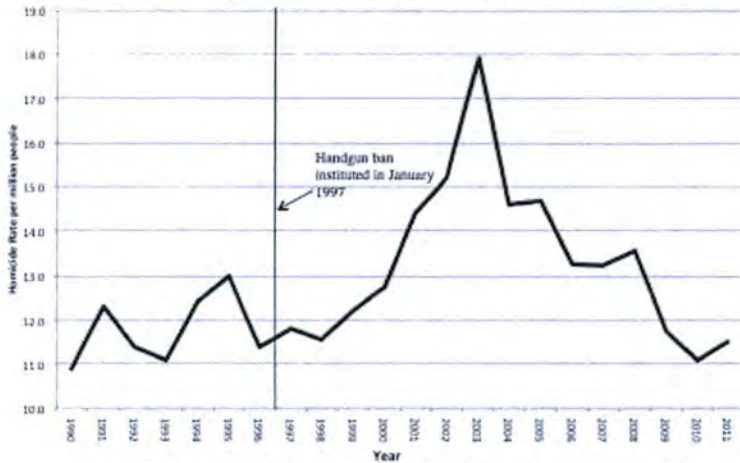
UPDATE: An interview that John Lott had on this post on Cam & Company is available here (SiriusXM Channel 125).

Original post: Every place that has been banned guns (either all guns or all handguns) has seen murder rates go up. You cannot point to one place where murder rates have fallen, whether it's Chicago or D.C. or even island nations such as England, Jamaica, or Ireland.

For an example of homicide rates before and after a ban, take the case of the handgun ban in England and Wales in January 1997 (source here see Table 1.01 and the column marked "Offences currently recorded as homicide per million population"). After the ban, clearly homicide rates bounce around over time, but there is only one year (2010) where the homicide rate is lower than it was in 1996. The immediate effect was about a 50 percent increase in homicide rates. Firearm homicide rate had almost doubled between 1996 and 2002 (see here p. 11). The homicide and firearm homicide rates only began falling when there was a large increase in the number of police officers during 2003 and 2004. Despite the huge increase in the number of police, the murder rate still remained slightly higher than the immediate pre-ban rate.



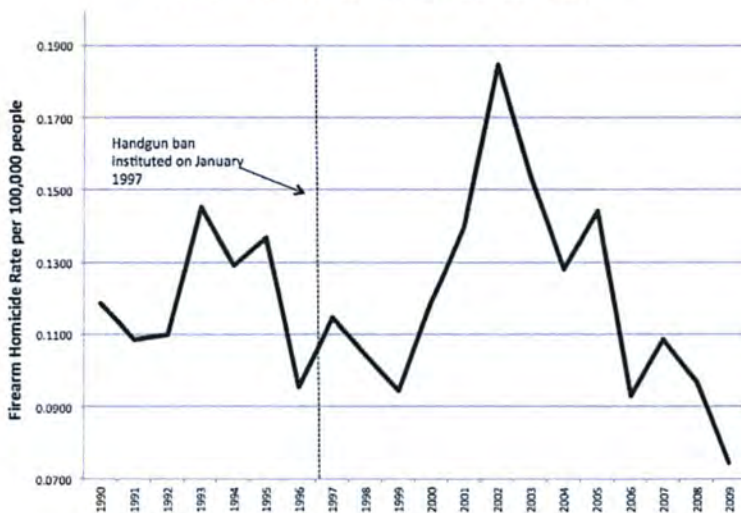
Did Homicide Rate Fall After Britain Banned Handguns?



Homicides, Firearm Offences and Intimate Violence 2010/11: Supplementary Volume 2 to Crime in England & Wales 2010/11 (<http://www.homeoffice.gov.uk/publications/science-research-statistics/research-statistics/crime-research/hosb0212/hosb0212?view=Bin>)

There are a lot of issues about how different countries measure homicide or murders differently, but that isn't really relevant for the discussion here as we are talking about changes over time within a country.

Firearm Homicide Rate for England and Wales



<http://www.parliament.uk/briefing-papers/sn01940.pdf>

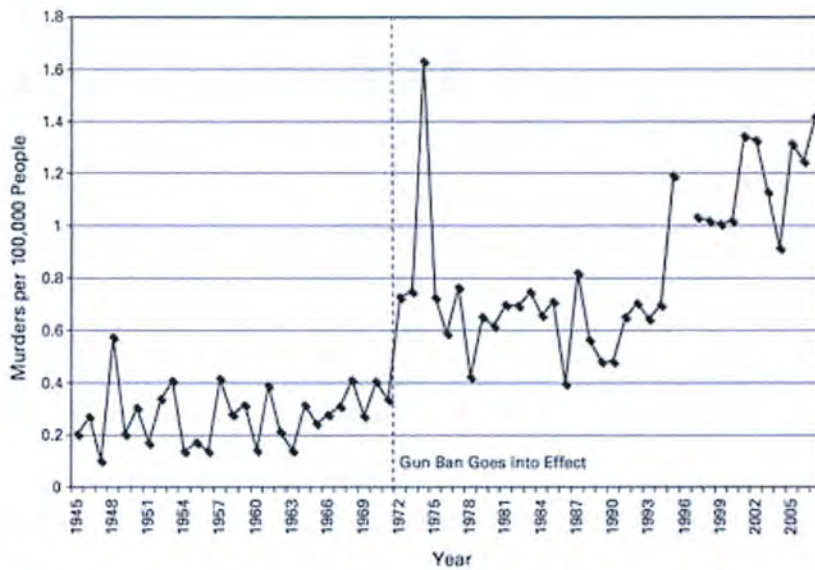


Figure 10.18. Ireland's murder rate. While murder rates in the United States and Jamaica include both murders and manslaughter, Ireland's numbers include only murder. Including manslaughter would probably roughly double the measured murder rate for Ireland for most years. (Murder rate data are not available for 1995.)



Figure 10.19. Jamaica's murder rate. (Murder rate data are not available for 1968 and 1969.)

Jamaica's crime data were obtained from a variety of sources. Its murder data from 1960 to 1967 were obtained from Terry Lacey, *Violence and Politics in Jamaica, 1960–70* (Manchester: Manchester University Press, 1977). Professor Gary Mauser obtained the data from 1970 to 2000 from a Professor A. Francis in Jamaica and the data from 2001 to 2006 from the Statistical Institute of Jamaica (<http://www.statinja.com/stats.html>). Jamaica's population estimates were obtained from

NationMaster.com (http://www.nationmaster.com/graph/peo_pop-people-population&date=1975).

How about for DC and Chicago (Figures taken from More Guns, Less Crime)?

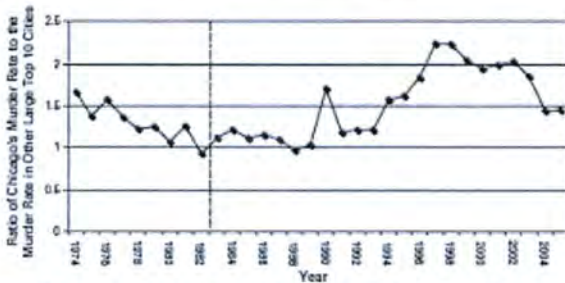


Figure 10.14. Chicago's murder rate relative to the other nine largest cities (weighted by population)

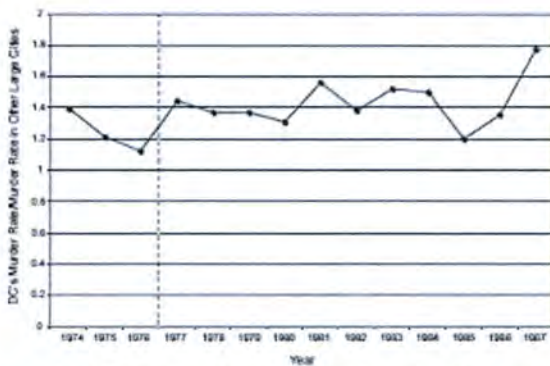


Figure 10.7. Changes in DC's murder rate relative to the other forty-eight largest cities (excluding Chicago from top fifty list, weighted by population)

The raw data for DC over a long period of time is available here (the crime rates are available on the bottom half of the screen).

Now Australia didn't have a complete ban on guns, they didn't even ban all semi-automatic guns, but a discussion on the changes in their crime rates from their gun buyback is available here (see also here).

Much of the debate over gun control focuses on what is called "cross-sectional" data. That is crime rates are examined at one particular point of time across different places. Here are two paragraphs from John Lott's *The Bias Against Guns* that explain the basic problem with cross-sectional analysis.

First, the cross-sectional studies: Suppose for the sake of argument that high-crime countries are the ones that most frequently adopt the most stringent gun control laws. Suppose further, for the sake of argument, that gun control indeed lowers crime, but not by enough to reduce rates to the same low levels prevailing in the majority of countries that did not adopt the laws. Looking across countries, it would then falsely appear that stricter gun control resulted in higher crime. Economists

refer to this as an “endogeneity” problem. The adoption of the policy is a reaction to other events (that is, “endogenous”), in this case crime. To resolve this, one must examine how the high-crime areas that chose to adopt the controls changed over time —not only relative to their own past levels but also relative to areas that did not institute such controls.

Unfortunately, many contemporary discussions rely on misinterpretations of cross-sectional data. The *New York Times* recently conducted a cross-sectional study of murder rates in states with and without the death penalty, and found that “Indeed, 10 of the 12 states without capital punishment have homicide rates below the national average, Federal Bureau of Investigation data shows, while half the states with the death penalty have homicide rates above the national average.” However, they erroneously concluded that the death penalty did not deter murder. The problem is that the states without the death penalty (Alaska, Hawaii, Iowa, Maine, Massachusetts, Michigan, Minnesota, North Dakota, Rhode Island, West Virginia, Wisconsin, and Vermont) have long enjoyed relatively low murder rates, something that might well have more to do with other factors than the death penalty. Instead one must compare, over time, how murder rates change in the two groups – those adopting the death penalty and those that did not.

More information is available in chapters 2 and 10 of *More Guns, Less Crime* (University of Chicago Press, 2010, third edition).

A cross country comparison and the problems with such a comparison is available here.

NATIONAL REVIEW

Bogus Gun-Control Numbers

To prove that concealed handguns are dangerous, the Violence Policy Center cooks the books.

By John R. Lott Jr. — April 29, 2014

People walking the streets armed with guns are dangerous, right? With all 50 states finally allowing concealed handguns to at least some degree and with over 11 million Americans now having permits to carry them, this question ought to have been settled. In fact, despite continued attacks by gun-control organizations, permit holders almost never commit violent crimes with their guns.

Nonetheless, this past week, just in time for the NRA convention, gun-control advocates were at it again, touting ridiculous charges that concealed-carry permits were responsible for 636 deaths nationwide over the seven years from May 2007 to March 2014.

The Violence Policy Center regularly puts out these bogus charges in a report called "Concealed Carry Killers." But how does it claim to arrive at these numbers?

The VPC collects cases of permit holders' abusing their permitted concealed handguns for each state. For Michigan, for example, it cites state-police reports on permit holders indicating that 185 died from suicide during the period 2007 through 2012. Surely some alarm bells should have gone off, with Michigan suicides supposedly making up 29 percent of all 636 deaths nationwide the VPC attributed to permitted concealed handguns.

But more importantly, the suicides are not in any meaningful way linked to the issue of carrying a permitted concealed handgun outside of one's home. If you look at page 2 in the latest report from the Michigan State Police, you will see that in the listing of suicides, there is no indication of specific cause of death. The report merely notes that 56 permit holders committed suicide, without saying whether any or all of them used a gun. Interestingly, the suicide rate among permit holders in Michigan in 2010 (13.3 per 100,000 permit holders) is lower than the rate in the general adult population (16.30). But

typically suicides — with or without guns — take place at home. So, again, what would these numbers have to do with the concealed-carry debate?

Now a look at the murder and manslaughter statistics as presented by the Violence Policy Center report. These cases would surely be relevant, but they are not counted correctly. This is how the Michigan State Police report the numbers:

2007–08: Pending 5, Convicted 0

2008–09: Pending 0, Convicted 1

2009–10: Pending 1, Convicted 2

2010–11: Pending 5, Convicted 4

2011–12: Pending 3, Convicted 4

Total: Pending 14, Convicted 11

In other words, during 2007–08, five cases were pending and there were no convictions. The Violence Policy Center makes several fundamental mistakes. First, it can't add simple numbers up correctly. While the VPC claims 20 pending cases and 14 convictions, the Michigan State Police report a total of 14 and 11 cases respectively.

Secondly, since it can take years for a murder case to go to trial, some of the homicides may have occurred well before 2007. In addition, the Michigan State Police report doesn't provide information on how the murder was committed, so gun murders make up only a portion of this total.

Third, and perhaps the worst mistake, the Violence Policy Center actually adds the “pending” and “conviction” numbers together. Convictions are obviously what should be counted. After all, some of the “pending” cases do not result in a conviction, and adding them more than doubles the total number.

There is even more numerical nonsense. The Violence Policy Center then adds in twelve cases that were reported in newspapers and other media over the same years. However, those cases had already been counted in the official statistics by the Michigan State Police.

It seems the Violence Policy Center piles on any numbers that it can get hold of, anything that can be related to concealed-carry holders. For instance, it counts legitimate self-defense cases in which no charges were filed or the permit holder was charged and later exonerated.

All in all, the VPC has managed to triple-count claimed cases of permit holders killing people, and the vast majority of cases it includes in its list — such as legitimate self-defense shootings or suicides not related to permitted concealed handguns — shouldn't be counted to begin with.

Yet, put aside all these problems for a moment. Assume, for the sake of argument, that the Violence Policy Center's claim that concealed-handgun permits were responsible for 636 deaths in seven years is correct. One has to note that there are over 11 million concealed-handgun permits in the U.S. right now. With an annual number of deaths of 90, that means 0.00083 percent of concealed-carry permit holders were responsible for a shooting death each year. Removing suicides from the total reduces the rate even more, to 0.00058 percent.

The conjuring up of bogus numbers like these has become a mainstay of gun-control groups. That also includes the “studies” financed by Michael Bloomberg's millions. However, a group of researchers, of whom I am one, are setting up the Crime Prevention Research Center to uncover and counter these misleading claims.

— *John R. Lott Jr. is the president of the Crime Prevention Research Center and the author of More Guns, Less Crime (University of Chicago Press, 2010, 3rd edition).*

CRIME PREVENTION RESEARCH CENTER

MORE MISLEADING INFORMATION FROM BLOOMBERG'S EVERYTOWN FOR GUN SAFETY ON GUNS: "ANALYSIS OF RECENT MASS SHOOTINGS," SHOWING HOW MASS PUBLIC SHOOTINGS KEEP OCCURRING IN GUN-FREE ZONES

1 SEP, 2014

Why does anyone pay attention to Bloomberg's claims on guns? Take their previous discussions on mass public shootings. As we have previously pointed out, Bloomberg's groups have made serious errors on the number (see also here) and trends of school shootings. Well, that hasn't stopped the media from sympathetically covering Everytown for Gun Safety's recent report on mass shootings (see also here).

Everytown for Gun Safety's recent report on mass shootings contains many errors. In addition, it muddies the discussion on mass public shootings by including shootings in private homes along with ones in public places, and the vast majority of the cases they include are in private homes. But there is a distinction between what motivates mass public shooters who are committing their crimes to get media attention and those who engage in attacks in private residences.

There are only two mass public shootings since at least 1950 that have not been part of some other crime where at least four people have been killed in an area where civilians are generally allowed to have guns. These are the International House of Pancakes restaurant in Carson City, Nevada on September 6, 2011 and the Gabrielle Giffords shooting in Tucson, Arizona on January 8, 2011

Thus, while CPRC's research and that by Landes and Lott looks at Mass public shootings (focusing on the killings where the point of the attack is simply to kill as many people as possible), Bloomberg's numbers overwhelmingly involve killings that have occurred within residences.

Here are some general points about how to classify mass public shootings that have occurred in gun-free zones.

1) A lot of work is involved in obtaining information on whether the attacks occurred in gun-free zones. This includes calling the businesses or other facilities involved. But many times those organizations are uncooperative and in those cases much time is spent contacting individuals in the area of the attack and asking them if they can provide pictures or other information on the facilities. Indeed, the media virtually always refuses to mention whether the attack occurred in a gun-free zone.

Unfortunately, Everytown for Gun Safety/Mayors Against Illegal Guns did not do this work, and they have also inaccurately stated, ignored, or simply missed facts that are readily available in news stories.

2) What motivates mass public shootings where the killer is trying to kill or injure as many people as possible to get publicity is quite different from what motivates robbers or gang fights (see Lott and Landes). The issue of gun-free zones is particularly important for mass public shootings.

3) The word "public" is also key to these cases. Shootings that occur in people's homes will often involve killers who know if guns are owned in the home. And if there is a gun in the home, the killer will know who has access to it.

4) There is also the distinction between right-to-carry and may-issue laws. If virtually no one, especially no civilian, is allowed to get a concealed handgun permit as occurs in most may-issue jurisdictions, the area is essentially a gun-free zone.

The Bloomberg discussions are indented and put in block quotes. After the quotes there is an explanation for why they shouldn't be counted as mass public shootings. The Bloomberg report doesn't number these events, but we will assign numbers just to make them easier to reference.

1) Terrell, TX, 10/28/13: The shooter shot and killed his mother, his aunt, two acquaintances, and a store clerk in a spree of attacks before he was captured by police. He killed the first four victims in their respective homes and the final one — the clerk — at Ali's Market on W. Moore Avenue, apparently in an attempt to rob the store.

Shooter Name: Charles Everett Brownlow Jr.

Gun details: Unknown

Ammo details: Unknown

Gun acquired: Unknown

Prohibiting criteria: The shooter had a criminal record that prohibited him from possessing firearms. He was convicted of burglarizing a vehicle in 1996, a Class A misdemeanor, and convicted of felony burglary in 1997. In 2008 he was served a three-year sentence for unlawful possession of a firearm and in 2011 he was convicted of misdemeanor assault against a family member.

Not a gun-free zone: The manager of the Ali's Market reported that customer's are allowed to carry firearms in the store.

FACTS: There was not a mass public shooting at Ali's Market. Only one person was killed at that store. Permitted concealed handguns can deter many attacks from occurring and can limit the harm that does occur. But permit holders aren't expected to limit the harm for those attacks that do occur to zero. Permitted concealed handguns deter mass shootings because they can limit the harm and take away the incentive that these killers obtain from their warped desire to get media attention.

2) Washington, DC, 9/16/13: The alleged shooter, who was a civilian contractor and former non-combat military, killed twelve and wounded three more in an attack on Building 197 at the Navy Yard.

Shooter Name: Aaron Alexis, 34

Gun details: The shooter arrived with a shotgun and also obtained a handgun from one a security guard that he killed.

Ammo details: Unknown

Gun acquired: Two days before the incident the shooter passed a National Instant Criminal Background Check System (NICS) at the licensed gun dealer Sharpshooters in Lorton, VA, and purchased the shotgun.

Prohibiting criteria: The shooter had been arrested at least three times including: in September 2010 in Fort Worth, Texas for shooting a firearm into a neighbor's apartment; in August 2008 in Dekalb County, Georgia for disorderly conduct; and in 2004 in Seattle, Washington for shooting out the tires of another man's vehicle. But court records do not indicate he was convicted in any of these cases, and this record did not prohibit him from buying guns. He had also received treatment for mental health conditions at two VA hospitals beginning in August, 2013 following an incident where he called Newport Rhode Island Policeto report hearing voices. But these incidents did not rise to the level of prohibiting from buying guns. And during his military service he was reportedly cited on at least eight occasions for misconduct ranging from traffic tickets and showing up late for work to insubordination, extended absences from work, and disorderly conduct. On account of this the Navy sought to offer him a "general discharge" but he was

ultimately honorably discharged through the early-enlisted transition program in January 2011.

Not a gun-free zone: There were armed guards at the Washington Navy Yard, and the shooter was familiar with the premises, so he did not select it as a target on the presumption he would not face armed resistance. In fact, the shooter reportedly used a gun that he took from a guard after killing him.

FACTS: Whether one is looking at the attacks at the Washington Navy Yard or Fort Hood, letting military police carry guns is much different than letting other soldiers protect themselves. While military police tend to be at the entrances to military bases, they largely patrol the rest of the base in the same way that police patrol a city. One no more expects military police to instantly arrive at the scene of a mass public shooting than one expects police to arrive at one. In Alexis' attack, since he worked at the Navy Yard, he knew what entrance to go to that would have only one guard and that is where he went. For related discussions see [here](#) and [here](#).

3) Crab Orchard, TN, 9/11/13: The shooters killed a woman and three teenagers, apparently during an attempted robbery during a marijuana exchange. The victims' bodies were discovered in a car parked along the side of the road in the Renegade Mountain resort community near Crossville.

Shooter Name: Jacob Allen Bennett, 26 and Brittany Lina Yvonn Moser, 25

Gun details: Handgun

Ammo details: Unknown

Gun acquired: Unknown

Prohibiting criteria: Bennett was prohibited from possessing firearms. In 2010 he received a 6-year prison sentence for charges of theft, forgery, and possession of a handgun during a felony, but was paroled on March 4, 2013. The Cumberland County sheriff's office estimated they had previously arrested Bennett five times.

Not a gun-free zone: We could find no evidence that permit holders were prohibited from carrying guns in this area. In Tennessee, concealed weapons would be prohibited only if the county or municipality declared itself a gun-free zone.

FACTS: This shooting was part of another crime, a robbery of illegal marijuana (see point 2 in the introduction). It was not a mass public shooting where the point of the crime was to kill as many people as possible so as to obtain media coverage.

4) Herkimer, NY, 4/13/13: The shooter killed two people and critically wounded one at John's Barber Shop and then killed two more people at Gaffey's Fast Lube, a car care facility. He was killed by responding officers.

Shooter Name: Kurt Myers, 64

Gun details: According to the police superintendent, Myers used a shotgun.

Additional guns and ammunition were found by emergency crews after Myers set fire to the apartment.

Ammo details: Unknown

Gun acquired: Unknown

Prohibiting criteria: There is no reason to believe Myers was prohibited from possessing a gun. He was arrested in 1973 for drunk driving.

Not a gun-free zone: Gaffey's Fast Lube does not have a specific policy prohibiting guns and allows permit holders to carry concealed weapons on the premises.

John's Barbershop did not reopen following the shooting but the owner of a neighboring business did not recall the barbershop having any explicit firearm policy or ban, which would have been required to prohibit customers from carrying guns on the premises.

FACTS: New York is a may issue state, not a right-to-carry state. We don't yet have the number of civilian concealed carry permits, but they seem to be extremely rare. The possession of a handgun in New York State requires a NYS Pistol Permit. In 2012 there were only 154 permits issued to own a pistol in Herkimer county. Over the previous five years, there were 667 permits issued, though not all over those permits own a handgun would have been active at the beginning of 2013. When talking to the pistol permit office, Lott was told that there were zero restricted licenses that allowed people to carry for business purposes (concealed carry licenses that allow a business owner to carry in the course of doing business) and zero restricted for self defense purposes (e.g., a woman who is being actively stalked).

Report from February 2013: At this point, the Everytown for Gun Safety report mainly repeats cases previously discussed by Bloomberg's Mayors Against Illegal Guns on MASS SHOOTING INCIDENTS, JANUARY 2009-JANUARY 2013. An earlier report on the problems with their claims about the attacks not being in gun-free zones was never corrected. Here is the analysis of these previous cases.

5) Geneva County, AL, 3/10/09: The shooter killed ten, including four members of his family, before killing himself.

Shooter Name: Michael Kenneth McLendon, 28

Gun details: Bushmaster AR-15, SKS Rifle, Shotgun, and .38 Pistol

Ammo details: Police recovered additional ammunition from his vehicle after the shooting.

Gun acquired: Unknown

Prohibiting criteria: The shooter had no criminal record and there is no indication he was prohibited from owning a gun.

Not a gun-free zone: It was lawful to carry a firearm in the public intersection and gas station where two of the individuals were shot.

FACTS: Nine people were killed by McLendon. In the first shooting in a house on Pullum Street, five people were killed. There was also a second shooting in another home that left two people dead. Neither were public places. It is true that two individuals were killed in separate public places as McLendon was driving along, but that is not a multiple victim public shooting in which at least four are killed in a public place. However, MAIG's report implies that all these shootings occurred in a public places.

6) Lakewood, WA, 11/29/09: The shooter killed four police officers in a Tacoma Coffee shop, eluding police for two days before being killed as he fled.

Shooter Name: Maurice Clemmons, 37

Gun details: When he was killed, he was in possession of the handgun of one of the officers he had killed.

Ammo details: Unknown

Gun acquired: Unknown

Prohibiting criteria: The shooter was prohibited from purchasing a firearm, having been charged with at least 13 felonies across two states. He had posted bail for raping a child just six days before the attack.

Not a gun-free zone: The police officers were armed at the time of the shooting.

FACTS: Lott and Landes didn't define gun-free zones in terms of whether police were allowed to carry guns, but whether private citizens are able to readily obtain concealed handguns for their protection. What is important is that the coffee shop was posted to prevent concealed carry permit holders from carrying. Presumably MAIG understood this point and that is the reason why they focused on police officers being able to carry in this venue. Obviously, however, on-duty police can carry any place. The problem for uniformed police is that they provide an easily identifiable target and it is easy to take them out. Possibly if the attacker had to worry about permit holders who he could not identify, it would have dissuaded him from attacking. While Lott had checked when this event originally occurred, he reconfirmed this information with Dave Workman who lived nearby via email on January 8, 2013.

7) Carthage, NC, 3/29/09: The shooter opened fire at a nursing home where his estranged wife worked, killing eight and injuring three before he was shot and arrested by a police officer.

Shooter Name: Robert Stewart, 45

Gun details: .357 Magnum handgun and Winchester 1300 shotgun

Ammo details: Unknown

Gun acquired: The guns were acquired legally from a local sporting good store.
Prohibiting criteria: There is no indication the Stewart was prohibited from owning a gun.

Not a gun-free zone: We could find no indication that the property-owner forbid carrying of firearms on their property.

FACTS: This facility informed Lott in April 2009 that they did not allow guns in the facility for either the people living there or the staff. He called up to ask what their policies had been before the attack.

Here are places listed by Bloomberg's group that may have allowed people with permits to carry in places but that made it extremely difficult or impossible for civilians to get a concealed handgun permit.

8) Boston, MA, 09/28/10: The shooter killed four and wounded one during a drug-related robbery.

Shooter Name: Edward Washington, 33, and Dwayne Moore, 35, were both charged in the killings. Washington was acquitted. In Moore's first trial, the jury deadlocked 11-1 in favor of his guilt, but he was later convicted in a retrial.

Gun details: 40-caliber Iberia handgun and 9mm Cobray semiautomatic. The Cobray has not been recovered, but the weapon was identified based on recovered bullets and shell casings.

Ammo details: 14 rounds fired

Gun acquired: Unknown

Prohibiting criteria: Unknown

Not a gun free zone: A person with a Massachusetts Class A license could lawfully carry a firearm in this area.

9) Buffalo, NY, 8/14/10: The shooter opened fire on a group of people outside a bar, killing four and wounding four others.

Shooter Name: Riccardo McCray, 24

Gun details: Unknown

Ammo details: Unknown

Gun acquired: Unknown

Prohibiting criteria: McCray had been arrested earlier that year on felony drug charges and the previous year for having a loaded rifle in his car. If he was found guilty of either crime, he would have been prohibited from possessing firearms.

Not a gun-free zone: We could find no indication that it was unlawful to carry a firearm in the area.

10) Northridge, CA, 12/2/12: The shooter arrived at an unlicensed boarding house on Devonshire street, reportedly in search of his girlfriend, and after a dispute shot and killed four people out- side.

Shooter Name: Ka Pasasouk, 31

Gun details: semiautomatic handgun

Ammo details: Unknown

Gun acquired: Unknown

Prohibiting criteria: The shooter was prohibited from possessing guns, having been convicted for car theft and felony robbery. While on probation in September 2012, he was arrested again for possession of methamphetamine. According to the district attorney, a prosecutor then released him on probation over the objection of probation officials, who believed he posed a threat to the safety of the community.

Not a gun-free zone: Permit holders were not prohibited from carrying guns in this area.

11) East Oakland, CA, 3/21/09: The shooter used a semiautomatic handgun to kill two police of- ficers after they stopped his car and then fled on foot to an apartment where he killed two SWAT officers with an assault weapon and injured a third before being killed by police.

Shooter Name: Lovelle Mixon

Gun details: 9mm semiautomatic handgun and SKS assault-style rifle

Ammo details: Police said the assault weapon had a high-capacity magazine.

Gun acquired: The shooter took part in a home invasion robbery in Modesto, CA, on February 21 2009 in which a rifle was reported stolen. Police did not comment on whether the stolen rifle was the one used in the shooting.

Prohibiting criteria: The shooter had a lengthy criminal history, including a conviction for armed battery, which would have prohibited him from possessing a gun, and he was on parole for assault with a deadly weapon at the time of the shootings.

Not a gun-free zone: Two of the victims were shot on a public roadway — the 7400 block of Macarthur Boulevard in East Oakland — where no state law would have prohibited a citizen with the appropriate per- mit to carry a gun. All of the police officers killed in the incident were armed.

12) Medford, NY, 6/9/11: The shooter killed four people at a pharmacy, Haven Drugs, and stole thousands of hydrocodone pills before fleeing in a vehicle. During the trial he acknowledged that he and his wife were addicted to prescription medication.

Shooter Name: David Laffer

Gun details: A .45 caliber handgun was used in the shooting. Several other legally registered guns werealso recovered from the shooter's home.

Ammo details: Unknown

Gun acquired: Unknown

Prohibiting criteria: The gun was legally registered to the shooter, and there is no evidence he was prohibited from possessing a gun. But five months before the shooting, Suffolk County Detective Kenneth Ripp investigated an identity theft claim made by the shooter's mother, who said the shooter had stolen her debit card. After questioning the shooter and his mother, Ripp advised the Suffolk County Pistol License Bureau that the shooter was dangerous and that his guns should be confiscated. Despite Ripp's report, the guns were not removed.

Not a gun-free zone: We could find no evidence that Haven Drugs posted a sign or had a policy prohibiting the carrying of firearms. Current employees declined to comment.

13) Brockport, NY, 2/14/09: The shooter killed a nurse in the Lakeside Memorial Hospital parking lot and a motorist who intervened, and wounded the motorist's girlfriend. The shooter had been fired from the hospital after the nurse filed a sexual harassment complaint against him. He then drove 50 miles and killed another nurse — who had filed a similar complaint against the shooter — and her husband in their home.

Shooter Name: Frank Garcia, 34

Gun details: .40 caliber Glock handgun

Ammo details: Unknown

Gun acquired: Unknown

Prohibiting criteria: There is no evidence that the shooter was prohibited from owning a gun. However, he had applied for concealed carry permits and been denied three times. In his 1995 application, he omitted information about his criminal record — including arrests for criminal possession of a weapon, assault, and harassment. In 2001 and 2006 he made further omissions, and was evaluated as lacking moral character. But in 2007 a judge reversed the denial and granted Garcia a concealed weapon permit.

Not a gun-free zone: We found no indication that permit holders were prohibited from carrying guns in this area at the time of the incident.

FACTS: All these cities either forbid or make it incredibly difficult for law-abiding citizens to carry concealed handguns for protection. In Boston, it is so bad that even off-duty and retired police are regularly denied unrestricted license to carry permits. Northridge, CA is part of Los Angeles County, which refuses to issue permits to regular citizens. In September 2011, there were 240 permits in all of Los Angeles County when the population was about 7.6 million adults. That equals a permit rate of 0.0032%. In addition, the attack was at a residential dwelling, not a public place.

Similarly, East Oakland, California is part of Alameda County. In 2010, Alameda County had granted concealed handgun permits to 75 people out of an 1,182,534 — a permit rate of 0.006%.

Just as with Herkimer, NY; Medford in Suffolk County, New York, and Brockport in Monroe County, New York were similarly very restrictive in issuing may issue permits. In Suffolk County, the police and sheriff's departments each handle permits in half of the permits for the county. For the sheriff's office, Robert E. Draffin (the Suffolk County Sheriff's Freedom of information officer) informed us that were 569 sportsman permits (limited to carrying to or from a shooting range or to go hunting) and 79 business permits (where a business owner is allowed to carry only in the course of doing business). For the police department, Inspector Derrocco (613-852-6000, ask for pistol permit department) noted the department "virtually never gives out permits for anything other than sportsman to carry to and from the range and for premises and dwellings." Given that there are about 1.2 million adults in Suffolk County, even assuming that the police department issued permits at the same rate as the sheriff's office, this implies a permit rate of about 0.1 percent and virtually none of these permits would have allowed a concealed handgun to be carried in the pharmacy where the attack occurred. In addition, it should be mentioned that Riccardo McCray was a gang member.

14) Oak Creek, WI, 8/5/12: The shooter killed six people at a Sikh temple and injured three others, including a responding police officer, before killing himself.

Shooter Name: Wade Michael Page, 40

Gun details: 9mm semiautomatic handgun

Ammo details: Page reportedly bought three 19-round magazines when he purchased the gun.

Gun acquired: Page acquired the gun at a local gun shop a week before the shooting.

Prohibiting criteria: Page was involved with the white supremacist movement but he does not appear to have been prohibited from purchasing a gun. Federal officials investigated Page's ties to supremacist groups more than once prior to the shooting, but did not collect enough evidence to open an investigation.

FACTS: From FoxNews.com: "No guns [were] allowed in the temple," Kulbir Singh, an attendee of the Sikh Temple of Wisconsin, told FoxNews.com. "Everyone knows that it's not allowed, anywhere in the temple."

15) Norcross, GA, 2/22/12: The shooter returned to a Korean spa from which he'd been kicked out after an altercation, where he shot and killed two of his sisters and their husbands before committing suicide.

Shooter Name: Jeong Soo Paek, 59

Gun details: .45 caliber handgun

Ammo details: Unknown

Gun acquired: Police reported that he acquired the gun legally.

Prohibiting criteria: Paek does not appear to have been prohibited, although he had allegedly served two months in jail for assaulting his sister six years earlier.

Not a gun-free zone: We could find no indication that the property owner forbade possession of a firearm on their property.

FACTS: Lott spoke with someone at the spa after the attack and was told that the killer knew "nobody there had a gun." The person at the spa indicated that they were sure that neither the sisters nor their husbands had guns at the spa and that the killer who was the brother of the women knew that was the case. While the official policy at the spa isn't clear because the conversation was very short, the important thing was that the killer knew that there were no guns for people to defend themselves there. This was a small family owned establishment so it is most likely that this was the official policy of the family. Note that they have the wrong date on this event. (UPDATE: Mayors Against Illegal Guns originally claimed that this event occurred on February 22nd, but the event actually occurred on February 20, 2012. After Lott wrote his analysis, they corrected the data but did not update their discussion of gun-free zones.) Note also that the business has since closed.

16) Hialeah, FL, 6/6/10: The shooter killed four women, including his wife — who had just separated from him. He injured three others before shooting and killing himself. The shooting occurred in Yoyito-Cafe Restaurant, where the shooter's wife was employed as a waitress, and in the parking lot immediately outside.

Shooter Name: Gerardo Regalado, 38

Gun details: .45 caliber handgun

Ammo details: Unknown

Gun acquired: The shooter had a concealed weapons permit.

Prohibiting criteria: There is no evidence that the shooter was prohibited from owning a gun. However, relatives said the shooter had abused and terrorized women in the past, and had been imprisoned in Cuba for a particularly violent incident, but he did not have a criminal record in the United States.

Not a gun-free zone: We could find no indication that guns were prohibited in this area. Guns are prohibited in Florida restaurants only in areas primarily devoted to the serving of alcohol.

FACTS: Strangely, while Bloomberg's group mentions that the restaurants that get 50 percent of their revenue from alcohol, they didn't actually get an check whether that was the case for this

restaurant, which apparently was at the time a very popular venue for parties serving alcohol. If Bloomberg's group had checked, they would have found that it was a gun-free zone.

17) Washington, DC, 3/30/10: Three gunmen killed four and wounded five in retaliation for another murder.

Shooter Name: Nathaniel D. Simms, 26; Orlando Carter, 20, and unnamed 14-year-old juvenile

Gun details: An AK-47 assault rifle and 9mm and .45-caliber handguns

Ammo details: Unknown

Gun acquired: Unknown

Prohibiting criteria: The adults were reported to have lengthy criminal histories, which prohibited them from purchasing guns, and the 14-year-old was too young to purchase or own a gun.

FACTS: This is one case where Bloomberg's Everytown doesn't include this as a place that allows guns (obviously DC completely bans the carrying of concealed handguns), we include it here simply as an example of one of the many cases where they are including what are pretty obviously a drive-by gang shootings. Even the DC police chief, Cathy Lanier, indicated that it was a "gang retaliation." The AK-47 was used to spray bullets into a group in another gang's territory in retaliation for another murder. We are focused on cases identified by Everytown as occurring in gun-free zones, but gang shootings, while are obviously quite different from the types of mass public shootings that garner national attention.

18) Mount Airy, NC, 11/1/09: The shooter killed four people outside a television store before eventually surrendering to the police.

Shooter Name: Marcos Chavez Gonzalez, 29

Gun details: Assault rifle

Ammo details: Unknown

Gun acquired: Unknown

Not a gun-free zone: It was lawful to carry a firearm in the area of the shooting.

FACTS: Indications are that the attack was part of gang related crime. As explained above, that would exclude it from the mass public shootings done specifically to harm people as distinct from other types of violent crime.

The report by John Lott and Bill Landes on gun-free zones that covers earlier years is available [here](#).

There are a few other cases that we have collected that we will link to [here](#).

Yet another mall shooting where guns were banned: Monroeville Mall near Pittsburgh, February 8, 2015

The Melbourne Square Mall in Florida is yet another gun-free zone, January 17, 2015

Seattle Pacific University shooting took place in yet another gun-free zone, June 5, 2014

6 killed, seven wounded in Mass Public Shooting in Santa Barbara, a giant gun-free zone, May 24, 2014

Mass shooting yesterday at FedEx facility in Kennesaw Georgia took place in yet another "gun-free zone", April 30, 2014

Maryland Mall Shooting at yet another gun free zone, January 25, 2014

The Azana Salon & Spa shooting in Milwaukee, Wisconsin (November, 2012).

Aurora, Colorado movie theater shooting (July, 2012).

Another shooting in a another gun free zone: Binghamton, NY (April, 2009).

Trolley Square Mall in Utah (February, 2007).

Omaha, Nebraska mall shooting (December 2007).

John Lott has about 327 postings on gun-free zones available here.

CPRC original research, mass public shootings, Michael Bloomberg



Washington Post Claims 29 Mass Murders By Concealed Carriers... But They LIED.

Posted by [Bob Owens](#) on October 26, 2015 at 4:50 pm

Christopher Ingraham was apparently hired by the *Washington Post* to be the gun control propagandist for their so-called "Wonkblog," and seems to find himself debunked on our pages with boring regularity.

Today, he attempted to assert that concealed carry permit holders have committed 29 mass murders, using the propaganda of the Violence Policy Center.

Let's take a look at the actual claims made by VPC... something Ingraham clearly didn't do.

Known mass shootings committed by concealed carry permit holders since 2007



WASH. POST WONKBLOG

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Source: Violence Policy Center

- Michael Joe Hood shot three in 2010, not 2007. This was not a mass shooting (the FBI definition of a mass shooting is four or more), and with his documented history of mental illness, Hood should not have had a concealed carry permit, and there is some dispute over whether he did. He did not use a concealed weapon.
- Jason Hamilton had a previous domestic violence conviction, and should not have been able to own any firearms. His attack did not involve concealed weapons. We can find no credible confirmation at all that Hamilton had title II weapons or a concealed carry permit, as VPC claims via a singular erroneous news report.
- Terrance Hough, a Cleveland firefighter who shot five people for setting off fireworks in the street, did not use a concealed weapon.
- Guillermo Zarabozo really did use a concealed weapon to murder four people in an act of piracy on the high seas. He is the first person on this list with a concealed carry permit who used a concealed weapon to commit mass murder.

- Charles Johnson shot three people. This was not a mass shooting.
- Aaron Jackson murdered his wife and two children before committing suicide. He did not use a concealed weapon.
- Troy Brake shot three people to death, and beat a fourth victim to death. This again, was not a mass shooting by FBI standards, although it was a mass killing.
- Frank Garcia did not have a concealed carry permit at all. He had a handgun ownership permit only.
- Michael McLendon carried out a horrific attack that killed ten people before he took his own life. None of his victims was shot by a handgun, concealed or otherwise.
- Jiverly Wong was a concealed carry permit holder who used concealed weapons to commit a mass shooting. He is the second person on this list with a concealed carry permit who used a concealed weapon to commit mass murder.
- Richard Poplowski ambushed police officers who came to his home with a rifle. He did not use a concealed weapon in his firefight with police.
- George Sodini is the third person on this list with a concealed carry permit who used concealed weapons to commit mass murder.
- Paul Michael Merhige is the fourth person on this list with a concealed carry permit who used concealed weapons to commit mass murder.
- William Maxwell murdered his wife and two children with a handgun before committing suicide. The handgun was not concealed, and his concealed carry permit was irrelevant.
- Justin Matern murdered his estranged wife and children before committing suicide. He did have a concealed handgun permit, but it was irrelevant to the crimes.
- Christopher Speight did kill eight people and injure several more. With a rifle. That he had a concealed carry permit was irrelevant to the crimes he committed.
- Gerardo Regalado "came in running" with handgun when he shot seven women in Hialeah, Florida. His handgun was not concealed prior to the attack.
- Omar Thornton was fired for theft, then returned to the job and shot eight co-workers to death before taking his life. He is the fifth person on this list with a concealed carry permit who used concealed weapons to commit mass murder.
- I cannot find any evidence that Tan Do had a concealed carry permit.
- Ian Stawiki is the sixth person on this list with a concealed carry permit who used concealed weapons to commit mass murder.
- Paul Clifford Moore shot three people; again, this is not a mass killing by FBI standards. He retrieved a weapon from inside his own home and used it inside his own home against the victims. Concealed carry played no part in the murders.

- Kevin Cleeves shot three people... once again, the VPC is adding crimes that are not mass killings. Because of a prior domestic violence conviction in Arizona, Cleeves was not eligible to possess or use a firearm, much less have a concealed carry permit.
- Andrew Engeldinger did NOT have a concealed carry permit when he committed mass murder in Minneapolis. Permit applications were found at his home, but he had not applied.
- Ferdarius Shine did not commit a mass shooting, killing three people. He opened fire in his own home, so a concealed carry permit was irrelevant, and there is some dispute as to whether or not he actually had a permit.
- Dennis Clark murdered four people with a shotgun. Again, concealed carry was not in any way relevant to the crime.
- Pedro Vargas began his attack in his apartment by committing arson, and then started shooting. Again, concealed carry was not relevant to his crimes.
- Aaron Alexis, the Washington Navy Yard killer, used a shotgun in the commission of his crimes. Concealed carry was not relevant.
- Kenneth Allen Keith killed three (again, less than the FBI minimal definition of a mass shooting... during a robbery attempt.
- Craig Hicks killed three Muslims in Chapel Hill, NC. This was not a mass shooting, and concealed carry was not relevant as Hick ambushed the family in their home.

Christopher Ingraham, an anti-gun propagandist apparently hired for that purpose by the *Washington Post*, used a propaganda report by the rabidly anti-gun Violence Policy Center (VPC) to assert concealed carriers were responsible for "at least" mass murders.

Of those 29 alleged mass murders carried out by concealed carry permit holders, precisely six mass murders (using the accepted FBI definition of a mass murder, which is four or more victims) were carried out by concealed carry permit holders using concealed handguns.

Seven of the claimed "29 mass shootings" were not mass shootings.

Between four and eight of the "concealed carry permit holders" did not have concealed carry permits.

The Violence Policy Center has a long and well-documented history of "reports" that are nothing more or less than propaganda.

Any reporter that uses such overt and unverified propaganda should be terminated, along with their editors.

Tags: [Christopher Ingraham](#), [propaganda](#), [Violence Policy Center](#), [Washington Post](#)

Author: Bob Owens is the Editor of BearingArms.com. He is an alumnus of Gunsite Academy, is an instructor with Project Appleseed, and is the author of the short e-book, *So You Want to Own a Gun*. He can be found on Twitter @bob_owens.

CRIME PREVENTION RESEARCH CENTER

FOUR CONCEALED HANDGUN PERMIT HOLDERS USE THEIR GUNS TO STOP VIOLENT CRIMES IN THE LAST WEEK

19 DEC , 2015



Calumet City, Illinois, December 17, 2015

A Calumet City resident prevented a gunman from robbing him by pulling out his gun and firing it at the would-be robber, Midlothian police reported.

The 68-year-old man, who has a concealed-carry gun permit, told police that a man tried to rob him and his 9-year-old son Dec. 5 in the 3300 block of 147th Street.

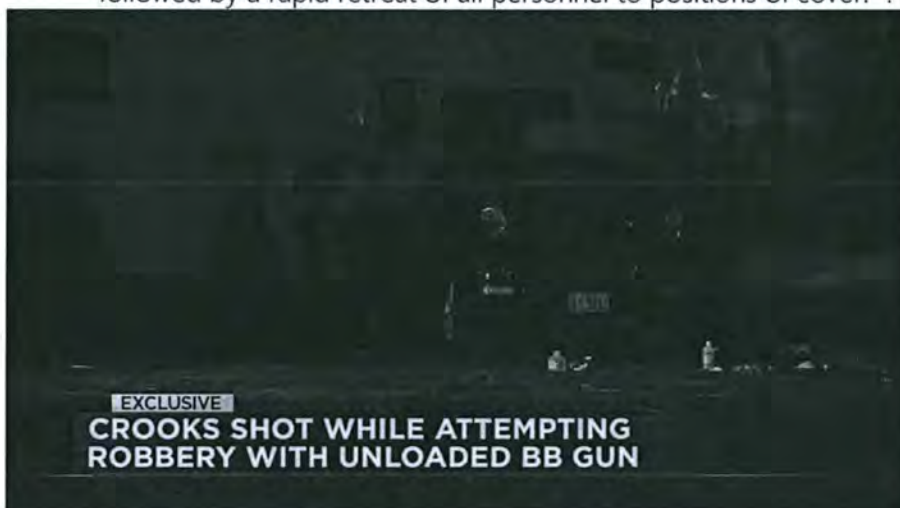
A witness said he heard people arguing outside, heard four or five gunshots and saw a man running through back yards heading south on Turner Avenue, according to police. . . .

Salt Lake City, Utah, December 15, 2015

He "produced a firearm, pointing it at the EMT first responders," Jensen wrote.

Hunt [an EMT], who has a concealed firearms license, was carrying a gun.

"Logan City detectives and State Crime Lab technicians are still piecing together the sequence of events," Jensen wrote, "but it is believed there was an exchange of gunfire, followed by a rapid retreat of all personnel to positions of cover." . . .



Houston, Texas, December 14, 2015 (see also here)

. . . It was the end to a night out that a group of people and then men who tried to rob them never expected.

"He plugged him, boom, boom, in the chest," said one of the four victims, who did not want to give his name.

The man said he, his brother and two women were about to leave a parking lot near the bars along Washington Avenue and Jackson Hill just after 2 a.m. when two men with handguns walked up to their car.

"He said 'Hey, give me your money,'" recalled the victim. "Well, I don't carry cash, I just have a card. So I put up my card and my ID, and I was like, 'Hey man this is all I have.'"

When the suspect slapped the items out of his hand, the victim says his brother got out of the car and shot the would-be robber twice in the chest. . . .

Evanston, Ohio, December 11, 2015

Cincinnati police said a robbery victim fought back by shooting and killing his 16-year-old assailant late Thursday.

Officers responded to Jonathan Avenue near Fernside Place near Walnut Hills High School about 11:30 p.m. after receiving a report of a shooting, said Captain Russ Neville, the night chief.

When police arrived, they said they a preliminary investigation determined a teen gunman tried to rob one of two contractors rehabilitating a home when the contractor walked outside to retrieve equipment from a van. The contractor turned over his wallet.

The second contractor came to the front door and saw what was occurring, Neville said.

The gunman tried to rob him of his wallet, too, but the man – who has told police he has a permit to carry a concealed gun – pulled out his firearm. . . .



Defensive Gun Use

FBI: Dearborn Heights ISIS supporter planned to attack Detroit church

By **Shawn Ley** (<http://www.clickondetroit.com/author/shawnley>) - Reporter

Posted: 6:45 PM, February 05, 2016

Updated: 9:21 PM, February 05, 2016

DEARBORN HEIGHTS, Mich. - Federal authorities arrested a Dearborn Heights resident for his allegiance to ISIS by monitoring his Twitter account and gun purchases.

The arrest comes as Twitter announced it suspended 125,000 ISIS-related accounts over the past six months.

Khalil Abu-Rayyan, 21, was being watched by the feds since May 2015.

He was even having online conversations with an undercover FBI agent.

"I tried to shoot up a church one day," Abu-Rayyan posted. "It's one of the biggest ones in Detroit. I had it planned out. I bought a bunch of bullets. I practiced reloading and unloading."

Prior to those conversations that began in December 2015, the FBI had been following Abu-Rayyan's Twitter activity.

He had been retweeting, liking and commenting on ISIS propaganda.

In conversation's between Abu-Rayyan and the undercover agent, Abu-Rayyan described his desire to commit a martyrdom operation.

The complaint filed in federal court doesn't specify which Detroit church he was allegedly planning to attack, only that it was close and could seat 6,000 members.

The complaint quotes Abu-Rayyan saying:

"It's easy, and a lot of people go there. Plus people are not allowed to carry guns in church. Plus it would make the news. Everybody would've heard. Honestly I regret not doing it. If I can't do jihad in the Middle East, I would do my jihad over here."

He had also told the undercover agent that a church would be an easy target because people are not allowed to carry guns there and that it would make the news.

The complaint also says that he told the agent he had armed himself with a large knife and would behead people if he needed to.

"It is my dream to behead someone," he told the agent.

Abu-Rayyan is being held on gun and drug charges. He was pulled over Oct. 7, 2015, for speeding when Detroit police discovered a pistol, sleeping pills and marijuana.

A detention hearing is scheduled for Monday afternoon. Terror charges could be added at a later date.

The complaint can be viewed here

(http://media.clickondetroit.com/document_dev/2016/02/05/SKM_C554e16020515520_20)

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NATIONAL REVIEW

A Look at the Facts on Gun-Free Zones

By John Lott — October 20, 2015

Some have a hard time accepting that criminals can be deterred from committing crimes. They don't believe that potential mass shooters have second thoughts when faced with the prospect of armed citizens who can fight back. They seem to think that everyday Americans can't help stop attacks.

But it is getting hard to ignore that mass public shooters keep choosing to attack locations where victims can't defend themselves. It's little wonder that gun-control advocates resort to desperate tactics.

There have been a series of articles from *Politico*, the *Huffington Post*, *Slate*, and the *New York Daily News* with similar titles meant to cast doubt on defensive gun use, such as “the myth of the good guy with the gun.”

Since at least 1950, all but two public mass shootings in America have taken place where general citizens are banned from carrying guns. In Europe, there have been no exceptions. Every mass public shooting — and there have been plenty of mass shooting in Europe — has occurred in a gun-free zone. In addition, they have had three of the six worst K–12 school shootings, and Europe experienced by far the worst mass public shooting perpetrated by a single individual (Norway in 2011, which from the shooting alone left 67 people dead and 110 wounded).

Mass killers have even explicitly talked about their desire to attack gun-free zones. The Charleston, S.C., church shooting in June was instead almost a college shooting. But that killer changed his plans after realizing that the College of Charleston had armed guards.

The diary of the “Dark Knight” movie-theater killer, James Holmes, was finally released

just a few months ago. Holmes decided not to attack an airport because of what he described in his diary as its “substantial security.” Out of seven theaters showing the *Batman* movie premiere within 20 minutes of the suspect’s apartment, only one theater banned permitted concealed handguns. That’s the one he attacked.

Or take two cases from last year. Elliot Rodger, who fatally shot three people in Santa Barbara, Calif., explained his reasoning in his 141-page “manifesto.” He ruled out various targets because he worried that someone with a gun would stop his killing spree. Justin Bourque shot to death three people in Canada. On Facebook, Bourque posted a picture of a defenseless victim explaining to killers that guns are prohibited.

Shooters have good reason to be concerned. Here are some examples from the past few years.

— Conyers, Ga., May 31, 2015: A permit holder was walking by a store when he heard shots ring out. Two people were killed. The permit holder started firing, and the killer ran out of the store. Rockdale County Sheriff Eric Levett said: “I believe that if Mr. Scott did not return fire at the suspect, then more of those customers would have [been] hit by a gun[shot]. . . . So, in my opinion he saved other lives in that store.”

— Chicago, April 2015: An Uber driver who had just dropped off a fare “shot and wounded a gunman [Everardo Custodio] who opened fire on a crowd of people.” Assistant State’s Attorney Barry Quinn praised the driver for “acting in self-defense and in the defense of others.”

— Philadelphia, Pa., March 2015: A permit holder was walking by a barber shop when he heard shots fired. He quickly ran into the shop and shot the gunman to death. Police Captain Frank Llewellyn said, “I guess he saved a lot of people in there.”

— Darby, Pa., July 2014: Convicted felon Richard Plotts killed a hospital caseworker and shot the psychiatrist that he was scheduled to meet with. Fortunately, the psychiatrist was a concealed-handgun permit holder and was able to critically wound Plotts. Plotts was still carrying 39 bullets and could have shot many other people.

— Chicago, July 2014: Three gang members fired on four people who had just left a party. Fortunately, one of these four was a military serviceman with a concealed-handgun permit. He was able to return fire and wound the main attacker while keeping the others

at bay. The UK's *Daily Mail* reported, "The night might have had a very different outcome had the incident occurred a year earlier [before Illinois's concealed-handgun law was passed]."

— Plymouth, Pa., September 2012: William Allabaugh critically wounded one man inside a restaurant and murdered a second man on the street outside. Luzerne County Assistant District Attorney Jarrett Ferentino said that without the concealed-handgun permit holder who wounded Allabaugh, "we believe that it could have been much worse that night."

— Spartanburg, S.C., March 2012: Armed with a shotgun, Jesse Gates kicked in a door to his church. Concealed-carry permit holder Aaron Guyton drew his gun and held Gates at gun point, enabling other parishioners to disarm Gates. Spartanburg County Sheriff Chuck Wright called the churchgoers heroes. Though Gates was stopped before anyone was harmed, he was still charged with one count of kidnapping and three counts of pointing and presenting a firearm.

None of these stories received national news coverage. Many received only one or two local news stories. Yet, if a permit holder hadn't stopped these attacks, these cases would surely have received national attention.

There are some other older cases in which permit holders saved the day in remarkable fashion and gained national attention. In December 2007, permit holder and former police officer Jeanne Assam defended her church from Matthew Murray who had just killed four people; Murray carried more than 1,000 rounds of ammunition. Assam was being stalked by an ex at the time and had asked her pastor if she could carry her permitted concealed handgun. The pastor accommodated her request by allowing her and other permit holders to act as volunteer security guards.

The recent *Politico* article "[The Myth of the Good Guy with the Gun](#)," by Matt Valentine, not only misses these cases, but mischaracterizes other ones. In the case from Pearl, Miss., where Assistant Principal Joel Myrick stopped the shooter, *Politico* notes that the killer was leaving the high school but fails to mention where he was headed. In fact, the killer was [heading across the street to the middle school](#). *Politico* makes it sound

as though stopping the attack at that point did not save lives. Concerning the Wilcox case in Nevada, the article omits the fact that while Wilcox didn't stop the killers, his intervention gave Walmart customers time to flee from the shooting.

But the deterrent and life-saving effects of concealed-handgun laws on mass public shootings aren't just anecdotal. Bill Landes of the University of Chicago and I gathered data on mass public shootings from 1977 to 1999. We studied 13 different types of gun-control laws as well as the impact of law enforcement, but the only law that had a statistically significant impact on mass public shootings was the passage of right-to-carry laws. Right-to-carry laws reduced both the frequency and the severity of mass public shootings; and to the extent to which mass shootings still occurred, they took place in those tiny areas in the states where permitted concealed handguns were not allowed.

Umpqua Community College, scene of a recent mass shooting, was yet another gun-free zone. Oregon law allows permitted concealed handguns on university property, but public educators have undermined the law by putting bans in faculty and student handbooks. For students and faculty, the threat of expulsion or termination is surely threat enough. Faculty members may lose not only their jobs but also their career. Students are unlikely to ever be admitted to another school and must live with the fact that they will never get the college degree that they were working on.

In Oregon, students and faculty are prohibited from carrying firearms on public university campuses. Only people unaffiliated with the college are allowed to carry. But even they are subject to a 2011 Oregon appeals-court decision that allows schools to ban guns in their buildings.

This ensured that no one — students, faculty, or unaffiliated bystanders — was able to defend against that deadly shooting.

As evidence that the school wasn't a gun-free zone, some have pointed out that one student, a veteran, still carried his gun despite the college's warnings. Unfortunately, the student was far removed from the attack.

But to appreciate the impact of the school rules, you have to realize how exceptionally law-abiding most permit holders are. Permit-holder firearms violations are quite literally one in a million occurrences. Indeed, it is hard to think of any other group that is anywhere near as law-abiding — not even the police. And yet, Matt Valentine in *Politico* would have us believe that “you’re more likely to get shot by an ordinary gun owner who loses his temper than by a mass murderer.”

If you’re going to shoot people, why bother going through the process of getting a permit for a concealed handgun?

Obviously, gun-control advocates don’t think that deterrence works. Despite statements from the killers themselves, they don’t think that rampage shooters factor the presence of guns into their plans. Most of these shooters want to go out with a bang and take a lot of people with them. They tend to be antisocial, attention-starved people. They want their names to be remembered.

These killers know that the more people they murder, the more media attention they will get. And they also know that the longer it takes for someone with a gun to appear on the scene, the more people they can kill.

If you still agree with gun-control advocates about deterrence, ask yourself if you would post a sign on your home announcing it was a gun-free zone. So why do we post these signs at public locations? There’s simply no good reason for it.

— *John Lott is the president of the Crime Prevention Research Center and the author of More Guns, Less Crime.*

Case the Place

- Targets random. The cruel twists of fate are unkind to the misfortunate.
- Method: Bombing X (too regulated & suspicious)
- Biological Warfare X (too impatient, requires extensive knowledge, chemicals, and equipment)
- Serial Murder X (too personal, too much evidence, easily caught, few kills)
- Mass Murder/Spree ✓ (Maximum casualties, easily performed w/ firearms although primitive in nature. No fear of consequences, being caught 99% certain)
- Venue - Airport or Movie Theater.
 - Airport X Substantial security. Too much of a terrorist history. Terrorism isn't the message. The message is there is no message. Next folks will misinterpret correlation for causation, namely relationship and work failure as cause. Both were expediting catalysts not the reason. The location being my site of mind for the past 3 years.

Just Facts - Gun Control

Comprehensive and meticulously documented facts about gun control. Learn about ownership rates, crime, background checks, accidents, politics, and more.

Citation

"Gun Control Facts." By James D. Agresti and Reid K. Smith. Just Facts, September 13, 2010. Revised 6/19/15.

<justfacts.com/guncontrol.asp>

Contents

Introductory Notes	2
General Facts	2
Ownership	2
Crime and Self-Defense	4
Vulnerability to Violent Crime	4
Criminal Justice System	5
Washington, DC	5
Britain	6
Chicago	8
Background Checks and Criminals' Sources of Guns	9
Denials	10
Allowances	11
Enforcement	11
Gun Shows	12
Right-to-Carry Laws	12
Florida	14
Texas	15
Michigan	16
Accidents	16
Fatal	16
Non-Fatal	18
Harm vs. Benefit	19
Safety	19
Politics	20
Interest Groups	20
Party Platforms	20
Politicians	20

Constitution.....	21
D.C. v Heller	22
McDonald v Chicago	25
Footnotes.....	26

Introductory Notes

This research is based upon the most recent available data in 2010. Facts from earlier years are cited based upon availability and relevance, not to slant results by singling out specific years that are different from others. Likewise, data associated with the effects of gun control laws in various geographical areas represent random, demographically diverse places in which such data is available.

Many aspects of the gun control issue are best measured and sometimes can only be measured through surveys,^[1] but the accuracy of such surveys depends upon respondents providing truthful answers to questions that are sometimes controversial and potentially incriminating.^[2] Thus, Just Facts uses such data critically, citing the best-designed surveys we find, detailing their inner workings in our footnotes, and using the most cautious plausible interpretations of the results.

Particularly, when statistics are involved, the determination of what constitutes a credible fact (and what does not) can contain elements of personal subjectivity. It is our mission to minimize subjective information and to provide highly factual content. Therefore, we are taking the additional step of providing readers with [four examples](#) to illustrate the type of material that was excluded because it did not meet Just Facts' [Standards of Credibility](#).

General Facts

* Firearms are generally classified into three broad types: (1) handguns, (2) rifles, and (3) shotguns.^[3] Rifles and shotguns are both considered "long guns."

* A semi-automatic firearm fires one bullet each time the trigger is pulled, ejects the shell of the fired bullet, and automatically loads another bullet for the next pull of the trigger. A fully automatic firearm (sometimes called a "machine gun") fires multiple bullets with the single pull of the trigger.^[4]

Ownership

* As of 2009, the United States has a population of 307 million people.^[5]

* Based on production data from firearm manufacturers,^[6] there are roughly 300 million firearms owned by civilians in the United States as of 2010. Of these, about 100 million are handguns.^[7]

* Based upon surveys, the following are estimates of private firearm ownership in the U.S. as of 2010:

	Households With a Gun	Adults Owning a Gun	Adults Owning a Handgun
Percentage	40-45%	30-34%	17-19%
Number	47-53 million	70-80 million	40-45 million

[8]

* A 2005 nationwide Gallup poll of 1,012 adults found the following levels of firearm ownership:

Category	Percentage Owning a Firearm
Households	42%
Individuals	30%
Male	47%
Female	13%
White	33%
Nonwhite	18%
Republican	41%
Independent	27%
Democrat	23%

[9]

* In the same poll, gun owners stated they own firearms for the following reasons:

Protection Against Crime	67%
Target Shooting	66%
Hunting	58%

[10]

Crime and Self-Defense

* Roughly 16,272 murders were committed in the United States during 2008. Of these, about 10,886 or 67% were committed with firearms.[\[11\]](#)

* A 1993 nationwide survey of 4,977 households found that over the previous five years, at least 0.5% of households had members who had used a gun for defense during a situation in which they thought someone "almost certainly would have been killed" if they "had not used a gun for protection." Applied to the U.S. population, this amounts to 162,000 such incidents per year. This figure excludes all "military service, police work, or work as a security guard."[\[12\]](#)

* Based on survey data from the U.S. Department of Justice, roughly 5,340,000 violent crimes were committed in the United States during 2008. These include simple/aggravated assaults, robberies, sexual assaults, rapes, and murders.[\[13\]](#) [\[14\]](#) [\[15\]](#) Of these, about 436,000 or 8% were committed by offenders visibly armed with a gun.[\[16\]](#)

* Based on survey data from a 2000 study published in the *Journal of Quantitative Criminology*,[\[17\]](#) U.S. civilians use guns to defend themselves and others from crime at least 989,883 times per year.[\[18\]](#)

* A 1993 nationwide survey of 4,977 households found that over the previous five years, at least 3.5% of households had members who had used a gun "for self-protection or for the protection of property at home, work, or elsewhere." Applied to the U.S. population, this amounts to 1,029,615 such incidents per year. This figure excludes all "military service, police work, or work as a security guard."[\[19\]](#)

* A 1994 survey conducted by the U.S. Centers for Disease Control and Prevention found that Americans use guns to frighten away intruders who are breaking into their homes about 498,000 times per year.[\[20\]](#)

* A 1982 survey of male felons in 11 state prisons dispersed across the U.S. found:[\[21\]](#)

- 34% had been "scared off, shot at, wounded, or captured by an armed victim"
- 40% had decided not to commit a crime because they "knew or believed that the victim was carrying a gun"
- 69% personally knew other criminals who had been "scared off, shot at, wounded, or captured by an armed victim" [\[22\]](#)

* [Click here](#) to see why the following commonly cited statistic does not meet Just Facts' [Standards of Credibility](#): "In homes with guns, the homicide of a household member is almost 3 times more likely to occur than in homes without guns."

Vulnerability to Violent Crime

* At the 2013 homicide rate, roughly one in every 285 Americans will be murdered in the course of their lives.[\[23\]](#)

* A U.S. Justice Department study based on crime data from 1974-1985 found:

- 42% of Americans will be the victim of a completed violent crime (assault, robbery, rape) in the course of their lives.
- 83% of Americans will be the victim of an attempted or completed violent crime.
- 52% of Americans will be the victim of an attempted or completed violent crime more than once.[\[24\]](#)

* A 1997 survey of more than 18,000 prison inmates found that among those serving time for a violent crime, "30% of State offenders and 35% of Federal offenders carried a firearm when committing the crime."[\[25\]](#)

Criminal Justice System

* Nationwide in 2008, law enforcement agencies reported that 55% of aggravated assaults, 27% of robberies, 40% of rapes, and 64% of murders that were reported to police resulted in an alleged offender being arrested and turned over for prosecution.[\[26\]](#) [\[27\]](#)

* Currently, for every 12 aggravated assaults, robberies, sexual assaults, rapes, and murders committed in the United States, approximately one person is sentenced to prison for committing such a crime.[\[28\]](#) [\[29\]](#) [\[30\]](#)

* A 2002 U.S. Justice Department study of 272,111 felons released from state prisons in 1994 found that within three years of their release:

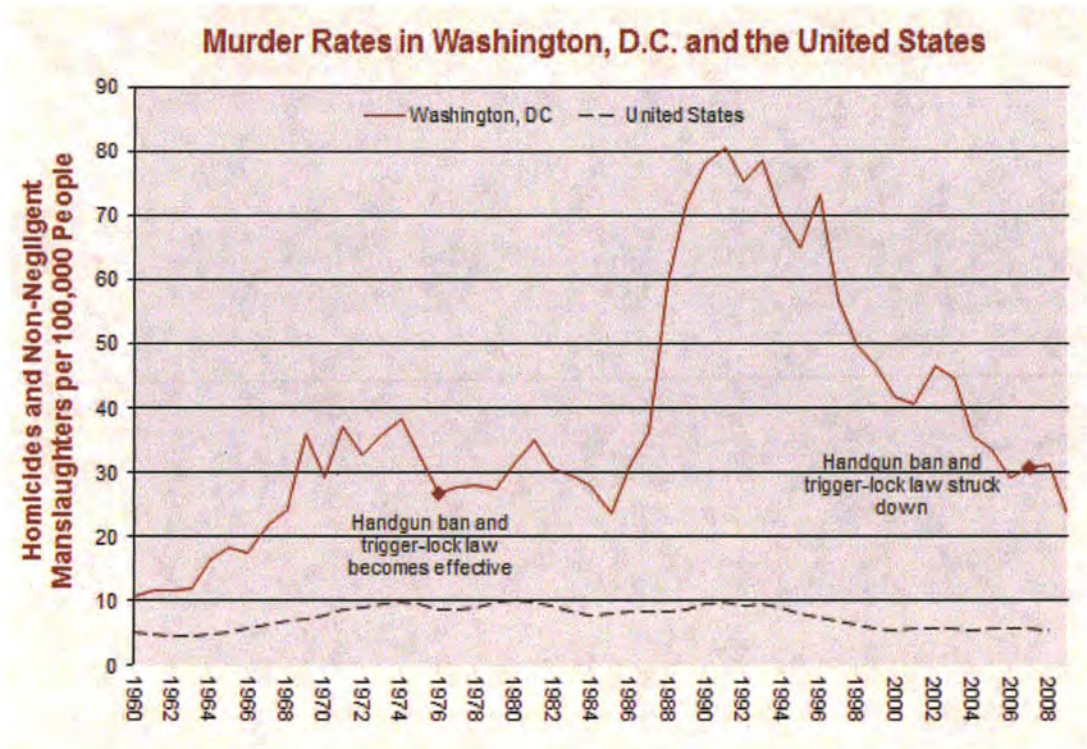
- at least 67.5% had been arrested for committing a new offense.
- at least 21.6% had been arrested for committing a new violent offense.
- these former inmates had been charged with committing at least 2,871 new homicides, 2,444 new rapes, 3,151 other new sexual assaults, 2,362 new kidnappings, 21,245 new robberies, 54,604 new assaults, and 13,854 other new violent crimes.[\[31\]](#)

* Of 1,662 murders committed in New York City during 2003-2005, more than 90% were committed by people with criminal records.[\[32\]](#)

Washington, DC

* In 1976, the Washington, D.C. City Council passed a law generally prohibiting residents from possessing handguns and requiring that all firearms in private homes be (1) kept unloaded and (2) rendered temporarily inoperable via disassembly or installation of a trigger lock. The law became operative on Sept. 24, 1976.[\[33\]](#) [\[34\]](#)

* On June 26, 2008, the U.S. Supreme Court, in a 5-4 ruling, struck down this law as unconstitutional.[\[35\]](#)



[\[36\]](#)

* During the years in which the D.C. handgun ban and trigger lock law was in effect, the Washington, D.C. murder rate averaged 73% higher than it was at the outset of the law, while the U.S. murder rate averaged 11% lower.[\[37\]](#)

Britain

* In 1920, Britain passed a law requiring civilians to obtain a certificate from their district police chief in order to purchase or possess any firearm except a shotgun. To obtain this certificate, the applicant had to pay a fee, and the chief of police had to be "satisfied" that the applicant had "good reason for requiring such a certificate" and did not pose a "danger to the public safety or to the peace." The certificate had to specify the types and quantities of firearms and ammunition that the applicant could purchase and keep.[\[38\]](#)

* In 1968, Britain made the 1920 law stricter by requiring civilians to obtain a certificate from their district police chief in order to purchase or possess a shotgun. This law also required that firearm certificates specify the identification numbers ("if known") of all firearms and shotguns owned by the applicant. [39]

* In 1997, Britain passed a law requiring civilians to surrender almost all privately owned handguns to the police. More than 162,000 handguns and 1.5 million pounds of ammunition were "compulsorily surrendered" by February 1998. Using "records of firearms held on firearms certificates," police accounted for all but fewer than eight of all legally owned handguns in England, Scotland, and Wales. [40]



* Years are calendar years prior to 1998 and fiscal years (April 1 - March 31) thereafter.

† Homicide data is published according to the years in which the police initially reported the offenses as homicides, which are not always the same years in which the incidents took place.

‡ Large anomalies unrelated to guns:

- 2000: 58 Chinese people suffocated to death in a shipping container en route to the UK
- 2002: 172 homicides reported when Dr. Harold Shipman was exposed for killing his patients
- 2003: 20 cockle pickers drowned resulting in manslaughter charges
- 2005: 52 people killed in the July 7th London subway/bus bombings

[41]

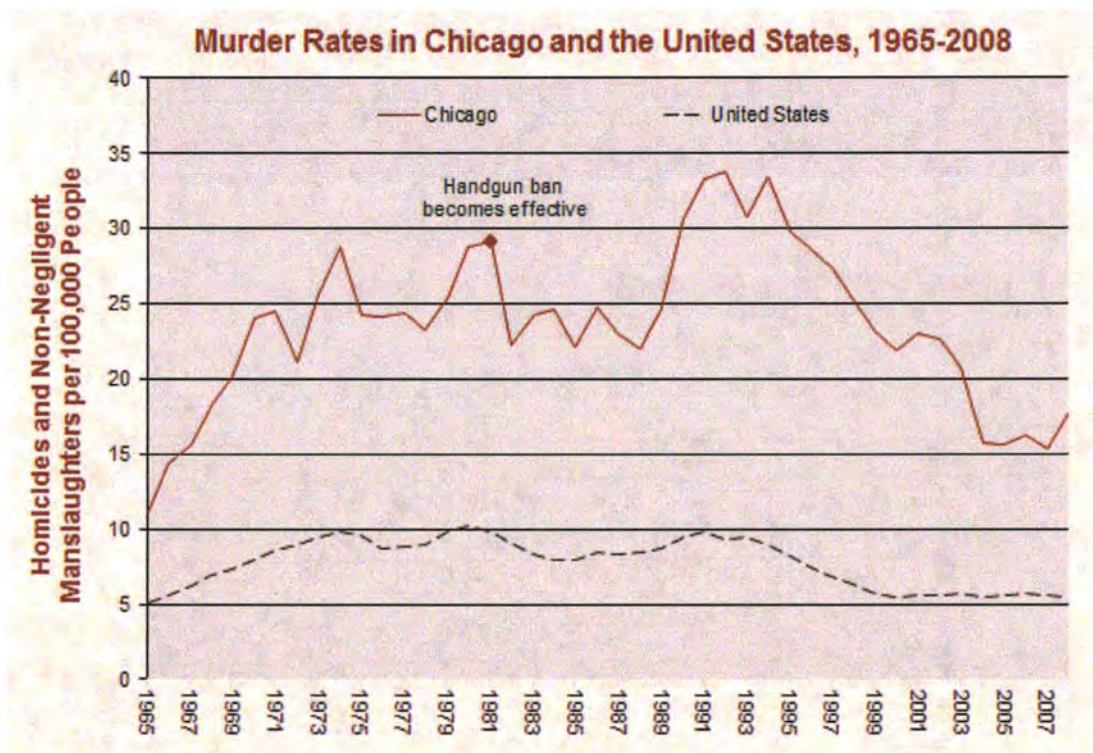
* Not counting the above-listed anomalies, the homicide rate in England and Wales has averaged 52% higher since the outset of the 1968 gun control law and 15% higher since the outset of the 1997 handgun ban. [42]

Chicago

* In 1982, the city of Chicago instituted a ban on handguns. This ban barred civilians from possessing handguns except for those registered with the city government prior to enactment of the law. The law also specified that such handguns had to be re-registered every two years or owners would forfeit their right to possess them. In 1994, the law was amended to require annual re-registration.[\[43\]](#) [\[44\]](#) [\[45\]](#)

* In the wake of Chicago's handgun ban, at least five suburbs surrounding Chicago instituted similar handgun bans. When the Supreme Court overturned the District of Columbia's handgun ban in June 2008, at least four of these suburbs repealed their bans.[\[46\]](#) [\[47\]](#) [\[48\]](#) [\[49\]](#) [\[50\]](#)

* In June 2010, the U.S. Supreme Court ruled (5-4) that Chicago's ban is unconstitutional.[\[51\]](#)



[\[52\]](#)

* Since the outset of the Chicago handgun ban, the Chicago murder rate has averaged 17% lower than it was before the law took effect, while the U.S. murder rate has averaged 25% lower.[\[53\]](#)



[54]

* Since the outset of the Chicago handgun ban, the percentage of Chicago murders committed with handguns has averaged about 40% higher than it was before the law took effect. [55]

* In 2005, 96% of the firearm murder victims in Chicago were killed with handguns. [56]

Background Checks and Criminals' Sources of Guns

* Under federal law:

- It is illegal and punishable by up to 10 years in prison for the following people to receive, possess, or transport any firearm or ammunition:

someone convicted of or under indictment for a felony punishable by more than one year in prison, someone convicted of a misdemeanor punishable by more than two years in prison, a fugitive from justice, an unlawful user of any controlled substance, someone who has been ruled as mentally defective or has been committed to any mental institution, an illegal alien, someone dishonorably discharged from the military, someone who has renounced his or her U.S. citizenship, someone subject to certain restraining orders, or someone convicted of a domestic violence misdemeanor. [57][58] [59] [60]

- It is illegal and punishable by up to 10 years in prison to sell or transfer any firearm or ammunition to someone while "knowing" or having "reasonable cause to believe" this person falls into any of the prohibited categories listed above. [61] [62]

- It is illegal to "engage in the business of importing, manufacturing, or dealing in firearms" without a federal license to do so.[\[63\]](#) [\[64\]](#) [\[65\]](#)
 - It is illegal for any federally licensed firearms business to sell or transfer any firearm without first conducting a background check to see if the buyer/recipient falls into any of the prohibited categories listed above.[\[66\]](#) [\[67\]](#)
 - It is illegal for anyone except a federally licensed firearms business to sell, buy, trade, or transfer a firearm across state lines.[\[68\]](#)
 - * Under federal law, private individuals are not required to conduct a background check before selling or transferring a firearm to someone who lives in the same state, but it is illegal and punishable by up to 10 years in prison for a private individual to sell or transfer a firearm while "knowing" or having "reasonable cause to believe" that the recipient falls into one of the prohibited categories above.[\[69\]](#) [\[70\]](#)
 - * Some states such as California require background checks for all firearms transactions, including those conducted between private individuals.[\[71\]](#) [\[72\]](#) [\[73\]](#)
-

Denials

- * In the 10-year period from November 30, 1998 to December 31, 2008, about 96 million background checks for gun purchases were processed through the federal background check system. Of these, approximately 681,000 or about 1% were denied.[\[74\]](#) [\[75\]](#)
- * During 2002 and 2003, out of 17 million background checks resulting in 120,000 denials, the federal government prosecuted 154 people (about one-tenth of 1% of the denials).[\[76\]](#) [\[77\]](#)
- * According to federal agents interviewed in a 2004 U.S. Justice Department investigation, the "vast majority" of denials under the federal background check system are issued to people who are not "a danger to the public because the prohibiting factors are often minor or based on incidents that occurred many years in the past." As examples of such, agents stated that denials have been issued due to a 1941 felony conviction for stealing a pig and a 1969 felony conviction for stealing hubcaps.[\[78\]](#) [\[79\]](#)
- * The same investigation audited 200 background check denials and found that 8% of denied applicants were not prohibited from lawfully possessing a firearm.[\[80\]](#)

* During 2008, applicants appealed about 19% of the 70,725 background check denials issued that year. Of these, about 23% were later overturned and the applications approved.[\[81\]](#)

Allowances

* As of 2010, federal law does not prohibit members of terrorist organizations from purchasing or possessing firearms or explosives.[\[82\]](#)

* Between February 2004 and February 2010, 1,225 firearm and three explosives background checks for people on terrorist watch lists were processed through the federal background check system. Of these, 91% of the firearm transactions and 100% of the explosives transactions were allowed.[\[83\]](#)

* Under federal law, individuals who have been convicted of a felony offense that would typically prohibit them from possessing firearms can lawfully possess firearms if their civil rights are restored by the requisite government entities.[\[84\]](#)

* As of 2002, 15 states automatically restore the firearm rights of convicts upon their release from prison or completion of parole, and 6 other states automatically restore the firearm rights of juvenile convicts upon their release from prison or completion of parole. In 2004, the Office of the Inspector General of the U.S. Department of Justice wrote that this system:

may result in a paradoxical situation in which someone convicted of a misdemeanor crime of domestic violence is permanently barred from owning a firearm, while someone who kills his spouse has his firearm rights restored after serving his sentence.[\[85\]](#)

Enforcement

* To undergo a background check, prospective gun buyers are required by federal regulations to present "photo-identification issued by a government entity."[\[86\]](#)

* Using fake driver's licenses bearing fictitious names, investigators with the Government Accountability Office had a 100% success rate buying firearms in five states that met the minimum requirements of the federal background check system.[\[87\]](#) [\[88\]](#) A 2001 report of this investigation states that the federal background check system "does not positively identify purchasers of firearms," and thus, people using fake IDs are not flagged by the system.[\[89\]](#)

Gun Shows

* "A gun show is an exhibition or gathering where guns, gun parts, ammunition, gun accessories, and literature are displayed, bought, sold, traded, and discussed."[\[90\]](#)

* Roughly 2,000-5,200 gun shows take place in the United States each year. [\[91\]](#)

* Gun shows "provide a venue for the sale and exchange of firearms by federal firearms licensees (FFLs).... Such shows also are a venue for private sellers who buy and sell firearms for their personal collections or as a hobby. In these situations, the sellers are not required to have a federal firearms license. Although federal firearms laws apply to both FFLs and private sellers at gun shows, private sellers, unlike FFLs, are under no legal obligation to ask purchasers whether they are legally eligible to buy guns or to verify purchasers' legal status through background checks...."[\[92\]](#)

* In the three-year period from October 2003 through September 2006, the Bureau of Alcohol, Tobacco and Firearms (ATF) conducted 202 operations at 195 gun shows, leading to 121 arrests and 83 convictions (with some cases still pending as of June 2007).[\[93\]](#)

* A 1997 U.S. Justice Department survey of 14,285 state prison inmates found that among those inmates who carried a firearm during the offense for which they were sent to jail, 0.7% obtained the firearm at a gun show, 1% at a flea market, 3.8% from a pawn shop, 8.3% from a retail store, 39.2% through an illegal/street source, and 39.6% through family or friends.[\[94\]](#)

Right-to-Carry Laws

* Right-to-carry laws permit individuals who meet certain "minimally restrictive" criteria (such as completion of a background check and gun safety course) to carry concealed firearms in most public places.[\[95\]](#) Concealed carry holders must also meet the minimum federal requirements for gun ownership as [detailed above](#).

* Each state has its own laws regarding right-to-carry and generally falls into one of three main categories:

- 1) "shall-issue" states, where concealed carry permits are issued to all qualified applicants
- 2) "may-issue" states, where applicants must often present a reason for carrying a firearm to an issuing authority, who then decides based on his or her discretion whether the applicant will receive a permit
- 3) "no-issue" states, where concealed carry is generally forbidden

* As of January 2012:

- 40 states are shall-issue:

Alaska	Arizona	Arkansas	Colorado
Florida	Georgia	Idaho	Indiana
Iowa	Kansas	Kentucky	Louisiana
Maine	Michigan	Minnesota	Mississippi
Missouri	Montana	Nebraska	Nevada
New Hampshire	New Mexico	North Carolina	North Dakota
Ohio	Oklahoma	Oregon	Pennsylvania
Rhode Island	South Carolina	South Dakota	Tennessee
Texas	Utah	Vermont	Virginia
Washington	West Virginia	Wisconsin	Wyoming

[\[96\]](#)

NOTE: Alaska, Arizona, Vermont, and Wyoming allow lawful firearm owners to carry concealed firearms without a permit. All other shall-issue states require firearm owners to obtain a permit to carry concealed firearms.[\[97\]](#)

- 9 states are may-issue:

Alabama	California	Connecticut	Delaware
Hawaii	Maryland	Massachusetts	New Jersey
New York			

[\[99\]](#)

NOTE: May-issue states vary significantly in the implementation of their laws. Some, such as Connecticut,[\[100\]](#) act effectively as shall-issue states, while others, such as New Jersey, act effectively as no-issue states.[\[101\]](#)

- 1 state is no-issue: Illinois [\[102\]](#)

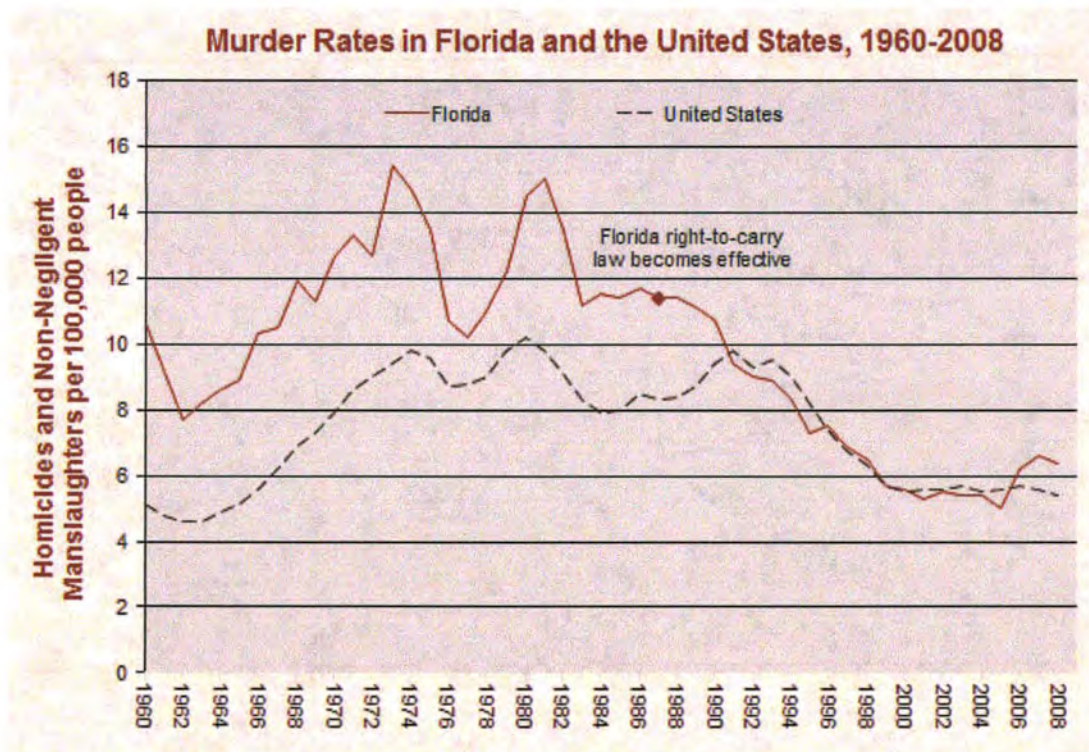
* [Click here](#) to see why the following commonly cited statistic does not meet Just Facts' [Standards of Credibility](#): In right-to-carry states, the violent crime rate is 24% lower than the rest of the U.S., the murder rate is 28% lower, and the robbery rate is 50% lower.

Florida

* On October 1, 1987, Florida's right-to-carry law became effective.[\[103\]](#)

* This law requires that concealed carry licensees be 21 years of age or older, have clean criminal/mental health records, and complete a firearms safety/training course.[\[104\]](#)

* As of July 31, 2010, Florida has issued 1,825,143 permits and has 746,430 active licensees,[\[105\]](#) constituting roughly 5.4% of the state's population that is 21 years of age or older.[\[106\]](#)



[\[107\]](#)

* Since the outset of the Florida right-to-carry law, the Florida murder rate has averaged 36% lower than it was before the law took effect, while the U.S. murder rate has averaged 15% lower.[\[108\]](#)

* From the outset of the Florida right-to-carry law through July 31, 2010, Florida has revoked 5,674 or 0.3% of all issued permits. Of these:

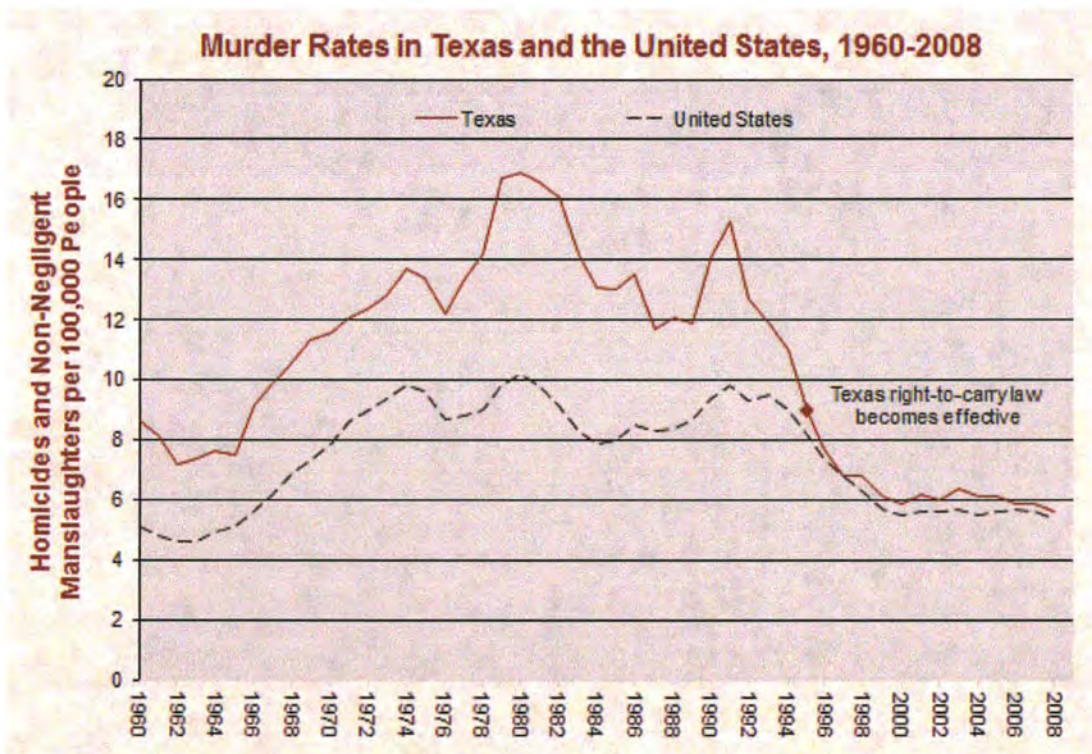
- 522 permits were revoked for crimes committed prior to licensure.
- 4,955 permits were revoked for crimes committed after licensure, of which 168 involved the usage of a firearm.[\[109\]](#)

Texas

* In January 1996, Texas's right-to-carry law became effective.[\[110\]](#)

* This law requires that concealed carry licensees be at least 21 years of age (or 18 years of age if a member or veteran of the U.S. armed forces), have clean criminal/mental health records, and complete a handgun proficiency course.[\[111\]](#)

* In 2009, Texas had 402,914 active licensees,[\[112\]](#) constituting roughly 2.4% of the state's population that is 21 years of age or older.[\[113\]](#)



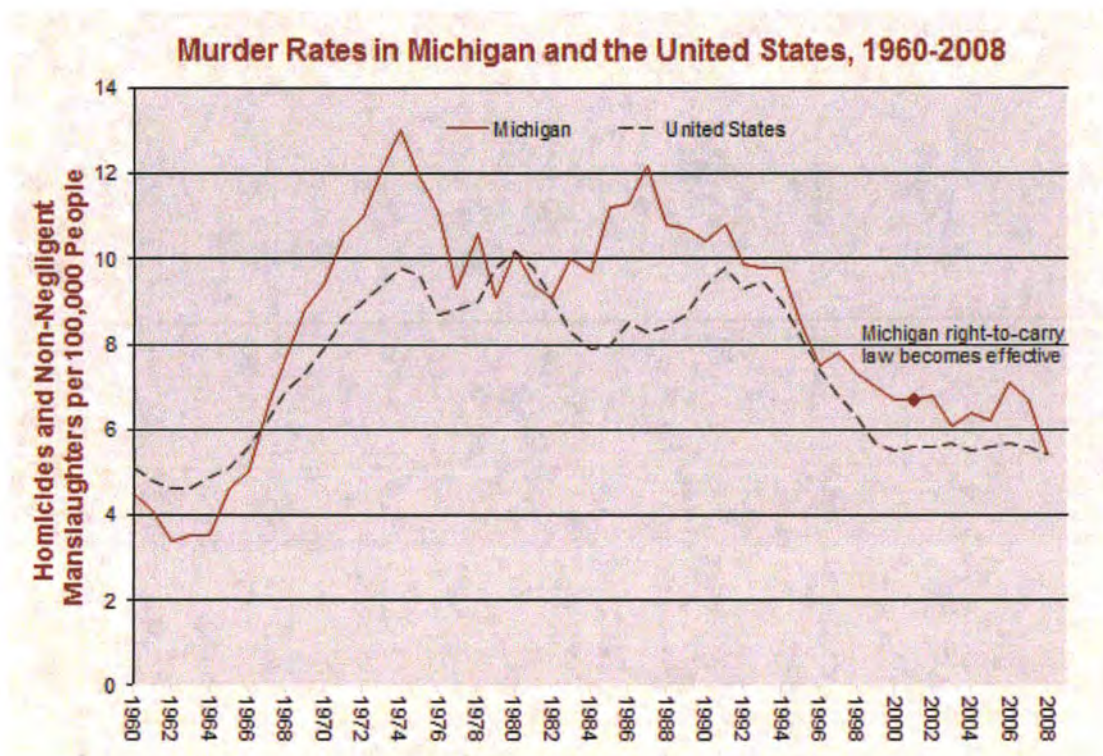
[\[114\]](#)

* Since the outset of the Texas right-to-carry law, the Texas murder rate has averaged 30% lower than it was before the law took effect, while the U.S. murder rate has averaged 28% lower.[\[115\]](#)

Michigan

* On July 1, 2001, Michigan's right-to-carry law became effective.[\[116\]](#)

* This law requires that concealed carry licensees be at least 18 years of age (or 21 years of age if purchasing a handgun from a licensed dealer), have clean criminal/mental health records, and pass a written firearms safety test.[\[117\]](#)



[\[118\]](#)

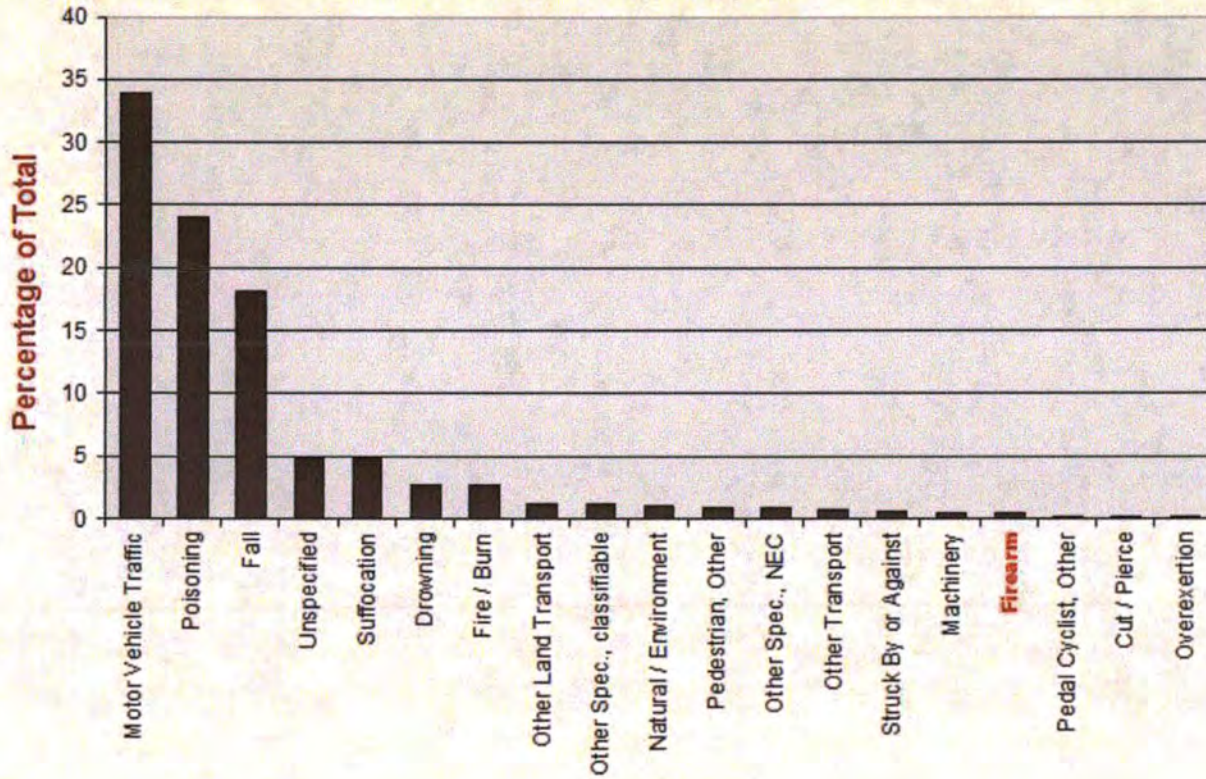
* Since the outset of the Michigan right-to-carry law, the Michigan murder rate has averaged 4% lower than it was before the law took effect, while the U.S. murder rate has averaged 2% lower.[\[119\]](#)

Accidents

Fatal

* In 2007, there were 613 fatal firearm accidents in the United States, constituting 0.5% of 123,706 fatal accidents that year.[\[120\]](#)

Fatal Accidents, 2007



[121]

* Fatal firearm accidents in 2007 by age groups:

Age Group	Fatal Firearm Accidents	
	Raw number	Portion of fatal accidents from all causes
<1 yrs	1	0.1%
1-4 yrs	18	1.1%
5-9 yrs	20	2.1%
10-14 yrs	26	2.1%
15-24 yrs	155	1.0%
25-34 yrs	94	0.6%
35-44 yrs	91	0.5%

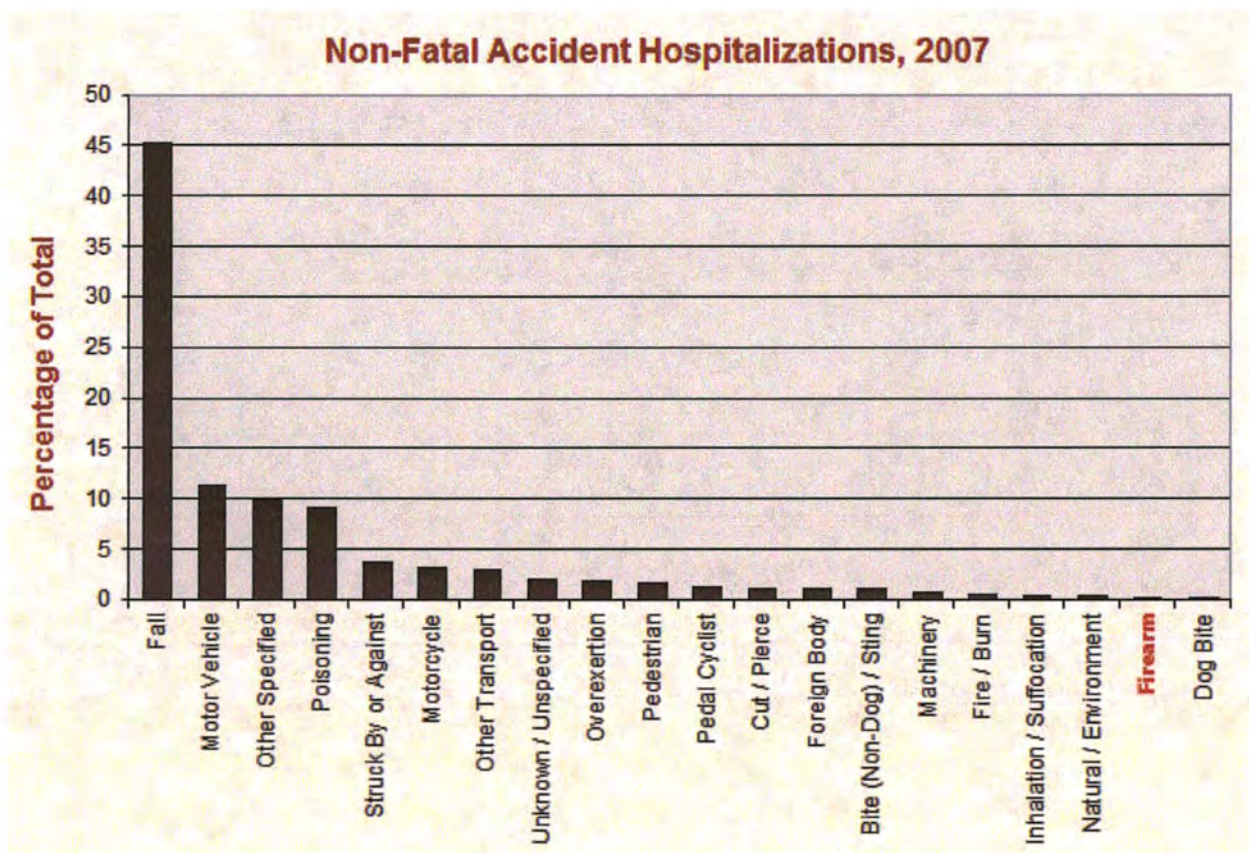
45-54 yrs	82	0.4%
55-64 yrs	57	0.5%
65+ yrs	69	0.2%

[122]

Non-Fatal

* In 2007, there were roughly 15,698 emergency room visits for non-fatal firearm accidents, [123] constituting 0.05% of 27.7 million emergency room visits for non-fatal accidents that year. [124]

* These emergency room visits for non-fatal firearm accidents resulted in 5,045 hospitalizations, [125] constituting 0.4% of 1.4 million non-fatal accident hospitalizations that year. [126]



[127]

Harm vs. Benefit

* In *D.C. v Heller*, the 2008 Supreme Court ruling striking down Washington's D.C.'s handgun ban, Justice Stephen Breyer authored a dissenting opinion that was joined by Justices John Paul Stevens, David Souter, and Ruth Bader Ginsburg. The opinion states:

First, consider the facts as the legislature saw them when it adopted the District statute. As stated by the local council committee that recommended its adoption, the major substantive goal of the District's handgun restriction is "to reduce the potentiality for gun-related crimes and gun-related deaths from occurring within the District of Columbia." ...

... [A]ccording to the committee, "[f]or every intruder stopped by a homeowner with a firearm, there are 4 gun-related accidents within the home."[\[128\]](#)

* This committee report cites no source or evidence for this statistic.[\[129\]](#)

* A 1994 survey conducted by the U.S. Centers for Disease Control and Prevention (CDC) found that Americans use guns to frighten away intruders who are breaking into their homes about 498,000 times per year.[\[130\]](#)

* According to the CDC, there were about 18,498 gun-related accidents that resulted in death or an emergency room visit during 2001[\[131\]](#) (the earliest year such data is available from the CDC[\[132\]](#)). This is roughly 27 times lower than the CDC's 1994 estimate for the number of times Americans use guns to frighten away intruders who are breaking into their homes.[\[133\]](#)

Safety

* Five critical rules of gun safety from the NRA and other sources:

- 1) Always keep the gun pointed in a safe direction (whether loaded or unloaded).
 - 2) Always keep your finger off the trigger until ready to shoot.
 - 3) Always keep the gun unloaded until ready to shoot.
 - 4) Be aware of what is behind your target.
 - 5) When handling firearms, never use alcohol or any drug that might impair your awareness or judgment (including prescription drugs).[\[134\]](#)
-

Politics

Interest Groups

* From the 1990 election cycle through August 22, 2010, the following political contributions were made by gun rights and gun control interest groups to federal candidates:

	Total Contributions	Donations to Democrats	Donations to Republicans	Percent to Dems	Percent to Repubs
Gun Rights	\$22,467,579	\$3,231,405	\$19,195,400	14%	85%
Gun Control	\$1,888,886	\$1,776,310	\$112,326	94%	6%

[\[135\]](#) [\[136\]](#)

* In the 2008, 2006, 2004, 2002, and 2000 election cycles, neither gun rights nor gun control interest groups were among the top 50 interest groups donating to incumbent members of Congress. [\[137\]](#)

* In the 2008 election cycle, gun rights groups donated \$2,397,743 to federal candidates, [\[138\]](#) equating to about 1% of the money donated by lawyers/law firms. [\[139\]](#)

* In the 2008, election cycle, gun control groups donated \$57,919 to federal candidates, equating to about 2% of the money donated by gun rights groups. [\[140\]](#)

Party Platforms

* The 2008 Republican Party Platform voices support for the Second Amendment and the Supreme Court's 2008 decision in *D.C. v Heller*, which overturned Washington's D.C.'s handgun ban. The Platform calls for "the next president to appoint judges who will similarly respect the Constitution." [\[141\]](#)

* The 2008 Democratic Party Platform voices support for the Second Amendment, states that the "right to own firearms is subject to reasonable regulation," and calls for "closing the gun show loophole, improving our background check system, and reinstating the assault weapons ban." [\[142\]](#)

Politicians

* The President of the United States appoints judges to the Supreme Court. These appointments must be approved by a majority of the Senate.[\[143\]](#) Senate rules allow for a "filibuster," in which a vote to approve a judge can be blocked unless unless three-fifths of the senators (typically 60 out of 100) agree to let it take place.[\[144\]](#) [\[145\]](#)

* Once seated, federal judges serve for life unless they voluntarily resign or are removed through impeachment, which requires a majority vote of the House of Representatives and a two-thirds vote in the Senate.[\[146\]](#)

* On June 26, 2008, the U.S. Supreme Court, in a 5-4 decision, ruled that Washington's D.C.'s handgun ban was unconstitutional.[\[147\]](#) Both of the Justices appointed by Democrats voted to uphold the ban, and five of the seven Justices appointed by Republicans voted to strike it down.[\[148\]](#)

* Of the five Justices who voted to strike down the D.C. handgun ban, Barack Obama voted against the nomination of two of them and identified two of the others as judges he would not have nominated.[\[149\]](#) [\[150\]](#)[\[151\]](#) Of the four justices who voted to uphold the handgun ban, John McCain identified all of them as judges he would not have nominated.[\[152\]](#)

* In May 2009, President Obama announced Sonya Sotomayor as his first nominee to the Supreme Court.[\[153\]](#) She was confirmed in a 68-31 Senate vote, with 100% of Democrats voting for her confirmation and 78% of Republicans voting against it.[\[154\]](#)

* Within a year of being confirmed to the Supreme Court,[\[155\]](#) Sotomayor joined in a dissenting opinion declaring that Chicago's handgun ban was constitutional, that "the use of arms for private self-defense does not warrant federal constitutional protection from state regulation," and that the Framers of the Constitution "did not write the Second Amendment in order to protect a private right of armed self-defense."[\[156\]](#)

* In May 2010, Obama announced his second nominee to the Supreme Court, Elena Kagan.[\[157\]](#) As a law clerk for Supreme Court Justice Thurgood Marshall, Kagan wrote a memo recommending Marshall deny hearing an appeal from a man who was convicted of violating Washington, D.C.'s gun laws. She wrote in the memo:

[The man's] sole contention is that the District of Columbia's firearms statutes violate his constitutional right to "keep and bear arms." I'm not sympathetic.[\[158\]](#)

* Kagan was confirmed to the Supreme Court by the Senate in a 63-37 vote, with 98% of Democrats voting for her confirmation and 88% of Republicans voting against it.[\[159\]](#)

Constitution

* In the Bill of Rights, the Second Amendment to the Constitution reads:

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed.[\[160\]](#)

* Gun control proponents have argued and some federal courts have ruled that the Second Amendment does not apply to individual citizens of the United States but only to members of militias, which, they assert, are now the state National Guard units.[\[161\]](#) [\[162\]](#) In 2002, a federal appeals court panel ruled that "the people" only "have the right to bear arms in the service of the state."[\[163\]](#)

* Gun rights proponents have argued and some federal courts have ruled that the Second Amendment recognizes "an individual right to keep and bear arms."[\[164\]](#) In 2001, a federal appeals court panel ruled that the Second Amendment "protects the right of individuals, including those not then actually a member of any militia or engaged in active military service or training, to privately possess and bear their own firearms...."[\[165\]](#)

* James Madison was the primary author of the Bill of Rights,[\[166\]](#) is known as the "Father of the Constitution" for his central role in its formation,[\[167\]](#) and was one of three authors of the Federalist Papers, a group of essays published in newspapers and books to explain and lobby for ratification of the Constitution.[\[168\]](#) [\[169\]](#)

* In Federalist Paper 46, James Madison addressed the concern that a standing federal army might conduct a coup to take over the nation. He argued that this was implausible because, based on the country's population at the time, a federal standing army couldn't field more than 25,000-30,000 men. He then wrote:

To these would be opposed a militia amounting to near half a million of citizens with arms in their hands, officered by men chosen from among themselves, fighting for their common liberties, and united and conducted by governments possessing their affections and confidence.

Besides the advantage of being armed, which the Americans possess over the people of almost every other nation, the existence of subordinate governments, to which the people are attached, and by which the militia officers are appointed, forms a barrier against the enterprises of ambition, more insurmountable than any which a simple government of any form can admit of. Notwithstanding the military establishments in the several kingdoms of Europe, which are carried as far as the public resources will bear, the governments are afraid to trust the people with arms.[\[170\]](#)

D.C. v Heller

* In 1976, the Washington, D.C. City Council passed a law generally prohibiting residents from possessing handguns and requiring that all firearms in private homes be (1) kept unloaded and (2) rendered temporarily inoperable via disassembly or installation of a trigger lock.[\[171\]](#) [\[172\]](#)

* On June 26, 2008, the U.S. Supreme Court, in a 5-4 ruling known as *D.C. v Heller*, struck down this law as unconstitutional.[\[173\]](#)

* Excerpts from the majority ruling (Justice Scalia, joined by Roberts, Kennedy, Thomas, and Alito):

The District's total ban on handgun possession in the home amounts to a prohibition on an entire class of "arms" that Americans overwhelmingly choose for the lawful purpose of self-defense. Under any of the standards of scrutiny the Court has applied to enumerated constitutional rights, this prohibition ... would fail constitutional muster.

Similarly, the requirement that any lawful firearm in the home be disassembled or bound by a trigger lock makes it impossible for citizens to use arms for the core lawful purpose of self-defense and is hence unconstitutional.

The Second Amendment is naturally divided into two parts: its prefatory clause and its operative clause. The former does not limit the latter grammatically, but rather announces a purpose. The Amendment could be rephrased, "Because a well regulated Militia is necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed."

* Excerpts from a minority dissent (Justice Stevens, joined by Souter, Ginsburg, and Breyer):

[T]he words "the people" in the Second Amendment refer back to the object announced in the Amendment's preamble. They remind us that it is the collective action of individuals having a duty to serve in the militia that the text directly protects and, perhaps more importantly, that the ultimate purpose of the Amendment was to protect the States' share of the divided sovereignty created by the Constitution.

As used in the Second Amendment, the words "the people" do not enlarge the right to keep and bear arms to encompass use or ownership of weapons outside the context of service in a well-regulated militia.

* Excerpt from a minority dissent (Justice Breyer, joined by Stevens, Souter, and Ginsburg):

[The Framers were] unlikely then to have thought of a right to keep loaded handguns in homes to confront intruders in urban settings as *central*. And the subsequent development of modern urban police departments, by diminishing the need to keep loaded guns nearby in case of intruders, would have moved any such right even further away from the heart of the amendment's more basic protective ends.

* The Bill of Rights includes two Amendments other than the Second that use the phrase "right of the people":

Amendment 1: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."[\[174\]](#)

Amendment 4: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."[\[175\]](#)

* In *D.C. v Heller*, the Supreme Court Justices debated the meaning of the phrase "right of the people" in the Second Amendment. Below are excerpts of this debate:

- Majority Opinion (Justice Scalia, joined by Roberts, Kennedy, Thomas, and Alito):

The unamended Constitution and the Bill of Rights use the phrase "right of the people" two other times... The Ninth Amendment uses very similar terminology.... All three of these instances unambiguously refer to individual rights, not "collective" rights, or rights that may be exercised only through participation in some corporate body. ...

... Nowhere else in the Constitution does a "right" attributed to "the people" refer to anything other than an individual right.

What is more, in all six other provisions of the Constitution that mention "the people," the term unambiguously refers to all members of the political community, not an unspecified subset.

- Dissenting Opinion (Justice Stevens, joined by Souter, Ginsburg, and Breyer):

The Court also overlooks the significance of the way the Framers used the phrase "the people" in these constitutional provisions. In the First Amendment, no words define the class of individuals entitled to speak, to publish, or to worship; in that Amendment it is only the right peaceably to assemble, and to petition the Government for a redress of grievances, that is described as a right of "the people." These rights contemplate collective action. While the right peaceably to assemble protects the individual rights of those persons participating in the assembly, its concern is with action engaged in by members of a group, rather than any single individual. Likewise, although the act of petitioning the Government is a right that can be exercised by individuals, it is primarily collective in nature. For if they are to be effective, petitions must involve groups of individuals acting in concert. ...

As used in the Fourth Amendment, "the people" describes the class of persons protected from unreasonable searches and seizures by Government officials. It is true that the Fourth Amendment describes a right that need not be exercised in any collective sense. But that observation does not settle the meaning of the phrase "the people" when used in the Second Amendment.

- Majority Opinion (Justice Scalia, joined by Roberts, Kennedy, Thomas, and Alito):

Justice Stevens is of course correct ... that the right to assemble cannot be exercised alone, but it is still an individual right, and not one conditioned upon membership in some defined "assembly," as he contends the right to bear arms is conditioned upon membership in a defined militia. And *Justice Stevens* is dead wrong to think that the right to petition is "primarily collective in nature." *Ibid.* See *McDonald v. Smith*, 472 U. S. 479, 482-484 (1985) (describing historical origins of right to petition).

McDonald v Chicago

* In an 1833 Supreme Court case known as *Barron v Baltimore*, the Court ruled that the rights of the people in the Constitution and the Bill of Rights only had to be respected by the federal government and could be infringed by state governments.[\[176\]](#)

* During the aftermath of the Civil War in 1868, the United States adopted the 14th Amendment to the Constitution, the first section of which reads:

... No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. ...[\[177\]](#)

* Senator Jacob Howard of Michigan served on the committee that drafted the 14th Amendment, and he introduced it on the floor of the Senate. In this speech, he stated that that the "great object" of the first section of the amendment is "to restrain the power of the States and compel them at all times to respect" the "personal rights guaranteed and secured by the first eight amendments of the Constitution" including "the right to keep and to bear arms...."[\[178\]](#)

* In 1982, the city of Chicago instituted a ban on handguns. This ban barred civilians from possessing handguns except for those registered with the city government prior to enactment of the law. The law also specified that such handguns had to be re-registered every two years or owners would forfeit their right to possess them. In 1994, the law was amended to require annual re-registration.[\[179\]](#) [\[180\]](#) [\[181\]](#)

* On June 28, 2010, the U.S. Supreme Court ruled (5-4) that this ban is unconstitutional.[\[182\]](#)

* Excerpt from the majority ruling (Justice Alito, joined by Roberts, Scalia, Kennedy, and Thomas):

In sum, it is clear that the Framers and ratifiers of the Fourteenth Amendment counted the right to keep and bear arms among those fundamental rights necessary to our system of ordered liberty.

* Excerpt from a concurring opinion (Justice Thomas):

[An 1876 decision by the Supreme Court] holding that blacks could look only to state governments for protection of their right to keep and bear arms enabled private forces, often with the assistance of local governments, to subjugate the newly freed slaves and their descendants through a wave of private violence designed to drive blacks from the voting booth and force them into peonage, an effective return to slavery. Without federal enforcement of the inalienable right to keep and bear arms, these militias and mobs were tragically successful in waging a campaign of terror against the very people the Fourteenth Amendment had just made citizens.

* Excerpt from a minority dissent (Justice Breyer, joined by Ginsburg and Sotomayor):

[T]he use of arms for private self-defense does not warrant federal constitutional protection from state regulation.

* Excerpt from a minority dissent (Justice Stevens):

[T]he strength of the individual's liberty interests and the State's regulatory interests must always be assessed and compared.

Footnotes

[1] Paper: "Estimating intruder-related firearm retrievals in U.S. households, 1994." By Robin M. Ikeda and others. *Violence and Victims*, Winter 1997. Pages 363-372. <http://www.ncbi.nlm.nih.gov/pubmed/9591354>

Page 370: "Obtaining information on the protective use of firearms in an efficient and unbiased manner is difficult. These data can be collected through official records, such as police reports, or through special studies. Police reports are more likely to include events with untoward outcomes. Cross-sectional surveys may also be subject to reporting biases and may not yield a sufficient number of episodes to analyze because these events are rare. Nevertheless, surveys are likely to be the most common investigatory tool because of their simplicity and apparent straightforwardness."

[2] Book: *Firearms and Violence: A Critical Review*. By the Committee to Improve Research and Data on Firearms and the Committee on Law and Justice, National Research Council of the National Academies. Edited by Charles F. Wellford, John V. Pepper, and Carol V. Petrie. National Academies Press, 2005. Page 35:

While surveys of firearms acquisitions, possession, and use are of varying quality and scope, they all share common methodological and survey sampling-related problems. The most fundamental of these is the potential for response errors to survey questionnaires. Critics argue that asking people whether they own a firearm, what kind it is, and how it is used may lead to invalid responses because ownership is a controversial matter for one or more reasons: some people may own a firearm illegally, some may own it legally but worry that they may use it illegally, and some may react to the intense public controversy about firearm ownership by becoming less (or even more) likely to admit to ownership (Blackman, 2003).⁷

⁷ While in most surveys respondents are provided confidentiality, the concern is still expressed that violations of confidentiality directly or through data mining could lead to the identification of specific respondents in a way that might allow the identification of firearms owners.

[3] Report: "Guns Used in Crime." By Marianne W. Zawitz. U.S. Department of Justice, Bureau of Justice Statistics, July 1995. <http://bjs.ojp.usdoj.gov/content/pub/pdf/GUIC.PDF>

Page 2:

What are the different types of firearms?

Handgun A weapon designed to fire a small projectile from one or more barrels when held in one hand with a short stock designed to be gripped by one hand.

Revolver A handgun that contains its ammunition in a revolving cylinder that typically holds five to nine cartridges, each within a separate chamber. Before a revolver fires, the cylinder rotates, and the next chamber is aligned with the barrel.

Pistol Any handgun that does not contain its ammunition in a revolving cylinder. Pistols can be manually operated or semiautomatic. A semiautomatic pistol generally contains cartridges in a magazine located in the grip of the gun. When the semiautomatic pistol is fired, the spent cartridge that contained the bullet and propellant is ejected, the firing mechanism is cocked, and a new cartridge is chambered.

Derringer A small single- or multiple-shot handgun other than a revolver or semiautomatic pistol.

Rifle A weapon intended to be fired from the shoulder that uses the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

Shotgun A weapon intended to be fired from the shoulder that uses the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

[4] Report: "Firearm Use by Offenders." By Caroline Wolf Harlow, U.S. Department of Justice, November 2001. <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=940>

Page 15:

A semiautomatic gun is a firearm in which a shell is ejected and the next round of ammunition is loaded automatically from a magazine or clip. The trigger must be pulled for each shot. Semiautomatic guns may be classified as handguns, rifles, or shotguns.

A machine gun is an automatic gun which, if the trigger is held down, will fire rapidly and continuously. It is not a semi-automatic gun for which the trigger must be pulled for each shot. (Classified as *fully automatic* for analysis.)

[5] Dataset: "Annual Estimates of the Resident Population for the United States, Regions, States, and Puerto Rico: April 1, 2000 to July 1, 2008." U.S. Census Bureau, December 2009. <http://www.census.gov/popest/states/NST-ann-est.html>

As of July 1, 2009, total people = 307,006,550

[6] Book: *Firearms and Violence: A Critical Review*. By the Committee to Improve Research and Data on Firearms and the Committee on Law and Justice, National Research Council of the National Academies. Edited by Charles F. Wellford, John V. Pepper, and Carol V. Petrie. National Academies Press, 2005. Pages 56-57:

Firearm production statistics are derived from reports of firearms manufacture, import, and export made the Bureau of Alcohol, Tobacco, and Firearms. Estimates of firearm availability are derived by adding the net growth in the number of firearms (manufactures plus imports minus exports) to a base measure of firearms stock.⁴

⁴ Production-based estimates have limitations in that they account for neither additions to the stock from illegal or other uncounted means nor losses from seized, lost, or nonworking firearms. These data also exclude firearms manufactured or exported for the military but include firearms purchased by domestic law enforcement agencies.

Page 57: "Table 3-2 presents production-based estimates of the size of the civilian firearms stock based on a cumulated total since 1999."

1999, total firearms (258,322,465), handguns (93,742,357)

[7] Web page: "Firearms Fact Card, 2010." National Rifle Association, January 20, 2010. <http://www.nra.org/Issues/FactSheets/Read.aspx?ID=83>

"Privately owned firearms in the U.S.: Approaching 300 million, including nearly 100 million handguns. The number of firearms rises over 4 million annually."

NOTE: Although the NRA does not state that this data is derived from production-based estimates, it is consistent with the 1999 production-based estimates in the citation above.

[8] Data from and calculations performed with information from the following sources:

a) Web page: "Firearms Fact Card, 2010." National Rifle Association, January 20, 2010. <http://www.nraila.org/Issues/FactSheets/Read.aspx?ID=83>

"Gun owners in the U.S.: 70-80 million; 40-45 million own handguns"

"American households that have firearms: 40-45%"

NOTES:

- Although the NRA does not state that this data is derived from surveys, Just Facts found that it is consistent with a broad range of surveys.

- Just Facts requested data on firearm ownership from the U.S. Department of Justice on February 17, 2010. The Department of Justice responded that this information is "not maintained by this Agency."

b) Dataset: "Average Number of People per Household, by Race and Hispanic Origin, Marital Status, Age, and Education of Householder: 2009." U.S. Census Bureau, January 2009. <http://www.census.gov/population/www/socdemo/hh-fam/cps2009.html>

Total households = 117,181,000

c) Dataset: "Annual Estimates of the Resident Population for the United States, Regions, States, and Puerto Rico: April 1, 2000 to July 1, 2008." U.S. Census Bureau, December 2009. <http://www.census.gov/popest/states/NST-ann-est.html>

As of July 1, 2009, total people = 307,006,550

d) Web page: "State & County QuickFacts." U.S. Census Bureau. Last revised November 17, 2009. <http://quickfacts.census.gov/qfd/states/00000.html>

Persons under 18 years old, percent, 2008 = 24.3%

CALCULATIONS:

1) Number of households with a gun = 117,181,000 households in the U.S. × .040-.045 households with a gun = 46,872,400-52,731,450

2) Percentage of adults owning a gun = 70-80 million people owning a gun / (307,006,550 people in the U.S. × (1-.243 persons under 18 years old)) = 30.1% - 34.4%

3) Percentage of adults owning a handgun = 40-45 million people owning a handgun / (307,006,550 people in the U.S. × (1-.243 persons under 18 years old)) = 17.2% - 19.4%

[9] Article: "Gun Ownership and Use in America." By Joseph Carroll. Gallup Poll, November 22, 2005. <http://www.gallup.com/poll/20098/gun-ownership-use-america.aspx>

[10] Article: "Gun Ownership and Use in America." By Joseph Carroll. Gallup Poll, November 22, 2005. <http://www.gallup.com/poll/20098/gun-ownership-use-america.aspx>

[11] Report: "2008 Crime in the United States, Expanded Homicide Data – Table 9." Federal Bureau of Investigation, U.S. Department of Justice, September 2009. [http://www2.fbi.gov/ucr/cius2008/offenses/expanded ...](http://www2.fbi.gov/ucr/cius2008/offenses/expanded...)

NOTE: This table states that 66.9% of all murders were committed with firearms, but this data does not account for all homicides – only those for which a "Supplemental Homicide Report" was filed (correspondence from U.S. Department of Justice to Just Facts, January 15, 2010). Hence, this table shows 14,180 total murder victims, while the [UCR](#) states: "[An estimated 16,272 persons were murdered nationwide in 2008.](#)" Assuming the proportion of murders committed with firearms is approximately the same regardless of whether or not a Supplemental Homicide Report is filed:

$16,272 \times .669 \approx 10,886$ people murdered with firearms

[12] Paper: "Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun." By Gary Kleck and Marc Gertz. *Journal of Criminal Law and Criminology*, Fall 1995. <http://www.law.northwestern.edu/jclc/backissues/86-1.html>

Page 160: "The present survey ... was carefully designed to correct all of the known correctable or avoidable flaws of previous surveys.... We interviewed a large nationally representative sample...."

Pages 160-161: "A professional telephone polling firm, Research Network of Tallahassee, Florida, carried out the sampling and interviewing."

Page 161: "Each interview began with a few general 'throat-clearing' questions about problems facing the R's community and crime. The interviewers then asked the following question: 'Within the past *five* years, have you yourself or another member of your household *used* a gun, even if it was not fired, for self-protection or for the protection of property at home, work, or elsewhere? Please do *not* include military service, police work, or work as a security guard.'"

Page 172: "While estimates of DGU frequency are reliable because they are based on a very large sample of 4,977 cases, results pertaining to the details of DGU incidents are based on 213 or fewer sample cases, and readers should treat these results with appropriate caution."

Page 163: "An additional step was taken to minimize the possibility of DGU [defensive gun use] frequency being overstated. The senior author went through interview sheets on every one of the interviews in which a DGU was reported, looking for any indication that the incident might not be genuine. ... There were a total of twenty-six cases where at least one of these problematic indications was present. ... Estimates using all of the DGU cases are labeled herein as 'A' estimates, while the more conservative estimates based only on cases devoid of any problematic indications are labeled 'B' estimates."

Page 176: "Another way of assessing how serious these incidents appeared to the victims is to ask them how potentially fatal the encounter was. We asked Rs [respondents]: "If you had *not* used a gun for protection in this incident, how likely do you think it is that you or someone else would have been *killed*? Would you say almost certainly *not*, probably not, might have, probably would have, or almost certainly would have been killed?" Panel K indicates that 15.7% of the Rs stated that they or someone else "almost certainly would have" been killed...."

NOTES: Table 2 on page 184 lists the results of the survey. In keeping with Just Facts' [Standards of Credibility](#), we are using the most cautious plausible interpretations of this data, which is for households (as opposed to individuals) and a five-year recall period based "only on cases devoid of any problematic indications." As shown in this table, this amounts to 3.456% of households or 1,029,615 defensive gun uses per year. Accounting for the 15.7% figure from page 176 (cited above): 1,029,615 defensive gun uses per year × .157 of respondents stating someone "almost certainly would have been killed" if they "had not used a gun for protection" = 161,650 such incidents. Using percentages for the same calculation: 3.456% × .157 = 0.54%.

[13] Web page: "Definitions." U.S. Department of Justice, Bureau of Justice Statistics. Last revised May 3, 2010. <http://bjs.ojp.usdoj.gov/index.cfm?ty=tdtp>

Aggravated assault

(1) Intentionally and without legal justification causing serious bodily injury, with or without a deadly weapon or (2) using a deadly or dangerous weapon to threaten, attempt, or cause bodily injury, regardless of the degree of injury, if any. Includes attempted murder, aggravated battery, felonious assault, and assault with a deadly weapon.

Robbery

Completed or attempted theft, directly from a person, of property or cash by force or threat of force, with or without a weapon, and with or without injury.

Simple assault

Attack without a weapon resulting either in no injury, minor injury (for example, bruises, black eyes, cuts, scratches or swelling) or in undetermined injury requiring less than 2 days of hospitalization. Also includes attempted assault without a weapon.

[14] NOTE: The U.S. government publishes two primary crime measures: The FBI's "Uniform Crime Report" (UCR) and the Department of Justice's "National Crime Victimization Survey" (NCVS). The UCR is based upon incidents reported to law enforcement authorities and does not account for unreported crimes. The NCVS is based upon data gathered from extensive interviews, and hence, provides more accurate estimates of crime than the UCR.* The NCVS, however, does not provide data on: murders and nonnegligent manslaughters (because the victims cannot be interviewed), crimes committed against children under the age of 12, and commercial crimes such as robberies of banks and convenience stores.† Therefore, Just Facts uses the NCVS data as a baseline and extrapolates the missing information from UCR and NCVS data.

* Book: *Firearms and Violence: A Critical Review*. By the Committee to Improve Research and Data on Firearms and the Committee on Law and Justice, National Research Council of the National Academies. Edited by Charles F. Wellford, John V. Pepper, and Carol V. Petrie. National Academies Press, 2005.

Page 21: "The National Crime Victimization Survey ... is widely viewed as a "gold standard for measuring crime victimization."

Page 30: "Although the NCVS data do many things right, they are, like any such system, beset with methodological problems of surveys in general as well as particular problems associated with measuring illicit, deviant, and deleterious activities...."

† Report: "The Nation's two crime measures." U.S. Department of Justice, October 2004. <http://bjs.ojp.usdoj.gov/content/pub/pdf/ntcm.pdf>

The U.S. Department of Justice administers two statistical programs to measure the magnitude, nature, and impact of crime in the Nation: the Uniform Crime Reporting (UCR) Program and the National Crime Victimization Survey (NCVS). Each program produces valuable information about aspects of the Nation's crime problem. Because the UCR and NCVS programs are conducted for different purposes, use different methods, and focus on somewhat different aspects of crime, the information they produce together provides a more comprehensive panorama of the Nation's crime problem than either could produce alone. ...

The FBI's UCR program ... collects information on the following crimes reported to law enforcement authorities: homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. ...

[Regarding the NCVS:] Two times a year, U.S. Census Bureau personnel interview household members in a nationally representative sample of approximately 42,000 households (about 75,000 people). Approximately 150,000 interviews of persons age 12 or older are conducted annually. ...

[The NCVS] does not measure homicide or commercial crimes (such as burglaries of stores). ...

Second, the two programs measure an overlapping but non-identical set of crimes. The NCVS includes crimes both reported and not reported to law enforcement. The NCVS excludes, but the UCR includes, homicide, arson, commercial crimes, and crimes against children under age 12.

[15] CALCULATION:

4,856,510 NCVS violent victimizations (not including: (a) fatal crimes, (b) crimes committed against children under the age of 12, and (c) commercial crimes)*

+ (a) 16,272 UCR murders and nonnegligent manslaughters (i.e., fatal crimes)†

+ (b) 244,866 nonfatal violent victimizations committed against children under age 12 (extrapolated)‡

+ (c) 222,125 commercial robberies (extrapolated)§

≈ 5,339,773 violent criminal victimizations

* Bulletin: "National Crime Victimization Survey: Criminal Victimization, 2008." By Michael R. Rand. Bureau of Justice Statistics, U.S. Department of Justice, September 2009. <http://bjs.ojp.usdoj.gov/content/pub/pdf/cv08.pdf>

Page 1: "Violent crimes" include "rape/sexual assault, robbery, and aggravated and simple assault."

Page 1, Table 1 shows 4,856,510 violent criminal victimizations, of which 551,830 are robberies.

† Report: "2008 Crime in the United States, Murder." Federal Bureau of Investigation, U.S. Department of Justice, September 2009. http://www2.fbi.gov/ucr/cius2008/offenses/violent_crime/murder_homicide.html

"The FBI's Uniform Crime Reporting (UCR) Program defines murder and nonnegligent manslaughter as the willful (nonnegligent) killing of one human being by another. ... An estimated 16,272 persons were murdered nationwide in 2008."

NOTE: Although the verbiage above could imply that "nonnegligent manslaughter" and "murder" are categorized as separate offenses, this is not the case. As explained in correspondence from the U.S. Department of Justice to Just Facts (January 15, 2010), "These two are counted as one offense, and numbers defining them are not separated." Hence, the 16,272 murders cited above also includes nonnegligent manslaughters.

‡ Report: "2008 Crime in the United States, Expanded Homicide Data – Table 9." Federal Bureau of Investigation, U.S. Department of Justice, September 2009. <http://www2.fbi.gov/ucr/cius2008/offenses/expanded...>

NOTE: Extrapolating data from this source (further details available [upon request](#)), approximately 4.8% of murder victims were under the age of 12. If a similar percentage of nonfatal violent victimizations occur in this age group:

y = violent victimizations, ages 0-11

$$y \approx (0.048 \times 4,856,510 \text{ NCVS violent victimizations}) / (1 - 0.048)$$

$$y \approx 244,866$$

§ Report: "2008 Crime in the United States, Robbery." Federal Bureau of Investigation, U.S. Department of Justice, September 2009. http://www2.fbi.gov/ucr/cius2008/offenses/violent_crime/robbery.html

NOTE: Excluding hold-ups of lemonade stands, it is fairly safe to assume there are few commercial robberies of children under the age of 12. Extrapolating data from this source (further details available [upon request](#)), approximately 28.7% of robberies are commercial and 71.3% are private. Applying these proportions to the NCVS data:

y = commercial robberies

$$y \approx (0.287 \times 551,830 \text{ NCVS (private) robberies}) / (1 - 0.287)$$

$$y \approx 222,125$$

[16] CALCULATION:

343,550 [NCVS](#) violent victimizations in which the offender was armed with a firearm (not including: (a) fatal crimes, (b) crimes committed against children under the age of 12, and (c) commercial crimes).*

+ (a) 10,886 murders and nonnegligent manslaughters in which a firearm was used (extrapolated)†

+ (b) 17,385 nonfatal violent victimizations committed against children under age 12 in which the offender was armed with a firearm (extrapolated)‡

- + (c) 53,310 commercial robbery victimizations in which the offender was armed with a firearm (extrapolated)§
- + 10,706 rapes/sexual assaults in which the offender was armed with a firearm (extrapolated)#
- ≈ 435,837 violent victimizations in which the offender was armed with a firearm

* Bulletin: "National Crime Victimization Survey: Criminal Victimization, 2008." By Michael R. Rand. Bureau of Justice Statistics, U.S. Department of Justice, September 2009. <http://bjs.ojp.usdoj.gov/content/pub/pdf/cv08.pdf>

Page 6: "An offender was armed with a gun, knife, or other object used as a weapon in an estimated 20% of all incidents of violent crime in 2008 (table 7)."

Page 6, "Text table 3. Firearm use in violent crime, 1999 and 2008": violent victimizations involving a firearm = 343,550

Page 6, "Table 7. Presence of weapons in violent incidents, by type, 2008":

- percentage of robberies involving a firearm = 24%
- number of rapes/sexual assaults involving a firearm = 0 (Note: Just Facts does not take this figure at face value and instead, extrapolates an estimated number.)

NOTE: With regard to guns and other weapons, this report employs the words "presence" and "use" interchangeably. This is evident by the fact that "Text table 3. Firearm use in violent crime, 1999 and 2008" and "Table 7. Presence of weapons in violent incidents, by type, 2008" cite the same figure (303,880) for the number of violent firearm incidents. Thus, the word "use" does not necessarily mean the offender fired the gun. Instead, the word "use" means the offender was armed with a gun.

† Report: "2008 Crime in the United States, Expanded Homicide Data – Table 9." Federal Bureau of Investigation, U.S. Department of Justice, September 2009. [http://www2.fbi.gov/ucr/cius2008/offenses/expanded ...](http://www2.fbi.gov/ucr/cius2008/offenses/expanded...)

NOTE: This table states that 66.9% of all murders were committed with firearms, but this data does not account for all homicides – only those for which a "Supplemental Homicide Report" was filed (correspondence from U.S. Department of Justice to Just Facts, January 15, 2010). Hence, this table shows 14,180 total murder victims, while the UCR states: "[An estimated 16,272 persons were murdered nationwide in 2008.](#)" Assuming the proportion of murders committed with firearms is approximately the same regardless of whether or not a Supplemental Homicide Report is filed:

$16,272 \times .669 \approx 10,886$ people murdered with firearms

‡ 2008 NCVS data shows [4,856,510](#) nonfatal violent victimizations of people ages 12 and over, of which [343,550](#) or 7.1% involved the use of firearms. Based upon the extrapolation above, roughly [244,866](#) nonfatal violent victimizations were committed against children under the age of 12. Assuming the proportion of victimizations committed with firearms is approximately the same regardless of whether or not the victims are under the age of 12 (probably a high estimate):

$244,866 \times .071 \approx 17,385$ nonfatal violent victimizations committed against children under age 12 in which the offender was armed with a firearm

§ Based upon the extrapolation above, roughly [222,125](#) commercial robberies were committed in 2008. 2008 NCVS data shows [24%](#) of noncommercial robberies are committed using firearms. Assuming the proportion of robberies committed with firearms is approximately the same regardless of whether or not they are commercial (probably a low estimate):

$222,125 \times .24 \approx 53,310$ commercial robbery victimizations in which the offender was armed with a firearm

2008 NCVS data shows [zero rape/sexual assaults](#) committed by an offender armed with a gun, and the 2008 UCR explicitly states, "Weapon data are not collected for forcible rape offenses." [Report: "2008 Crime in the United States, Violent Crime." Federal Bureau of Investigation, U.S. Department of Justice, September 2009. http://www2.fbi.gov/ucr/cius2008/offenses/violent_crime/index.html] Hence, Just Facts extrapolates the number of rape/sexual assaults involving firearms based upon several relatable NCVS and UCR metrics (further details available [upon request](#)).

[17] Paper: "Measuring Civilian Defensive Firearm Use: A Methodological Experiment." By David McDowall and others. *Journal of Quantitative Criminology*, March 2000. <http://www.springerlink.com/content/rngn3274255v6j67/>

Page 7:

The most important of the other set of questions asked:

Within the past 12 months, have you yourself used a gun, even if it was not fired, to protect yourself or someone else, or for the protection of property at home, work, or elsewhere?

This is largely identical to the standard question from the other surveys, but the reference period is 1 year rather than 5 years. The question also refers to the respondent alone, rather than to all household members.

Page 8: "Because gun ownership is a strong correlate of firearm resistance (e.g., Kleck and Gertz, 1996, p. 187), we selected a national sample from commercial lists of likely gun owners. Of the eventual respondents, 83% did report the presence of a gun in their home."

Page 8: "This left 3006 households, an 81% response rate. The interviewers selected a single respondent from within each household. In a random 75% of the cases, the interviewers asked for the male head of household. In the remaining 25% they asked for the female head."

Page 10: "Table II. Types of Incidents of Firearm Defense...."

Type of Incident	Number of Respondents	Percentage of Respondents
No incident	2851	94.8%
Civilian against offender, clear	48	1.6%

Civilian against offender, ambiguous	24	0.8%
Law enforcement and security work	30	1.0%
Civilian against possible offender, no contact	20	0.7%
Against animals	13	0.4%
Carries gun for protection only	10	0.3%
Target shooting	8	0.3%
Military duties	2	0.1%

[18] As shown in the previous footnote, this study did not use a nationally representative population. To correct for this, Just Facts used the following equation:

$$t = c \times g \times p / [n \times r \times [(s \times d / f) + [(1-s) \times (1-d) / (1-f)]]]$$

Where:

t = Total defensive gun uses in a nationally representative population

c = Defensive gun uses in this survey, civilian against offender, clear = 48

g = Minimum proportion of households with a gun = 0.34*

p = Population, ages 25-70 = 158,799,375†

n = Survey sample size = 3006

r = Proportion of survey respondents with a gun in their home = .83

s = Proportion of survey respondents who are female = .25

d = Proportion of defensive gun uses by females = .46‡

f = Proportion of population (ages 25-70) who are females = .51†

NOTES:

In keeping with Just Facts' [Standards of Credibility](#), we have given preferentiality to figures that are contrary to our viewpoints and used the most cautious plausible interpretations of this data. Details of how we have done this are explained in the following notes.

* This equation operates under the conservative assumption that respondents in homes without firearms had no defensive gun uses, even though such people may have used others' firearms for defense. In a range of surveys stretching over the previous 30 years, 34% is the lowest figure we have found for the percentage of homes with guns. [Paper: "Estimating intruder-related firearm retrievals in U.S. households, 1994." By Robin M. Ikeda and others. *Violence and Victims*, Winter 1997. Pages 363-372. <http://www.ncbi.nlm.nih.gov/pubmed/9591354>

Page 369: "A second concern about representativeness of the sample is that the prevalence of households with firearms in our survey (34%) is lower than that reported in polls (41%) for the same year (Maguire & Pastore, 1995). ... It is similar, however, to that observed in the 1994 National Health Interview Survey (37%) (personal communication, National Center for Health Statistics) and another national telephone survey about using firearms for protection (36%) (Kleck & Gertz, 1995)."

† Data file: "U.S. Interim Projections by Age, Sex, Race, and Hispanic Origin: 2000-2050, Detailed Data File." Population Projections Branch, U.S. Census Bureau, May 11, 2004.

[http://www.census.gov/population/www/projections/...](http://www.census.gov/population/www/projections/)

NOTE: The survey in the footnote above selected respondents by asking for the male/female head of household. Just Facts used a conservative estimate of this population by only including people from 25 to 70 years old.

‡ Paper: "Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun." By Gary Kleck and Marc Gertz. *Journal of Criminal Law and Criminology*, Fall 1995. <http://www.law.northwestern.edu/jclc/backissues/86-1.html>

Page 178: "Perhaps the most surprising finding of the survey was the large share of reported DGUs [defensive gun uses] that involved women. Because of their lower victimization rates and lower gun ownership rates, one would expect women to account for far less than half of DGUs. Nevertheless, 46% of our sample DGUs involved women."

[19] Paper: "Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun." By Gary Kleck and Marc Gertz. *Journal of Criminal Law and Criminology*, Fall 1995. <http://www.law.northwestern.edu/jclc/backissues/86-1.html>

Page 160: "The present survey ... was carefully designed to correct all of the known correctable or avoidable flaws of previous surveys.... We interviewed a large nationally representative sample...."

Pages 160-161: "A professional telephone polling firm, Research Network of Tallahassee, Florida, carried out the sampling and interviewing."

Page 161: "Each interview began with a few general 'throat-clearing' questions about problems facing the R's community and crime. The interviewers then asked the following question: 'Within the past *five years*, have you yourself or another member of your household *used* a gun, even if it was not fired, for self-protection or for the protection of property at home, work, or elsewhere? Please do *not* include military service, police work, or work as a security guard.'"

Page 172: "While estimates of DGU frequency are reliable because they are based on a very large sample of 4,977 cases, results pertaining to the details of DGU incidents are based on 213 or fewer sample cases, and readers should treat these results with appropriate caution."

Page 163: "An additional step was taken to minimize the possibility of DGU [defensive gun use] frequency being overstated. The senior author went through interview sheets on every one of the interviews in which a DGU was reported, looking for any indication that the incident might not be genuine. ... There were a total of twenty-six cases where at least one of these

problematic indications was present. ... Estimates using all of the DGU cases are labeled herein as 'A' estimates, while the more conservative estimates based only on cases devoid of any problematic indications are labeled 'B' estimates."

NOTES: Table 2 on page 184 lists the results of the survey. In keeping with Just Facts' [Standards of Credibility](#), we have cited the most conservative result of this survey, which is for households (as opposed to individuals) and a five-year recall period based "only on cases devoid of any problematic indications." As shown in this table, this amounts to 3.456% of households or 1,029,615 defensive gun uses per year.

[20] Paper: "Estimating intruder-related firearm retrievals in U.S. households, 1994." By Robin M. Ikeda and others. *Violence and Victims*, Winter 1997. <http://www.ncbi.nlm.nih.gov/pubmed/9591354>

Page 363:

To estimate the frequency of firearm retrieval because of a known or presumed intruder, the authors analyzed data from a 1994 national random digit dialing telephone survey (n = 5,238 interviews). ... National projections based on these self-reports reveal an estimated 1,896,842 (95% CI [confidence interval] = 1,480,647-2,313,035) incidents in which a firearm was retrieved, but no intruder was seen; 503,481 (95% CI = 305,093-701,870) incidents occurred in which an intruder was seen, and 497,646 (95% CI = 266,060-729,231) incidents occurred in which the intruder was seen and reportedly scared away by the firearm.

Page 364: "A specified random selection procedure was used to ensure that approximately one half of respondents were male and one half were female. If more than one eligible individual was in the selected gender category, the interviewer asked for the respondent with the most recent birthday. Households occupied by minorities were oversampled to ensure adequate minority representation and then weighted to adjust for unequal selection probabilities."

[21] Book: *Armed and Considered Dangerous: A Survey of Felons and Their Firearms* (Expanded Edition). By James D. Wright and Peter D. Rossi. Aldine De Gruyter, 1986 (Expanded edition published in 1994).

Page 1: "Almost all of the information presented here was obtained from a survey of men serving sentences for felony offenses in 11 state prisons scattered throughout the country. However uncertain one may be about their reliability as sources, convicted criminals are about the only source of empirical information on this topic that can be tapped at reasonable cost. (We also show later that convicted felons are not totally unreliable informants.)"

Page 26: "[W]e restricted the study to felons who had been out "on the street" recently enough to possess useful, current information; operationally, this meant a restriction to men who began their current prison term on or after 1 January 1979."

Page 32:

The definitive study of the quality of prisoner self-report data is Marquis (1981), a data quality analysis of the RAND "Criminal Careers" survey. In this study, data quality was assessed by comparing prisoners' self reports with information contained in

official criminal justice records. Since the format and procedures of the RAND survey were very similar to those followed in our survey, it is reasonable to assume that Marquis' findings generalize. Summarizing briefly, Marquis found:

1. There is no evidence that prisoners attempt to deny salient aspects of their criminal past. ...
2. Comparisons of self-reported conviction-offense data with official records showed that "on a general level, the data are close to unbiased" (Marquis, 1981: 32). Moderate biases were found on some items, but in general, reliability of the self-report data was "moderately high."

[22] Same as above. Page 155:

2. Have you ever been scared off, shot at, wounded, or captured by an armed victim? No: 66%, Yes: 34%, (*N*) = (1673)
3. Was there ever a time in your life when you decided not to do a crime because you knew or believed that the victim was carrying a gun? No, never: 61%, Yes, just once: 10%, Yes, a few times: 22%, Yes, many times: 8%, (*N*) = (1627)
4. [H]ave any of the criminals you have known personally ever been scared off, shot at, wounded, or captured by an armed victim? No, none: 31%, Yes, but only one: 10%, Yes, a few: 48%, Yes, many: 11%, (*N*) = (1627)

[23] Calculations performed with data from the following sources:

a) Report: "Crime in the United States, 2013." Federal Bureau of Investigation, 2014. <http://www.fbi.gov/...>

Table 1: "Crime in the United States by Volume and Rate per 100,000 Inhabitants, 1994–2013." <http://www.fbi.gov/...>

"Murder and nonnegligent manslaughter rate [=] 2013 [=] 4.5"

b) Report: "Mortality in the United States, 2012." By Jiaquan Xu and others. U.S. Centers for Disease Control and Prevention, October 2014. <http://www.cdc.gov/nchs/data/databriefs/db168.pdf>

Page 1: "U.S. life expectancy at birth for the total population was 78.8 years in 2012— an increase of 0.1 year from 78.7 years in 2011 (Figure 1)."

NOTE: The original calculations to determine this fact were performed by a licensed actuary using two different methodologies, both of which yielded the same answer. An Excel file containing these calculations is available [upon request](#).

[24] Report: "Lifetime Likelihood of Victimization." By Herbert Koppel. Bureau of Justice Statistics, U.S. Department of Justice, March 1987. <http://www.ncjrs.gov/pdffiles1/bjs/104274.pdf>

Annual victimization rates alone do not convey the full impact of crime as it affects people. No one would express his or her concern by saying, "I am terribly afraid of being mugged between January and December of this year." People are worried about the possibility that at some time in their lives they will be robbed or raped or assaulted, or their houses will be burglarized.

Annual rates can provide a false sense of security by masking the real impact of crime. Upon hearing that the homicide rate is about 8 to 10 per 100,000 population, one feels safe; after all, 1 chance in 10,000 is not very frightening. Actually, however, at recent homicide rates about 1 of every 133 Americans will become a murder victim; for black males the proportion is estimated to be 1 of every 30. Similarly, while 16 out of 10,000 women are rape victims annually, the lifetime chances of suffering a rape are much greater.

The problem lies with people's perception of the meaning of annual rates with respect to their own lives. If the Earth revolved around the sun in 180 days, all of our annual crime rates would be halved, but we would not be safer. ...

Because of the assumptions involved in the calculations and because the data derive from a sample survey, the numbers presented in this report are estimates only; they should be interpreted only as indications of approximate magnitude, not as exact measures. Essentially they are calculated values of lifetime risk rather than descriptions of what has been observed.

Page 2: "The estimates of lifetime likelihood of victimization are derived under the assumption that, throughout their lifetimes, people in the U.S. have incurred, and will continue to incur, criminal victimization at the same annual rates as were observed in the years 1975 through 1984."

Page 2 (Table 1): "Lifetime likelihood of victimization"

Percent of Persons Who Will be Victimized by Violent Crime Starting at 12 Years of Age				
	Total	Number of Victimizations		
		one or more	one	two
Violent Crime	83%	30%	27%	25%
Violent Crime, Completed	42%	32%	9%	2%

[25] Report: "Firearm Use by Offenders." By Caroline Wolf Harlow, U.S. Department of Justice, November 2001. <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=940>

Page 2: "Data for this report are based primarily on personal interviews with large nationally representative samples of State and Federal prison inmates."

Page 13: "A total of 14,285 interviews were completed for the State survey and 4,041 for the Federal survey, for overall response rates of 92.5% in the State survey and 90.2% in the Federal survey."

Page 1: "Among inmates in prison for homicide, a sexual assault, robbery, assault or other violent crime, 30% of State offenders and 35% of Federal offenders carried a firearm when committing the crime."

[26] Report: "Crime in the United States, Table 25: Percent of Offenses Cleared by Arrest or Exceptional Means, by Population Group, 2008." U.S. Department of Justice, Federal Bureau of Investigation, September 2009. http://www2.fbi.gov/ucr/cius2008/data/table_25.html

Total, All Agencies, Percent cleared by arrest:*

Murder and nonnegligent manslaughter = 63.6%

Forcible rape = 40.4%

Robbery = 26.8%

Aggravated assault = 54.9%

Data Declaration (http://www2.fbi.gov/ucr/cius2008/data/table_25_dd.html): "The data used in creating this table were from all law enforcement agencies submitting at least 6 months of complete offense reports for 2008."

NOTE:

* Report: "Crime in the United States, Offenses Cleared." U.S. Department of Justice, Federal Bureau of Investigation, September 2009. <http://www2.fbi.gov/ucr/cius2008/offenses/clearances/index.html>

Cleared by Arrest

In the UCR Program, a law enforcement agency reports that an offense is cleared by arrest, or solved for crime reporting purposes, when at least one person is:

- Arrested.
- Charged with the commission of the offense.
- Turned over to the court for prosecution (whether following arrest, court summons, or police notice).

To qualify as a clearance, all of the conditions listed above must have been met. In its calculations, the UCR Program counts the number of offenses that are cleared, not the number of arrestees. Therefore, the arrest of one person may clear several

crimes, and the arrest of many persons may clear only one offense. In addition, some clearances that an agency records in a particular calendar year, such as 2004, may pertain to offenses that occurred in previous years.

[27] NOTE: As shown in the following three articles, the data cited above is suspect because it is based on reports from local law enforcement agencies:

a) Article: "Retired Officers Raise Questions on Crime Data." By William K. Rashbaum. *New York Times*, February 7, 2010. <http://www.nytimes.com/2010/02/07/nyregion/07crime.html?hp>

"More than a hundred retired New York Police Department captains and higher-ranking officers said in a survey that the intense pressure to produce annual crime reductions led some supervisors and precinct commanders to manipulate crime statistics, according to two criminologists studying the department."

b) Article: "Reducing rape with an eraser." By Judith Riesman. Dr. Judith Riesman, September 12, 2006. http://www.drjudithreisman.com/archives/2006/09/reducing_rape_w.html

c) Article: "Brooklyn's 81st Precinct probed by NYPD for fudging stats; felonies allegedly marked as misdemeanors." By Rocco Parascandola. New York *Daily News*, February 2, 2010. http://www.nydailynews.com/news/ny_crime/2010/02/02/...

"A Brooklyn precinct is under investigation for manipulating statistics to make its cops look like better crimefighters, the Daily News has learned. ... Schoolcraft told The News the top brass are so concerned with numbers that one precinct lieutenant is known as 'The Shredder' because he's often spotted destroying documents."

[28] Web page: "Definitions." U.S. Department of Justice, Bureau of Justice Statistics. Last revised May 3, 2010. <http://bjs.ojp.usdoj.gov/index.cfm?ty=tdtp>

Aggravated assault

(1) Intentionally and without legal justification causing serious bodily injury, with or without a deadly weapon or (2) using a deadly or dangerous weapon to threaten, attempt, or cause bodily injury, regardless of the degree of injury, if any. Includes attempted murder, aggravated battery, felonious assault, and assault with a deadly weapon.

Robbery

Completed or attempted theft, directly from a person, of property or cash by force or threat of force, with or without a weapon, and with or without injury.

Simple assault

Attack without a weapon resulting either in no injury, minor injury (for example, bruises, black eyes, cuts, scratches or swelling) or in undetermined injury requiring less than 2 days of hospitalization. Also includes attempted assault without a weapon.

[29] NOTE: The U.S. government publishes two primary crime measures: The FBI's "Uniform Crime Report" (UCR) and the Department of Justice's "National Crime Victimization Survey" (NCVS). The UCR is based upon incidents reported to law enforcement authorities and does not account for unreported crimes. The NCVS is based upon data gathered from extensive interviews, and hence, provides more accurate estimates of crime than the UCR.* The NCVS, however, does not provide data on: murders and nonnegligent manslaughters (because the victims cannot be interviewed), crimes committed against children under the age of 12, and commercial crimes such as robberies of banks and convenience stores.† Therefore, Just Facts uses the NCVS data as a baseline and extrapolates the missing information from UCR and NCVS data.

* Book: *Firearms and Violence: A Critical Review*. By the Committee to Improve Research and Data on Firearms and the Committee on Law and Justice, National Research Council of the National Academies. Edited by Charles F. Wellford, John V. Pepper, and Carol V. Petrie. National Academies Press, 2005.

Page 21: "The National Crime Victimization Survey ... is widely viewed as a "gold standard for measuring crime victimization."

Page 30: "Although the NCVS data do many things right, they are, like any such system, beset with methodological problems of surveys in general as well as particular problems associated with measuring illicit, deviant, and deleterious activities...."

† Report: "The Nation's two crime measures." U.S. Department of Justice, October 2004. <http://bjs.ojp.usdoj.gov/content/pub/pdf/ntcm.pdf>

The U.S. Department of Justice administers two statistical programs to measure the magnitude, nature, and impact of crime in the Nation: the Uniform Crime Reporting (UCR) Program and the National Crime Victimization Survey (NCVS). Each program produces valuable information about aspects of the Nation's crime problem. Because the UCR and NCVS programs are conducted for different purposes, use different methods, and focus on somewhat different aspects of crime, the information they produce together provides a more comprehensive panorama of the Nation's crime problem than either could produce alone. ...

The FBI's UCR program ... collects information on the following crimes reported to law enforcement authorities: homicide, forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft, and arson. ...

[Regarding the NCVS:] Two times a year, U.S. Census Bureau personnel interview household members in a nationally representative sample of approximately 42,000 households (about 75,000 people). Approximately 150,000 interviews of persons age 12 or older are conducted annually. ...

[The NCVS] does not measure homicide or commercial crimes (such as burglaries of stores). ...

Second, the two programs measure an overlapping but non-identical set of crimes. The NCVS includes crimes both reported and not reported to law enforcement. The NCVS excludes, but the UCR includes, homicide, arson, commercial crimes, and crimes against children under age 12.

[30] Calculations performed with data from the following sources:

a) Report: "Felony Sentences in State Courts, 2006 – Statistical Tables." By Sean Rosenmerkel and others. U.S. Department of Justice, Bureau of Justice Statistics, December 2009. <http://bjs.ojp.usdoj.gov/content/pub/pdf/fssc06st.pdf>

Page 2 (in pdf): "Felonies are widely defined as crimes with the potential of being punished by more than 1 year in prison. State courts sentenced an estimated 1,132,290 persons for a felony in 2006, including 206,140 (or 18% of all felony convictions) for a violent felony (table 1.1). ... In 2006 an estimated 69% of all persons convicted of a felony in state courts were sentenced to a period of confinement—41% to state prison and 28% to local jails (table 1.2). Jail sentences are usually a year or less in a county or city facility, while prison sentences are usually more than a year and are served in a state facility."

Page 4 (in pdf): "Table 1.2. Types of felony sentences imposed in state courts, by offense, 2006"

Violent offenses, incarceration rate = 77%

NOTE: As table 1.1 shows, "Violent offenses" in this report include murder/nonnegligent manslaughter, rape, other sexual assault, robbery, aggravated assault, and other violent crimes such as negligent manslaughter and kidnapping. Simple assault is not included in these figures because it is a misdemeanor offense.

b) Report: "Federal Justice Statistics, 2006 - Statistical Tables." Prepared by the Urban Institute under the supervision of Mark Motivans of the Bureau of Justice Statistics, United States Department of Justice, May 1, 2009. <http://bjs.ojp.usdoj.gov/content/pub/html/fjsst/2006/fjs06st.pdf>

Page 32 (in pdf): Table 5.2. "Type and length of federal sentences imposed, by offense, October 1, 2005 - September 30, 2006."

Incarcerations for violent offenses = 2,311

NOTE: As page 32 (in the pdf) shows, violent felony offenses in this report include murder, negligent manslaughter, assault, robbery, sexual abuse, kidnapping, threats against the President. Simple assault is not included in these figures because it is a misdemeanor offense.

c) CALCULATION:

1,595,600 aggravated assaults, robberies, and rapes/sexual assaults (not including: (a) fatal crimes, (b) crimes committed against children under the age of 12, and (c) commercial crimes)*

+ (a) 16,272 UCR murders and nonnegligent manslaughters (i.e., fatal crimes)†

+ (b) 80,450 aggravated assaults, robberies, and rapes/sexual assaults committed against children under age 12 (extrapolated)‡

+ (c) 222,125 commercial robberies (extrapolated)§

≈ 1,914,447 aggravated assaults, robberies, and rapes/sexual assaults

* Bulletin: "National Crime Victimization Survey: Criminal Victimization, 2008." By Michael R. Rand. U.S. Department of Justice, Bureau of Justice Statistics, September 2009. <http://bjs.ojp.usdoj.gov/content/pub/pdf/cv08.pdf>

Page 1, Table 1 shows 839,940 aggravated assaults, 551,830 robberies, and 203,830 rapes/sexual assaults. Total of these crimes = 1,595,600

† Report: "2008 Crime in the United States, Murder." Federal Bureau of Investigation, U.S. Department of Justice, September 2009. http://www2.fbi.gov/ucr/cius2008/offenses/violent_crime/murder_homicide.html

"The FBI's Uniform Crime Reporting (UCR) Program defines murder and nonnegligent manslaughter as the willful (nonnegligent) killing of one human being by another. ... An estimated 16,272 persons were murdered nationwide in 2008."

NOTE: Although the verbiage above could imply that "nonnegligent manslaughter" and "murder" are categorized as separate offenses, this is not the case. As explained in correspondence from the U.S. Department of Justice to Just Facts (January 15, 2010), "These two are counted as one offense, and numbers defining them are not separated." Hence, the 16,272 murders cited above also includes nonnegligent manslaughters.

‡ Report: "2008 Crime in the United States, Expanded Homicide Data – Table 9." Federal Bureau of Investigation, U.S. Department of Justice, September 2009. [http://www2.fbi.gov/ucr/cius2008/offenses/expanded ...](http://www2.fbi.gov/ucr/cius2008/offenses/expanded...)

NOTE: Extrapolating data from this source (further details available [upon request](#)), approximately 4.8% of murder victims were under the age of 12. If a similar percentage of nonfatal violent victimizations occur in this age group:

y = violent victimizations, ages 0-11

$y \approx (0.048 \times 1,595,600 \text{ aggravated assaults, robberies, and rapes/sexual assaults}) / (1 - 0.048)$

$y \approx 80,450$

§ Report: "2008 Crime in the United States, Robbery." Federal Bureau of Investigation, U.S. Department of Justice, September 2009. http://www2.fbi.gov/ucr/cius2008/offenses/violent_crime/robbery.html

NOTE: Excluding hold-ups of lemonade stands, it is fairly safe to assume there are few commercial robberies of children under the age of 12. Extrapolating data from this source (further details available [upon request](#)), approximately 28.7% of robberies are commercial and 71.3% are private. Applying these proportions to the NCVS data:

y = commercial robberies

$y \approx (0.287 \times 551,830 \text{ NCVS (private) robberies}) / (1 - 0.287)$

$y \approx 222,125$

CALCULATIONS:

a) 206,140 violent felony convictions in state courts \times 0.77 incarceration rate for violent felony convictions in state courts = 158,728 incarcerations for violent felonies in states courts

b) 2,311 incarcerations for violent offenses in federal courts + 158,728 incarcerations for violent felonies in states courts = 161,039 incarcerations for violent crimes

c) 1,914,447 aggravated assaults, robberies, and rapes/sexual assaults / 161,039 incarcerations for such crimes = 11.9 violent crimes for every incarceration

NOTES: The latest available data were used for these calculations, and there is a three-year chronological variance between the annual totals in the sources cited. However, given the slight changes in such data from year to year, the approximation is valid.

[31] Report: "Recidivism of Prisoners Released in 1994." By Patrick A. Langan and David J. Levin. Bureau of Justice Statistics, June 2, 2002. <http://bjs.ojp.usdoj.gov/content/pub/pdf/rpr94.pdf>

Page 1:

This study of the rearrest, reconviction, and reincarceration of prisoners tracked 272,111 former inmates for 3 years after their release in 1994. The 272,111 – representing two-thirds of all prisoners released in the United States that year – were discharged from prisons in 15 States....

- Within 3 years from their release in 1994 –

67.5% of the prisoners were rearrested for a new offense (almost exclusively a felony or a serious misdemeanor)

Page 2: "To an unknown extent, recidivism rates based on State and FBI criminal history repositories understate actual levels of recidivism. The police agency making the arrest or the court disposing of the case may fail to send the notifying document to the State or FBI repository. Even if the document is sent, the repository may be unable to match the person in the document to the correct person in the repository or may neglect to enter the new information. For these reasons, studies such as this one that rely on these repositories for complete criminal history information will understate recidivism rates."

Page 4: "The 67.5% of releases rearrested within 3 years, or 183,675 persons, were charged with 744,480 new crimes, or an average of 4 new crimes each (table 3). Over 100,000 were new charges for a violent crime, including 2,900 new homicides, 2,400 new kidnappings, 2,400 rapes, 3,200 other sexual assaults, 21,200 robberies, 54,600 assaults, and nearly 13,900 other violent crimes." {Table 3 on this page has the precise figures cited by Just Facts.}

Page 4: "Over their adult criminal history (both prior to and following their release) the 272,111 offenders were arrested for nearly 4.9 million offenses altogether: 4.1 million prior to release plus nearly 0.8 million after release. That is an average of about 17.9 charges each."

Page 5: How many of the 272,111 were ever arrested for violence[?] Although 22.5% of the 272,111 were released from prison in 1994 following an arrest and conviction for a violent crime, 53.7% of all the prisoners had a prior arrest for violence, and 21.6% were arrested for a violent crime after their release. Altogether, 67.8% of the prisoners released in 1994 had a record of violence.

[32] Article: "New York Killers, and Those Killed, by Numbers." By Jo Craven McGinty. *New York Times*, April 28, 2006. <http://www.nytimes.com/2006/04/28/nyregion/28homicide.html?...>

"From 2003 through 2005, 1,662 murders were committed in New York. ... More than 90 percent of the killers had criminal records; and of those who wound up killed, more than half had them."

[33] Article: "A History of D.C. Gun Ban." Compiled by Meg Smith and Leah Carliner. *Washington Post*, June 26, 2008. <http://www.washingtonpost.com/wp-dyn/content/article/...>

June 1976: [T]he D.C. Council votes 12 to 1 in favor of a bill restricting city residents from acquiring handguns. The law exempts guards, police officers and owners who had registered their handguns before it took effect. Under the bill, all firearms (including rifles and shotguns, which were not restricted by the law) must be kept unloaded and disassembled, except those in business establishments.

September 1976: Attempts in Congress to block the District law fail, clearing the way for it to go into effect.

[34] Legal brief 07-290: "District of Columbia and Adrian M. Fenty, Mayor of the District Of Columbia, Petitioners, v. Dick Anthony Heller, Respondent. In the Supreme Court of the United States." By Linda Singer (Attorney General for the District of Columbia) and others. January 4, 2008. <http://www.abanet.org/publiced/preview/briefs/pdfs/07-08/...>

Pages 1-2:

Relevant portions of the D.C. Code provide:

§ 7-2502.02. Registration of certain firearms prohibited.

(a) A registration certificate shall not be issued for a:

(1) Sawed-off shotgun;

(2) Machine gun;

(3) Short-barreled rifle; or

(4) Pistol not validly registered to the current registrant in the District prior to September 24, 1976, except that the provisions of this section shall not apply to any organization that employs at least 1 commissioned special police officer or other employee licensed to carry a firearm and that arms the employee with a firearm during the employee's duty hours or to a police officer who has retired from the Metropolitan Police Department.

(b) Nothing in this section shall prevent a police officer who has retired from the Metropolitan Police Department from registering a pistol.

§ 7-2507.02. Firearms required to be unloaded and disassembled or locked.

Except for law enforcement personnel described in § 7-2502.01(b)(1), each registrant shall keep any firearm in his possession unloaded and disassembled or bound by a trigger lock or similar device unless such firearm is kept at his place of business, or while being used for lawful recreational purposes within the District of Columbia.

[35] Ruling: *District Of Columbia v. Heller*. U.S. Supreme Court, June 26, 2008. Case 07-290. Decided 5-4. Majority: Scalia, Roberts, Kennedy, Thomas, Alito. Dissenting: Stevens, Souter, Ginsburg, Breyer. <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=...>

The handgun ban and the trigger-lock requirement (as applied to self-defense) violate the Second Amendment. The District's total ban on handgun possession in the home amounts to a prohibition on an entire class of "arms" that Americans overwhelmingly choose for the lawful purpose of self-defense. Under any of the standards of scrutiny the Court has applied to enumerated constitutional rights, this prohibition—in the place where the importance of the lawful defense of self, family,

and property is most acute—would fail constitutional muster. Similarly, the requirement that any lawful firearm in the home be disassembled or bound by a trigger lock makes it impossible for citizens to use arms for the core lawful purpose of self-defense and is hence unconstitutional. Because Heller conceded at oral argument that the D. C. licensing law is permissible if it is not enforced arbitrarily and capriciously, the Court assumes that a license will satisfy his prayer for relief and does not address the licensing requirement. Assuming he is not disqualified from exercising Second Amendment rights, the District must permit Heller to register his handgun and must issue him a license to carry it in the home.

[36] Graph constructed with data from:

a) Dataset: "Uniform Crime Reporting Program, District of Columbia, 1960-2008." Federal Bureau of Investigation, Criminal Justice Information Services Division. Data supplied to Just Facts on June 15, 2010. Data available [upon request](#).

b) Article: "Homicide totals for 2009 plummet in District, Prince George's." By Allison Klein. *Washington Post*, January 1, 2010.

"The number of slayings last year in the District, once known as the murder capital of the United States, was 140, a 25 percent drop from 2008. ... The homicide numbers were compiled as of late Thursday night and could go up New Year's Eve, but any such increases are not likely to change the overall trend."

NOTE: By performing calculations with the data above (140 slayings in 2009, which is a 25% drop from 2008) and 2008 data from the FBI's Uniform Crime Reporting Program, Just Facts has determined that these "slayings" include both homicides and nonnegligent manslaughters, not just homicides.

c) Dataset: "Annual Estimates of the Resident Population for the United States, Regions, States, and Puerto Rico: April 1, 2000 to July 1, 2009." U.S. Census Bureau, December 2009. <http://www.census.gov/popest/states/NST-ann-est.html>

Population in DC as of July 1, 2009 = 599,657

d) Dataset: "Uniform Crime Reporting Program, United States, 1960-2008." Federal Bureau of Investigation, Criminal Justice Information Services Division. Data supplied to Just Facts on June 15, 2010. Data available [upon request](#).

[37] Calculated with data from:

Dataset: "Uniform Crime Reporting Program, District of Columbia, 1960-2008." Federal Bureau of Investigation, Criminal Justice Information Services Division. Data supplied to Just Facts on June 15, 2010. Data available [upon request](#).

Dataset: "Uniform Crime Reporting Program, United States, 1960-2008." Federal Bureau of Investigation, Criminal Justice Information Services Division. Data supplied to Just Facts on June 15, 2010. Data available [upon request](#).

NOTE: The averages were calculated by averaging the murder rates from all years in which the ban was effective for at least 6 months of the year.

[38] Law: "Firearms Act, 1920." Office of Public Sector

Information http://www.opsi.gov.uk/acts/acts1920/pdf/ukpga_19200043_en.pdf

Chapter 43, Section 1:

(1) A person shall not purchase, have in his possession, or carry any firearm or ammunition unless he holds a certificate (in this Act called a firearm certificate) granted under this section, and in force at the time. ...

(2) A firearm certificate shall be granted by the chief officer of police of the district in which the applicant for the certificate resides, if he is satisfied that the applicant is a person who has a good reason for requiring such a certificate and can be permitted to have in his possession, use, and carry a firearm or ammunition without danger to the public safety or to the peace, and on payment of the prescribed fee....

(3) A firearm certificate shall be in the prescribed form and shall specify the nature and number of the firearms to which it relates, and, as respects ammunition, the quantities authorised to be purchased and to be held at any one time thereunder, and the certificate may on the application of the holder thereof be varied from time to time by the chief officer of police of the district in which the holder for the time resides. ...

(5) A firearm certificate shall, unless previously revoked or cancelled, continue in force for three years, but shall be renewable for a further period of three years by the chief officer of police of the district in which the holder of the certificate resides....

(7) The fee to be paid on the grant or renewal of a firearm certificate shall be such as is specified in the First Schedule to this Act.

(8) If any person purchases, has in his possession, uses, or carries a firearm or ammunition without holding a firearm certificate or otherwise than as authorised by such a certificate or, in the case of ammunition, in quantities in excess of those so authorised, or fails to comply with any condition subject to which the certificate is granted, he shall be liable in respect of each offence on summary conviction to a fine not exceeding fifty pounds, or to imprisonment, with or without hard labour, for a term not exceeding three months, or to both such imprisonment and fine....

Chapter 43, Section 12:

(1) In this Act, unless the context otherwise requirestion. The expression " firearm " means any lethal firearm or other weapon of any description from which any shot, bullet, or other missile can be discharged, or any part thereof, and the expression " ammunition " means ammunition for any such firearms, and includes grenades, bombs, and other similar missiles, whether such missiles are capable of use with a firearm or not, and ingredients and components thereof :

Provided that a smooth bore shot-gun or air-gun or air-rifle (other than air-guns and air-rifles of a type declared by rules made by a Secretary of State under this Act to be specially dangerous) and ammunition therefor shall not in Great Britain be deemed to be a firearm and ammunition for the purpose of the provisions of this Act other than those relating to the removal of firearms and ammunition from one place to another or for export:

[39] Law: "Firearms Act, 1968." Office of Public Sector Information. <http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1968/...>

Part I: Provisions as to Possession, Handling and Distribution of Weapons and Ammunition; Prevention of Crime and Measures to Protect Public Safety

General restrictions on possession and handling of firearms and ammunition.

Section 1: Requirement of firearm certificate.

(1) Subject to any exemption under this Act, it is an offence for a person—

(a) to have in his possession, or to purchase or acquire, a firearm to which this section applies without holding a firearm certificate in force at the time, or otherwise than as authorised by such a certificate;

(b) to have in his possession, or to purchase or acquire, any ammunition to which this section applies without holding a firearm certificate in force at the time, or otherwise than as authorised by such a certificate, or in quantities in excess of those so authorised.

(2) It is an offence for a person to fail to comply with a condition subject to which a firearm certificate is held by him. ...

Section 2: Requirement of certificate for possession of shot guns.

(1) Subject to any exemption under this Act, it is an offence for a person to have in his possession, or to purchase or acquire, a shot gun without holding a certificate under this Act authorising him to possess shot guns.

(2) It is an offence for a person to fail to comply with a condition subject to which a shot gun certificate is held by him. ...

Part II: Firearm and Shot Gun Certificates; Registration of Firearms Dealers

Grant, renewal, variation and revocation of firearm and shot gun certificates

Section 26 A: Applications for firearm certificates.

(1) An application for the grant of a firearm certificate shall be made in the prescribed form to the chief officer of police for the area in which the applicant resides and shall state such particulars as may be required by the form. ...

Section 26B: Applications for shot gun certificates.

(1) An application for the grant of a shot gun certificate shall be made in the prescribed form to the chief officer of police for the area in which the applicant resides and shall state such particulars as may be required by the form.

Section 27: Special provisions about firearm certificates.

(2) A firearm certificate shall be in the prescribed form and shall specify the conditions (if any) subject to which it is held, the nature and number of the firearms to which it relates [including if known their identification numbers,] and, as respects ammunition, the quantities authorised to be purchased and to be held at any one time thereunder. ...

Section 28: Special provisions about shot gun certificates. ...

(2A) A shot gun certificate shall specify the description of the shot guns to which it relates including, if known, the identification numbers of the guns.]

[40] Report: "Home Office: Handgun Surrender and Compensation." House of Commons, Committee of Public Accounts, June 21, 1999. <http://www.parliament.the-stationery-office.co.uk/pa/...>

6. Over 162,000 handguns and 700 tonnes of ammunition were compulsorily surrendered to local police stations between July 1997 and February 1998. The surrender was the main measure in response to the tragic events of 13 March 1996, when Thomas Hamilton walked into Dunblane Primary School armed with four handguns and 743 rounds of ammunition and shot dead 16 children and their teacher, and wounded 10 other children and three other teachers. Under the first Firearms (Amendment) Act of 1997 large-calibre handguns became prohibited from 1 July 1997, with owners having until 30 September 1997 to dispose of them lawfully, and small-calibre handguns became prohibited from 1 February 1998, with disposal by 28 February 1998.

7. As a first step in managing the surrender and compensation schemes, the Home Office and the police needed to contact handgun owners and dealers to ensure that they were aware of the terms of the prohibition and surrender. The Home Office provided booklets for the police to distribute to handgun owners and dealers, explaining the requirements of the legislation and the terms of the compensation. ...

13. The Home Office could not provide absolute assurance that no handguns had been unlawfully retained, but was reasonably satisfied that individual police forces had ensured that prohibited handguns in their area had either been surrendered or otherwise lawfully disposed of. The Home Office assured us that individual forces had accurate records of firearms held on firearms certificates. They had used these to follow up firearms which were to be surrendered under the terms of the Acts, and had made adequate checks on handguns claimed to have been otherwise lawfully disposed of, for example by owners sending them abroad. Sixteen of the 26 police forces the National Audit Office visited considered that they had satisfied themselves that all relevant handguns had been traced and those prohibited surrendered. The remaining ten had been unable to account for the handguns held by a total of 35 owners by the end of the surrender period, although by September 1998 over three-quarters of these cases had been resolved. ...

15. The intention of the prohibition under the 1997 firearms legislation was to remove handguns from civilian ownership, and thereby also from the risk of being used in crime.

[41] Graph constructed with data from:

Report: "Homicides, Firearm Offences and Intimate Violence 2008/09."

Edited by Kevin Smith and John Flatley. UK Home Office, January 21, 2010.

<http://rds.homeoffice.gov.uk/rds/pdfs10/hosb0110.pdf>

Page 9:

Data presented in this chapter have been extracted from the Homicide Index. Since it is continually being updated with revised information from the police and the courts, the Homicide Index is a better source of data than the main recorded crime dataset. ...

[On] 24 November 2009, the ... the Homicide Index database was 'frozen' so that analysis could be conducted.

Page 10:

The term 'homicide' covers the offences of murder, manslaughter and infanticide. ...

Homicide offences up to the financial year 2008/09 are presented in this chapter, with offences shown according to the year in which the police initially recorded the offence as homicide. This is not necessarily the year in which the incident took place or the year in which any court decision was made. ...

Caution is needed when looking at homicide trend figures, primarily because they are based on the year in which offences are recorded by the police rather than the year in which the incidents took place. As an example of this, the 172 homicides attributed to Dr Harold Shipman as a result of Dame Janet Smith's inquiry took place over a long period of time but were all recorded by the police during 2002/03 [same as fiscal year 2002 in the chart made by Just Facts]. Also, where several people are killed by the same principal suspect (such as the cockle pickers who drowned in Morecambe Bay and the 7 July 2005 London bombing victims), the number of homicides counted is the total number of persons killed rather than the number of incidents.

Page 11: "Figure 1.1 Offences recorded by the police in England and Wales, 1957 to 2008/09"

Page 20: "Table 1.01 Offences initially recorded by the police as homicide by current classification: England and Wales, 1956 to 2008/09"

[42] Calculated with data from the source above.

NOTES:

- The 52% figure was calculated by averaging the homicide rates from 1969 through fiscal year 2008, and comparing this figure to 1968.
- The 15% figure was calculated by averaging the homicide rates from fiscal years 1998-2008 and comparing this figure to fiscal year 2007 (which happens to be the same figure as calendar year 2007).

[43] Ruling number 1-95-1779: "Hunt v. Daley." Appellate Court of Illinois, First District, Third Division, February 19, 1997. <http://caselaw.findlaw.com/il-court-of-appeals/1056110.html>

This proceeding involves the 1982 Chicago Weapons Ordinance, passed by the Chicago City Council on March 19, 1982 ... rendering certain firearms unregistrable in the City of Chicago. Under that ordinance, several categories of firearms, including handguns, became unregistrable in the City of Chicago. ... However, pursuant to a grandfathering provision provided in the 1982 ordinance, handgun owners whose handguns were validly registered prior to the effective date of the handgun ban could continue to re-register their handguns. ... The 1982 ordinance also required that such re-registration take place every two years. ... [It was] ... amended and recodified in 1994 to require annual re-registration.... The failure to re-register firearms every two years after the enactment of the 1982 ordinance rendered such firearms permanently unregistrable, and thereby caused handgun owners to forfeit their right to possess such firearms within the City of Chicago.

[44] Ruling number 83-1431: "Sklar v. Byrne." United States Court of Appeals, Seventh Circuit, February 8, 1984 (as amended April 17, 1984). <http://openjurist.org/727/f2d/633>

On March 19, 1982, the Chicago City Council passed an ordinance amending Chapter 11.1 of the Municipal Code of the City of Chicago which regulates the sale, possession and registration of firearms and ammunition. The ordinance requires that all firearms in Chicago be registered with the city. ... The ordinance also classifies some firearms as "unregistrable," thus making illegal their possession in the City of Chicago. Among the categories of "unregistrable" firearms are "Handguns, except those validly registered to a current owner in the City of Chicago prior to the effective date of this Chapter."... The effective date of the Chapter was April 10, 1982.

[45] Case file: *McDonald v Chicago*. Plaintiff's complaint. Filed June 26, 2008. <http://www.chicagoguncase.com/wp-content/uploads/2008/...>

"Chicago Municipal Code § 8-20-200 provides: (a) Every registrant must renew his registration certificate annually. Applications for renewal shall be made by such registrants 60 days prior to the expiration of the current registration certificate. (b) The application for renewal shall include the payment of a renewal fee as follows: 1 firearm ... \$20.00...."

[46] Article: "Evanston latest suburb to repeal handgun ban in wake of high court ruling." By Deborah Horan, *Chicago Tribune*, August 12, 2008. <http://chicagotribune.com>

"Following the lead of at least two other Chicago suburbs [presumably Morton Grove and Wilmette], the City of Evanston has repealed its handgun ban in the wake of the June U.S. Supreme Court decision that ruled blanket prohibitions of handguns in the home for self-defense violated 2nd Amendment rights."

NOTE: According to their demographics page (<https://cityofevanston.org/pdf/DemographicProfile.pdf>), the City of Evanston has a population of 74,239 as of the 2000 Census. Accessed September 9, 2010.

[47] Article: "Morton Grove repeals 27-year-old gun ban." By Robert Channick, *Chicago Tribune*, July 28, 2008. <http://chicagotribune.com>

"Morton Grove's landmark handgun ban, imposed 27 years ago, died quietly Monday night, as the suburb's Village Board bowed to a new legal reality and repealed the ordinance. The board's 5-1 vote came in response to last month's ruling by a divided U.S. Supreme Court that struck down a similar ban. The high court ruled that the 2nd Amendment protects a person's right to own a firearm for self-defense."

NOTE: According to their website, (<http://www.mortongroveil.org/>) Morton Grove is a village comprising 22,451, as of March 28, 2009. No date is given for the estimate or census result.

[48] Article: "Wilmette Handgun Ban Dead, 7-0 Vote Repeals Law." *WBBM 780 Chicago*. July 23, 2008. <http://www.wbbm780.com>

"The village board voted Tuesday night 7-0 to repeal the 19-year-old ban, following 45 minutes of discussion and public comment. The ordinance has not been enforced since last month's U.S. Supreme Court ruling affirming individual gun ownership rights in the case of the District of Columbia vs. Heller."

NOTE: According to their demographics page, (<http://www.wilmette.com/about/demographics.aspx>) Wilmette is a city with a population estimated in 2004 to number 27,628. Accessed March 28, 2009.

[49] Article: "Winnetka repeals handgun ban." By Lisa Black, *Chicago Breaking News Center*, November 19, 2008. <http://www.chicagobreakingnews.com/2008/11/winnetka-...>

"Winnetka Village Council voted unanimously Tuesday night to repeal the suburb's 20-year-old ban on possessing handguns but kept intact other portions of its ordinance regulating firearm use.... The action followed a recent Supreme Court decision and the filing of a lawsuit by the National Rifle Association and three village residents who asserted the ban violated their 2nd Amendment rights."

NOTE: According to their demographics page (http://www.villageofwinnetka.org/pdf/documents/winn_census_data.pdf), Winnetka Village had a total population of 12,419 in the 2000 census. Accessed March 28, 2009.

[50] Article: "City wins 1st round in handgun ban challenge." By Carlos Sadovi and Hal Dardick, *Chicago Breaking News Center*, December 18, 2008. <http://www.chicagobreakingnews.com/2008/12/...>

"On Thursday, U.S. District Judge Milton Shadur rejected the gun rights group's effort to extend the D.C. ruling to Chicago and Oak Park."

NOTES:

- See <http://www.nra.org/media/PDFs/oakpark.pdf> for the original complaint filed against Oak Park by the NRA.
- Oak Park is a village comprising 50,824 people, according to their demographics page, (http://www.oak-park.us/Village_Background/Village_Profile.html). No date is given for the estimate or census figure. Accessed March 28, 2009.

[51] Ruling: *McDonald v Chicago*. U.S. Supreme Court, June 28, 2010. Case 08–1521. Decided 5-4. Majority: Alito, Roberts, Scalia, Kennedy, Thomas. Dissenting: Stevens, Ginsburg, Breyer, Sotomayor. <http://www.law.cornell.edu/supct/html/08-1521.ZS.html>

Two years ago, in *District of Columbia v. Heller* ... we held that the Second Amendment* protects the right to keep and bear arms for the purpose of self-defense, and we struck down a District of Columbia law that banned the possession of handguns in the home. The city of Chicago (City) and the village of Oak Park, a Chicago suburb, have laws that are similar to the District of Columbia's, but Chicago and Oak Park argue that their laws are constitutional because the Second Amendment has no application to the States. ... Applying the standard that is well established in our case law, we hold that the Second Amendment right is fully applicable to the States.

NOTE: Second Amendment to the Constitution of the United States. Ratified December 15, 1791. <http://justfacts.com/constitution.asp#Amendment2>

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed."

[52] Graph constructed with data from:

a) Dataset: "Uniform Crime Reporting Program, United States, 1960–2008." Federal Bureau of Investigation, Criminal Justice Information Services Division. Data supplied to Just Facts on June 15, 2010. Data available [upon request](#).

b) Amicus Brief No. 08-1521: *McDonald v Chicago*. By Maureen Martin and Nancy Lee Carlson. Heartland Institute. [http://www.americanbar.org/...](http://www.americanbar.org/)

Appendix 1 (page 22 in pdf).

NOTE: Just Facts compared the data in this brief with comparable data obtained from the Census Bureau and FBI (available [upon request](#)). Notwithstanding some minor differences, the data was largely congruent. Just Facts chose to use the data in this brief because it is more complete than the other sources.

[53] Calculated with data from the footnote above. The averages were calculated by averaging the murder rates from all years in which the ban was effective for at least 6 months of the year.

[54] Graph constructed with data from Amicus Brief No. 08-1521: *McDonald v Chicago*. By Maureen Martin and Nancy Lee Carlson. Heartland Institute. [http://www.americanbar.org/...](http://www.americanbar.org/)

Appendix 1 (page 22 in pdf).

[55] Calculated with data from the footnote above. The averages were calculated by averaging the data from all years in which the ban was effective for at least 6 months of the year.

[56] "2005 Chicago Murder Analysis Report." Chicago Police Department. Table 6 (page 25), Table 7 (page 26), and Figure 13 (page 27). <https://portal.chicagopolice.org/portal/page/portal/ClearPath/...>

NOTE: The following is paraphrased from tables and figure cited above. Table 6: "Shot: 339 (75.7%) of Victims." Table 7: "Shot – Handgun: 327; Rifle: 5; Shotgun: 2 victims. Stabbing – Knife: 39 victims." Figure 13: This is a graph showing the trend of shootings and stabbings in murders from 1991 to 2005. The lowest percentage of murders that were shootings is 69.0% (1992); the highest is 80.2% (2003). There is not, however, any statistically significant trend of an increase in shootings, (it is only coincidence that the lowest percentage occurred in 1992 and the highest in 2003).

CALCULATION: 327 handgun victims / 339 firearm victims = .965

[57] Web page: "Identify Prohibited Persons." Bureau of Alcohol, Tobacco, and Firearms. Accessed July 23, 2010 at <http://www.atf.gov/firearms/how-to/identify-prohibited-persons.html>

The Gun Control Act (GCA) makes it unlawful for certain categories of persons to ship, transport, receive, or possess firearms. 18 USC 922(g). Transfers of firearms to any such prohibited persons are also unlawful. 18 USC 922(d).

These categories include any person:

- * Under indictment or information in any court for a crime punishable by imprisonment for a term exceeding one year;
- * convicted of a crime punishable by imprisonment for a term exceeding one year;

- * who is a fugitive from justice;
- * who is an unlawful user of or addicted to any controlled substance;
- * who has been adjudicated as a mental defective or has been committed to any mental institution;
- * who is an illegal alien;
- * who has been discharged from the military under dishonorable conditions;
- * who has renounced his or her United States citizenship;
- * who is subject to a court order restraining the person from harassing, stalking, or threatening an intimate partner or child of the intimate partner; or
- * who has been convicted of a misdemeanor crime of domestic violence

[58] United States Code Title 18, Part I, Chapter 44, Section 922: "Firearms, Unlawful Acts." Current as of February 1, 2010. Accessed July 23, 2010 at http://www.law.cornell.edu/uscode/uscode18/usc_sec_18_...

(g) It shall be unlawful for any person—

(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year; (In this law, the words, "crime punishable by imprisonment for a term exceeding one year," do not mean what they plainly state. See the next footnote for full clarification. The implications of this are addressed shortly later in this research.)

(2) who is a fugitive from justice;

(3) who is an unlawful user of or addicted to any controlled substance...

(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;

(5) who, being an alien—

(A) is illegally or unlawfully in the United States...

(6) who has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship;

(8) who is subject to a court order that—...

(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child...

(9) who has been convicted in any court of a misdemeanor crime of domestic violence,

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

[59] United States Code Title 18, Part I, Chapter 44, Section 921: "Definitions." Current as of February 1, 2010. Accessed July 31, 2010 at http://www.law.cornell.edu/uscode/uscode18/usc_sec_18_...

(a)(20) The term "crime punishable by imprisonment for a term exceeding one year" does not include—

(A) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices, or

(B) any State offense classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

What constitutes a conviction of such a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this chapter, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

[60] United States Code Title 18, Part I, Chapter 44, Section 924: "Firearms, Penalties." Current as of February 1, 2010. Accessed July 23, 2010 at [http://www.law.cornell.edu/uscode/uscode18/usc_sup_01 ...](http://www.law.cornell.edu/uscode/uscode18/usc_sup_01...)

"(a)(2) Whoever knowingly violates subsection (a)(6), (d), (g), (h), (i), (j), or (o) of section 922 shall be fined as provided in this title, imprisoned not more than 10 years, or both."

[61] United States Code Title 18, Part I, Chapter 44, Section 922: "Firearms, Unlawful Acts." Current as of February 1, 2010. Accessed July 23, 2010 at [http://www.law.cornell.edu/uscode/uscode18/usc_sec_18 ...](http://www.law.cornell.edu/uscode/uscode18/usc_sec_18...)

(d) It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person—

(1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) is a fugitive from justice;

(3) is an unlawful user of or addicted to any controlled substance...

(4) has been adjudicated as a mental defective or has been committed to any mental institution;

(5) who, being an alien—

(A) is illegally or unlawfully in the United States...

(6) who ... has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship;

(8) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child...

(9) has been convicted in any court of a misdemeanor crime of domestic violence. ...

[62] United States Code Title 18, Part I, Chapter 44, Section 924: "Firearms, Penalties." Current as of February 1, 2010. Accessed July 23, 2010 at http://www.law.cornell.edu/uscode/uscode18/usc_sup_01_18...

"(a)(2) Whoever knowingly violates subsection (a)(6), (d), (g), (h), (i), (j), or (o) of section 922 shall be fined as provided in this title, imprisoned not more than 10 years, or both."

[63] United States Code Title 18, Part I, Chapter 44, Section 922: "Firearms, Unlawful Acts." Current as of February 1, 2010. Accessed July 23, 2010 at http://www.law.cornell.edu/uscode/uscode18/usc_sec_18_...

(a) It shall be unlawful—

(1) for any person—

(A) except a licensed importer, licensed manufacturer, or licensed dealer, to engage in the business of importing, manufacturing, or dealing in firearms, or in the course of such business to ship, transport, or receive any firearm in interstate or foreign commerce...

[64] United States Code Title 18, Part I, Chapter 44, Section 921: "Definitions." Current as of February 1, 2010. Accessed July 23, 2010 at http://www.law.cornell.edu/uscode/uscode18/usc_sec_18_...

(a) As used in this chapter— ...

(21) The term "engaged in the business" means—

(A) as applied to a manufacturer of firearms, a person who devotes time, attention, and labor to manufacturing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms manufactured;

(B) as applied to a manufacturer of ammunition, a person who devotes time, attention, and labor to manufacturing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the ammunition manufactured;

(C) as applied to a dealer in firearms, as defined in section 921 (a)(11)(A), a person who devotes time, attention, and labor to dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of firearms, but such term shall not include a person who makes occasional sales, exchanges, or purchases of firearms for the enhancement of a personal collection or for a hobby, or who sells all or part of his personal collection of firearms;

(D) as applied to a dealer in firearms, as defined in section 921 (a)(11)(B), a person who devotes time, attention, and labor to engaging in such activity as a regular course of trade or business with the principal objective of livelihood and profit, but such term shall not include a person who makes occasional repairs of firearms, or who occasionally fits special barrels, stocks, or trigger mechanisms to firearms;

(E) as applied to an importer of firearms, a person who devotes time, attention, and labor to importing firearms as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the firearms imported; and

(F) as applied to an importer of ammunition, a person who devotes time, attention, and labor to importing ammunition as a regular course of trade or business with the principal objective of livelihood and profit through the sale or distribution of the ammunition imported.

(22) The term "with the principal objective of livelihood and profit" means that the intent underlying the sale or disposition of firearms is predominantly one of obtaining livelihood and pecuniary gain, as opposed to other intents, such as improving or liquidating a personal firearms collection: Provided, That proof of profit shall not be required as to a person who engages in the regular and repetitive purchase and disposition of firearms for criminal purposes or terrorism.

[65] United States Code Title 18, Part I, Chapter 44, Section 924: "Firearms, Penalties." Current as of February 1, 2010. Accessed July 23, 2010 at http://www.law.cornell.edu/uscode/uscode18/usc_sup_01_...

"(n) A person who, with the intent to engage in conduct that constitutes a violation of section 922 (a)(1)(A), travels from any State or foreign country into any other State and acquires, or attempts to acquire, a firearm in such other State in furtherance of such purpose shall be imprisoned for not more than 10 years."

[66] United States Code Title 18, Part I, Chapter 44, Section 922: "Firearms, Unlawful Acts." Current as of February 1, 2010. Accessed July 23, 2010 at http://www.law.cornell.edu/uscode/uscode18/usc_sec_18_...

(t)(1) Beginning on the date that is 30 days after the Attorney General notifies licensees under section 103(d) of the Brady Handgun Violence Prevention Act that the national instant criminal background check system is established [November 30, 1998*], a licensed importer, licensed manufacturer, or licensed dealer shall not transfer a firearm to any other person who is not licensed under this chapter, unless—

(A) before the completion of the transfer, the licensee contacts the national instant criminal background check system established under section 103 of that Act...

* NOTE: "Review of the Bureau of Alcohol, Tobacco, Firearms and Explosives' Enforcement of Brady Act Violations Identified Through the National Instant Criminal Background Check System." U.S. Department of Justice, Office of the Inspector General, July 2004. <http://www.justice.gov/oig/reports/ATF/e0406/exec.htm>

"The Brady Act of 1993 created a 3-day waiting period before a purchaser can take possession of a firearm, and it established a background check system - the NICS [National Instant Criminal Background Check System] - that firearms dealers were required to contact before the transfer of any firearm to ensure that a person receiving a firearm was not prohibited under the GCA [1968 Gun Control Act] from possessing firearms. The FBI implemented the NICS on November 30, 1998."

[67] Web page: "National Instant Criminal Background Check System Fact Sheet." U.S. Department of Justice, Federal Bureau of Investigation. Accessed July 24, 2010 at <http://www2.fbi.gov/hq/cjisid/nics/nicsfact.htm>

Mandated by the Brady Handgun Violence Prevention Act (Brady Act) of 1993 ... the National Instant Criminal Background Check System (NICS) was established for Federal Firearms Licensees (FFLs) to contact by telephone, or other electronic means, for information to be supplied immediately on whether the transfer of a firearm would be in violation of Section 922 (g) or (n) of Title 18, United States Code, or state law. ...

The NICS is a national system that checks available records on persons who may be disqualified from receiving firearms. The FBI developed the system through a cooperative effort with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and local and state law enforcement agencies. The NICS is a computerized background check system designed to respond within 30 seconds on most background check inquiries so the FFLs receive an almost immediate response. Depending on the willingness of state governments to act as a liaison for the NICS, the FFLs contact either the FBI or a designated state Point of Contact (POC) to initiate background checks on individuals purchasing or redeeming firearms. The background check process, as performed by the FBI and by state POCs, is described below.

[68] United States Code Title 18, Part I, Chapter 44, Section 922: "Firearms, Unlawful Acts." Current as of February 1, 2010. Accessed July 23, 2010 at http://www.law.cornell.edu/uscode/uscode18/usc_sec_18_...

(a) It shall be unlawful—...

(3) for any person, other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector to transport into or receive in the State where he resides ... any firearm purchased or otherwise obtained by such person outside that State, except that this paragraph

(A) shall not preclude any person who lawfully acquires a firearm by bequest or intestate succession in a State other than his State of residence from transporting the firearm into or receiving it in that State, if it is lawful for such person to purchase or possess such firearm in that State...

(5) for any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) to transfer, sell, trade, give, transport, or deliver any firearm to any person (other than a licensed importer, licensed manufacturer, licensed dealer, or licensed collector) who the transferor knows or has reasonable cause to believe does not reside in ... the State in which the transferor resides; except that this paragraph shall not apply to

(A) the transfer, transportation, or delivery of a firearm made to carry out a bequest of a firearm to, or an acquisition by intestate succession of a firearm by, a person who is permitted to acquire or possess a firearm under the laws of the State of his residence...

[69] United States Code Title 18, Part I, Chapter 44, Section 922: "Firearms, Unlawful Acts." Current as of February 1, 2010. Accessed July 23, 2010 at http://www.law.cornell.edu/uscode/uscode18/usc_sec_18_...

(d) It shall be unlawful for any person to sell or otherwise dispose of any firearm or ammunition to any person knowing or having reasonable cause to believe that such person—

(1) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) is a fugitive from justice;

(3) is an unlawful user of or addicted to any controlled substance...

(4) has been adjudicated as a mental defective or has been committed to any mental institution;

(5) who, being an alien—

(A) is illegally or unlawfully in the United States...

(6) who ... has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship;

(8) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child...

(9) has been convicted in any court of a misdemeanor crime of domestic violence. ...

[70] United States Code Title 18, Part I, Chapter 44, Section 924: "Firearms, Penalties." Current as of February 1, 2010. Accessed July 23, 2010 at [http://www.law.cornell.edu/uscode/uscode18/usc_sup_01 ...](http://www.law.cornell.edu/uscode/uscode18/usc_sup_01...)

"(a)(2) Whoever knowingly violates subsection (a)(6), (d), (g), (h), (i), (j), or (o) of section 922 shall be fined as provided in this title, imprisoned not more than 10 years, or both."

[71] "First Reports Evaluating the Effectiveness of Strategies for Preventing Violence: Firearms Laws." Prepared by Robert A. Hahn and others. U.S. Centers for Disease Control and Prevention, October 3, 2003. <http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5214a2.htm>

The Brady Law ... established national restrictions on acquisition of firearms and ammunition from federal firearms licensees. The interim Brady Law (1994--1998) mandated a 5-day waiting period to allow background checks. The permanent Brady Law, enacted in 1998, eliminated the required waiting period. It normally allows 3 days for a background check, after which, if no evidence of a prohibited characteristic is found, the purchase may proceed.... Certain states have established additional restrictions, and some require background checks of all firearms transactions, not only those conducted by federal firearms licensees.

[72] Web page: "Federal and State Firearms Laws." National Rifle Association Institute for Legislative Action. Accessed July 24, 2010 at <http://www.nraila.org/GunLaws/>

NOTE: This page contains a clickable map with links to synopses of the firearm laws in each state. In California for example, "All firearms sales, transfers or loans, including private transactions and sales at gun shows, must go through a California licensed firearms dealer." As explained above, federal law requires all dealers to conduct a background check to sell or transfer any firearm. Thus, this California law effectively requires background checks for all firearms transactions.

[73] Report: "State Laws and Published Ordinances — Firearms, 2008 — 29th Edition." U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives. Revised December 2009. <http://www.atf.gov/publications/firearms/state-laws/29th-edition/index.html>

NOTE: For those looking for more detail than is provided in the previous source, this report contains the laws of every state.

[74] "National Instant Criminal Background Check System (NICS) 2008 Operations Report." U.S. Department of Justice, Federal Bureau of Investigation. http://www2.fbi.gov/hq/cjisd/nics/ops_report2008/ops_report2008.htm

"From November 30, 1998, to December 31, 2008, a total of 95,984,008 transactions were processed through the NICS. ... From November 30, 1998, to December 31, 2008, the NICS Section has denied a total of 680,905 background check transactions."

CALCULATION: 680,905 denied transactions / 95,984,008 transactions processed = 0.0071 denial rate

[75] On July 30, 2010, Just Facts sent a letter to the Bureau of Alcohol, Tobacco, Firearms and Explosives requesting data on the number of prosecutions and convictions stemming from these 681,000 denials. We are awaiting a reply.

[76] Executive Summary: "Review of the Bureau of Alcohol, Tobacco, Firearms and Explosives' Enforcement of Brady Act Violations Identified Through the National Instant Criminal Background Check System." U.S. Department of Justice, Office of the Inspector General, July 2004. <http://www.justice.gov/oig/reports/ATF/e0406/exec.htm>

During calendar years (CY) 2002 and 2003, the FBI processed 8.5 million NICS [National Instant Criminal Background Check System] background checks and state POCs [points of contact] processed 8.2 million NICS background checks. ...

The FBI refers to the ATF [Bureau of Alcohol, Tobacco, Firearms and Explosives] the names of all prohibited persons who attempted to or succeeded in obtaining a firearm from an FFL [Federal Firearms Licensee].

... During CYs [calendar years] 2002 and 2003, only 154 (less than 1 percent) of the 120,000 persons who were denied during the NICS background check were prosecuted. Historically, USAOs [U.S. Attorneys' offices] have been unsuccessful in achieving convictions in many of these cases and consequently have been unwilling to expend their limited resources on prosecuting most NICS cases. ...

We believe that the number of referrals and prosecutions is low because of the difficulty in obtaining convictions in NICS cases. These cases lack "jury appeal" for various reasons. The factors prohibiting someone from possessing a firearm may have been nonviolent or committed many years ago. The basis for the prohibition may have been noncriminal (e.g., a dishonorable discharge from the U.S. military). It is also difficult to prove that the prohibited person was aware of the prohibition and intentionally lied to the FFL. We were also told that in parts of the United States where hunting historically has been part of the regional culture, juries are reluctant to convict a person who attempted to purchase a hunting rifle. ...

CALCULATIONS:

8.5 million checks processed by the federal government + 8.2 million processed by the states = 16.7 million NICS background checks

120,000 denied transactions / 16,700,000 transactions processed = 0.0072 denial rate

154 prosecutions / 120,000 denied transactions = 0.0013 prosecution rate

[77] Report: "Review of the Bureau of Alcohol, Tobacco, Firearms and Explosives' Enforcement of Brady Act Violations Identified Through the National Instant Criminal Background Check System." U.S. Department of Justice, Office of the Inspector General, July 2004. <http://www.justice.gov/oig/reports/ATF/e0406/results.htm>

Despite the large number of Brady Act violations identified by the FBI, these violations rarely have been prosecuted. Historically, the USAOs [U.S. Attorneys' offices] have been unsuccessful in achieving convictions in many of these types of cases. Consequently, they have been unwilling to prosecute most NICS cases. ...

According to Section 1117 of the U.S. Attorneys' Criminal Resource Manual, one of the factors to be used in determining if a particular case merits federal prosecution is whether the potential defendant was "on notice" that his or her possession of a firearm was illegal.⁴⁸ Several ATF special agents stated that when they contact individuals, many said they did not realize they were prohibited from possessing a firearm. Some knew that they had been convicted of a crime, but did not realize that the charge was a felony. Others did not realize that they were subject to the prohibition of misdemeanor crimes of domestic violence because they actually were charged with another type of offense, such as assault or disorderly conduct. ...

⁴⁸ Other factors to consider are the date of the previous conviction, the circumstances under which the firearm was obtained, the existence of indicators of current potential for violence, available alternatives to federal prosecution, and whether false statements were made.

[78] Executive Summary: "Review of the Bureau of Alcohol, Tobacco, Firearms and Explosives' Enforcement of Brady Act Violations Identified Through the National Instant Criminal Background Check System." U.S. Department of Justice, Office of the Inspector General, July 2004. <http://www.justice.gov/oig/reports/ATF/e0406/exec.htm>

The Office of the Inspector General (OIG) reviewed the Bureau of Alcohol, Tobacco, Firearms and Explosives' (ATF) enforcement of violations of the Brady Handgun Violence Prevention Act of 1993 (Brady Act) (Public Law 103-159) that are identified through the Federal Bureau of Investigation's (FBI) National Instant Criminal Background Check System (NICS). Specifically, we reviewed the extent to which the ATF investigated violations of the Brady Act referred by the FBI, whether the ATF retrieved firearms issued to prohibited persons in a timely manner, and the extent to which Brady Act violations were referred to and prosecuted by the U.S. Attorneys' offices (USAO). ...

The FBI refers to the ATF the names of all prohibited persons who attempted to or succeeded in obtaining a firearm from an FFL [Federal Firearms Licensee].

[79] Report: "Review of the Bureau of Alcohol, Tobacco, Firearms and Explosives' Enforcement of Brady Act Violations Identified Through the National Instant Criminal Background Check System." U.S. Department of Justice, Office of the Inspector General, July 2004. <http://www.justice.gov/oig/reports/ATF/e0406/results.htm>

Despite the large number of Brady Act violations identified by the FBI, these violations rarely have been prosecuted. Historically, the USAOs [U.S. Attorneys' offices] have been unsuccessful in achieving convictions in many of these types of cases. Consequently, they have been unwilling to prosecute most NICS [National Instant Criminal Background Check System] cases. ...

NICS Subjects Are Not Considered Dangerous

The special agents we spoke with generally commented that they do not consider the vast majority of NICS referral subjects a danger to the public because the prohibiting factors are often minor or based on incidents that occurred many years in the past. For example, one group supervisor cited a retrieval case in which the person was prohibited from owning a firearm because of a felony conviction for stealing four hubcaps from a car. In another example, a Brady Operations Branch specialist cited a case where the person was prohibited due to a 1941 felony conviction for stealing a pig. We also were told that "bad guys" generally do not purchase their firearms through legitimate dealers; instead, they have someone with a clean record purchase the firearm for them (known as a "straw purchase") through an FFL, buy a firearm on the black market, or purchase the firearm at a flea market or gun show from a non-FFL.

[80] Executive Summary: "Review of the Bureau of Alcohol, Tobacco, Firearms and Explosives' Enforcement of Brady Act Violations Identified Through the National Instant Criminal Background Check System." U.S. Department of Justice, Office of the Inspector General, July 2004. <http://www.justice.gov/oig/reports/ATF/e0406/exec.htm>

Some Denied Persons Are Subsequently Determined by the ATF Not to Be Prohibited

After performing additional research, the ATF frequently determines that the denied individual is not prohibited from possessing a firearm. Generally this occurs because the FBI could not readily determine the individual's prohibited status due to inaccurate and incomplete automated state records.

We found that 69 of the 197 (35 percent) delayed denials and 16 of the 200 (8 percent) standard denials in our sample were applicants who should not have been prohibited from purchasing a firearm.³⁴ Special agents in each of the four divisions we visited stated that this was a common occurrence. Although the investigative files did not specify why the subjects in our sample were found not to be prohibited, our discussions with ATF personnel identified several reasons why this generally occurs: (1) the subject's firearm rights had been restored under state law, (2) the subject's prohibition for a misdemeanor crime of violence did not meet the federal criteria, or (3) a protective order had expired or was about to expire. These circumstances are discussed in detail in the following sections.

[81] "National Instant Criminal Background Check System (NICS) 2008 Operations Report." U.S. Department of Justice, Federal Bureau of Investigation. http://www2.fbi.gov/hq/cjisd/nics/ops_report2008/ops_report2008.htm

... 12,709,023 background checks [were] processed through the NICS [National Instant Criminal Background Check System] in 2008....

... 70,725 denial decisions were provided in 2008.

In 2008, the NICS Section received a total of 13,396 appeal requests....

[I]n 2008, approximately 23 percent of appealed deny transactions were overturned and proceeded.

CALCULATION: 13,396 appeal requests / 70,725 denial decisions = 0.189 appeal rate

[82] Summary: "Terrorist Watchlist Screening." Government Accountability Office, May 5, 2010. <http://www.gao.gov/products/GAO-10-703T>

"Membership in a terrorist organization does not prohibit a person from possessing firearms or explosives under current federal law."

[83] Report: "Terrorist Watchlist Screening." Government Accountability Office, May 5, 2010. <http://www.gao.gov/new.items/d10703t.pdf>

Page 5: "In total, individuals on the terrorist watchlist have been involved in firearm and explosives background checks 1,228 times since NICS started conducting these checks in February 2004, of which 1,119 (about 91 percent) of the transactions were allowed to proceed while 109 were denied...."

Page 4:

In May 2009, we reported that from February 2004 through February 2009, a total of 963 NICS background checks resulted in valid matches with individuals on the terrorist watchlist.⁸ Of these transactions, approximately 90 percent (865 of 963) were allowed to proceed because the checks revealed no prohibiting information, such as felony convictions, illegal immigrant status, or other disqualifying factors. Two of the 865 transactions that were allowed to proceed involved explosives background checks. The FBI does not know how often a firearm was actually transferred or if a firearm or explosives license or permit was granted, because gun dealers and explosives dealers are required to maintain but not report this information to the NICS [National Instant Criminal Background Check System] Section. About 10 percent (98 of 963) of the transactions were

denied based on the existence of prohibiting information. No transactions involving explosives background checks were denied.

Pages 4-5:

For today's hearing, we obtained updated statistics from the FBI through February 2010. Specifically, from March 2009 through February 2010, FBI data show that 272 NICS background checks resulted in valid matches with individuals on the terrorist watchlist.⁹ One of the 272 transactions involved an explosives background check, which was allowed to proceed because the check revealed no disqualifying factors under the Safe Explosives Act. According to FBI officials, several of the 272 background checks resulted in matches to watchlist records that—in addition to being in the FBI's Known or Suspected Terrorist File—were on the Transportation Security Administration's "No Fly" list. In general, persons on the No Fly list are deemed to be a threat to civil aviation or national security and therefore should be precluded from boarding an aircraft. According to FBI officials, all of these transactions were allowed to proceed because the background checks revealed no prohibiting information under current law.

[84] United States Code Title 18, Part I, Chapter 44, Section 921: "Firearms, Definitions." Current as of February 1, 2010. Accessed July 31, 2010 at [http://www.law.cornell.edu/uscode/uscode18/usc_sec_18 ...](http://www.law.cornell.edu/uscode/uscode18/usc_sec_18...)

(a)(20) The term "crime punishable by imprisonment for a term exceeding one year" does not include—

(A) any Federal or State offenses pertaining to antitrust violations, unfair trade practices, restraints of trade, or other similar offenses relating to the regulation of business practices, or

(B) any State offense classified by the laws of the State as a misdemeanor and punishable by a term of imprisonment of two years or less.

What constitutes a conviction of such a crime shall be determined in accordance with the law of the jurisdiction in which the proceedings were held. Any conviction which has been expunged, or set aside or for which a person has been pardoned or has had civil rights restored shall not be considered a conviction for purposes of this chapter, unless such pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

NOTE: The term "crime punishable by imprisonment for a term exceeding one year" is used in the section of this code governing who can legally purchase and possess firearms ([see here](#)).

[85] Report: "Review of the Bureau of Alcohol, Tobacco, Firearms and Explosives' Enforcement of Brady Act Violations Identified Through the National Instant Criminal Background Check System." U.S. Department of Justice, Office of the Inspector General, July 2004. <http://www.justice.gov/oig/reports/ATF/e0406/results.htm>

Currently, when a federal crime is the prohibiting factor, the person's firearm rights can only be restored through a presidential pardon. ...

All but two states have provisions for restoring firearm rights.³⁷ [37 Statistics on states' restorations of rights provisions used in this section were extracted from the Survey of State Procedures Related to Firearm Sales, Midyear 2002, published by the DOJ's Bureau of Justice Statistics, October 15, 2003 (revised version) and from ATF P 5300.5 State Laws and Published Ordinances - Firearms (2003 - 24th Edition). The two states that do not have provisions for restoration rights are Alabama and Vermont.] Firearm rights are restored automatically or through application. The conditions for restoration vary greatly among the states by age (juveniles versus adults), type of crime, and the time frame between release from prison or parole and restoration of rights. In some states, restoration rights specifically apply only to convicted felons, which may result in a paradoxical situation in which someone convicted of a misdemeanor crime of domestic violence is permanently barred from owning a firearm, while someone who kills his spouse has his firearm rights restored after serving his sentence.

Twenty-one states automatically restore firearm rights upon release from prison or completion of parole.³⁸ [38 In six of these states, automatic restoration only applies to juveniles.] Forty-five states have provisions for restoring firearm rights through application.³⁹ [39 In 21 of these states, restoration of firearm rights only occurs through pardons or expungements of records.]

[86] Report: "Firearms Purchased From Federal Firearm Licensees Using Bogus Identification." Government Accountability Office, March 19, 2001.

Page 3: "Bureau of Alcohol, Tobacco and Firearms (ATF) regulations implementing the Brady Act provide that before an FFL [Federal Firearms Licensee] may sell or deliver a firearm, the prospective purchaser must provide photo-identification issued by a government entity."

[87] Summary: "Firearms Purchased from Federal Firearms Licensees Using Bogus Identification." In "Counterfeit Identification and Identification Fraud Raise Security Concerns." Government Accountability Office, September 9, 2003. <http://www.gao.gov/new.items/d031147t.pdf>

Page 8:

From October 2000 through February 2001, we used counterfeit driver's licenses with fictitious identifiers to purchase firearms from federal firearm licensees in five states—Virginia, West Virginia, Montana, New Mexico, and Arizona. The weapons purchased included (1) a 9mm stainless semiautomatic pistol, (2) a .380 semiautomatic pistol, (3) a 7.62mm Russian-manufactured rifle, (4) a .22 caliber semiautomatic rifle, (5) a 9mm semiautomatic pistol, and (6) a .25 caliber semiautomatic pistol.

The five states in which we purchased firearms conformed to the Brady Handgun Violence Prevention Act of 19937 by requiring instant background checks. For the most part, the federal firearm licensees we contacted adhered to then-existing federal and state laws regarding such purchases, including the instant background checks. Because we used counterfeit driver's licenses and fictitious identities there was no negative information in the system about the names we created.

[88] Article: "Undercover Federal Probe Finds Defects in Gun Background Checks." Associated Press, March 22, 2001. <http://articles.latimes.com/2001/mar/22/news/mn-41268>

The background check system can determine if a potential gun buyer has a criminal history, but there is no safeguard to verify whether the name or identification being used by the buyer is valid, the General Accounting Office investigation found. ...

Officials at the GAO used off-the-shelf software and laminators to create counterfeit driver's licenses, inventing fictitious names, Social Security numbers and dates of birth. ...

The agents told committee members at a hearing that they were sold guns every time they tried.

[89] Report: "Firearms Purchased From Federal Firearm Licensees Using Bogus Identification." Government Accountability Office, March 19, 2001.

Page 1: "The five states that we selected to purchase firearms in ... conformed to the Brady Act's minimum requirements, relying on an instant background check."

Page 2: "Consistent with the Brady Act ... we found that the instant background check does not positively identify purchasers of firearms. Rather, it is a negative check that cannot ensure that the prospective purchaser is not a felon or other prohibited person...."

[90] Executive Summary: "The Bureau of Alcohol, Tobacco, Firearms and Explosives' Investigative Operations at Gun Shows." U.S. Department of Justice, Office of the Inspector General, June 2007. <http://www.justice.gov/oig/reports/ATF/e0707/exec.htm>

[91] Executive Summary: "The Bureau of Alcohol, Tobacco, Firearms and Explosives' Investigative Operations at Gun Shows." U.S. Department of Justice, Office of the Inspector General, June 2007. <http://www.justice.gov/oig/reports/ATF/e0707/exec.htm>

"We found no definitive source for the number of gun shows held annually. ... Available estimates of the number of gun shows in the United States ranged from 2,000 to 5,200 annually."

[92] Executive Summary: "The Bureau of Alcohol, Tobacco, Firearms and Explosives' Investigative Operations at Gun Shows." U.S. Department of Justice, Office of the Inspector General, June 2007. <http://www.justice.gov/oig/reports/ATF/e0707/exec.htm>

[93] Executive Summary: "The Bureau of Alcohol, Tobacco, Firearms and Explosives' Investigative Operations at Gun Shows." U.S. Department of Justice, Office of the Inspector General, June 2007. <http://www.justice.gov/oig/reports/ATF/e0707/exec.htm>

We found that ATF does not have a formal gun show enforcement program, but conducts investigative operations at gun shows when it has law enforcement intelligence that illegal firearms activity has occurred or is likely to occur at specific gun shows. ...

ATF conducted investigative operations at gun shows based on law enforcement intelligence. ...

From fiscal year (FY) 2004 through FY 2006, ATF opened approximately 6,233 firearms trafficking investigations. During this 3-year period, ATF Special Agents conducted 202 operations at 195 gun shows.... ATF's operations at these gun shows led to 121 arrests, resulting in 83 convictions. (Some cases are still pending, so their final dispositions are unknown.) Additionally, ATF seized 5,345 firearms during investigative operations related to these shows.

Seventy-seven percent of ATF's investigative operations at gun shows were covert operations that targeted specific individuals suspected of firearms trafficking. ...

Of the 202 investigative operations conducted by ATF at gun shows, only 23 percent (46) targeted general firearms trafficking at the shows. Further, only 6 of the ATF's 23 field divisions – Columbus, Houston, New Orleans, Phoenix, San Francisco, and Washington, D.C. – conducted these types of operations. The operations were not part of investigations of specific individuals, but rather were initiated based on intelligence from law enforcement and other sources such as FFLs, that various firearms trafficking crimes were occurring at gun shows in those six divisions' geographic areas of responsibility.

[94] Report: "Firearm Use by Offenders." By Caroline Wolf Harlow, U.S. Department of Justice, November 2001. <http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=940>

Page 2: "Data for this report are based primarily on personal interviews with large nationally representative samples of State and Federal prison inmates."

Page 13: "A total of 14,285 interviews were completed for the State survey and 4,041 for the Federal survey, for overall response rates of 92.5% in the State survey and 90.2% in the Federal survey."

Page 6, Table 8: "Source of firearms possessed during the current offense of State prison inmates, 1997 and 1991."

[95] Book: "Guns in American Society: An Encyclopedia of History, Politics, Culture, and the Law." Edited by Gregg Lee Carter. ABC-CLIO, 2002. Section: "Right-to-Carry Laws." By James A. Beckman. Page 502:

Right-to-carry laws, often also called "shall issue" laws, refer to those state laws that mandate that state law enforcement officials or courts shall issue concealed firearm-carrying permits to applicants who meet fair and minimally restrictive

statewide standards established by the state legislature. The right-to-carry laws make the allocation or distribution of firearm-carrying permits mandatory upon state officials so long as the applicants meet the minimum statewide standards.

[96] Web page: "Concealed Firearm Permit Information By State." USA Carry. Accessed November 6, 2012 at http://www.usacarry.com/concealed_carry_permit_information.html

"[A]s long as you are legally able to own a firearm and [are] 21 year of age or older, you can carry concealed in the State of Arizona without a concealed weapon permit."

"Alaska Statute 11.61.220 allows anyone 21 or older, who may legally carry a firearm to also carry it concealed without having to obtain a special permit."

"It is lawful to carry a firearm [in Vermont] openly or concealed provided the firearm is not carried with the intent or avowed purpose of injuring a fellow man."

"As of July 8, 2011, anyone who meets the same requirements to obtain a Wyoming concealed weapons permit can legally carry a firearm in any place that is not specifically prohibited."

NOTES:

- Overviews of the laws in each state are provided via the clickable map.
- USA Carry was the only comprehensive, up-to-date, and easily accessible source that Just Facts was able to locate for this information. For detailed information on the laws of each state, see the report: "State Laws and Published Ordinances — Firearms, 2009-2010 — 30th Edition." U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives. Revised December 2010. <http://www.atf.gov/...>

[97] Web page: "Concealed Firearm Permit Information By State." USA Carry. Accessed January 22, 2012 at http://www.usacarry.com/concealed_carry_permit_information.html

"[A]s long as you are legally able to own a firearm and [are] 21 year[s] of age or older, you can carry concealed in the State of Arizona without a concealed weapon permit."

"Alaska Statute 11.61.220 allows anyone 21 or older, who may legally carry a firearm to also carry it concealed without having to obtain a special permit."

"It is lawful to carry a firearm [in Vermont] openly or concealed provided the firearm is not carried with the intent or avowed purpose of injuring a fellow man."

"As of July 8, 2011, anyone who meets the same requirements to obtain a Wyoming concealed weapons permit can legally carry a firearm in any place that is not specifically prohibited."

NOTES:

- Overviews of the laws in each state are provided via the clickable map.
- USA Carry was the only comprehensive, up-to-date, and easily accessible source that Just Facts was able to locate for this information. For detailed information on the laws of each state, see the report: "State Laws and Published Ordinances — Firearms, 2009-2010 — 30th Edition." U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives. Revised December 2010. <http://www.atf.gov/...>

[99] Web page: "Concealed Firearm Permit Information By State." USA Carry. Accessed January 22, 2012 at http://www.usacarry.com/concealed_carry_permit_information.html

NOTES:

- Overviews of the laws in each state are provided via the clickable map.
- USA Carry was the only comprehensive, up-to-date, and easily accessible source that Just Facts was able to locate for this information. For detailed information on the laws of each state, see the report: "State Laws and Published Ordinances — Firearms, 2009-2010 — 30th Edition." U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives. Revised December 2010. <http://www.atf.gov/...>

[100] Connecticut law allows local police, wardens, or selectmen to issue temporary concealed carry permits to private citizens, which the state government reviews for issuance of "a state permit to carry a pistol or revolver."* † Between January 1, 2000 and December 31, 2009, the state of Connecticut issued 166,190 permits, while during almost the same period (January 1, 2000- February 24, 2010), the state denied 436 permits (2.6% of the total).‡

NOTES:

* Report: "Gun Permit Issues." By Veronica Rose. Connecticut Office of Legislative Research, April 10, 2008. <http://www.ct.gov/bfpe/cwp/view.asp?a=1838&Q=418126&PM=1>

"Connecticut is a "may issue" state, in that the permit-issuing official has discretion to determine whether to issue or revoke a permit."

† Connecticut Law: Title 29, Chapter 529, Section 29-28(b): "Permit to carry pistol or revolver." Accessed March 17, 2010 at <http://law.justia.com/connecticut/codes/title29/sec29-28.html>

‡ Correspondence from the Connecticut Special Licensing & Firearms Unit to Just Facts, February 24, 2010 and March 18, 2010.

[101] Article: "The State (by State) of Right-To-Carry." By Dave Kopel. National Rifle Association Institute for Legislative Action, July 28, 2006. <http://www.nraila.org/Issues/Articles/Read.aspx?id=198&issue=003>

Do-Issue: Three states—Alabama, Connecticut and Iowa—have statutes that are not completely Shall-Issue, but that reserve some discretion to the issuing law enforcement agency. In these states, local law enforcement will generally issue a permit to the same kinds of persons who would qualify for a permit in a Shall-Issue state, and many times these states are included on Shall-Issue state lists.

Capricious-Issue: Eight coastal states have permit laws but give local law enforcement almost unlimited discretion to deny permits. Although there can be significant variation from one locality to another, permits are rarely issued in most jurisdictions, except to celebrities or other influential people. These Capricious-Issue states are Hawaii, California, Delaware (not as bad as the others, in practice), Maryland, New Jersey (the worst), New York, Massachusetts and Rhode Island.

[102] Web page: "Concealed Firearm Permit Information By State." USA Carry. Accessed January 22, 2012 at http://www.usacarry.com/concealed_carry_permit_information.html

NOTES:

- Overviews of the laws in each state are provided via the clickable map.
- USA Carry was the only comprehensive, up-to-date, and easily accessible source that Just Facts was able to locate for this information. For detailed information on the laws of each state, see the report: "State Laws and Published Ordinances — Firearms, 2009-2010 — 30th Edition." U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives. Revised December 2010. <http://www.atf.gov/...>

[103] Paper: Carrying Concealed Weapons in Self-Defense: Florida Adopts Uniform Regulations for the Issuance of Concealed Weapons Permits." By Richard Getchall. Florida State University Law Review, 1987. Pages 751-791. <http://www.saf.org/LawReviews/Getchell1.htm>

Page 777: "The concealed weapons Act is named the Jack Hagler Self Defense Act...."

Page 789: "The Jack Hagler Self Defense Act became law on October 1, 1987."

[104] Florida Law 790.06: "Weapons and Firearms, License to Carry Concealed Weapon or Firearm." Accessed August 30, 2010 at <http://law.justia.com/florida/codes/TitleXLVI/ch0790.html>

(2) The Department of Agriculture and Consumer Services shall issue a license if the applicant:

(a) Is a resident of the United States...

(b) Is 21 years of age or older;

(c) Does not suffer from a physical infirmity which prevents the safe handling of a weapon or firearm;

(d) Is not ineligible to possess a firearm pursuant to s. 790.23 by virtue of having been convicted of a felony;

(e) Has not been committed for the abuse of a controlled substance or been found guilty of a crime under the provisions of chapter 893 or similar laws of any other state relating to controlled substances within a 3-year period immediately preceding the date on which the application is submitted;

(f) Does not chronically and habitually use alcoholic beverages or other substances to the extent that his or her normal faculties are impaired. ...

(g) Desires a legal means to carry a concealed weapon or firearm for lawful self-defense;

(h) Demonstrates competence with a firearm by any one of the following:

1. Completion of any hunter education or hunter safety course approved by the Fish and Wildlife Conservation Commission or a similar agency of another state;

2. Completion of any National Rifle Association firearms safety or training course;

3. Completion of any firearms safety or training course or class available to the general public offered by a law enforcement, junior college, college, or private or public institution or organization or firearms training school, utilizing instructors certified by the National Rifle Association, Criminal Justice Standards and Training Commission, or the Department of Agriculture and Consumer Services;

4. Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of law enforcement or security enforcement;
5. Presents evidence of equivalent experience with a firearm through participation in organized shooting competition or military service;
6. Is licensed or has been licensed to carry a firearm in this state or a county or municipality of this state, unless such license has been revoked for cause; or
7. Completion of any firearms training or safety course or class conducted by a state-certified or National Rifle Association certified firearms instructor...
 - (i) Has not been adjudicated an incapacitated person under s. 744.331, or similar laws of any other state, unless 5 years have elapsed since the applicant's restoration to capacity by court order;
 - (j) Has not been committed to a mental institution under chapter 394, or similar laws of any other state, unless the applicant produces a certificate from a licensed psychiatrist that he or she has not suffered from disability for at least 5 years prior to the date of submission of the application;
 - (k) Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony or misdemeanor crime of domestic violence unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled, or the record has been sealed or expunged;
 - (l) Has not been issued an injunction that is currently in force and effect and that restrains the applicant from committing acts of domestic violence or acts of repeat violence; and
 - (m) Is not prohibited from purchasing or possessing a firearm by any other provision of Florida or federal law.

[105] Web page: "Concealed Weapon / Firearm Summary Report." Florida Department of Agriculture and Consumer Services, Division of Licensing, July 31, 2010. http://licgweb.doacs.state.fl.us/stats/cw_monthly.html

Note: This web page is constantly updated to reflect the latest data. These are the figures as of August 31, 2010:

	10/1/87 - 07/31/10
Licenses Issued	1,825,143
Licenses Valid	746,430

[106] Calculation performed with data from the citation above and the dataset: "Estimates of the Resident Population by Selected Age Groups for the United States, States, and Puerto Rico: July 1, 2009." U.S. Census Bureau, June 2010. <http://www.census.gov/popest/states/asrh/SC-EST2009-01.html>

Florida population:

18 years and older = 14,480,196

18-24 years = 1,667,090

CALCULATIONS:

a) Estimate of Florida population, 21 years and older: $14,480,196 - (3/7 \times 1,667,090) = 13,765,729$ people

b) $746,430$ valid licensees / $13,765,729$ people = 0.054

[107] Graph constructed with data from:

a) Dataset: "Uniform Crime Reporting Program, Florida, 1960-2008." Federal Bureau of Investigation, Criminal Justice Information Services Division. Data supplied to Just Facts on June 15, 2010. Data available [upon request](#).

b) Dataset: "Uniform Crime Reporting Program, United States, 1960-2008." Federal Bureau of Investigation, Criminal Justice Information Services Division. Data supplied to Just Facts on June 15, 2010. Data available [upon request](#).

[108] Calculated with data from the footnote above.

NOTE: The averages were calculated by averaging the murder rates from all years in which the ban was effective for at least 6 months of the year.

[109] Web page: "Concealed Weapon / Firearm Summary Report." Florida Department of Agriculture and Consumer Services, Division of Licensing, July 31, 2010. http://licgweb.doacs.state.fl.us/stats/cw_monthly.html

Note: This web page is constantly updated to reflect the latest data. These are the figures as of August 31, 2010:

	10/1/87 - 07/31/10
Applications Received	1,848,835
Licenses Issued	1,825,143
Licenses Valid	746,430
Applications Denied	12,648
Criminal History	4,242
Incomplete Application	8,406
Licenses Revoked	5,674
Clemency Rule Change or Legislative Change	66

Illegible Prints With No Response	10
Crime Prior to Licensure	522
Crime After Licensure	4,955
--Firearm Utilized--	[168]
Other	121
Reinstated*	633

* Statistics regarding number of licenses reinstated not maintained prior to January 1990.

[110] Article: "Guns in America: Part II: Texas Massacre, fear of crime spur concealed-gun laws." By Ralph Winingham, *San Antonio Express News*, 1997. <http://www.chron.com/content/chronicle/nation/guns/part2/gunside1.html>

"In January 1996, a law took effect allowing Texans to carry loaded handguns if they obtain a license and complete a safety course."

[111] Texas Law Chapter 411, Subchapter H: "License to Carry a Concealed Handgun." Accessed August 31, 2010 at <http://law.justia.com/texas/codes/gv/004.00.000411.00.html>

Section 411.172: "Eligibility"

(a) A person is eligible for a license to carry a concealed handgun if the person:

- (1) is a legal resident of this state for the six-month period preceding the date of application under this subchapter or is otherwise eligible for a license under Section 411.173(a);
- (2) is at least 21 years of age;
- (3) has not been convicted of a felony;
- (4) is not charged with the commission of a Class A or Class B misdemeanor or an offense under Section 42.01, Penal Code, or of a felony under an information or indictment;
- (5) is not a fugitive from justice for a felony or a Class A or Class B misdemeanor;
- (6) is not a chemically dependent person;
- (7) is not incapable of exercising sound judgment with respect to the proper use and storage of a handgun;
- (8) has not, in the five years preceding the date of application, been convicted of a Class A or Class B misdemeanor or an offense under Section 42.01, Penal Code;
- (9) is fully qualified under applicable federal and state law to purchase a handgun;

(10) has not been finally determined to be delinquent in making a child support payment administered or collected by the attorney general;

(11) has not been finally determined to be delinquent in the payment of a tax or other money collected by the comptroller, the tax collector of a political subdivision of the state, or any agency or subdivision of the state;

(12) has not been finally determined to be in default on a loan made under Chapter 57, Education Code;

(13) is not currently restricted under a court protective order or subject to a restraining order affecting the spousal relationship, other than a restraining order solely affecting (14) has not, in the 10 years preceding the date of application, been adjudicated as having engaged in delinquent conduct violating a penal law of the grade of felony; and

(15) has not made any material misrepresentation, or failed to disclose any material fact, in an application submitted pursuant to Section 411.174 or in a request for application submitted pursuant to Section 411.175. ...

(g) Notwithstanding Subsection (a)(2), a person who is at least 18 years of age but not yet 21 years of age is eligible for a license to carry a concealed handgun if the person:

(1) is a member or veteran of the United States armed forces, including a member or veteran of the reserves or national guard;

(2) was discharged under honorable conditions, if discharged from the United States armed forces, reserves, or national guard....

Section 411.174: "Application"

(a) An applicant for a license to carry a concealed handgun must submit to the director's designee described by Section 411.176: ...

(7) a handgun proficiency certificate described by Section 411.189....

Section 411.188: "Handgun Proficiency Requirement"

(a) The director by rule shall establish minimum standards for handgun proficiency and shall develop a course to teach handgun proficiency and examinations to measure handgun proficiency. The course to teach handgun proficiency must contain training sessions divided into two parts. One part of the course must be classroom instruction and the other part must be range instruction and an actual demonstration by the applicant of the applicant's ability to safely and proficiently use the category of handgun for which the applicant seeks certification. An applicant may not be certified unless the applicant demonstrates, at a minimum, the degree of proficiency that is required to effectively operate a handgun of .32 caliber or above. The department shall distribute the standards, course requirements, and examinations on request to any qualified handgun instructor.

(b) Only a qualified handgun instructor may administer a handgun proficiency course. The handgun proficiency course must include at least 10 hours and not more than 15 hours of instruction on...

[112] Calendar Year Report: "Active License Holders and Instructors 2009." Texas Department of Public Safety, Regulatory Licensing Service, Concealed Handgun Licensing Bureau. http://www.txdps.state.tx.us/administration/crime_records/...

Active License Holders = 402,914

[113] Calculations performed with data from the citation above and the dataset: "Estimates of the Resident Population by Selected Age Groups for the United States, States, and Puerto Rico: July 1, 2009." U.S. Census Bureau, June 2010. <http://www.census.gov/popest/states/asrh/SC-EST2009-01.html>

Texas population:

18 years and older = 17,886,333

18-24 years = 2,523,258

CALCULATIONS:

a) Estimate of Texas population, 21 years and older: $17,886,333 - (3/7 \times 2,523,258) = 16,804,937$ people

b) $402,914$ active licensees / $16,804,937$ people = 0.024

[114] Graph constructed with data from:

a) Dataset: "Uniform Crime Reporting Program, Texas, 1960-2008." Federal Bureau of Investigation, Criminal Justice Information Services Division. Data supplied to Just Facts on June 15, 2010. Data available [upon request](#).

b) Dataset: "Uniform Crime Reporting Program, United States, 1960-2008." Federal Bureau of Investigation, Criminal Justice Information Services Division. Data supplied to Just Facts on June 15, 2010. Data available [upon request](#).

[115] Calculated with data from the footnote above.

NOTE: The averages were calculated by averaging the murder rates from all years in which the ban was effective for at least 6 months of the year.

[116] Michigan Law Section 28.421a: "Firearms, Concealed pistol licenses; issuance; creation of standardized system." Accessed September 2, 2010 at <http://law.justia.com/michigan/codes/mcl-chap28/mcl-28-421a.html>

"It is the intent of the legislature to create a standardized system for issuing concealed pistol licenses to prevent criminals and other violent individuals from obtaining a license to carry a concealed pistol, [and] to allow law abiding residents to obtain a license to carry a concealed pistol. ... Effective July 1, 2001."

[117] Michigan Law Section 28.422: "License to purchase, carry, or transport pistol; issuance; qualifications; applications..." Accessed September 2, 2010 at <http://law.justia.com/michigan/codes/mcl-chap28/mcl-28-421a.html>

Section 2:

(1) Except as provided in subsection (2), a person shall not purchase, carry, or transport a pistol in this state without first having obtained a license for the pistol as prescribed in this section. ...

(3) The commissioner or chief of police of a city, township, or village police department that issues licenses to purchase, carry, or transport pistols, or his or her duly authorized deputy, or the sheriff or his or her duly authorized deputy, in the parts of a county not included within a city, township, or village having an organized police department, in discharging the duty to issue licenses shall with due speed and diligence issue licenses to purchase, carry, or transport pistols to qualified applicants residing within the city, village, township, or county, as applicable unless he or she has probable cause to believe that the applicant would be a threat to himself or herself or to other individuals, or would commit an offense with the pistol that would violate a law of this or another state or of the United States. An applicant is qualified if all of the following circumstances exist:

(a) The person is not subject to an order or disposition for which he or she has received notice and an opportunity for a hearing, and which was entered into the law enforcement information network pursuant to any of the following....

(b) The person is 18 years of age or older or, if the seller is licensed pursuant to section 923 of title 18 of the United States Code, 18 USC 923*, is 21 years of age or older.

(c) The person is a citizen of the United States and is a legal resident of this state.

(d) A felony charge against the person is not pending at the time of application.

(e) The person is not prohibited from possessing, using, transporting, selling, purchasing, carrying, shipping, receiving, or distributing a firearm under section 224f of the Michigan penal code, 1931 PA 328, MCL 750.224f.

(f) The person has not been adjudged insane in this state or elsewhere unless he or she has been adjudged restored to sanity by court order.

(g) The person is not under an order of involuntary commitment in an inpatient or outpatient setting due to mental illness.

(h) The person has not been adjudged legally incapacitated in this state or elsewhere. This subdivision does not apply to a person who has had his or her legal capacity restored by order of the court.

(i) The person correctly answers 70% or more of the questions on a basic pistol safety review questionnaire approved by the basic pistol safety review board and provided to the individual free of charge by the licensing authority. If the person fails to correctly answer 70% or more of the questions on the basic pistol safety review questionnaire, the licensing authority shall inform the person of the questions he or she answered incorrectly and allow the person to attempt to complete another basic pistol safety review questionnaire. The person shall not be allowed to attempt to complete more than 2 basic pistol safety review questionnaires on any single day. The licensing authority shall allow the person to attempt to complete the questionnaire during normal business hours on the day the person applies for his or her license.

* NOTE: This refers to a federally licensed firearms dealer:

United States Code Title 18, Part I, Chapter 44, Section 923: "Licensing." Current as of February 1, 2010. Accessed September 2, 2010 at http://www.law.cornell.edu/uscode/html/uscode18/usc_sec_...

"(a) No person shall engage in the business of importing, manufacturing, or dealing in firearms, or importing or manufacturing ammunition, until he has filed an application with and received a license to do so from the Attorney General."

[118] Graph constructed with data from:

a) Dataset: "Uniform Crime Reporting Program, Michigan, 1960-2008." Federal Bureau of Investigation, Criminal Justice Information Services Division. Data supplied to Just Facts on June 15, 2010. Data available [upon request](#).

b) Dataset: "Uniform Crime Reporting Program, United States, 1960-2008." Federal Bureau of Investigation, Criminal Justice Information Services Division. Data supplied to Just Facts on June 15, 2010. Data available [upon request](#).

[119] Calculated with data from the footnote above.

NOTE: The averages were calculated by averaging the murder rates from all years in which the ban was effective for at least 6 months of the year.

[120] Dataset: "20 Leading Causes of Unintentional Injury Deaths, United States, 2007." U.S. Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Accessed September 1, 2010 at <http://webappa.cdc.gov/sasweb/ncipc/leadcaus10.html>

NOTES:

- Data from 2007 was the most recent available on September 1, 2010.
- Data available [upon request](#).
- This top-20 list stops at item number 19, suggesting this covers all such deaths. Just Facts doubled-checked the data on total accidental deaths from another source to ensure this is the case.

[121] Dataset: "20 Leading Causes of Unintentional Injury Deaths, United States, 2007." U.S. Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Accessed September 1, 2010 at <http://webappa.cdc.gov/sasweb/ncipc/leadcaus10.html>

NOTES:

- Data from 2007 was the most recent available on September 1, 2010.
- Data available [upon request](#).
- This top-20 list stops at item number 19, suggesting this covers all such deaths. Just Facts doubled-checked the data on total accidental deaths from another source to ensure this is the case.
- "Other Spec., classifiable" = Other Specified, classifiable
- "Other Spec., NEC" = Specified, not elsewhere classified

[122] Dataset: "20 Leading Causes of Unintentional Injury Deaths, United States, 2007." U.S. Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Accessed September 1, 2010 at <http://webappa.cdc.gov/sasweb/ncipc/leadcaus10.html>

NOTES:

- Data from 2007 was the most recent available on September 1, 2010.
- Data available [upon request](#).
- This top-20 list stops at item number 19, suggesting this covers all such deaths. Just Facts doubled-checked the data on total accidental deaths from another source to ensure this is the case.

[123] Dataset: "Unintentional Firearm Gunshot Nonfatal Injuries, 2007, Disposition: All Cases." U.S. Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Accessed September 1, 2010 at <http://webappa.cdc.gov/sasweb/ncipc/nfirates2001.html>

Firearm = 15,698

NOTE "Disposition" is defined as "Where the injured person went when released from emergency department"

[124] Dataset: "Unintentional All Nonfatal Injuries, 2007, Disposition: All Cases." U.S. Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Accessed September 1, 2010 at <http://webappa.cdc.gov/sasweb/ncipc/nfirates2001.html>

Number of injuries = 27,731,818

NOTE: "Disposition" is defined as "Where the injured person went when released from emergency department"

[125] Dataset: "20 Leading Causes of Nonfatal Unintentional Injury, United States, 2007, Disposition: Hospitalized." U.S. Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Accessed September 1, 2010 at <http://webappa.cdc.gov/sasweb/ncipc/nfilead2001.html>

Firearm = 5,045

[126] Dataset: "Unintentional, All Injury Causes, Nonfatal Injuries, 2007, Disposition: Hospitalized." U.S. Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Accessed September 1, 2010 at <http://webappa.cdc.gov/sasweb/ncipc/nfirates2001.html>

Total hospitalizations = 1,420,190

[127] Constructed with data from the following sources:

a) Dataset: "20 Leading Causes of Nonfatal Unintentional Injury, United States, 2007, Disposition: Hospitalized." U.S. Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Accessed September 1, 2010 at <http://webappa.cdc.gov/sasweb/ncipc/nfilead2001.html>

NOTE: Data available [upon request](#).

b) Dataset: "Unintentional, All Injury Causes, Nonfatal Injuries, 2007, Disposition: Hospitalized." U.S. Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Accessed September 1, 2010 at <http://webappa.cdc.gov/sasweb/ncipc/nfirates2001.html>

Total hospitalizations = 1,420,190

[128] Ruling: *District Of Columbia v. Heller*. U.S. Supreme Court, June 26, 2008. Case 07-290. Decided 5-4. Majority: Scalia, Roberts, Kennedy, Thomas, Alito. Dissenting: Stevens, Souter, Ginsburg, Breyer. <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=...>

Opinion: "Justice Breyer, with whom Justice Stevens, Justice Souter, and Justice Ginsburg join, dissenting." Section IV, A, 1.

[129] Report: "Firearms control regulations act of 1975, Council act no. 1-142 : hearing and disposition before the Committee on the District of Columbia, House of Representatives, Ninety-fourth Congress, second session on H. Con. Res. 694." August 25, 1976. <http://www.archive.org/stream/firearmscontrol00colugooq/...>

[130] Paper: "Estimating intruder-related firearm retrievals in U.S. households, 1994." By Robin M. Ikeda and others. *Violence and Victims*, Winter 1997. <http://www.ncbi.nlm.nih.gov/pubmed/9591354>

Page 363:

To estimate the frequency of firearm retrieval because of a known or presumed intruder, the authors analyzed data from a 1994 national random digit dialing telephone survey (n = 5,238 interviews). ... National projections based on these self-reports reveal an estimated 1,896,842 (95% CI [confidence interval] = 1,480,647-2,313,035) incidents in which a firearm was retrieved, but no intruder was seen; 503,481 (95% CI = 305,093-701,870) incidents occurred in which an intruder was seen, and 497,646 (95% CI = 266,060-729,231) incidents occurred in which the intruder was seen and reportedly scared away by the firearm.

Page 364: "A specified random selection procedure was used to ensure that approximately one half of respondents were male and one half were female. If more than one eligible individual was in the selected gender category, the interviewer asked for the respondent with the most recent birthday. Households occupied by minorities were oversampled to ensure adequate minority representation and then weighted to adjust for unequal selection probabilities."

[131] Calculated with data from the following sources:

a) Dataset: "Unintentional Firearm Gunshot Nonfatal Injuries, 2001, Disposition: All Cases." U.S. Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Accessed September 1, 2010 at <http://webappa.cdc.gov/sasweb/ncipc/nfirates2001.html>

Number of injuries = 17,696

NOTE: "Disposition" is defined as "Where the injured person went when released from emergency department"

b) Dataset: "Unintentional Firearm Deaths, 2001." U.S. Centers for Disease Control and Prevention, National Center for Injury Prevention and Control. Accessed September 1, 2010 at http://webappa.cdc.gov/sasweb/ncipc/mortrate10_sy.html

Number of Deaths = 802

CALCULATION: $17,696 + 802 = 18,498$

[132] As of September 1, 2010, CDC's "Web-based Injury Statistics Query and Reporting System" (<http://www.cdc.gov/injury/wisqars/>) has accidental death rates from 1994 (the year that would be ideal to compare to the CDC survey regarding the number of Americans who use guns to frighten away intruders who are breaking into their homes). However, it does not have nonfatal, accidental injury rates for any earlier than 2000, and the 2000 data is not reliable: "Annualized national estimates are based on emergency department visits from 7/1-12/31 2000. Therefore, estimates may be affected by seasonality." Thus, Just Facts is using the earliest year possible, which is 2001.

[133] CALCULATION: $498,000 / 18,498 = 26.9$

NOTE: In keeping with Just Facts' [Standards of Credibility](#), we are giving preferentiality to figures that are contrary to our viewpoints by citing all gun-related accidents (within and outside the home) for comparison with the D.C. council committee's claim that, "[fo]r every intruder stopped by a homeowner with a firearm, there are 4 gun-related accidents within the home."

[134] Adapted from the NRA, a firearms safety course, and the article: "So You've Bought Yourself a Gun." By Sunni Maravillosa. *Sierra Times*, November 27, 2001. <http://www.sunnimaravillosa.com/guns/boughtagun.html>

[135] Web page: "Gun Rights: Long-Term Contribution Trends." Center for Responsive Politics. Accessed September 2, 2010 at <http://www.opensecrets.org/industries/totals.php?cycle=2010&ind=Q13>

NOTE: The data presented is from the Federal Election Commission and is current as of August 22, 2010.

[136] Web page: "Gun Control: Long-Term Contribution Trends." Center for Responsive Politics. Accessed September 2, 2010 at <http://www.opensecrets.org/industries/totals.php?cycle=2010&ind=Q12>

NOTE: The data presented is from the Federal Election Commission and is current as of August 22, 2010.

[137] Web pages: "Top Industries Giving to Members of Congress, 2008, 2006, 2004, 2002, 2000 Cycles." Center for Responsive Politics. Accessed September 5, 2010 at <http://www.opensecrets.org/industries/mems.php>

Who's got the most juice on Capitol Hill? Here's a list of the top industries contributing to members of the 111th Congress during the 2009-2010 election cycle. The first list shows the overall 50 biggest industries. The other two highlight the top 25 industries giving to members of each of the two major parties. In all cases, the Top Recipient listed is the individual member of the 111th Congress who received the most from the industry. Totals shown here include only the money that went to current incumbents in Congress.

NOTE: Neither gun rights nor gun control interest groups appear in these lists for any of the years.

[138] Web page: "Gun Rights: Long-Term Contribution Trends." Center for Responsive Politics. Accessed September 5, 2010 at <http://www.opensecrets.org/industries/totals.php?cycle=2010&ind=Q13>

2008 Total Contributions = \$2,397,743

NOTE: The data presented is from the Federal Election Commission and is current as of August 22, 2010.

[139] Web page: "Lawyers / Law Firms: Long-Term Contribution Trends." Center for Responsive Politics. Accessed September 5, 2010 at <http://www.opensecrets.org/industries/totals.php?cycle=2010&ind=K01>

2008 Total Contributions = \$233,916,242

NOTE: The data presented is from the Federal Election Commission and is current as of August 22, 2010.

CALCULATION: $\$2,397,743 / \$233,916,242 = 0.010$

[140] Web page: "Gun Control: Long-Term Contribution Trends." Center for Responsive Politics. Accessed September 5, 2010 at <http://www.opensecrets.org/industries/totals.php?cycle=2010&ind=Q12>

2008 Total Contributions = \$57,919

NOTE: The data presented is from the Federal Election Commission and is current as of August 22, 2010.

CALCULATION: $\$57,919 / \$2,397,743 = .024$

[141] "2008 Republican Party Platform." Republican National Committee, September, 2008. <http://www.gop.com/2008Platform/>

Page 51:

We uphold the right of individual Americans to own firearms, a right which antedated the Constitution and was solemnly confirmed by the Second Amendment. We applaud the Supreme Court's decision in *Heller* affirming that right, and we assert the individual responsibility to safely use and store firearms. We call on the next president to appoint judges who will similarly respect the Constitution. Gun ownership is responsible citizenship, enabling Americans to defend themselves, their property, and communities.

[142] "2008 Democratic Party Platform." Democratic National Committee, August 25, 2008. <http://www.democrats.org/a/party/platform.html>

Page 48:

We recognize that the right to bear arms is an important part of the American tradition, and we will preserve Americans' Second Amendment right to own and use firearms. We believe that the right to own firearms is subject to reasonable regulation, but we know that what works in Chicago may not work in Cheyenne. We can work together to enact and enforce common-sense laws and improvements – like closing the gun show loophole, improving our background check system, and reinstating the assault weapons ban, so that guns do not fall into the hands of terrorists or criminals. Acting responsibly and with respect for differing views on this issue, we can both protect the constitutional right to bear arms and keep our communities and our children safe.

[143] Constitution of the United States. Signed September 17, 1787. Enacted June 21, 1788. <http://justfacts.com/constitution.asp#Constitution>

Article 2, Clause 2, Section 2: "[The President] with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court...."

[144] Report: "Filibusters and Cloture in the Senate." By Richard S. Beth & Stanley Bach. Congressional Research Service. Updated March 28, 2003. <http://www.senate.gov/reference/resources/pdf/RL30360.pdf>

Summary (page 2 in pdf):

The filibuster is widely viewed as one of the Senate's most characteristic procedural features. Filibustering includes any use of dilatory or obstructive tactics to block a measure by preventing it from coming to a vote. The possibility of filibusters exists because Senate rules place few limits on Senators' rights and opportunities in the legislative process. ...

Senate Rule XXII, however, known as the "cloture rule," enables Senators to end a filibuster on any debatable matter the Senate is considering. Sixteen Senators

initiate this process by presenting a motion to end the debate. The Senate does not vote on this cloture motion until the second day after the motion is made. Then it usually requires the votes of at least three-fifths of all Senators (normally 60 votes) to invoke cloture. Invoking cloture on a proposal to amend the Senate's standing rules requires the support of two-thirds of the Senators present and voting.

Page CRS-10:

Invoking cloture usually requires a three-fifths vote of the entire Senate—"three-fifths of the Senators duly chosen and sworn." If there are no vacancies, therefore, 60 Senators must vote to invoke cloture. In contrast, most other votes require only a simple majority (that is, 51%) of the Senators present and voting, assuming that those Senators constitute a quorum. In the case of a cloture vote, the key is the number of Senators voting for cloture, not the number voting against. Failing to vote on a cloture motion has the same effect as voting against the motion: it deprives the motion of one of the 60 votes needed to agree to it.

There is an important exception to the three-fifths requirement to invoke cloture. Under Rule XXII, an affirmative vote of two-thirds of the Senators present and voting is required to invoke cloture on a measure or motion to amend the Senate rules. This exception has its origin in the recent history of the cloture rule. Before 1975, two-thirds of the Senators present and voting (a quorum being present) was required for cloture on all matters. In early 1975, at the beginning of the 94th Congress, Senators sought to amend the rule to make it somewhat easier to invoke cloture. However, some Senators feared that if this effort succeeded, that would only make it easier to amend the rule again, making cloture still easier to invoke. As a compromise, the Senate agreed to move from a maximum of 67 votes (two-thirds of the Senators present and voting) to a minimum of 60 votes (three-fifths of the Senators duly chosen and sworn) on all matters except future rules changes, including changes in the cloture rule itself.¹¹

[145] "Standing Rules of the Senate: Rule XXII: Precedence Of Motions." Accessed September 9, 2010. <http://rules.senate.gov/public/index.cfm?p=RuleXXII>

2. Notwithstanding the provisions of rule II or rule IV or any other rule of the Senate, at any time a motion signed by sixteen Senators, to bring to a close the debate upon any measure, motion, other matter pending before the Senate, or the unfinished business, is presented to the Senate, the Presiding Officer, or clerk at the direction of the Presiding Officer, shall at once state the motion to the Senate, and one hour after the Senate meets on the following calendar day but one, he shall lay the motion before the Senate and direct that the clerk call the roll, and upon the ascertainment that a quorum is present, the Presiding Officer shall, without debate, submit to the Senate by a yea-and-nay vote the question:

"Is it the sense of the Senate that the debate shall be brought to a close?" And if that question shall be decided in the affirmative by three-fifths of the Senators duly chosen and sworn -- except on a measure or motion to amend the Senate rules, in which case the necessary affirmative vote shall be two-thirds of the Senators present and voting -- then said measure, motion, or other matter pending before the Senate, or the unfinished business, shall be the unfinished business to the exclusion of all other business until disposed of.

Thereafter no Senator shall be entitled to speak in all more than one hour on the measure, motion, or other matter pending before the Senate, or the unfinished business, the amendments thereto, and motions affecting the same, and it shall be the duty of the Presiding Officer to keep the time of each Senator who speaks. Except by unanimous consent, no amendment shall be proposed after the vote to bring the debate to a close, unless it had been submitted in writing to the Journal Clerk by 1 o'clock p.m. on the day following the filing of the cloture motion if an amendment in the first degree, and unless it had been so submitted at least one hour prior to the beginning of the cloture vote if an amendment in the second degree. No dilatory motion, or dilatory amendment, or amendment not germane shall be in order. Points of order, including questions of relevancy, and appeals from the decision of the Presiding Officer, shall be decided without debate.

After no more than thirty hours of consideration of the measure, motion, or other matter on which cloture has been invoked, the Senate shall proceed, without any further debate on any question, to vote on the final disposition thereof to the exclusion of all amendments not then actually pending before the Senate at that time and to the exclusion of all motions, except a motion to table, or to reconsider and one quorum call on demand to establish the presence of a quorum (and motions required to establish a quorum) immediately before the final vote begins. The thirty hours may be increased by the adoption of a motion, decided without debate, by a three-fifths affirmative vote of the Senators duly chosen and sworn, and any such time thus agreed upon shall be equally divided between and controlled by the Majority and Minority Leaders or their designees. However, only one motion to extend time, specified above, may be made in any one calendar day.

[146] Constitution of the United States. Signed September 17, 1787. Enacted June 21, 1788. <http://justfacts.com/constitution.asp#Constitution>

Article III, Section 1: "The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour..."

Article II, Section 4: "The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

Article I, Section 2, Clause 5: "The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment."

Article I, Section 3, Clause 6: "The Senate shall have the sole Power to try all Impeachments. ... And no Person shall be convicted without the Concurrence of two thirds of the Members present."

[147] Ruling: *District Of Columbia v. Heller*. U.S. Supreme Court, June 26, 2008. Case 07-290. Decided 5-4. Majority: Scalia, Roberts, Kennedy, Thomas, Alito. Dissenting: Stevens, Souter, Ginsburg, Breyer. <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=...>

[148] Web page: "Shifting Median: An Obama Supreme Court." *Wall Street Journal*. Accessed September 5, 2010 at [http://online.wsj.com/public/resources/documents/scotus ...](http://online.wsj.com/public/resources/documents/scotus...)

NOTE: Stevens was appointed by Ford. Scalia and Kennedy were appointed by Reagan. Thomas and Souter were appointed by G.H. Bush. Ginsburg and Breyer were appointed by Clinton. Alito and Roberts by were appointed by G.W. Bush.

[149] Article: "McCain Promises Judges Like Roberts, Alito." Associated Press, May 6, 2008. <http://www.cbsnews.com/stories/2008/05/06/politics/main4073792.shtml>

"Obama, on the other hand, voted against Roberts and Alito."

[150] Article: "Obama, McCain talk issues at pastor's forum." By Ed Hornick. CNN, August 17, 2008. <http://www.cnn.com/2008/POLITICS/08/16/warren.forum/index.html>

"Neither candidate shied away from a question about which current Supreme Court justice they would not have nominated. Obama's reply: Clarence Thomas."

[151] Article: "Obama: I Would Not Have Nominated Clarence Thomas." By Sam Stein. *Huffington Post*, August 16, 2008. <http://www.huffingtonpost.com/2008/08/16/...>

[Quoting Obama:] "I would not have nominated Justice Scalia..."

[152] Article: "Obama, McCain talk issues at pastor's forum." By Ed Hornick. CNN, August 17, 2008. <http://www.cnn.com/2008/POLITICS/08/16/warren.forum/index.html>

"McCain said he would have never nominated Justices Ruth Bader Ginsburg, Stephen Breyer, David Souter and John Paul Stevens."

[153] Web page: "Associate Justice of the U.S. Supreme Court - Sonia Sotomayor." United States Senate. Accessed September 5, 2010 at <http://judiciary.senate.gov/nominations/SupremeCourt/SotomayorIndex.cfm>

"On May 26, 2009, President Obama announced that he would nominate Judge Sonia Sotomayor to be an Associate Justice of the United States Supreme Court."

[154] Vote Number 262: "Confirmation of Sonya Sotomayor to be an Associate Justice of the Supreme Court." United States Senate, August 6, 2009. [http://www.senate.gov/legislative/LIS/roll_call_lists/...](http://www.senate.gov/legislative/LIS/roll_call_lists/)

[155] Article: "Senate confirms Sonia Sotomayor for Supreme Court." *CNN*, August 06, 2009. http://articles.cnn.com/2009-08-06/politics/sonia.sotomayor_...

"Sotomayor was easily confirmed in a 68-31 vote. Nine Republicans joined a unanimous Democratic caucus in supporting her nomination."

[156] Ruling: *McDonald v Chicago*. U.S. Supreme Court, June 28, 2010. Case 08-1521. Decided 5-4. Majority: Alito, Roberts, Scalia, Kennedy, Thomas. Dissenting: Stevens, Ginsburg, Breyer, Sotomayor. <http://www.law.cornell.edu/supct/html/08-1521.ZS.html>

Breyer dissent (<http://www.law.cornell.edu/supct/html/08-1521.ZD1.html>):

Justice Breyer, with whom Justice Ginsburg and Justice Sotomayor join, dissenting. ...

The Court ... asks whether the Second Amendment right to private self-defense is "fundamental" so that it applies to the States through the Fourteenth Amendment.* ...

... the use of arms for private self-defense does not warrant federal constitutional protection from state regulation....

In sum, the Framers did not write the Second Amendment in order to protect a private right of armed self-defense.

NOTE: Fourteenth Amendment to the Constitution of the United States. Ratified July 9, 1868. <http://justfacts.com/constitution.asp#Amendment14>

"Section 1. ... No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

[157] Web page: "Associate Justice of the U.S. Supreme Court – Elena Kagan." United States Senate. Accessed September 5, 2010 at <http://judiciary.senate.gov/nominations/SupremeCourt/KaganIndex.cfm>

"On May 10, 2010, President Obama nominated Solicitor General Elena Kagan to be an Associate Justice of the United States Supreme Court."

[158] Article: "Kagan Was 'Not Sympathetic' as Law Clerk to Gun-Rights Argument." By Greg Stohr and Kristin Jensen. Bloomberg, May 13, 2010. <http://www.bloomberg.com/apps/news?pid=20601087&sid=aPI35t8uR6Gs>

Elena Kagan said as a U.S. Supreme Court law clerk in 1987 that she was "not sympathetic" toward a man who contended that his constitutional rights were violated when he was convicted for carrying an unlicensed pistol.

Kagan, whom President Barack Obama nominated to the high court this week, made the comment to Justice Thurgood Marshall, urging him in a one-paragraph memo to vote against hearing the District of Columbia man's appeal.

NOTE: A copy of the memo can be seen at http://www.cbsnews.com/htdocs/pdf/Kagan_guns.pdf?tag=...

[159] Vote Number 229: "Confirmation of Elena Kagan to be an Associate Justice of the Supreme Court." United States Senate, August 5, 2010. http://www.senate.gov/legislative/LIS/roll_call_lists/roll_call...

[160] Second Amendment to the Constitution of the United States. Ratified December 15, 1791. <http://justfacts.com/constitution.asp#Amendment2>

[161] Web page: "The Second Amendment: No Right to Keep and Bear Arms." Violence Policy Center, 1998. Accessed September 4, 2010 at http://www.vpc.org/fact_sht/secondfs.htm

"The purpose of the Second Amendment is to guarantee the states' ability to maintain independent militias composed of state residents available to be called upon to defend the country should its security be threatened."

[162] Article: "Appeals Court Says Gun Ban Violates 2nd Amendment." By Adam Liptak, *New York Times*, March 9, 2007. <http://query.nytimes.com/gst/fullpage.html?res=...>

"Most federal appeals courts have said that the amendment, read as a whole, protects only a collective right of the states to maintain militias — in modern terms, the National Guard."

[163] Ruling: *Silveira v Lockyer*. United States Court of Appeals, Ninth Circuit, December 05, 2002. Case 01-15098. Before: Reinhardt, Magill, and Fisher, Circuit Judges. <http://caselaw.findlaw.com/us-9th-circuit/1464183.html>

In any event, it is clear that the drafters believed the militia that provides the best security for a free state to be the permanent state militia, not some amorphous body of the people as a whole, or whatever random and informal collection of armed individuals may from time to time appear on the scene for one purpose or another. ...

The debates of the founding era demonstrate that the second of the first ten amendments to the Constitution was included in order to preserve the efficacy of the state militias for the people's defense -- not to ensure an individual right to possess weapons. Specifically, the amendment was enacted to guarantee that the people would be able to maintain an effective state fighting force -- that they would have the right to bear arms in the service of the state.

[164] Article: "A Primer on the Constitutional Right to Keep and Bear Arms." By Nelson Lund. Virginia Institute for Public Policy, June 2002. http://www.virginia institute.org/publications/primer_on_const.php

"The Second Amendment unambiguously and irrefutably establishes an individual right to keep and bear arms. This conclusion, which is dictated by the language of the Constitution, is confirmed by an abundance of historical evidence. No r is it contradicted by anything yet discovered in the Constitution's legislative history or in the historical background that illuminates the intentions of those who adopted the Bill of Rights."

[165] Ruling: *United States v Emerson*. United States Court of Appeals, Fifth Circuit, October 16, 2001. Case 99-10331. Decided 3-0. Before: Garwood, Demoss, and Parker, Circuit Judges. <http://caselaw.findlaw.com/us-5th-circuit/1332436.html>

"We reject the collective rights and sophisticated collective rights models for interpreting the Second Amendment. We hold, consistent with *Miller*, that it protects the right of individuals, including those not then actually a member of any militia or engaged in active military service or training, to privately possess and bear their own firearms...."

[166] Book: *The Bill of Rights and the States: The Colonial and Revolutionary Origins of American Liberties*. Edited by Patrick T. Conley & John P. Kaminski. Madison House Publishers, 1992. Pages 461-514: "The Bill of Rights: A Bibliographic Essay." By Gaspare J. Saladino. Page 484:

The best historical treatments of the legislative history of the Bill of Rights in the first federal Congress are... [six works mentioned]. All agree that James Madison, against considerable odds, took the lead in the House of Representatives, and that without his efforts there probably would have been no Bill of Rights. Madison's amendments, a distillation of those from the state conventions (especially Virginia's) were, for the most part, those that the House eventually adopted.

[167] Article: "Madison, James." Contributor: Robert J. Brugger (Ph.D., Editor, Maryland Historical Magazine, Maryland Historical Society). *World Book Encyclopedia*, 2007 Deluxe Edition.

Madison, James (1751-1836), the fourth president of the United States, is often called the Father of the Constitution. He played a leading role in the Constitutional Convention of 1787, where he helped design the checks and balances that operate among Congress, the president, and the Supreme Court. He also helped create the U.S. federal system, which divides power between the central government and the states.

[168] The Federalist Papers. By Alexander Hamilton, John Jay and James Madison. October 27, 1787- May 28, 1788. <http://www.gutenberg.org/dirs/etext98/feder10a.txt>

Federalist Paper 1: "General Introduction." By Alexander Hamilton. From the *Independent Journal*. October 27, 1787.

"Yes, my countrymen, I own to you that, after having given it an attentive consideration, I am clearly of opinion it is your interest to adopt it. I am convinced that this is the safest course for your liberty, your dignity, and your happiness."

[169] Book: "The Federalist." Edited with an introduction and notes by Jacob E. Cooke. Wesleyan University Press, 1961.

Page xi: "The Federalist, addressed to the People of the State of New York, was occasioned by the objections of many New Yorkers to the Constitution which had been proposed.... [T]he pages of New York newspapers were filled with articles denouncing the new frame of government. ... The decision to publish [the] series of essays... was made by Alexander Hamilton."

Pages xiv-xv:

The first edition, printed by J. and A. McLean and corrected by Hamilton, is the source from which most editions of The Federalist have been taken. ... McLean, having observed "the avidity" with which the "Publius" essays had been sought after by politicians and persons of every description," announced plans for the publication of "The FEDERALIST, A Collection of Essays, written in favour of the New Constitution, *By a Citizen of New-York*, Corrected by the Author, with Additions and alterations. [The first 36 essays were collectively published in a book dated March 22, 1788. On May 28 of the same year, the rest of the essays that appeared in newspapers were published in book form along with eight more written by Hamilton. These last eight essays were subsequently published in newspapers.]

[170] The Federalist Papers. By Alexander Hamilton, John Jay and James Madison. October 27, 1787 - May 28, 1788. <http://www.gutenberg.org/dirs/etext98/feder10a.txt>

Federalist Paper 46: "The Influence of the State and Federal Governments Compared." By James Madison. From the *New York Packet*, January 29, 1788.

The only refuge left for those who prophesy the downfall of the State governments is the visionary supposition that the federal government may previously accumulate a military force for the projects of ambition. The reasonings contained in these papers must have been employed to little purpose indeed, if it could be necessary now to disprove the reality of this danger. That the people and the States should, for a sufficient period of time, elect an uninterrupted succession of men ready to betray both; that the traitors should, throughout this period, uniformly and systematically pursue some fixed plan for the extension of the military establishment; that the governments and the people of the States should silently and patiently behold the gathering storm, and continue to supply the materials, until it should be prepared to burst on their own heads, must appear to every one more like the incoherent dreams of a delirious jealousy, or the misjudged exaggerations of a counterfeit zeal, than like the sober apprehensions of genuine patriotism. Extravagant as the supposition is, let it however be made. Let a regular army, fully equal to the resources of the country, be formed; and let it be entirely at the devotion of the federal government; still it would not be going too far to say, that the State governments, with the people on their side, would

be able to repel the danger. The highest number to which, according to the best computation, a standing army can be carried in any country, does not exceed one hundredth part of the whole number of souls; or one twenty-fifth part of the number able to bear arms. This proportion would not yield, in the United States, an army of more than twenty-five or thirty thousand men. To these would be opposed a militia amounting to near half a million of citizens with arms in their hands, officered by men chosen from among themselves, fighting for their common liberties, and united and conducted by governments possessing their affections and confidence. It may well be doubted, whether a militia thus circumstanced could ever be conquered by such a proportion of regular troops. Those who are best acquainted with the last successful resistance of this country against the British arms, will be most inclined to deny the possibility of it. Besides the advantage of being armed, which the Americans possess over the people of almost every other nation, the existence of subordinate governments, to which the people are attached, and by which the militia officers are appointed, forms a barrier against the enterprises of ambition, more insurmountable than any which a simple government of any form can admit of. Notwithstanding the military establishments in the several kingdoms of Europe, which are carried as far as the public resources will bear, the governments are afraid to trust the people with arms. And it is not certain, that with this aid alone they would not be able to shake off their yokes. But were the people to possess the additional advantages of local governments chosen by themselves, who could collect the national will and direct the national force, and of officers appointed out of the militia, by these governments, and attached both to them and to the militia, it may be affirmed with the greatest assurance, that the throne of every tyranny in Europe would be speedily overturned in spite of the legions which surround it. Let us not insult the free and gallant citizens of America with the suspicion, that they would be less able to defend the rights of which they would be in actual possession, than the debased subjects of arbitrary power would be to rescue theirs from the hands of their oppressors. Let us rather no longer insult them with the supposition that they can ever reduce themselves to the necessity of making the experiment, by a blind and tame submission to the long train of insidious measures which must precede and produce it.

[171] Article: "A History of D.C. Gun Ban." Compiled by Meg Smith and Leah Carliner. *Washington Post*, June 26, 2008. <http://www.washingtonpost.com/wp-dyn/content/article/...>

June 1976: [T]he D.C. Council votes 12 to 1 in favor of a bill restricting city residents from acquiring handguns. The law exempts guards, police officers and owners who had registered their handguns before it took effect. Under the bill, all firearms (including rifles and shotguns, which were not restricted by the law) must be kept unloaded and disassembled, except those in business establishments.

September 1976: Attempts in Congress to block the District law fail, clearing the way for it to go into effect.

[172] Legal brief 07-290: "District of Columbia and Adrian M. Fenty, Mayor of the District Of Columbia, Petitioners, v. Dick Anthony Heller, Respondent. In the Supreme Court of the United States." By Linda Singer (Attorney General for the District of Columbia) and others. January 4, 2008. <http://www.abanet.org/publiced/preview/briefs/pdfs/07-08/...>

Pages 1-2:

Relevant portions of the D.C. Code provide:

§ 7-2502.02. Registration of certain firearms prohibited.

(a) A registration certificate shall not be issued for a:

(1) Sawed-off shotgun;

(2) Machine gun;

(3) Short-barreled rifle; or

(4) Pistol not validly registered to the current registrant in the District prior to September 24, 1976, except that the provisions of this section shall not apply to any organization that employs at least 1 commissioned special police officer or other employee licensed to carry a firearm and that arms the employee with a firearm during the employee's duty hours or to a police officer who has retired from the Metropolitan Police Department.

(b) Nothing in this section shall prevent a police officer who has retired from the Metropolitan Police Department from registering a pistol.

§ 7-2507.02. Firearms required to be unloaded and disassembled or locked.

Except for law enforcement personnel described in § 7-2502.01(b)(1), each registrant shall keep any firearm in his possession unloaded and disassembled or bound by a trigger lock or similar device unless such firearm is kept at his place of business, or while being used for lawful recreational purposes within the District of Columbia.

[173] Ruling: *District Of Columbia v. Heller*. U.S. Supreme Court, June 26, 2008. Case 07-290. Decided 5-4. Majority: Scalia, Roberts, Kennedy, Thomas, Alito. Dissenting: Stevens, Souter, Ginsburg, Breyer. <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=...>

[174] First Amendment to the Constitution of the United States. Ratified December 15, 1791. <http://justfacts.com/constitution.asp#Amendment1>

[175] Fourth Amendment to the Constitution of the United States. Ratified December 15, 1791. <http://justfacts.com/constitution.asp#Amendment4>

[176] Ruling: *Barron v Baltimore*. U.S. Supreme Court, January Term, 1833. <http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=...>

The plaintiff in error contends, that it comes within that clause in the fifth amendment to the constitution, which inhibits the taking of private property for public use, without just compensation. He insists, that this amendment being in favor of the liberty of the citizen, ought to be so construed as to restrain the legislative power of a state, as well as that of the United States. If this proposition be untrue, the court can take no jurisdiction of the cause.

The question thus presented is, we think, of great importance, but not of much difficulty. The constitution was ordained and established by the people of the United States for themselves, for their own government, and not for the government of the individual states. Each state established a constitution for itself, and in that constitution, provided such limitations and restrictions on the powers of its particular government, as its judgment dictated. The people of the United States framed such a government for the United States as they supposed best adapted to their situation and best calculated to promote their interests. The powers they conferred on this government were to be exercised by itself; and the limitations on power, if expressed in general terms, are naturally, and, we think, necessarily, applicable to the government created by the instrument.

They are limitations of power granted in the instrument itself; not of distinct governments, framed by different persons and for different purposes.

If these propositions be correct, the fifth amendment must be understood as restraining the power of the general government, not as applicable to the states.

[177] Fourteenth Amendment to the Constitution of the United States. Ratified July 9, 1868. <http://justfacts.com/constitution.asp#Amendment14>

[178] Supplemental materials for Brest, Levinson, Balkin, Amar and Siegel, *Processes of Constitutional Decisionmaking* (5th ed. 2006): "Senator Jacob Howard, Speech Introducing the Fourteenth Amendment." Speech delivered in the U.S. Senate, May 23, 1866. <http://www.yale.edu/lawweb/jbalkin/conlaw/...>

[Senator Jacob Howard of Michigan was a member of the Joint Committee on Reconstruction that drafted the Fourteenth Amendment. He was the floor manager for the Amendment in the Senate. In this speech, he introduces the Amendment on the floor of the Senate and explains its purposes.]

I can only promise to present to the Senate, in a very succinct way, the views and the motives which influenced th[e] committee, so far as I understand those views and motives, in presenting the report which is now before us for consideration, and the ends it aims to accomplish. ...

The first section [of the 14th Amendment] ... relates to the privileges and immunities of citizens of the several States, and to the rights and privileges of all persons, whether citizens or others, under the laws of the United States. ...

To these privileges and immunities, whatever they may be—for they are not and cannot be fully defined in their entire extent and precise nature—to these should be added the personal rights guaranteed and secured by the first eight amendments of the Constitution; such as the freedom of speech and of the press; the right of the people peaceably to assemble and petition the Government for a redress of grievances, a right appertaining to each and all the people; the right to keep and to bear arms; the right to be exempted from the quartering of soldiers in a house without the consent of the owner; the right to be exempt from unreasonable searches and seizures, and from any search or seizure except by virtue of a warrant issued upon a formal oath or affidavit; the right of an accused person to be informed of the nature of the accusation against him, and his right to be tried by an impartial jury of the vicinage; and also the right to be secure against excessive bail and against cruel and unusual punishments.

Now, sir, here is a mass of privileges, immunities, and rights, some of them secured by the second section of the fourth article of the Constitution, which I have recited, some by the first eight amendments of the Constitution; and it is a fact well worthy of attention that the course of decision of our courts and the present settled doctrine is, that all these immunities, privileges, rights, thus guaranteed by the Constitution or recognized by it, are secured to the citizen solely as a citizen of the United States and as a party in their courts. They do not operate in the slightest degree as a restraint or prohibition upon State legislation. States are not affected by them, and it has been repeatedly held that the restriction contained in the Constitution

against the taking of private property for public use without just compensation is not a restriction upon State legislation, but applies only to the legislation of Congress.

Now, sir, there is no power given in the Constitution to enforce and to carry out any of these guarantees. They are not powers granted by the Constitution to Congress, and of course do not come within the sweeping clause of the Constitution authorizing Congress to pass all laws necessary and proper for carrying out the foregoing or granted powers, but they stand simply as a bill of rights in the Constitution, without power on the part of Congress to give them full effect; while at the same time the States are not restrained from violating the principles embraced in them except by their own local constitutions, which may be altered from year to year. The great object of the first section of this amendment is, therefore, to restrain the power of the States and compel them at all times to respect these great fundamental guarantees....

[179] Ruling number 1-95-1779: *Hunt v Daley*. Appellate Court of Illinois, First District, Third Division, February 19, 1997. <http://caselaw.findlaw.com/il-court-of-appeals/1056110.html>

This proceeding involves the 1982 Chicago Weapons Ordinance, passed by the Chicago City Council on March 19, 1982 rendering certain firearms unregistrable in the City of Chicago. Under that ordinance, several categories of firearms, including handguns, became unregistrable in the City of Chicago. ... However, pursuant to a grandfathering provision provided in the 1982 ordinance, handgun owners whose handguns were validly registered prior to the effective date of the handgun ban could continue to re-register their handguns. ... The 1982 ordinance also required that such re-registration take place every two years. ... [It was] ... amended and recodified in 1994 to require annual re-registration.... The failure to re-register firearms every two years after the enactment of the 1982 ordinance rendered such firearms permanently unregistrable, and thereby caused handgun owners to forfeit their right to possess such firearms within the City of Chicago.

[180] Ruling number 83-1431: *Sklar v Byrne*. United States Court of Appeals, Seventh Circuit, February 8, 1984 (as amended April 17, 1984). <http://openjurist.org/727/f2d/633>

On March 19, 1982, the Chicago City Council passed an ordinance amending Chapter 11.1 of the Municipal Code of the City of Chicago which regulates the sale, possession and registration of firearms and ammunition. The ordinance requires that all firearms in Chicago be registered with the city. ... The ordinance also classifies some firearms as "unregistrable," thus making illegal their possession in the City of Chicago. Among the categories of "unregistrable" firearms are "Handguns, except those validly registered to a current owner in the City of Chicago prior to the effective date of this Chapter."... The effective date of the Chapter was April 10, 1982.

[181] Case file: *McDonald v Chicago*. Plaintiff's complaint. Filed June 26, 2008. <http://www.chicagoguncase.com/wp-content/uploads/2008/...>

"Chicago Municipal Code § 8-20-200 provides: (a) Every registrant must renew his registration certificate annually. Applications for renewal shall be made by such registrants 60 days prior to the expiration of the current registration certificate. (b) The application for renewal shall include the payment of a renewal fee as follows: 1 firearm ... \$20.00...."

[182] Ruling: *McDonald v Chicago*. U.S. Supreme Court, June 28, 2010. Case 08–1521. Decided 5–4. Majority: Alito, Roberts, Scalia, Kennedy, Thomas. Dissenting: Stevens, Ginsburg, Breyer, Sotomayor. <http://www.law.cornell.edu/supct/html/08-1521.ZS.html>

Two years ago, in *District of Columbia v. Heller* ... we held that the Second Amendment* protects the right to keep and bear arms for the purpose of self-defense, and we struck down a District of Columbia law that banned the possession of handguns in the home. The city of Chicago (City) and the village of Oak Park, a Chicago suburb, have laws that are similar to the District of Columbia's, but Chicago and Oak Park argue that their laws are constitutional because the Second Amendment has no application to the States. ... Applying the standard that is well established in our case law, we hold that the Second Amendment right is fully applicable to the States.

NOTE: * Second Amendment to the Constitution of the United States. Ratified December 15, 1791. <http://justfacts.com/constitution.asp#Amendment2>

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms shall not be infringed."

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**Draft Final Technical Report:
The Impact of Victim Self-Protection
on Rape Completion and Injury**

The Analysis of Existing Data Program,
National Institute of Justice

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Abstract

Rape and other sexual assault is prevalent and inflicts serious trauma on its victims, yet prior researchers and law enforcement agencies have failed to provide practical and consistent self-protection advice to potential victims. Researchers have generally agreed that female victims' resistance is effective for preventing the completion of a rape attempt. Controversy remains, however, concerning the impact of resistance, especially forceful resistance, on whether the victim suffers any additional injuries other than rape itself.

Variation in the findings of these studies is due in part to defects of methodology and data. The problems include using small non-probability sample, failing to consider the temporal sequence of victim protective actions and injury, lumping various victim protective action into two or three broad categories, and not controlling for relevant circumstances. The current research avoids or reduces these flaws.

We analyzed the largest probability sample of sexual assault incidents available, derived from the National Crime Victimization Survey for 1992-2002. In order to provide comparative insights, assault cases involving female victims were also analyzed. The sample consisted of 733 rapes, 1,278 sexual assaults, and 12,235 assault incidents involving female victims.

Logistic regression analysis revealed that most self-protection (SP) actions, both forceful and non-forceful, significantly reduce the risk of rape completions, and that the effects of SP actions on rape completion did not vary depending upon conditions such as whether the offender was a sexual intimate, whether the offender was under the influence of alcohol or other drugs, whether there were multiple offenders, whether incidents

occurred at home, or at night. We did not find significant effects of specific SP actions on injury or serious injury, in part because injuries, particularly serious injuries, beyond rape itself, are rare.

Cross tabulation findings indicated that victim resistance was not associated with nonsexual injury (injury besides rape or attempted rape) compared to nonresistance, and was associated with only very slightly more risk of serious injury. Even if one made the extreme assumption that SP actions alone caused the slightly higher rate of serious injury than no SP, the difference is very small, especially considering the large favorable effects of SP on rape completion. Further, the results of the multivariate analyses of general assault incidents (including both sexual and nonsexual assaults) involving female victims showed that most SP tactics, both forceful and non-forceful, appear to reduce the risk of injury and serious injury compared to nonresistance.

Taken together, we believe that rape victims' self-protection actions significantly reduce the probability of rape completion and do not significantly increase the risk of serious injury.

Draft Summary :
The Impact of Victim Self-Protection
on Rape Completion and Injury

The Analysis of Existing Data Program,
National Institute of Justice

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Table of Contents

Introduction	1
Findings	2
Conclusions	9
Appendices	
References	12
Tables	13

Introduction

Rape and sexual assault are prevalent in contemporary America. According to the National Crime Victimization Survey (NCVS), “persons age 12 or older experienced an average annual 140,990 completed rapes, 109,230 attempted rapes, and 152,680 completed and attempted sexual assaults between 1992 and 2000” (Rennison 2002, p. 1). It is well established that rape can cause long-term physical and emotional trauma to victims, including fear, anxiety, suspicion, confusion, anger, and even suicidal behaviors, particularly when the rape incident involves completed rape and additional physical injuries (Burgess and Holmstrom 1974; Kilpatrick, Resick, and Veronen 1981).

Despite the prevalence of rape and sexual assaults, and its traumatic impact on American women, prior researchers and law enforcement agencies have failed to provide practical and consistent self-protection advice to potential victims (Ullman 1997). Researchers have generally agreed that female victims’ resistance is effective for avoiding rape completion (Cohen 1984; Marchbanks et al. 1990; Kleck and Sayles 1990; Ullman, 1998; Ullman and Knight 1992; Zoucha-Jenson and Coyne 1993). Controversy remains, however, concerning the impact of resistance, especially forceful resistance, on whether the victim suffers any additional injuries other than rape itself (Ullman 1997).

Variation in the findings of these studies is due in part to defects of methodology and data. The problems include using small non-probability samples, failing to consider the temporal sequence of victim protective actions and injury, lumping various victim protective action into two or three broad categories, and not controlling for relevant circumstances. We sought to better assess the impact of resistance, especially forceful resistance, on whether the victim

suffers any additional injuries other than rape itself (Ullman 1997), being avoiding or reducing these flaws.

The data for this study were taken from the National Crime Victimization Survey (NCVS), covering incidents that occurred in the United States from 1992 through 2002 (U.S. Dept. of Justice 2004). Rape, sexual assault (including rape), and assault incidents (not including sexual assault) involving female victims were selected according to the NCVS Type of Crime (TOC) typology. The unweighted numbers of cases included in the sample were 733 rapes, 1,278 sexual assaults, and 12,235 assault incidents. Incidents were weighted using a modified version of the NCVS Incident Weight, which reflected the differing probabilities of selection into the sample of different cases.

Findings

FREQUENCY, COMPLETION, AND INJURY RATES OF PROTECTIVE ACTIONS

Table 1 shows how often NCVS rape victims reported using the various types of victim self-protective (SP) actions, the share of victims using each method who experienced a completed rape (vs. an attempted rape), and the share who suffered any other, nonsexual, injuries. We addressed the problem of temporal sequence of injury and resistance by measuring rates of injury that followed any protective actions taken by the victim. Injuries that preceded protective actions obviously could not have been provoked by those actions. The injury rate figures show that while many crime victims are injured, resisting victims are less frequently and less seriously injured after taking some kind of protective action than non-resisting victims. In 556 rape/attempted rape incidents where victims resisted in some way, 54 percent of the rape attempts were completed, but only 19 percent of rape attempts with resisting victims were completed after the victim took SP actions, 26 percent involved the victim suffering some other

(nonsexual) injury after taking SP actions, and 5 percent involved the victim suffering a serious (more serious than cuts and bruises) nonsexual injury. In contrast, among the 177 incidents involving victims who did not resist, 88 percent of incidents resulted in rape completion, 25 percent of such incidents resulted in a nonsexual injury, and 2.8 percent resulted in serious nonsexual injury. Overall, victim SP during rape attempts was associated with significantly lower risks of rape completion and with slightly higher risks of serious nonsexual injuries as compared to taking no SP actions. These figures imply that resistance during rape attempts could have provoked offenders to inflict further (serious) injuries to victims in no more than 2.4 percent of all rape incidents (the 5.2% post-SP serious injury rate among resisting victims, minus the 2.8% “baseline” serious injury rate that prevailed among nonresisting victims).

(Table 1 about here)

Similar patterns were found among 1,278 sexual assault and 12,235 assault incidents. Among sexual assault incidents (including rape incidents) involving female victims who resisted, only 11.7 percent involved victims who were non-sexually injured after resisting offenders, and 2.2 percent of incidents involved victims who were seriously injured after resisting. Among non-resisting victims, the rate of non-sexual injury was higher. In the 265 incidents with non-resisting victims, 19.2 percent resulted in victim injury, and 2.3 percent resulted in serious victim injury. If we view these injury rates among nonresisting victims as indications of the “baseline” level of danger prevailing in assaults regardless of victim defensive actions, resistance does not appear to add to this level of risk of injury.

The NCVS sample included a total of 12,235 general assault incidents involving female victims. Among the 8,704 incidents with resisting victims, only five percent involved victims who were injured after taking SP actions, and only 0.6 percent resulted in serious post-SP injury.

Thus, cases with serious post-SP injury claimed just 0.4 % of all assaults with female victims. Non-sexual violent crime is nevertheless inherently dangerous, given that even among non-resisting victims, 20.2 percent were injured and 2.3 percent were seriously injured. Compared to the “baseline” risk of injury in assaults among nonresisting victims, the rates of post-SP injury and serious post-SP injury in assault incidents among resisting victims are much lower, and do not support the idea that resistance provokes offenders into inflicting additional injury on victims.

These conclusions can be drawn even before performing complex multivariate tests because even if one were to make the extreme assumption that all cases of post-SP injury were incidents in which resistance alone caused the offender to hurt the victim, it would still be accurate to conclude that resistance rarely causes the victim to suffer further injury. In reality, it is highly unlikely that all crime victims who resisted and then were injured suffered those injuries because they resisted, since some offenders were surely determined to hurt their victims regardless of whether the victims resisted. Thus, the post-SP injury percentages are properly viewed as upper limits on the share of crimes in which protective actions could have provoked offenders into attacking and injuring the victim.

These simple injury rates, however, cannot tell us whether resistance actually reduces risk of injury. Perhaps victims resist only in situations that were already relatively safe or resist only offenders who appeared unlikely to hurt them. Nor can these figures tell us which protective actions are relatively more effective, inconsequential, or counterproductive. To address these issues, analyses using multivariate controls are needed.

Multivariate Results

Rape Completion

Table 2 displays findings from the logistic regression analysis assessing the impact of each type of SP action on whether rapes are completed or are unsuccessful attempts. The first column presents findings similar to those reported in most past research, in that they show the association between protective actions and rape completion without respect to whether rape completion preceded or followed resistance. In this analysis, most strategies seem to reduce the risk of rape completion.

(Table 2 about here)

The conclusion however may not be correct because one cannot know for sure whether SP increased the likelihood of rape completion without knowing the sequence between them. The second column presents the finding that addresses the problem of sequence. Here the dependent variable denotes whether the victim was raped after taking protective actions. Victims were coded 2 if they took SP actions and were injured after doing so, and were coded 1 if they took SP actions and were not injured after doing so, the latter group including those who were injured only before taking SP actions. The result from the second column describes only victims who took some kind of protective action, and address the question: “Among victims who did something for protection, which actions were relatively more effective in averting subsequent rape, beyond any injury that may have already been inflicted before the victims took defensive action?” We selected “called the police” as the omitted category because it is sometimes presented as the officially recommend course of action for victims, and thus can serve as a useful point of comparison.

Despite the different dependent variable, we found a similar pattern in the second column as in the first column. The effectiveness of most SP actions revealed by odds ratio was not statistically different from the presumably effective strategy of calling the police. “Trying to attract attention to help/cried out for help” was even associated with lower risk of rape than the omitted category. It was only “arguing/reasoning/pleading” that was associated with a significantly higher post-SP rape completion rate than calling the police. Note that this is the second-most common type of SP action taken by rape victims (first column, Table 1). As in the first column results, “cooperation” and “screaming from fear” also appeared to be less effective than the reference point, although the difference was not statistically significant.

An alternative way to perform the post-SP rape completion analysis is to include “no-SP” cases, i.e., crimes in which the victim did not take any SP actions. We estimated models in which post-SP rape was coded 2 if (a) the victim took some SP actions and was raped afterwards, or (b) took no SP and was raped. This variable was coded 1 if (a) the victim took SP actions and was not raped, (b) took SP action and was raped, but before SP actions, or (c) took no SP action and was not raped. Cases in which the victim reported that SP actions and injury occurred simultaneously were treated as missing, since it was impossible to establish the SP-injury sequence in these incidents. The alternative analysis provides answers to those who want to know the effectiveness of SP strategies as compared to no resistance. Since ‘no-SP’ was treated as the excluded SP category, the odds ratio for SP variables can be interpreted as reflecting a comparison between each SP and taking no SP actions at all.

The third column in Table 2 presents the results of this analysis. The odds ratios are directly comparable to those of the first column and this comparison directly establishes the effects of taking account of the sequence of injury and SP actions, since this is the only

difference between the first column models and the third column models. The results are essentially the same. Most SP actions are associated with a lower risk of rape completion as compared to nonresistance, many of them significantly so. The most effective methods of SP include “run/hide,” “get help,” “struggling,” and “attacking without weapon.” These SP actions appear to decrease the risk of rape more than 80 percent compared to nonresistance. Only the ambiguous category of “screaming from pain or fear” is associated with a significantly higher risk of rape completion than nonresistance - it was associated with a risk of rape completion more than four times as high as that of nonresistance. These findings support prior research that found that most SP actions were effective in reducing the risk of rape completion.

Non-Sexual Injury

Some scholars have suspected that even though SP might reduce the risk of rape completion, it might increase the risk of other physical injuries by angering the rapist into inflicting additional injuries. Table 3 presents findings from analyses of the impact of each SP action on whether the offender inflicted physical injury on the victim beyond rape itself. Here the dependent variables reflect only non-sexual injuries, i.e. those other than rape, attempted rape, or the verbal threat of rape.

The results presented in the first column of Table 3 show associations between protective actions and non-sexual injury in rape incidents, without respect to whether injury preceded or followed resistance. These results at first glance seem to support the idea that some SP actions increase the risk of physical injury. “Attacking without weapons,” “struggling” and “screaming from pain/fear” are associated with higher injury rates compared to nonresistance. These results, however, are misleading because they do not take into account the temporal sequence between

SP action and injury. Thus, the positive associations might reflect the possibility that victims who are injured in the first place are more likely to attack the offender, struggle, or scream.

The results appearing in the second column take into account the temporal sequence between victim SP actions and injury, because the dependent variable is nonsexual injury inflicted after SP. The no-SP cases are excluded from this analysis, and the omitted reference category is “calling the police.” The effects of most SP variables were not significantly different from those of calling the police. Only “screaming from fear” was associated with a higher risk of injury than calling the police. Other SP actions that seem to be correlated with higher injury risks than calling the police were non-forceful actions like “cooperation,” “struggling,” and “argue/reason/plead.” The coefficients of these variables almost reach statistical significance even with small sample sizes. In sum, there was no evidence that forceful resistance is more dangerous than non-forceful resistance, once temporal sequence is taken into account.

The results shown in the third column do reflect the comparison between each SP action and no-SP. The odds ratios are directly comparable to those of first column because no-SP cases were included in the sample and served as the omitted category in both analyses. The results are mixed and without clear patterns. About half of the odds ratios are bigger than one, indicating a higher risk of injury compared to no-SP, and about half are smaller than one. In part because of small sample sizes, only one SP variable, “screaming,” had a statistically significant association, indicating a higher risk of injury than nonresistance. It may currently be impossible to find statistically significant effects of SP actions on nonsexual injury in rape because the sample sizes are so small and injury inflicted after SP is so rare, even in the largest available body of survey data.

(Table 3 about here)

The middle panel of Table 3 displays estimates of models pertaining to sexual assaults, while right-most panel of Table 3 shows estimates of models concerning assaults. The sexual assault and assault analyses reveal clearer patterns of SP effects, perhaps because of the larger sample sizes and more stable estimates that they afford. Most SP variables, both forceful and non-forceful, are associated with lower risks of injury, many of them significantly so. The most effective SP actions include “ran away/hid,” “called the police,” “attacked without weapon,” “attacked with non-gun weapon,” and “threatened with non-gun weapon.” These SP actions appear to reduce by half the risk of injury compared to nonresistance. Both forms of resistance with a gun -“attack with a gun” and “threat with a gun”- are also associated with lower risk compared to no SP, although the differences are not statistically significant. As with rape and sexual assault incidents, only “screaming” is associated with a significantly higher risk compared to nonresistance.

The results contradict scholars who have concluded that forceful resistance is often dangerous because it provokes offender to inflict further injury, especially for female victims (Bachman and Carmody 1994; Bachman et al. 2002; Marchbanks et al. 1990). These earlier findings were probably an artifact of the failure to address SP-injury sequence, since these scholars effectively treated injury preceding SP as if it could be a consequence of SP.

Serious Non-Sexual Injury

Table 4 presents results of analyses addressing the impact of SP actions on whether the victim suffered serious nonsexual injury, defined as nonsexual injury more serious than cuts or bruises. The first column shows estimates of the association between protective actions and serious non-sexual injury to the victim, without respect to whether injury preceded or followed

resistance. These results are not only mixed but also misleading because we did not take into account the temporal sequence between SP action and serious injury, as discussed earlier.

(Table 4 about here)

The estimates in the second column of Table 4 are based on a model that addresses the temporal sequence between SP actions and serious injury – the dependent variable is serious injury after SP, and the omitted SP category is “called the police.” In these analyses, victim who suffered serious injuries after taking protective actions were coded 2, and those who suffered no injuries other than rape, minor injuries, or only injuries inflicted before taking protective actions were coded 1. In part because of a small sample size (n=170), and the rarity of serious post-SP injury, no coefficient was significantly associated with serious injury among either rape incidents or sexual assaults. In fact, most t-ratios (the ratio of the coefficient over its standard error) reached zero, indicating a standard error so large that it was impossible to meaningfully estimate the effects of SP variables.

The rightmost panel of Table 4 displays estimates based on the larger sample of all assault incidents with female victims. In this larger sample, several SP actions were associated with a higher risk of serious injury compared to calling the police. They were all non-forceful SP actions, and included “struggling,” “cooperation,” and “screaming from fear/pain.” Again the results mean only that those SP actions are less effective than widely recommended course of calling the police, and do not mean they increase the risk of serious injury compared to nonresistance.

The third column model in Table 4 presents the comparison between each SP action and no-SP, which corresponds to the third column model in Table 2 and 3. Here again, it is virtually meaningless to discuss the coefficients because of large standard errors of coefficients both in the

sample of rape incidents and in the sample of sexual assaults. In the larger sample of all assault incidents, however, a meaningful pattern was found. When temporal sequence between SP actions and serious injury was taken into account, many SP variables were associated with a lower risk of serious injury than nonresistance. In particular, “attacking without weapon,” “run away/hide,” and “called the police” are significantly associated with lower risks of serious injury. They appear to reduce the risk of serious injury somewhere from 66 percent (attacking without weapon) to 90 percent (called the police). On the other hand, the ambiguous categories of “cooperation” and “screaming from fear/pain” appear (perhaps misleadingly) to increase the risk of serious injury almost ten times and three times, respectively. These results contradict scholars who have asserted that forceful resistance is more dangerous than non-forceful SP because it increases the risk of serious injury to female victims.

Are the Effects of Protective Actions Contingent on Other Conditions?

It has been suggested that the effectiveness of different defensive actions may depend on a variety of conditions under which they are used. We examined whether the effects of each SP action differ depending on the victim-offender relationship, particularly, when the victim and offender(s) are sexual intimates (e.g., Ruback and Ivie 1984; Bachman et al. 2002), the offender(s)’ alcohol consumption, location of the incident (at home or not), time (night or not), and the number of offenders.

In the post-SP rape completion models, we did not find that the effectiveness of SP actions depend on these conditions. No more than one out 16 interaction variables had a significant coefficient in any one model, and one would expect one coefficient to be “significant” at the .05 level solely as a result of chance, due to the large number of hypothesis tests. Further, the signs of the coefficients were as likely to be contrary to theoretical expectations as consistent

with them. On the whole, the effects of victim actions on injury do not appear to significantly vary depending on victim or victim-offender relationship, crime location, offender intoxication, time, or the number of offenders.

Conclusions

Rape is a traumatic but nevertheless not rare victimization for American women. It is useful to provide evidence-based, practical advice to millions of potential victims as to which courses of action (or inaction) are most likely to prevent rape completion and accompanying injury. Researchers have generally agreed that female victims' resistance is effective for avoiding rape completion. The current work is an attempt to cast light on the question of whether victim resistance, especially forceful resistance, affects whether the victim suffers any additional injuries other than rape itself, using the largest and perhaps best body of survey data available, the data collected for the NCVS from 1992 to 2002.

We have encountered several problems in the course of conducting the research. One of the most serious problems involving the NCVS is the underreporting of rape victimizations and certain SP actions. It is well known that victims are reluctant to report sexual crime victimizations, particularly when the offenders are intimate (Bachman 1998). The underreporting of sexual assaults causes serious problems for researchers who conduct multivariate analyses because the resulting small sample sizes make standard errors so large that it is almost impossible to find significant effects of SP actions on the outcomes of crime.

Likewise, victims might be less likely to report incidents involving certain forms of SP actions such as weapon use (Kleck and Gertz 1995; 1998), or those involving failed self-protections, or those without injury (Hindelang and Gottfredson 1976). Further, the NCVS does not record important circumstantial factors that can influence victimization outcomes, such as

victim's alcohol consumption (Ullman et al. 1999) and relative physical power of victims and offenders (Felson 1996). Thus, even with the most sophisticated quantitative analysis, it is very difficult to fully control for the context that can affect the choice of victim SP and the outcome of crimes.

We found that most SP actions, both forceful and non-forceful, significantly reduce the risk of rape completion. In particular, SP actions such as "attacking without weapons," "struggling," "run away/hide," "warning" appear to reduce the risk of rape more than 80 percent compared to nonresistance. The findings clearly do not support the argument that forceful SP actions are not as effective as nonforceful SP actions. Further, our analyses of interaction effects indicated that effects of SP actions on rape completion did not vary depending upon conditions such as whether the offender was a sexual intimate, whether the offenders was under the influence, whether there were multiple offenders, whether incidents occurred at home, or at night. We could not find significant effects of particular SP actions on injury or serious injury because of the rarity of rape incidents and certain SP actions, and because injuries beyond rape in such incidents are also uncommon. In particular, serious injuries in rape incidents were too infrequent to conduct any meaningful multivariate analysis.

Nevertheless, we did obtain meaningful information from simple cross tabulations between each SP actions and injury rates, and from multivariate analysis of assault incidents involving female victims. The cross tabulation findings indicate that victim resistance is associated with much less risk of rape completion compared to nonresistance, to have no association with nonsexual injury, and to be associated with only slightly more risk of serious injury. Even if one made the extreme assumption that SP actions alone caused the slightly higher rate of serious injury than no SP, the difference is very small, especially considering the

large favorable effects of SP on rape completion. Therefore, even without the results of the multivariate analysis that controlled for other circumstantial factors, the simple crosstabulation findings indicate that resistance in general appears to be wiser course of action than nonresistance.

The results of the multivariate analyses of assault incidents involving female victims further supported these conclusions. In assault incidents, most SP tactics appear to reduce the risk of injury and serious injury compared to nonresistance. The only SP actions that appear to significantly raise the risk of injury and serious injury were ambiguous, and non-forceful, tactics: “stalling/cooperation,” and “screaming from pain or fear.” Thus, we found no evidence that female victims’ forceful SP actions are more dangerous than non-forceful SP actions.

Based on the best available evidence, we believe that rape victims’ self-protection actions significantly reduce the probability of rape completion and do not significantly affect the risk of serious injury.

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Table 1. Frequency, Rape Completion Rates, and Injury Rates of Self-Protection (SP) Strategies

SP Strategy	Rape						
	Frequency	% Raped	% Raped After SP	% Injured**	% Injured After SP**	% Seriously Injured**	% Seriously Injured After SP**
V attacked O with gun; fired gun	0	-	-	-	-	-	-
V threatened O with gun	1	100.0	0.0	0.0	0.0	0.0	0.0
V attacked O with other weapons (knife, etc.)	4	25.0	0.0	100.0	0.0	0.0	0.0
V threatened O with other weapon (knife, etc.)	4	25.0	0.0	25.0	0.0	25.0	0.0
V attacked O without weapon (hit, kicked, etc.)	100	49.0	40.7	49.5	33.3	6.0	6.8
V threatened without weapon	7	57.1	60.0	42.9	25.0	25.0	25.0
V struggled, ducked, blocked blows, held onto property	279	49.8	34.4	45.5	28.1	6.1	6.8
V chased, tried to catch or hold O	2	50.0	100.0	0.0	0.0	0.0	-
V yelled at O, turned on lights, threatened to call police	135	45.2	37.5	50.4	43.3	8.1	10.6
V cooperated, or pretended to (stalled, did what they asked)	56	82.1	70.6	39.3	53.8	8.8	27.3
V argued, reasoned, pleaded, bargained, etc.	162	69.8	60.7	44.4	44.6	5.6	16.7
V ran or drove away, or tried; hid, locked door	89	34.8	19.5	38.9	22.0	2.2	0.0
V called police or guard	29	41.4	28.6	62.1	35.7	6.9	0.0
V tried to attract attention or help, warn others (cried out for help, called children inside)	31	45.2	42.9	67.7	68.8	6.5	20.0
V screamed from pain or fear	90	66.7	57.6	64.0	62.5	10.0	19.0
V took other SP actions	71	63.4	25.0	29.6	9.1	4.2	0.0
Any self-protection actions	556	54.5	34.5	40.8	26.3	4.3	5.2
No self-protection actions	177	88.1	-	24.9	-	2.8	-
Total Incidents*	733	62.9	11.0	36.9	8.0	4.0	1.4

Table 1 (Continued). Frequency and Injury Rates of Self-Protection (SP) Strategies

Type of SP	Sexual Assault**					Assaults				
	Fre- quency	% Injured	% Injured After SP	% Ser- iously Injured	% Ser- iously Injured After SP	Fre- quency	% Injured	% Injured After SP	% Ser- iously Injured	% Ser- iously Injured After SP
V attacked O with gun; fired gun	0	-	-	-	-	8	12.5	12.5	0.0	0.0
V threatened O with gun	2	0.0	0.0	0.0	0.0	45	33.3	5.9	0.0	0.0
V attacked O with other weapons (knife, etc.)	4	100.0	0.0	0.0	0.0	82	57.3	12.9	4.8	1.8
V threatened O with other weapon (knife, etc.)	11	9.1	0.0	9.1	0.0	79	35.4	5.0	3.8	0.0
V attacked O without weapon (hit, kicked, etc.)	144	36.8	19.8	4.1	3.6	909	56.3	9.0	4.1	1.3
V threatened without weapon	12	33.3	16.7	15.4	16.7	181	33.1	7.1	2.2	0.7
V struggled, ducked, blocked blows, held onto property	400	37.5	18.8	4.5	3.6	1,970	60.7	13.4	5.2	2.4
V chased, tried to catch or hold O	5	0.0	0.0	0.0	0.0	100	38.0	11.3	3.0	2.6
V yelled at O, turned on lights, threatened to call police	251	33.9	19.2	4.4	4.3	1,354	35.2	8.2	3.7	1.1
V cooperated, or pretended to (stalled, did what they asked)	68	39.7	54.5	8.7	23.5	154	26.6	8.6	3.9	4.0
V argued, reasoned, pleaded, bargained, etc.	234	37.2	27.7	4.7	10.4	1,250	28.2	9.4	2.2	0.6
V ran or drove away, or tried; hid, locked door	198	22.7	8.3	1.0	0.0	2,055	23.2	3.6	1.4	0.4
V called police or guard	58	37.9	12.8	3.4	0.0	1,334	23.5	3.2	1.8	0.2
V tried to attract attention or help, warn others (cried out for help, called children inside)	53	49.1	38.7	3.8	8.3	342	35.4	6.4	6.7	1.7
V screamed from pain or fear	105	59.0	52.4	9.4	16.7	411	79.1	27.5	10.9	6.5
V took other SP actions	189	13.8	1.5	1.6	0.0	1,856	17.7	3.1	0.0	0.2
Any SP16	1,013	26.8	11.7	2.7	2.2	8,704	30.0	5.0	2.2	0.6
No SP	265	19.2	-	2.3	-	3,531	20.2	-	2.3	-
Total Incidents*	1,278	25.2	5.6	2.5	1.0	12,235	27.2	2.9	2.2	0.3

* Total Incidents are small than the sum of SP actions because victims often employed multiple actions.

** Injuries other than rape itself.

TABLE 2. Rape Completion

Variable	Description	Odds Ratio (Coef./S.E.)		
		Raped	Raped AfterSP*	Raped After SP**
Victim's Self Protection				
V attacked O with gun; fired gun		-	-	-
V threatened O with gun		-	-	-
V attacked O with other weapons (knife, etc.)		0.00 (0.00)	17.70 (0.00)	0.00 (0.00)
V threatened O with other weapon (knife, etc.)		0.23 (-0.98)	29.17 (0.00)	5.31 (0.00)
V attacked O without weapon (hit, kicked, etc.)		0.35 (-3.83)	1.82 (0.99)	0.20 (-3.70)
V threatened without weapon		2.47 (0.73)	4*10 ⁶ (0.00)	2*10 ⁹ (0.00)
V struggled, ducked, blocked blows, held onto property		0.38 (-4.72)	1.11 (0.20)	0.15 (-5.31)
V chased, tried to catch or hold O		0.00 (0.00)	-	-
V yelled at O, turned on lights, threatened to call police		0.40 (-3.45)	0.72 (-0.57)	0.40 (-1.82)
V cooperated, or pretended to (stalled, did what they asked)		2.96 (2.42)	4.45 (1.74)	1.41 (0.46)
V argued, reasoned, pleaded, bargained, etc.		1.27 (0.93)	4.53 (2.88)	1.27 (0.55)
V ran or drove away, or tried; hid, locked door		0.28 (-4.27)	0.39 (-1.30)	0.13 (-3.66)
V called police or guard		0.57 (-1.02)	-	0.84 (-0.17)
V tried to attract attention or help, warn others (cried out for help, called children inside)		0.47 (-1.51)	0.07 (-2.14)	0.14 (-2.07)
V screamed from pain or fear		1.96 (1.98)	4.02 (1.87)	4.61 (2.35)
V took other SP actions		1.05 (0.14)	1.62 (0.59)	0.19 (-2.44)
Power Difference between V and O				
O age 15-29 and V either under 15 or 30 or older		1.47 (1.14)	1.94 (0.94)	1.12 (0.23)
Number of O – number of V		1.43 (2.06)	1.70 (1.27)	1.62 (1.70)
O was male		1.71 (0.55)	2*10 ⁶ (0.00)	1.35 (0.24)
Offender Weapons and Attack				
O had gun		1.04 (0.07)	2.55 (1.00)	1.18 (0.26)
O had knife		1.05 (0.10)	14.76 (2.02)	2.43 (1.10)
O had sharp object		1.09 (0.05)	0.00 (0.00)	0.00 (0.00)
O attacked V		3*10 ⁹ (0.00)	1*10 ⁹ (0.00)	5*10 ⁹ (0.00)

BOLD p<0.01 (two-tailed), **Italic** 0.01<0.05 (two-tailed)

* Not including No-SP group; Calling the Police is the reference point.

** Including No-SP group; No Self-protection is the reference point.

TABLE 2. Rape Completion (Continued)

Variable	Description	Raped	Raped After SP*	Raped After SP**
Victim Characteristics				
Child in the victim's household		1.04 (0.18)	2.03 (1.35)	1.55 (1.32)
V owned the house		0.79 (-1.11)	0.20 (-2.86)	0.32 (-3.18)
V had a job last week or for 2 weeks last 6 months		<i>0.60</i> <i>(-2.29)</i>	0.44 (-1.49)	0.61 (-1.43)
V was 65 or older		<i>0.07</i> <i>(-2.53)</i>	-	0.09 (-1.83)
V was married		1.34 (0.80)	3.40 (1.40)	1.46 (0.66)
V had high school diploma or higher		1.24 (0.99)	1.89 (1.32)	1.22 (0.57)
V was black		0.53 (-1.69)	0.09 (-2.28)	0.23 (-2.20)
V was Asian		3.12 (1.39)	5*10 ⁰ (0.00)	1*10 ⁰ (0.00)
V was Hispanic origin		0.75 (-0.77)	1.22 (0.28)	0.81 (-0.40)
Number of victimization in last six months		1.02 (0.79)	0.86 (-1.22)	1.01 (0.60)
Offender Characteristics				
O was gang member		0.73 (-0.74)	6.18 (1.44)	1.88 (0.90)
O was on substance (alcohol or drugs)		<i>0.67</i> <i>(-2.01)</i>	0.67 (-0.84)	0.69 (-1.12)
O was V's sexual intimate		1.52 (1.43)	1.34 (0.37)	1.67 (1.14)
O was V's family member		0.74 (-0.56)	3.99 (1.20)	0.98 (-0.02)
O was V's acquaintance (no family, work acquaint.)		0.94 (-0.26)	1.57 (0.81)	0.94 (-0.18)
O was V's work acquaintance		0.80 (-0.40)	0.55 (-0.34)	2.83 (1.06)
O was Black		2.39 (2.05)	2.02 (0.67)	1.67 (0.71)
O was White		1.89 (1.86)	0.86 (-0.21)	0.87 (-0.27)
O was repeat O		0.95 (-0.18)	0.42 (-1.15)	0.59 (-1.33)
Incident Circumstances				
Incident occurred in rural		2.00 (2.36)	0.61 (-0.75)	0.83 (-0.41)
Incident occurred in urban		0.95 (-0.23)	0.57 (-1.04)	0.45 (-2.14)
Incident occurred at home		2.03 (2.37)	6.25 (2.62)	3.62 (2.72)
Incident occurred near home		1.89 (2.20)	4.48 (2.19)	2.53 (2.01)
Incident occurred in public place which may have security		0.97 (-0.06)	0.00 (0.00)	0.53 (-0.88)
Incident occurred with others present		<i>0.55</i> <i>(-2.13)</i>	0.41 (-1.35)	0.40 (-2.14)
Constant		75.87 (0.00)	0.00 (0.00)	0.00 (0.00)
Sample Size		673	208	358
-2Log-Likelihood		671	157	313

TABLE 3. Self Protection and Nonsexual Injury.¹

Self Protection Strategy	Odds Ratio (Coef./S.E.)								
	Rape			Sexual Assault ⁴			Assault ⁵		
	Injury	Injury After SP ²	Injury After SP ³	Injury	Injury After SP ²	Injury After SP ³	Injury	Injury After SP ²	Injury After SP ³
V attacked O with gun; fired gun	-	-	-	-	-	-	0.65	1.54	0.29
V threatened O with gun	-	-	-	0.00	0.00	0.00	(-0.42)	(0.26)	(-0.79)
V attacked O with other weapons (knife, etc.)	6*10 ⁹	0.00	0.00	7*10 ⁹	0.00	0.00	1.74	2.09	0.76
V threatened O with other weapon (knife, etc.)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(1.14)	(0.83)	(-0.32)
V attacked O without weapon (hit, kicked, etc.)	0.24	174.92	6.11	0.18	0.00	0.00	1.32	1.47	<i>0.36</i>
V threatened without weapon	(-0.86)	(0.00)	(0.00)	(-1.15)	(0.00)	(0.00)	(1.09)	(0.87)	<i>(-2.43)</i>
V struggled, ducked, blocked blows, held onto property	1.77	2.95	1.85	1.46	1.89	1.27	0.82	0.94	<i>0.25</i>
V chased, tried to catch or hold O	(2.16)	(1.68)	(1.33)	(1.69)	(1.42)	(0.67)	(-0.61)	(-0.09)	<i>(-2.22)</i>
V yelled at O, turned on lights, threatened to call police	0.49	0.04	0.15	0.52	0.11	0.29	1.48	1.17	<i>0.25</i>
V cooperated, or pretended to (stalled, did what they asked)	(-0.67)	(-0.64)	(-0.69)	(-0.71)	(-0.53)	(-0.51)	1.07	1.38	0.75
V argued, reasoned, pleaded, bargained, etc.	1.86	1.69	1.05	1.97	2.36	1.12	(0.30)	(0.80)	(-0.77)
V ran or drove away, or tried; hid, locked door	(3.19)	(0.99)	(0.14)	(4.10)	(2.22)	(0.39)	2.01	1.73	<i>0.40</i>
V called police or guard	0.00	-	-	0.00	0.00	0.00	(11.06)	(3.83)	<i>(-8.08)</i>
V tried to attract attention or help, warn others (cried out for help, called children inside)	(0.00)	-	-	(0.00)	(0.00)	(0.00)	1.04	1.75	0.64
V screamed from pain or fear	1.22	2.34	1.58	0.92	1.35	0.96	(0.14)	(1.27)	(-1.12)
V took other SP actions	(0.80)	(1.54)	(1.02)	(-0.43)	(0.76)	(-0.13)	0.89	1.33	<i>0.57</i>
Sample Size	0.63	3.79	0.97	0.98	5.46	2.38	(-1.31)	(1.74)	<i>(-3.89)</i>
-2 Log Likelihood	(-1.32)	(1.27)	(-0.04)	(-0.06)	(2.30)	(1.42)	2.34	4.87	1.88
	1.21	2.07	1.63	1.38	2.80	1.78	(2.72)	(3.67)	(1.49)
	(0.82)	(1.28)	(1.13)	(1.66)	(2.52)	(1.74)	0.97	2.86	1.00
	1.16	1.16	0.78	0.92	1.06	0.55	(-0.27)	(6.55)	(0.00)
	(0.52)	(0.24)	(-0.47)	(-0.37)	(0.13)	(-1.42)	0.69	0.89	<i>0.17</i>
	2.62	0.31	3.15	3.15	0.57	0.83	(-4.91)	(-0.66)	<i>(-12.05)</i>
	(1.82)	-	(-1.26)	(2.60)	-	(-0.68)	(-1.87)	-	<i>(-8.23)</i>
	1.27	3.22	2.72	1.27	1.97	1.98	1.08	0.93	0.58
	(0.51)	(1.31)	(1.37)	(0.62)	(0.95)	(1.17)	(0.48)	(-0.23)	(-1.83)
	3.31	5.31	6.29	3.40	4.41	5.62	4.31	2.75	2.41
	(3.98)	(2.16)	(3.01)	(4.56)	(2.66)	(3.55)	(9.65)	(4.49)	(3.94)
	0.90	0.86	0.40	0.5	0.24	0.09	0.79	1.26	0.18
	(-0.33)	(-0.13)	(-0.94)	(-2.33)	(-1.60)	(-2.90)	(-2.73)	(1.19)	<i>(-10.43)</i>
Sample Size	673	201	351	1,178	569	798	11,213	6,602	9,714
-2 Log Likelihood	747	139	314	1,054	254	476	7,974	1,824	4,107

BOLD p<0.01 (two-tailed), *Italic* 0.01<0.05 (two-tailed)

1. All other variables are not shown
2. Not including No-SP group, Calling the Police is the reference point.
3. Including No-SP group, No Self-protection is the reference point.
4. Sexual assaults include completed rape, attempted rape, sexual attack with serious assault, sexual attack with minor assault, sexual assault without injury, unwanted sexual contact without force, verbal threat of rape, and verbal threat of sexual assault.
5. Assaults include aggravated assault with injury, attempted aggravated assault with weapon, threatens to assault with weapon, simple assault with injury, assault without weapon and without injury, and verbal threat of assault.

TABLE 4 Self Protection and Serious Nonsexual Injury.¹

Self Protection Strategy	Odds Ratio (Coef./S.E.)								
	Rape			Sexual Assault			Assault		
	Serious Injury	Serious Injury After SP ²	Serious Injury After SP ³	Serious Injury	Serious Injury After SP ²	Serious Injury After SP ³	Serious Injury	Serious Injury After SP ²	Serious Injury After SP ³
V attacked O with gun; fired gun	-	-	-	-	-	-	0.00	0.00	0.00
V threatened O with gun	-	-	-	0.00	1*10 ¹²⁸	3*10 ⁵²	(0.00)	(0.00)	(0.00)
V attacked O with other weapons (knife, etc.)	0.00	3*10 ²⁵	2*10 ¹²	0.00	2*10 ¹⁰⁶	4*10 ⁷²	0.88	1.71	0.26
V threatened O with other weapon (knife, etc.)	7.42	4*10 ⁷⁸	2*10 ⁴⁴	3.93	1*10 ⁶⁶	2*10 ²⁹	0.63	0.00	0.00
V attacked O without weapon (hit, kicked, etc.)	0.63	8*10 ⁹	1*10 ¹⁰	0.59	1*10 ⁹	896.14	0.96	1.26	0.34
V threatened without weapon	3.52	2*10 ¹⁶	1*10 ¹⁵	2.03	1*10 ⁸⁰	6*10 ⁵¹	0.75	1.47	0.82
V struggled, ducked, blocked blows, held onto property	1.78	0.00	0.00	1.92	1.11	0.00	1.25	3.34	0.79
V chased, tried to catch or hold O	0.00	-	-	0.00	1*10 ¹⁴	4*10 ²³	0.80	2.38	1.76
V yelled at O, turned on lights, threatened to call police	1.86	1*10 ¹⁰	4*10 ²¹	1.48	0.10	5*10 ²⁷	0.99	0.99	0.59
V cooperated, or pretended to (stalled, did what they asked)	3.69	4*10 ¹⁵	9*10 ¹³	4.76	0.00	3*10 ⁶	2.46	51.62	9.97
V argued, reasoned, pleaded, bargained, etc.	1.51	1*10 ¹²	1*10 ²²	2.13	2*10 ³⁹	9*10 ³⁶	0.86	1.21	0.56
V ran or drove away, or tried; hid, locked door	0.38	0.25	0.08	0.25	0.00	0.01	0.45	0.62	0.18
V called police or guard	1.72	-	0.00	1.39	-	0.00	0.72	-	0.10
V tried to attract attention or help, warn others (cried out for help, called children inside)	0.07	0.00	0.00	0.21	1*10 ⁶	9*10 ²²	2.61	1.31	0.88
V screamed from pain or fear	2.92	6*10 ⁷	9.79	2.88	1*10 ¹⁶	68.89	2.86	4.75	2.99
V did other response	0.96	0.00	0.00	0.79	0.00	0.00	0.48	1.14	0.21
	(-0.05)	(0.00)	(0.00)	(-0.31)	(0.00)	(0.00)	(-2.64)	(0.22)	(-2.99)
Sample Size	673	170	314	1,178	534	756	11,213	6,509	9,621
-2 Log-Likelihood	149	.000	.000	188	.000	.000	1,887	289	858

BOLD p<0.01 (two-tailed), *Italic* 0.01<0.05 (two-tailed)

1. All other variables are not shown
2. Not including No-SP group, Calling the Police is the reference point.
3. Including No-SP group, No Self-protection is the reference point.

Biography of Authors

The principal investigator, Gary Kleck, is professor at the School of Criminology and Criminal Justice at Florida State University. He has published numerous books and research articles in journals such as *Criminology*, *American Journal of Sociology*, *American Sociological Review*, and *the Journal of Criminal Law and Criminology*. He is the winner of the Michael J. Hindelang Award of the American Society of Criminology for *Point Blank* (1993), awarded for making "the most outstanding contribution to criminology." He has completed various funded research projects, including "The Impact of Drug Enforcement on Urban Drug Use Levels and Crime Rates" awarded by the U.S. Sentencing Commission in 1995 and "Testing a Fundamental Assumption of Deterrence-Based Crime Control Policy" awarded by the Charles E. Culpeper Foundation in 1997. He is responsible for the research project including analysis of data and writing the report.

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**Draft Final Technical Report:
The Impact of Victim Self-Protection
on Rape Completion and Injury**

The Analysis of Existing Data Program,
National Institute of Justice

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Table of Contents

Introduction	1
Prior Research	1
Research Methods	6
Findings	14
Conclusions	27
Appendices	
References	31
Tables	35

Introduction

Rape and sexual assault are prevalent in America. According to the National Crime Victimization Survey (NCVS), “persons age 12 or older experienced an average annual 140,990 completed rapes, 109,230 attempted rapes, and 152,680 completed and attempted sexual assaults between 1992 and 2000” (Rennison 2002, p. 1). Other research has estimated that approximately 20% of all women will be raped at some point through their lives (Koss 1993).

It is well known that rape can cause long-term physical and emotional trauma to victims, including fear, anxiety, suspicion, confusion, anger, and even suicidal behaviors (Burgess and Holmstrom 1979; Kilpatrick, Resick, and Veronen 1981). It has also been found that completed rapes cause more psychological problems for victims than attempted rapes, and that completed rapes involving additional physical injury cause even more posttraumatic stress disorder (Kilpatrick et al. 1981).

Despite the prevalence of rape and sexual assaults, and its traumatic impact on American women, prior researchers and law enforcement agencies have failed to provide practical and uniform self-protection advice to potential victims (Ullman 1997). While some researchers have suggested that resistance in general is effective in avoiding completion of the rape and additional injury (Ullman and Knight 1995), others argue that resistance can be dangerous, depending upon the situation (Bachman et al. 2002). Because of this mixed advice, prospective victims are left to decide for themselves which are the most appropriate strategies to adopt in sexual assaults.

Prior Research

Research on the impact of self-protection (SP) began in the context of the feminist movement (Searles and Berger, 1987). While conventional authority advised that women should

limit their mobility, depend upon men, or cooperate with the offender to prevent victimization, feminists argued that women should fight back or actively resist offenders (Brownmiller, 1975). This not only prevented victimization but also promoted mobility and independence. Further, doing so may also reduce self-blame, guilt, and self-derogation that passive female victims often suffer after the incident (Meyer and Taylor, 1986; Mezey and Taylor, 1988). Consequently, it became vital to properly evaluate the impact of victim SP in criminal events, particularly those involving female victims.

Researchers have generally agreed that female victims' resistance is effective for avoiding rape completion (Cohen 1984; Marchbanks et al. 1990; Kleck and Sayles 1990; Ullman, 1998; Ullman and Knight 1992; Zoucha-Jenson and Coyne 1993). Controversy remains, however, concerning the impact of resistance, especially forceful resistance, on whether the victim suffers any additional injuries other than rape itself (Ullman 1997). Some scholars have argued that victim resistance to rape offenders, especially forceful resistance, is useless and even dangerous because it provokes offenders to attack the victim (e.g., Brecklin and Ullman 2001; Cohen 1984; Griffin and Griffin 1981; Marchbanks, Liu and Mercy 1990). Others have concluded that resistance is generally either beneficial and at least does not increase the risk of injury (Kleck and Sayles 1990; Ullman and Knight 1991; 1995; Zoucha-Jensen and Coyne 1993).

(Table 1 about here)

Table 1 summarizes the findings and methods of research on rape and resistance published in the past twenty-five years. Variation in the findings of these studies is due in part to defects of methodology and data. For example, many studies are based on small nonprobability samples of crimes, typically local convenience samples of incidents known to authorities, such as those reported to a single local law enforcement agency (Ullman 1998;

Ullman and Knight 1992; Zoucha-Jensen and Coyne 1993), those involving college students at a single campus (Amick and Calhoun 1987; Ullman 1999; Levine-MacCombie and Koss 1986), victims who sought help from particular rape crisis centers (Atkeson et al. 1989; Cohen 1984; Ruback and Ivie 1988), offenders incarcerated in a single institution or handled by a single treatment facility (Ullman and Knight 1992; 1993), or self-selected volunteer subjects (Bart 1981; Bart and O'Brien 1985).

There are biases in convenience samples of crimes that come to the attention of the authorities, biases that bear directly on the apparent effectiveness of victim defensive actions. In particular, victims tend not to report to the police less serious crimes and those in which they suffered no injuries or property loss (U.S. Bureau of Justice Statistics 1985). Thus, samples of crimes known to the authorities necessarily tend to disproportionately exclude cases in which victim actions were effective in preventing injury or property loss. As Hindelang and Gottfredson (1976) pointed out decades ago, at the very dawn of victim resistance research, this systematic censoring of crimes thereby yields samples of crimes that contribute to underestimating the effectiveness of self-protection. Likewise, incidents reported to victim crisis centers or treatment facilities are likely to suffer from similar censoring of crimes with better outcomes for victims, since the consequences of successfully resisted crimes are likely to be less traumatic for victims, who would therefore be less likely to seek treatment or counseling.

Apparent conflicts in findings of studies may also be attributable to the failure of most researchers to establish the sequence of protective actions and injury. As Sarah Ullman (1998, 179) has noted, where one does not have information on the sequence of resistance and injury, one cannot draw conclusions about whether resistance provoked injury, since a positive association may be primarily due to crimes in which injury provoked resistance from previously

nonresisting victims. Nearly all researchers who have found positive associations between injury and self-protection actions, and concluded that resistance provoked offenders into attacking victims, failed to establish whether self-protective (SP) actions preceded or followed the offender's inflicting of injury (e.g., Griffin and Griffin 1981; Block and Skogan 1986; Ruback and Ivie 1988; Atkeson et al. 1989; Marchbanks, Lui, and Mercy 1990; Brecklin and Ullman 2001). In these studies, crimes where a victim was in fact injured before doing something to resist are effectively treated as cases in which resistance provoked injury. In contrast, the few studies that established the injury-SP sequence have generally found that all or most types of resistance either reduce the risk of subsequent injury or have no net effect one way or the other (Quinsey and Upfold 1985; Ullman and Knight 1992). Although the redesigned National Crime Victimization Survey (NCVS) since 1992 provided researchers with information on the injury-SP sequence, no researchers have properly utilized the injury-SP sequence information on rape and sexual assault studies, though some recent researchers have used the information in studies of (nonsexual) assault cases (Thompson et al. 1999; Bachman et al. 2002).

Another problem in rape/sexual assault resistance research is the use of crude two- or three-category typologies of resistance actions. Most researchers simply divide victims into those who resisted or did not resist, or distinguish only physical ("forceful," "direct," "combative") resistance from nonphysical resistance (e.g., Block and Skogan 1985; Marchbanks et al. 1990; Ullman 1998). These scholars have generally concluded that physical resistance increased the risk of injury while it reduced the likelihood of rape completion. Although the pre-1986 NCVS distinguished eight types of self-protective actions, and the post-1986 NCVS provides information on 16 types, even researchers using these rich sources of information have lumped different types of victim actions into a few broad categories. For example, Brecklin and

Ullman (2002) combined the 16 relatively specific protective measure provided in the NCVS data into four categories: “forceful physical, non-forceful physical, forceful verbal, non-forceful verbal responses.” Unlike prior researchers, they found that non-forceful physical responses and non-forceful verbal responses are associated with increased risk of injury (though also reduced risk of rape completion), while forceful physical and verbal responses were not significantly associated with the outcomes of victimization.

Making the most of the NCVS detail on protective actions, Kleck and Delone (1993) separately assessed all eight distinct categories of self-protection that were coded in the pre-1986 NCVS and found that some forceful responses appeared to reduce the risk of injury while others did not, and that some non-forceful responses appeared to be effective while others, such as attempting to get help, seemed to increase the risk. Different forms of physical resistance can even have effects of opposite sign. Thus, important differences in impact can be lost by combining protection strategies into unduly broad categories.

Another problem lies in the fact that some researchers of rape and sexual assault studies have used less sophisticated statistical technique. While some researchers have used multivariate techniques such as logistic regression or probit analysis (e.g., Brecklin and Ullman 2001; Marchbanks et al. 1990; Kleck and Sayles 1990), others have employed techniques such as analysis of variance or chi-square methods applied to simple cross-tabular data (e.g., Cohen 1984; Amick and Calhoun 1987; Ullman et al. 1999; Ullman and Knight 1995; Zoucha-Jensen and Coyne 1993). Bivariate statistics do not allow researchers to control for potential confounding variables, making it harder to determine whether associations involving self-protective actions are due to causal effects of victim resistance or to effects of correlated but uncontrolled variables.

The use of less sophisticated techniques and the absence of statistical controls is consequential because, as many researchers have pointed out, the choice of resistance actions and injury outcome are strongly correlated with other variables such as types of offender attack or threat (Ullman and Knight 1992), victim and offender alcohol consumption (Brecklin and Ullman 2001), and victim-offender relationships (Atkeson et al. 1989; Levine-MacCombie and Koss 1986). Most studies, however, did not control for some potentially confounding variables. The standard solution to complex correlations between variables is to measure and statistically control for as many suspected confounders - correlates of protective actions that affect crime outcomes - as possible.

Research Methods

Our goal was to conduct an analysis that responds to Ullman's (1997, p. 177) call for improved research: "larger, representative community studies are needed in which a broader range of situational factors, resistance strategies, and assault outcomes are assessed." Specifically, we aim to avoid the aforementioned flaws of past research, and to (a) examine a large national probability sample of crimes, (b) take account of the sequence of victim protective actions and injury in appropriate ways, (c) control for many potentially confounding correlates of defensive actions, and (d) separately assess the full set of 16 specific victim actions coded in the post-1992 NCVS on the outcomes of crimes.

Sample

The data for this study are taken from the National Crime Victimization Survey (NCVS), covering incidents that occurred in the United States from 1992 through 2002 (U.S. Dept. of Justice 2004). Only data gathered since 1992 was used because this was when the NCVS began to record the sequence of victim actions and injury. Rape, sexual assault, and assault incidents

involving female victims were selected according to the NCVS Type of Crime (TOC) typology. Rape incidents include only rape and attempted rape cases, and sexual assault incidents include verbal threat of rape and all other types of sexual assaults incidents, as well as attempted rape and rape incidents. Rapes and other sexual assaults were separately analyzed because rape completion might not be as relevant in general sexual assault incidents, where the intentions of offenders may be different. In addition, physical assault cases (not including sexual assault) were separately analyzed in order to measure the impact of SP on injury in general. The comparison allowed us to examine whether the effect of SP varied in different types of crime incidents.

The NCVS is an ongoing national household survey conducted by the U.S. Census Bureau that questions all persons 12 years old or older residing in a large national probability sample of housing units. The NCVS uses a rotating panel design in which stratified multistage samples of U.S. housing units are randomly selected, and residents of the sampled units are interviewed every six months, over a three and a half year period, about their victimization experiences during the preceding six months. Most interviews are conducted by telephone but some are conducted face-to-face. The total unweighted sample size utilized in this study is 733 rapes, 1,278 sexual assaults, and 12,235 assault incidents.

Incidents were weighted using a modified version of the NCVS Incident Weight, which reflected the differing probabilities of selection into the sample of different cases. If used unmodified, this weight inflates the apparent sample size up to estimated population totals, deceiving statistical software into believing that there are millions of crimes in the sample, and distorting significance tests such that even very weak associations appear to be highly significant. To avoid this, in each sample analyzed, the mean value of the original Incident Weight variable

was computed. A new weight variable was then created that, for a given crime incident, equaled that case's Incident Weight divided by the mean of the Incident Weight in the sample being analyzed. Since the average value of this new weight would be one, apparent sample sizes was exactly equal to the actual unweighted sample size, and significance tests were not distorted.

(Table 2 about here)

Table 2 lists the variables included in the analyses, along with their means and standard deviations. Most variables are binary, indicating the presence or absence of an attribute. The dependent variables measure whether the victim (1) suffered completion of rape, regardless of when it occurred (RAPED), (2) suffered completion of rape after taking some self-protective action (POSTRAPE), (3) suffered any nonsexual injury (i.e., injury beyond the rape itself), regardless of when it occurred (NOSEXINJ), (4) suffered any nonsexual injury after taking some self-protective action (PONOSEXI), (5) suffered any serious nonsexual injury, regardless of when it occurred (NOSEXSR), or (6) suffered any serious nonsexual injury after taking some self-protective action (PONSEXSR). Since our dependent variables were all binary variables, we used logistic regression to estimate models. In addition to estimating equations for rape incidents, we estimated separate equations for sexual assaults incidents and assault incidents in order to determine whether the effects of protective actions differ by crime type.

It is clear that injury that occurred before SP action cannot be the result of SP action. Unfortunately, however, many prior researches effectively treated such injuries as the consequence of SP actions. As discussed, RAPED, NOSEXINJ, NOSEXSR are injury variables that do not consider temporal order of SP and injury, like those used in less satisfactory past research. Our major focus, however, is on rape suffered after taking some self-protective action (POSTRAPE), injury after taking self-protective actions (PONOSEXI), and serious injury

suffered after taking self-protective actions (PONSEXSR). These variables code injuries as potentially the outcome of SP actions only if injury came after SP actions, because protective actions taken after the victim is injured could not have affected whether that injury was inflicted.

The NCVS does not address the possibility of complex sequences in which multiple different types of defensive actions are taken and injury occurs after one victim action but before another type of action. Rather, all victims who were injured and used protective actions are simply coded by interviewers as to whether protective actions (in general) were taken before, during, or after suffering injury. We treated victims who were injured after victim actions as having suffered post-resistance injury. In some incidents, victims described their SP actions and injury as occurring at the same time, i.e. victims were unable to say whether their protective actions came before or after injury. We treated these incidents as missing on the post-SP injury variables. Victims could be coded for as many of these sequences as were appropriate, and therefore might be coded as having suffered injury before, during, and after defensive action. For the purpose of coding post-protection injury, we treated victims who were injured both before and after victim actions, or both during and after SP actions, as having suffered post-SP injury, thereby favoring the hypothesis that resistance increases the victim's risk of injury.

The types of injuries recorded in NCVS are: (1) raped, (2) attempted rape, (3) sexual assault other than rape or attempted rape, (4) knife or stab wounds, (5) gun shot, bullet wounds, (6) broken bones or teeth knocked out, (7) internal injuries, (8) knocked unconscious, (9) bruises, black eyes, cuts, scratches, swelling, chipped teeth, and (10) other injuries. Rape completion was measured using the contrast between raped vs. attempted rape (categories 1 and 2), while additional injury was based on categories (3) to (10). The exact cut-off between serious and minor injury is necessarily subjective and somewhat arbitrary, but we used the fairly

conventional one adopted in past research using NCVS data: the last two categories (9 and 10) were treated as minor injuries, the rest (3-8) as serious.

The independent variables of primary interest were 16 binary variables denoting whether the victim took a given type of protective action (2=action was taken, 1=action was not taken). Victims could be coded as having used as many or as few of these strategies as they reported, and those who did nothing to resist would simply be coded 1 on all 16 protection variables. Because there was no variable included in the models that explicitly denoted that victims did nothing to protect themselves, “no self-protection” was the omitted protection category, which serves as a point of comparison for all specific protective actions. Thus the coefficient of each protection variable reflects how much more or less likely a given outcome was for victims who took that action, compared to victims who did nothing to resist, other things being equal.

NCVS respondents reporting victimization were asked: “Did you do anything with the idea of protecting YOURSELF or your PROPERTY while the incident was going on?” (U.S. Bureau of Justice Statistics 2003a). The sixteen SP actions that interviewers code, based on victims’ responses to this question, are shown in Table 2. Some categories of self-protective actions might not be regarded as resistance. For example, it is unlikely that victims “chase” the offender to prevent rape completion. The purpose of such an action is more likely to be to inflict punishment on the offender, hold him for police, or (where relevant) to recover victim’s property. Likewise, SP actions could include either cooperating or pretending to cooperate with the offender. Genuine cooperation might seem to be indistinguishable from nonresistance, but since cooperating and pretending to cooperate are grouped together in the NCVS, victims in this category must be coded as having taken some kind of protective action, since some of them “stalled” to protect themselves. Note that cooperating or pretending to cooperate may have the

same harmful, or less helpful, effects that nonresistance appears to have. That is, it may signal to the offender that continuing their assault is likely to be fairly risk-free.

Another problematic category of “self-protective action” coded in the NCVS is “screamed from pain or fear” (this is the full verbatim description that appears in the NCVS interview schedule – U.S. Bureau of Justice Statistics, 2000:147). Responses coded as fitting this category of victim response were provided in the context of the introductory statement asking about protection, and so these behaviors are treated as self-protection in the NCVS. But they could also be viewed as virtually involuntary responses to threat or injury itself, rather than actions intended to prevent further injury or property loss. Ambiguity arises because, after the initial protection question is asked, those who respond “No” are nevertheless asked the more ambiguous follow-up question, “Was there anything you did or tried to do about the incident while it was going on?” Thus, some victims who described what they did during the incident, after they answered “No” to the first question, then “Yes” to the second one, were not necessarily claiming that the action was taken for protective reasons. Nevertheless, since screaming from pain might well influence whether the perpetrator inflicts further injury, and screaming from fear might influence whether any injury is inflicted in the first place, we included this action in the models. Readers should, however, note that any positive associations between this victim behavior and injury may merely reflect the fact that injury often causes victims to scream from pain, and threat of an attack could make them scream from fear. Even with information on SP-injury sequence, one must still consider the possibility that victims may scream from fear just before an injury is inflicted. Such a case could appear to support the view that screaming provokes offender attack, even if it actually has no effect.

It was not practical to assess the impact of combinations of specific protective measures. There are 57,527 possible combinations of 16 different measures. Even testing just one percent of these combinations would inevitably yield many misleadingly “significant” findings due to the huge number of hypothesis tests performed. Further, any subset of those combinations selected for inclusion in the models would be arbitrary, given the absence of either past research on the effects of combinations of victim actions or relevant theory that specifies which combinations would be most likely to affect, for good or ill, the outcomes of crimes. In any case, only 37.6 percent of all rape victims used more than one type of SP (21.4 percent used two types, 8.6 percent used three, and 7.6 percent used more than three). Further, when we examined the correlations among SP actions, we found no correlations even as large as 0.2, and only four exceeding 0.1, out of 120 total bivariate correlations. Thus, there appears to be no pronounced clustering of SP actions in the minority of cases where multiple actions were taken.

Other independent variables included in our models measure characteristics of the victims, offenders, and circumstances that might influence the outcomes of the incidences, and that might also be correlated with the willingness or ability of victims to use each defensive action. First, three variables are included to reflect power advantages that offenders had over victims. ADVAGEOF is coded higher when one or more offenders are in their physical prime ages (age 15-29) and the corresponding victim(s) are not of this age range, i.e. there is likely to be a power advantage to the offender based on age and associated physical fitness. ADVNUM equaled the number of offenders minus the number of victims, which reflects any numerical advantage of offenders. MALEOFDC is coded higher when one or more offenders are male, who are stronger than female victims. Other variables measure whether offenders possessed weapons

during the incident (OHADGUN, OHADKNIF, OHADSHAP) and whether offenders actually attacked victim (OFDATCK).

Ten other variables measured attributes of victims that are mostly self-explanatory. They were included because they reflect the willingness and capability of the victim to protect themselves and possibly different levels of risk of getting injured. For instance, victims older than 65 are easier for the offender to injure because of their physical frailties and inability or disinclination to retaliate.

Eight other variables measured attributes of offenders, as perceived by victims, as well as the relationship between victim and offender. Intimate offenders such as family members and sexual intimates may be more inclined to inflict harm on the victim because hostility has had time intensify in the course of extended emotional interaction. Alternatively, emotional bonds might inhibit the offender's aggression. Emotional intimacy might also influence the willingness and capability of victims to protect themselves – victims might be reluctant to direct forceful actions at intimates.

Other independent variables measure the circumstances of the incident. ATHOME, NEARHOME, and SECUPUB reflect the degree of safety for the victim in terms of their familiarity with the setting and the possibility of gaining assistance from others. ATHOME reflects whether the crime occurred in the victim's home, while NEARHOME reflects whether the incident occurred in the immediate area around the home, such as the yard, garage, and very close streets. SECUPUB stands for a secure public place that may have capable guardians, including restaurants, banks, other commercial places, offices, factories, or school buildings and property. Variables indicating an urban or rural setting (RURAL, URBAN) reflect population density of the setting and thus the likelihood that there would be other people around who could

serve as allies to the victim, intervening or summoning police. The presence of bystanders (OTHRPRES) might discourage offender aggression but it could also provoke it in aggressors who perceived a need to deter the victim from eliciting assistance from those potential allies.

Findings

FREQUENCY AND INJURY RATES OF PROTECTIVE ACTIONS

Table 3 shows how often NCVS crime victims reported using the various types of victim protective actions and the share of victims using each method who experienced a completed rape (vs. an attempted rape) and the share who suffered any other, nonsexual, injuries. Readers should not interpret these figures as measures of the relative effectiveness of the various resistance tactics, since simple differences in injury rates reflect more than just differences in the effects of victim actions. With this caveat in mind, these figures show that while many crime victims are injured, resisting victims are less frequently and less seriously injured after taking any kind of protective action than non-resisting victims. In 556 rape/attempted rape incidents where victims resisted in some way, 54 percent of the rape attempts were completed, only 19 percent of rape attempts were completed after the victim took SP actions, 26 percent involved the victim suffering some other (nonsexual) injury after taking SP actions, and 5 percent involved the victim suffering a serious nonsexual injury. In contrast, among the 177 incidents involving victims who did not resist, 88 percent of incidents resulted in rape completion, 25 percent of such incidents resulted in a nonsexual injury, and 2.8 percent resulted in serious nonsexual injury. Overall, victim SP during rape attempts was associated with significantly lower risks of rape completion and with slightly higher risk of serious nonsexual injuries as compared to taking no SP actions. These figures imply that resistance during rape attempts could have provoked offenders to inflict further (serious) injuries to victims in no more than 2.4 percent of rape

incidents (the 5.2% post-SP serious injury rate among resisting victims, minus the 2.8% “baseline” serious injury rate that prevailed among nonresisting victims).

Similar patterns were found in sexual assault and assault incidents. For 1,278 sexual assault incidents (including rape incidents) involving female victims, only 11.7 percent of incidents involved victims who were non-sexually injured after resisting offenders and 2.2 percent of incidents involved victims who were seriously injured after resisting. Among non-resisting victims, the rate of non-sexual injury was higher. For 265 incidents involving non-resistance, 19.2 percent of incidents involving victims who did not resist resulted in victim injury and 2.3 percent of such incidents resulted in serious victim injury. Thus, resistance did not appear to add the risk of injury beyond this “baseline” level of danger. Recalling that victim resistance appeared to be associated with substantially lower risk of sexual injury such as rape completion, virtually the same pattern was found in assault incidents. For 12,235 assault incidents involving female victims, only five percent of incident involved victims who were injured after resisting offenders and only 0.6 percent of resisting victims were seriously injured after resisting (such assault incidents claimed just 0.4 % of all assaults with female victims. Non-sexual violent crime is nevertheless inherently dangerous, given that even among non-resisting victims, 20 .2 percent were injured and 2.3 percent were seriously injured. Given the already dangerous “baseline” risk, the rates of post-injury and post-serious injury in assault incidents among resisting victims can be regarded as quite low, and does not support the idea that resistance provoked offenders to inflict further injury on victims.

These conclusions can be drawn even before performing complex multivariate tests because even if one were to make the extreme assumption that all cases of post-SP injury were incidents in which resistance alone caused the offender to hurt the victim, it would still be

accurate to conclude that resistance rarely causes the victim to suffer further injury. In reality, it is highly unlikely that all crime victims who resisted and then were injured suffered those injuries because they resisted, since some offenders were surely determined to hurt their victims regardless of whether the victims resisted. Thus, the post-SP injury percentage is properly viewed as an upper limit on the share of crimes in which protective actions could have provoked offenders into attacking.

These simple injury rates, however, cannot tell us whether resistance actually reduces risk of injury – perhaps victims resist only in situations that were already relatively safe or resist only offenders who appeared unlikely to hurt them. Nor can these figures tell us which protective actions are relatively more effective, inconsequential, or counterproductive. To address these issues, analyses using multivariate controls are needed.

While this extremely low rate of post-SP injury is good news for crime victims, it creates statistical problems for assessing the relative effectiveness of different protective strategies for avoiding injury, since it means that there is very little variation on dependent variables measuring post-SP injury. It is harder to predict very rare outcomes, and estimates of the impact of a given variable will necessarily be unstable even in fairly large samples because they are based on so few cases with the outcome of interest. This problem is aggravated when analyses are confined to subsamples pertaining to specific crime types, especially the less frequent ones such as rape incidents, and is even more severe with regard to estimating effects of the rarer SP actions. Thus, for example, despite the very large NCVS total samples, there are few rapes with post-SP injury, and also only a handful with armed resistance. This means that estimates of the effects of armed resistance on post-SP injury in rape will be dependent on a few cases and correspondingly unstable.

In response to this problem, we decided to indirectly assess the effects of female victims using various forms of SP by analyzing larger NCVS samples pertaining to more common types of crimes. Thus, we analyzed the broader category of "sexual assaults," which encompasses other forms of sexual assault as well as rapes and attempted rapes, and also analyzed all assaults involving female victims. To the extent that SP effects among female victims of these crimes resemble those prevailing in rapes, they shed light on victim resistance in rapes. The last two panels of Table 3 show the injury rates for each SP action in the sexual assault and general assault samples.

Multivariate Results

Rape Completion

Table 4 displays findings from the logistic regression analysis assessing the impact of each SP action on whether rapes are completed or are unsuccessful attempts. The first column presents findings similar to those reported in most past research, in that they show the association between protective actions and rape completion, without respect to whether rape completion preceded or followed resistance. The results are somewhat mixed but show an understandable pattern. Most SP strategies are associated with lower risk of rape completion, and four of these associations are statistically significant. The effective strategies were mostly physical or forceful SP actions such as "attacking offender without weapon," "struggling," and "running away." Some SP strategies are, on the other hand, associated with higher risk of rape completion. They include "(pretend to) cooperation" and "screaming from fear." As discussed earlier, these strategies may not even be regarded as genuine resistances. Thus, without considering the temporal sequence between SP and rape, most strategies seems to reduce the risk of rape completion.

(Table 4 about here)

The conclusion however may not be correct because one cannot know for sure whether SP increased the likelihood of rape completion without knowing the sequence between them. The second column presents the finding that addresses the problem of sequence. Here the dependent variable denotes whether the victim was raped after taking protective actions. Victims were coded 2 if they took SP actions and were injured after doing so, and were coded 1 if they took SP actions and were not injured after doing so, the latter group including those who were injured only before taking SP actions. This method permits comparisons of effectiveness among the 16 SP actions, but not between a given SP action and taking no SP actions at all. Cases in which victims took no SP were not included in the second column models because the concept of post-SP injury is undefined for victims who took no SP actions. Thus, the result from the second column describes only victims who took some kind of protective action, and address the question: "Among victims who did something for protection, which actions were relatively more effective in averting subsequent rape, beyond any injury that may have already been inflicted before the victims took defensive action?"

Since nonresisting victims were excluded, we could not treat them as the excluded reference group. We selected "called the police" as the omitted category because it is sometimes presented as the officially recommend course of action for victims, and thus can serve as a useful point of comparison. The effectiveness revealed in the second column therefore should only be understood in a comparative context, i.e., compared to "called the police." Note that the effect of "called the police" was negative or favorable in reducing rape completion in the first column. We could have selected the worst strategies (e.g., cooperation or screaming from fear) as the omitted points in order to arbitrarily make the odds ratios of other SP variables look favorable. An odds

ratio over one then can only be understood as indicating that the effect of the strategy is not as effective as calling the police.

Despite the different dependent variable, we found a similar pattern in the second column as in the first column. The effectiveness of most SP actions revealed by odds ratio was not statistically different from the presumably effective strategy of calling the police. "Trying to attract attention to help/cried out for help" was even associated with lower risk of rape than the omitted category. It was only "arguing/reasoning/pleading" that was associated with higher post-SP rape than calling the police, meaning that they were not as effective as the omitted strategy. Note that this is the second-most common type of SP action taken by rape victims (first column, Table 3). As in the first column, "cooperation" and "screaming from fear" also appeared to be less effective than the reference point, although the difference was not statistically significant.

An alternative way to perform the post-SP rape completion analysis is to include "no-SP" cases, i.e., crimes in which the victim did not take any SP actions. We estimated models in which post-SP rape was coded 2 if (a) the victim took some SP actions and was raped afterwards, or (b) took no SP and was raped. This variable was coded 1 if (a) the victim took SP actions and was not raped, (b) took SP action and was raped, but before SP actions, or (c) took no SP action and was not raped. Cases in which the victim reported that SP actions and injury occurred simultaneously were treated as missing, since it was impossible to establish SP-injury sequence in these incidents.

The alternative analysis might be necessary because some people might want to know the effectiveness of SP strategies as compared to no resistance. The analysis is based on the assumption that nonresistance can provoke an offender into attacking, just as victim resistance might. Passivity can send the message that the offender is free to attack or rape with little risk or

difficulty. In fact, motivated offenders might look for such a victim because she is an easy target (Tedeschi and Felson 1994). All cases were included in this analysis, and 'no-SP' was treated as the excluded SP category. Thus, the odds ratio for SP variables can be interpreted as reflecting a comparison between each SP and taking no SP actions.

The third column in Table 4 presents the results of this analysis. The odds ratios are directly comparable to those of first column because no-SP cases were included in the sample and no-SP is the omitted category in both analyses. This comparison directly establishes the effects of taking account of the sequence of injury and SP actions, since this is the only difference between the first column models and those of the third column. The results are essentially the same. Most SP actions are associated with a lower risk of rape completion as compared to nonresistance, many of them significantly so. The most effective methods of SP include "run/hide," "get help," "struggling," and "attacking without weapon." These SP actions appear to decrease the risk of rape more than 80 percent compared to no SP. Only the ambiguous category of "screaming from pain or fear" is associated with a significantly higher risk of rape completion than nonresistance it was associated with a risk of rape completion more than four times as high as that of nonresistance. These findings support prior research that found that most SP actions were effective in reducing the risk of rape completion.

Non-Sexual Injury

Some scholars have suspected that even though SP might reduce the risk of rape completion, it might increase the risk of other physical injuries by angering the rapist into inflicting additional injuries. Table 5 presents findings from analyses of the impact of each SP action on whether the offender inflicted physical injury on the victim beyond rape itself. Here the

dependent variables reflect only non-sexual injuries, i.e. those other than rape, attempted rape, or the verbal threat of rape.

Since rape is an extremely traumatic experience that many victims would not want to discuss, it is hard to obtain sufficient numbers of incidents to obtain stable multivariate estimates, even when researchers use the largest available survey samples, those of the NCVS. Thus it should be emphasized that the relatively small samples make some standard errors so large that it is almost impossible to achieve statistical significance for coefficients, particularly those of the rarer SP variables such as those for various forms of armed resistance.

The results presented in Table 5 show associations between protective actions and non-sexual injury in rape incidents, without respect to whether injury preceded or followed resistance. These results at first glance seem to support the idea that some SP actions increase the risk of physical injury. "Attacking without weapons," "struggling "and" screaming from pain/fear" are associated with higher injury rates compared to nonresistance. These results, however, are misleading because they do not take into account the temporal sequence between SP action and injury. Thus, the positive associations might reflect the possibility that victims who are injured in the first place are more likely to attack the offender, struggle, or scream.

The results appearing in the second column take into account the temporal sequence between SP and injury, because the dependent variable is nonsexual injury inflicted after SP. The no-SP cases are excluded from this analysis, and the omitted reference category is "calling the police." The effects of most SP variables were not significantly different from those of calling the police, in part because of the reduced sample size (n=201) resulting from the exclusion of no-SP cases. Only "screaming from fear" was associated with a higher risk of injury than calling the police. Other SP actions that seem to be correlated with higher injury

risks than calling the police were non-forceful actions like “cooperation,” “struggling,” and “argue/reason/plead” The coefficients of these variables almost reach statistical significance even with small sample sizes. In sum, there was no evidence that forceful resistance is more dangerous than non-forceful resistance, once temporal sequence is taken into account.

The results shown in the third column do reflect the comparison between each SP action and no-SP. The odds ratios are directly comparable to those of first column because no-SP cases were included in the sample and served as the omitted category in both analyses. The results are mixed and without clear patterns. About half of the odds ratios are bigger than one, indicating a higher risk of injury compared to no-SP, and about half are smaller than one. In part because of small sample sizes, only one SP variable, “screaming,” had a statistically significant association, indicating a higher risk of injury than nonresistance. Perhaps, it is currently impossible to find statistically significant effects of SP actions in rape because the sample sizes are so small and injury inflicted after SP is so rare, even in the largest available body of survey data.

(Table 5 about here)

The middle panel of Table 5 displays estimates of models pertaining to sexual assaults, while right-most panel of Table 5 shows estimates of models concerning assaults. The sexual assault and assault analyses reveal clearer patterns of SP effects, perhaps because of the larger sample sizes and more stable estimates that they afford. Most SP variables, both forceful and non-forceful, are associated with lower risks of injury, many of them significantly so. The most effective SP actions include “ran away/hid,” “called the police,” “attacked without weapon,” “attacked with non-gun weapon,” and “threatened with non-gun weapon.” These SP actions appear to reduce by half the risk of injury compared to nonresistance. Both forms of resistance with a gun -“attack with a gun” and “threat with a gun”- are also associated with lower risk

compared to no SP, although the differences are not statistically significant. As with rape and sexual assault incidents, only “screaming” is associated with a significantly higher risk compared to nonresistance.

The results contradict scholars who have concluded that forceful resistance is often dangerous because it provokes offender to inflict further injury, especially for female victims (Bachman and Carmody 1994; Bachman et al. 2002; Marchbanks et al. 1990). These earlier findings were probably an artifact of the failure to address SP-injury sequence, since these scholars effectively treated injury preceding SP as if it could be a consequence of SP.

Serious Non-Sexual Injury

As was evident in Table 3, less than a quarter of the injuries inflicted in rape, sexual assault, and assault crimes are more serious than bruises and cuts. Yet since serious injury may be what many victims fear the most from criminal victimizations, separately focusing on such injuries is especially important. Specifically, victims might fear that even though some SP actions may avert rape completion, they may do so at the expense of increasing the risk of suffering other types of serious injury. Therefore, we also assessed the effects of resistance on more serious injury, beyond rape completion. In these analyses, victim who suffered more serious injuries after taking protective actions were coded 2, and those who suffered no injuries other than rape, minor injuries, or only injuries before taking protective actions were coded 1.

Only 8 percent of all rape incidents involve injury following SP actions, and only 1.4 percent involves serious injury following SP actions. Consequently, the estimates concerning serious post-SP injury, reported in Table 6, are presented in the spirit of exploratory study and should be read in conjunction with Table 3 information on the frequency of each defensive action.

The first column shows estimates of the association between protective actions and serious non-sexual injury to the victim, without respect to whether injury preceded or followed resistance. Because of the small sample size and the rarity of serious injury, no SP actions were significantly associated with serious injury, although many coefficients were positive, implying that research with larger sample size might produce significant positive effects of SP actions on serious injury. Since serious injury was rare even in the larger categories of sexual assault (n=1,278) and assaults (n=12,235), finding a pattern across different crime types was still difficult. Nevertheless, it might be reasonable to believe that some SP variables such as “cooperation” and “screaming from pain/fear” are associated with higher risk of serious injury. These SP actions were almost significantly associated with higher risk of serious injury in rape incidents, and significantly so in sexual assault or assault incidents. Yet these results are not only mixed but also misleading because we did not take into account the temporal sequence between SP action and serious injury, as discussed earlier.

The estimates in the second column of Table 6 are based on a model that addresses the temporal sequence between SP actions and serious injury – the dependent variable is serious injury after SP, and the omitted SP category is “called the police.” Since we excluded incidents involving victims who employed no SP actions and those who could not determine the order of injury and SP actions, the sample size became even smaller (n=170). As a result, no coefficient was significantly associated with serious injury among either rape incidents or sexual assaults. In fact, most t-ratios (i.e., the coefficient/standard error) reached zero, indicating a standard error so large that it was impossible to discuss the effects of SP variables. Attending to assault incidents, however, several SP actions were associated with a higher risk of serious injury compared to calling the police. They were all non-forceful SP actions, and included

“struggling,” “cooperation,” and “screaming from fear/pain.” Again the results can only mean that those SP actions are less effective than widely recommended course of calling the police, and do not mean they increase the risk of serious injury compared to taking no-SP.

The third column model in Table 6 presents the comparison between each SP action and no-SP, which corresponds to the third column model in Table 4 and 5. The coefficients are directly comparable to those of first column because no-SP cases were included in the sample and served as the omitted category in both sets of analysis. Here again, it is virtually meaningless to discuss the coefficients because of large standard errors of coefficients both in the sample of rape incidents and in the sample of sexual assaults. In assault incidents, however, a meaningful pattern was found. When temporal sequence between SP actions and serious injury was taken into account, many SP variables were associated with lower risk of serious injury than no-SP. In particular, “attacking without weapon,” “run away/hide,” and “called the police” are significantly associated with lower risks of serious injury. They appear to reduce the risk of serious injury somewhere from 66 percent (attacking without weapon) to 90 percent (called the police). On the other hand, the ambiguous category of “cooperation” and “screaming from fear/pain” appear (perhaps misleadingly) to increase the risk of serious injury almost ten times and three times, respectively. These results evidently contradict scholars who have asserted that forceful resistance is more dangerous than non-forceful SP because it increases the risk of serious injury to female victims.

Are the Effects of Protective Actions Contingent on Other Conditions?

It has been suggested that the effectiveness of different defensive actions may depend on a variety of conditions under which they are used. Researchers have explored whether effectiveness depends on the victim’s sex, whether the offender is an intimate of the victim

(Ruback and Ivie 1988; Bachman et al. 2002), offense location (home/nonhome, indoor/outdoor), and offender intoxication, with highly inconsistent results (Bachman et al. 2002: 140). Although there was no strong a priori rationale for testing any one interaction, we tested each of these possibilities by forming multiplicative interaction terms between each of the sixteen protection variables and each of the aforementioned variables on which protective effects supposedly depend, and including each set of 16 multiplicative terms (involving a single conditioning variable) in the post-SP rape completion models. Thus, for example, when we tested whether SP actions interact with whether the crime occurred in the victim's home (ATHOME), the model included ATHOME x GUNATAACK, ATHOME x GUNTHREAT, and so on, in addition to the rest of the variables shown in Tables 4-6. Or, when we tested for whether SP actions interact with whether the offender was a sexual intimate (OSEXINTI), the model included OSEXINTI x GUNATAACK, OSEXINTI x GUNTHREAT, and so on, in addition to the rest of the variables shown in Tables 4-6. Specifically, five possible interactions of SP and circumstantial variables were tested. We examined whether the effects of each SP action differ depending on the V-O relationship, particularly, when the victim and offender(s) are sexual intimates (e.g., Ruback and Ivie 1986; Bachman et al. 2002), the offender(s)' alcohol consumption, location of the incident (at home or not), time (night or not), and the number of offenders (multiple offenders or not).

In the post-SP rape completion models, the coefficients of these interaction terms were rarely significantly different from zero. No more than one out 16 interaction variables had a significant coefficient in any one model, and one would expect one coefficient to be "significant" at the .05 level solely as a result of chance, due to the large number of hypothesis tests. Further, the signs of the coefficients were as likely to be contrary to theoretical expectations as consistent

with them. On the whole, the effects of victim actions on injury do not appear to significantly vary depending on victim or victim-offender relationship, crime location, offender intoxication, time, or the number of offenders.

Conclusions

Rape is a traumatic but nevertheless not rare victimization for American women. It is useful to provide evidence-based, practical advice to millions of potential victims as to which courses of action (or inaction) are most likely to prevent rape completion and accompanying injury. Researchers have generally agreed that female victims' resistance is effective for avoiding rape completion (Cohen 1984; Marchbanks et al. 1990; Kleck and Sayles 1990; Ullman, 1998; Ullman and Knight 1992; Zoucha-Jenson and Coyne 1993). The current work is an attempt to cast light on the question of whether victim resistance, especially forceful resistance, affects whether the victim suffers any additional injuries other than rape itself, using the largest and perhaps best body of survey data available, the data collected for the NCVS from 1992 to 2002.

We have encountered several problems in the course of conducting the research. One of the most serious problems involving the NCVS is the underreporting of rape victimizations and certain SP actions. It is well known that victims are reluctant to report sexual crime victimizations, particularly when the offenders are intimate (Bachman 1998). The underreporting of sexual assaults causes serious problems for researchers who conduct multivariate analyses because the resulting small sample sizes make standard errors so large that it is almost impossible to find significant effects of SP actions on the outcomes of crime.

Victims are also less likely to report some forms of SP action such as weapon use. Weapon possession, especially in public places, is often unlawful. Thus, many cases of armed

resistance are probably not reported to the NCVS because this would entail confessing to a crime (Kleck and Gertz 1994; 1997; Ludwig 2000, 376; Kleck and Kates 2001). One might speculate that victims might be embarrassed to report actions that failed to prevent harm or made things worse. On the other hand, it is known that victims are less likely to report incidents without injury or property loss, which is the set of incidents within which successful defensive actions would be found (Hindelang and Gottfredson 1976; Felson et al. 1999).

Other limitations arise because of the design of NCVS itself. For instance, some researchers have suggested that both victims' and offenders' alcohol consumption affects the outcome of victimizations. Victims' alcohol consumption however is not recorded in the NCVS (Ullman et al. 1999). Likewise, the physical sizes or power of offenders and victims are not included in the current NCVS, though relative physical power is an important factor that can influence victimization outcomes (Felson 1996). Thus, even with the most sophisticated quantitative analysis, it is very difficult to fully control for the context that can affect both the choice of victim SP and the outcome of crimes.

Despite the limitations involving the data, we found that most SP actions, both forceful and non-forceful, significantly reduce the risk of rape completions. Particularly, such SP actions as "attacking without weapons," "struggling," "run away/hide," "warning" appeared to reduce the risk of rape more than 80 percent compared to nonresistance. These findings clearly do not support the argument that forceful SP actions are not as effective as nonforceful SP actions. Further, we conducted auxiliary analyses with additional interaction variables and found that effects of SP actions on rape completion did not vary depending upon conditions such as whether the offender was a sexual intimate, whether the offenders was under the influence, whether there were multiple offenders, whether incidents occurred at home, or at night. We could not find

significant effects of particular SP actions on injury or serious injury because of the rarity of rape incidents and certain SP actions, and because injuries beyond rape in such incidents are also uncommon. In particular, serious injuries in rape incidents were too infrequent to conduct any meaningful multivariate analysis.

Nevertheless, we obtained meaningful information from simple cross tabulations between each SP actions and injury rates, and from multivariate analysis of assault incidents involving female victims. The cross tabulation findings indicate that rape incidents are inherently dangerous situations since even incidents involving non-resisting victims resulted in rape completion in almost 90 percent of the incidents, additional injury in 24.9 percent of the crimes, and serious injury in 2.8 percent of the cases. On the other hand, among victims who resisted, only 19.1 percent of the incidents resulted in rape completion, 26.3 percent ended in some nonsexual injury, and 5.2 percent ended in serious injury. In sum, victim resistance was associated with much less risk of rape completion compared to no SP, and to have no association with nonsexual injury, and to be associated with only very slightly more risk of serious injury. Even if one made the extreme assumption that SP actions alone caused the slightly higher rate of serious injury than no SP, the difference is very small, especially considering the large favorable effects of SP on rape completion. It is conceivable that some people might regard rape completion as a less serious injury than other types of serious injury such as “knife or stab wounds,” “gun shot, bullet wounds,” “broken bones or teeth” “internal injuries,” or “knocked unconscious,” but rape completion is surely a more traumatic injury than any other serious injuries. Therefore, even without the results of the multivariate analysis that controlled for other circumstantial factors, the simple crosstabulation findings indicate that taking SP actions in general appear to be wiser course of action than nonresistance.

The results of the multivariate analyses of assault incidents involving female victims further supported these conclusions. In assault incidents, most SP tactics appear to reduce the risk of injury and serious injury compared to nonresistance. SP actions that appear to significantly reduce the risk of injury and serious injury include “attacking without weapon,” “threatening without weapon,” “run away/hide,” and “called the police.” The only SP actions that appear to significantly raise the risk of injury and serious injury were ambiguous, and non-forceful, tactics: “stalling/cooperation,” and “screaming from pain or fear.” Thus, we found no evidence that female victims' forceful SP actions are more dangerous than non-forceful SP actions. These results were shown only in the spirit of exploratory research because it was not clear whether the effects of such SP actions would be the same in rape incidents as in assaults in general, yet we are not aware of any reason why the effects of female victims' resistance would have substantially different effects on physical injury across the crime types, especially as they are all dangerous violent crimes. Further, we believe that in the absence of evidence, prospective rape victims would find this information helpful in making their own decisions as to what forms of SP actions they might take if victimized.

We will have to wait for larger bodies of better data to confirm whether female victims' self-protection actions decrease the risk of injury, in addition to reducing the likelihood of rape completion. In the meantime, we must base conclusions on the best data currently available, such as the NCVS data. Based on the best available evidence, we believe that rape victims' self-protection actions significantly reduce the probability of rape completion and do not significantly affect the risk of serious injury.

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Table 1: Prior Research on Victim Resistance and Rape

Study	Sample Source	N	Sample Type ^b	Statistical Methods	Control for SP-Injury Sequence	V/O relationship *SP Interaction	Typology for SP actions	Findings ^a		
								Rape Completion	Injury	Serious Injury ^c
Brecklin and Ullman (2001)	NCVS 1992-96	362	P ^d	Logistic	No	Stranger or not	Forceful Physical SP Non forceful Physical SP Forceful Verbal SP Non forceful Verbal SP	- - (sig) - +	+ + (sig) + + (sig)	+ (sig) + (sig) + +
Ullman et al. (1999)	College Students Self-Report 1984-85	3,187	NP	Hierarchical Regression	No	No	Victim Resistance Scale	+ (sig)		
Ullman (1998)	Police Report 1979, 1981	2,201	NP	Chi-Square	Yes	Stranger or not	Forceful physical SP Fleeing Forceful verbal resistance	- (sig) - (sig) - (sig)	+ (sig) + + (sig)	
Ullman and Knight (1995)	Police and court Reports 1959-89	147	NP	ANOVA	No	No	Forceful fight Flee or push O away Scream or yell Plead, beg, attempt to reason	± ^e ± ± ±	± ± ± ±	
Zoucha-Jensen and Coyne (1993)	Police Records 1988-89	150	NP	Chi-Square	No	No	Physical SP Forceful Verbal SP Nonforceful Verbal SP Running/Fleeing	- (sig) - (sig) + (sig) - (sig)	No significant effects ^f	

a. Sign of association between SP action and outcome.

b. P denotes probability sample; NP denotes non-probability sample.

c. Studies examined whether victim received medical treatments.

d. Not weighted.

e. Mixed findings.

f. Authors did not report coefficients and sign.

Table 1 (Continued).

Study	Sample Source	N	Sample Type	Statistical Methods	Control for SP-Injury Sequence	V/O relationship *SP Interaction	Typology for SP actions	Findings		
								Rape Completion	Injury	Serious Injury
Ullman and Siegel (1993)	ECA Survey	240	P	ANOVA	No	Intimate Acquaints Stranger	Physical SP Verbal SP	- (sig) - (sig)		
Ullman and Knight (1992)	Police and Court Records 1959-89	274	NP	ANOVA	Yes	No	Forceful fight Flee or push away Scream or yell Plead, beg, attempt to reason	- (sig) - - (sig) -	+ - + +	
Marchbanks et al. (1990)	NCS 1973-82	851	NP	Logistic	No	No	Forceful SP Non-Forceful SP	- (sig) - (sig)	+ (sig) + (sig)	+ +
Kleck and Sayles (1990)	NCS 1979-85	242	P	Probit	Yes	No (Stranger Only)	Weapon SP Physical SP Threat SP Get Help No Forceful SP Other SP	- (sig) - - - (sig) - (sig) -	+ + (sig) + (sig) + - +	
Atkeson et al. (1989)	Rape Crisis Center Interview	116	NP	Discriminant Function Analysis	No	No	Physical SP Verbal SP	- +	+ +	
Siegel et al. (1989)	ECA Survey	3,132	P	Logistic	Yes	No	Physical SP Verbal SP	+ -	± ±	
Ruback and Ivie (1988)	Rape Crisis Cent. Record 1982-84	2,526	NP	OLS	No	Stranger Or not.	Physical SP Verbal SP	-	+ (sig)	

Table 1 (Continued).

Study	Sample Source	N	Sample Type	Statistical Methods	Control for SP-Injury Sequence	V/O relationship *SP Interaction	Typology for SP actions	Findings		
								Rape Completion	Injury	Serious Injury
Amick and Calhoun (1987)	College Survey	206	NP	ANOVA	No	No	Clear Non-consent	- (sig)		
Block and Skogan (1986)	NCS 1973-79	347	P ^a	Logistic	No	No	Forceful Physical SP Non-forceful SP	+ - (sig)	+ (sig) -	
Levine-MacCombie and Koss (1986)	College Survey	231	NP	Discriminant Function Analysis	No	No	Active SP (running away, scream)	-		
Lizotte (1986)	NCS 1972-75	970	P	Logistic	No	No	Forceful SP Weapon SP	- (sig) - (sig)		
Quinsey and Upfold (1985)	Police Report	136	NP	Chi-Square Regression	Yes	Yes	Physical SP Verbal SP	- (sig) - (sig)	- -	
Cohen (1984)	Interview	127	NP	Chi-Square	No	No	Physical SP Verbal SP Other SP	- -	+ (sig) + (sig)	
Griffin and Griffin (1981)	NCS 1973-74	242	P	Chi-Square Regression	No	No	Physical Attack SP Evasive SP	+ -	+ -	

a. Not weighted

TABLE 2. Variables in the Rape Analyses* (N=733).

Variable	Description	Proportion
Dependent Variables		
RAPED	V was raped	0.62
POSTRAPE	V was raped after responding to offender.	0.34
NOSEXINJ	V was injured excluding (attempted) rape	0.37
PONOSEXI	V was injured excluding (attempted) rape after responding to O	0.26
NOSEXSR	V was seriously injured excluding (attempted) rape	0.04
PONSEXSR	V was seriously injured excluding (attempted) rape after responding to O	0.05
Independent Variables		
Victim's Self Protection		
GUNATAACK	V attacked O with gun; fired gun	0.00
GUNTHRET	V threatened O with gun	0.00
NOGUNATK	V attacked O with other weapons (knife, etc.)	0.00
NOGUNTHR	V threatened O with other weapon (knife, etc.)	0.00
NOWEPATK	V attacked O without weapon (hit, kicked, etc.)	0.14
NOWEPTHR	V threatened without weapon	0.01
STRUGGLE	V struggled, ducked, blocked blows, held onto property	0.38
CHASHELD	V chased, tried to catch or hold O	0.00
SCAREOFF	V yelled at O, turned on lights, threatened to call police	0.18
COPRSTAL	V cooperated, or pretended to (stalled, did what they asked)	0.08
ARGUE	V argued, reasoned, pleaded, bargained, etc.	0.22
RANHIDE	V ran or drove away, or tried; hid, locked door	0.12
CALLPOL	V called police or guard	0.04
GETHELP	V tried to attract attention or help, warn others (cried out for help, called children inside)	0.04
SCREAM	V screamed from pain or fear	0.12
OTHERS	V took other SP actions	0.10
Power Difference between V and O		
ADVAGEOF	O age 15-29 and V either under 15 or 30 or older	0.09
ADVNUM	Number of O – number of V (raw number)	-.08
MALEOFDC	O was male	0.98
Offender Weapons and Attack		
OHADGUN	O had gun	0.05
OHADKNIF	O had knife	0.06
OHADSHAP	O had sharp object	0.00
OFDATCK	O attacked V	0.98

TABLE 2. Variables in the Rape Analyses (Continued)

Variable	Description	Proportion
<u>Victim Characteristics</u>		
HADCHILD	Child in the victim's household	0.41
HOUSOWN	V owned the house	0.34
EMPLOYED	V had a job last week or for 2 weeks in last 6 months	0.60
OLD65	V was 65 or older	0.01
MARRIED	V was married	0.09
HIGHDIPL	V had high school diploma or higher	0.38
BLACK	V was black	0.19
ASIAN	V was Asian	0.02
HISPANIC	V was Hispanic origin	0.08
NUMVICEX	Number of victimization in last 6 months (raw number)	2.27
<u>Offender Characteristics</u>		
OFDGANG	O was gang member	0.06
OFDSUBST	O was on substance (alcohol or drugs)	0.48
OFDFAMIL	O was V's family member	0.03
OSEXINTI	O was V's sexual intimate	0.28
OFDACQNT	O was V's acquaintance (no family, work acquaint.)	0.26
OWORKACQ	O was V's work acquaintance	0.03
OFDBLACK	O was Black	0.26
OFDWHITE	O was White	0.63
<u>Incident Circumstances</u>		
RURAL	Incident occurred in rural	0.20
URBAN	Incident occurred in urban	0.41
ATHOME	Incident occurred at home	0.44
NEARHOME	Incident occurred near home	0.31
SECUPUB	Incident occurred in public place which may have security	0.06
OTHRPRES	Incident occurred with others present	0.20
<i>Other Variables eliminated in Logistic Analysis</i>		
ANYSD16	V responded in any of 16 type of action	0.76
TOTALSD	Total number of victim response	0.33
HOMINCOM	Income of the household (rank order)	6.61
YOUG1529	V was 15 to 29 yr old	0.62
NUMOFD	Number of O (raw number)	0.13
YONGOFDC	O was 15 to 29 yr old	0.57
NIGHT	Incident occurred at night	0.72
AFTERNON	Incident occurred in the afternoon	0.09
SOUTH	Incident occurred in SOUTH	0.25
WEST	Incident occurred in WEST	0.18

Table 3. Frequency, Rape Completion Rates, and Injury Rates of Self-Protection (SP) Strategies

SP Strategy	Rape						
	Frequency	% Raped	% Raped After SP	% Injured**	% Injured After SP**	% Seriously Injured**	% Seriously Injured After SP**
V attacked O with gun; fired gun	0	-	-	-	-	-	-
V threatened O with gun	1	100.0	0.0	0.0	0.0	0.0	-
V attacked O with other weapons (knife, etc.)	4	25.0	0.0	100.0	0.0	0.0	0.0
V threatened O with other weapon (knife, etc.)	4	25.0	0.0	25.0	0.0	25.0	0.0
V attacked O without weapon (hit, kicked, etc.)	100	49.0	23.8	49.5	33.3	6.0	6.8
V threatened without weapon	7	57.1	33.3	42.9	25.0	25.0	25.0
V struggled, ducked, blocked blows, held onto property	279	49.8	17.5	45.5	28.1	6.1	6.8
V chased, tried to catch or hold O	2	50.0	0.0	0.0	0.0	0.0	-
V yelled at O, turned on lights, threatened to call police	135	45.2	16.7	50.4	43.3	8.1	10.6
V cooperated, or pretended to (stalled, did what they asked)	56	82.1	37.5	39.3	53.8	8.8	27.3
V argued, reasoned, pleaded, bargained, etc.	162	69.8	38.5	44.4	44.6	5.6	16.7
V ran or drove away, or tried; hid, locked door	89	34.8	0.0	38.9	22.0	2.2	0.0
V called police or guard	29	41.4	0.0	62.1	35.7	6.9	0.0
V tried to attract attention or help, warn others (cried out for help, called children inside)	31	45.2	11.1	67.7	68.8	6.5	20.0
V screamed from pain or fear	90	66.7	22.2	64.0	62.5	10.0	19.0
V took other SP actions	71	63.4	10.0	29.6	9.1	4.2	0.0
Any self-protection actions	556	54.5	19.1	40.8	26.3	4.3	5.2
No self-protection actions	177	88.1	-	24.9	-	2.8	-
Total Incidents*	733	62.9	11.0	36.9	8.0	4.0	1.4

Table 3 (Continued). Frequency and Injury Rates of Self-Protection (SP) Strategies

Type of SP	Sexual Assault**					Assaults				
	Fre- Quency	% Injured	% Injured After SP	% Ser- iously Injured	% Ser- iously Injured After SP	Fre- quency	% Injured	% Injured After SP	% Ser- iously Injured	% Ser- iously Injured After SP
V attacked O with gun; fired gun	0	-	-	-	-	8	12.5	12.5	0.0	0.0
V threatened O with gun	2	0.0	0.0	0.0	0.0	45	33.3	5.9	0.0	0.0
V attacked O with other weapons (knife, etc.)	4	100.0	0.0	0.0	0.0	82	57.3	12.9	4.8	1.8
V threatened O with other weapon (knife, etc.)	11	9.1	0.0	9.1	0.0	79	35.4	5.0	3.8	0.0
V attacked O without weapon (hit, kicked, etc.)	144	36.8	19.8	4.1	3.6	909	56.3	9.0	4.1	1.3
V threatened without weapon	12	33.3	16.7	15.4	16.7	181	33.1	7.1	2.2	0.7
V struggled, ducked, blocked blows, held onto property	400	37.5	18.8	4.5	3.6	1,970	60.7	13.4	5.2	2.4
V chased, tried to catch or hold O	5	0.0	0.0	0.0	0.0	100	38.0	11.3	3.0	2.6
V yelled at O, turned on lights, threatened to call police	251	33.9	19.2	4.4	4.3	1,354	35.2	8.2	3.7	1.1
V cooperated, or pretended to (stalled, did what they asked)	68	39.7	54.5	8.7	23.5	154	26.6	8.6	3.9	4.0
V argued, reasoned, pleaded, bargained, etc.	234	37.2	27.7	4.7	10.4	1,250	28.2	9.4	2.2	0.6
V ran or drove away, or tried; hid, locked door	198	22.7	8.3	1.0	0.0	2,055	23.2	3.6	1.4	0.4
V called police or guard	58	37.9	12.8	3.4	0.0	1,334	23.5	3.2	1.8	0.2
V tried to attract attention or help, warn others (cried out for help, called children inside)	53	49.1	38.7	3.8	8.3	342	35.4	6.4	6.7	1.7
V screamed from pain or fear	105	59.0	52.4	9.4	16.7	411	79.1	27.5	10.9	6.5
V took other SP actions	189	13.8	1.5	1.6	0.0	1,856	17.7	3.1	0.0	0.2
Any SP16	1,013	26.8	11.7	2.7	2.2	8,704	30.0	5.0	2.2	0.6
No SP	265	19.2	-	2.3	-	3,531	20.2	-	2.3	-
Total Incidents*	1,278	25.2	5.6	2.5	1.0	12,235	27.2	2.9	2.2	0.3

* Total Incidents are small than the sum of SP actions because victims often employed multiple actions.

** Injuries other than rape itself.

TABLE 4. Rape Completion

Variable	Description	Odds Ratio (Coef./S.E.)		
		Raped	Raped After SP*	Raped After SP**
Victim's Self Protection				
V attacked O with gun; fired gun		-	-	-
V threatened O with gun		-	-	-
V attacked O with other weapons (knife, etc.)		0.00 (0.00)	17.70 (0.00)	0.00 (0.00)
V threatened O with other weapon (knife, etc.)		0.23 (-0.98)	29.17 (0.00)	5.31 (0.00)
V attacked O without weapon (hit, kicked, etc.)		0.35 (-3.83)	1.82 (0.99)	0.20 (-3.70)
V threatened without weapon		2.47 (0.73)	4*10 ⁸ (0.00)	2*10 ⁹ (0.00)
V struggled, ducked, blocked blows, held onto property		0.38 (-4.72)	1.11 (0.20)	0.15 (-5.31)
V chased, tried to catch or hold O		0.00 (0.00)	-	-
V yelled at O, turned on lights, threatened to call police		0.40 (-3.45)	0.72 (-0.57)	0.40 (-1.82)
V cooperated, or pretended to (stalled, did what they asked)		2.96 (2.42)	4.45 (1.74)	1.41 (0.46)
V argued, reasoned, pleaded, bargained, etc.		1.27 (0.93)	4.53 (2.88)	1.27 (0.55)
V ran or drove away, or tried; hid, locked door		0.28 (-4.27)	0.39 (-1.30)	0.13 (-3.66)
V called police or guard		0.57 (-1.02)	-	0.84 (-0.17)
V tried to attract attention or help, warn others (cried out for help, called children inside)		0.47 (-1.51)	0.07 (-2.14)	0.14 (-2.07)
V screamed from pain or fear		1.96 (1.98)	4.02 (1.87)	4.61 (2.35)
V took other SP actions		1.05 (0.14)	1.62 (0.59)	0.19 (-2.44)
Power Difference between V and O				
O age 15-29 and V either under 15 or 30 or older		1.47 (1.14)	1.94 (0.94)	1.12 (0.23)
Number of O – number of V		1.43 (2.06)	1.70 (1.27)	1.62 (1.70)
O was male		1.71 (0.55)	2*10 ⁸ (0.00)	1.35 (0.24)
Offender Weapons and Attack				
O had gun		1.04 (0.07)	2.55 (1.00)	1.18 (0.26)
O had knife		1.05 (0.10)	14.76 (2.02)	2.43 (1.10)
O had sharp object		1.09 (0.05)	0.00 (0.00)	0.00 (0.00)
O attacked V		3*10 ⁹ (0.00)	1*10 ⁹ (0.00)	5*10 ⁹ (0.00)

BOLD p<0.01 (two-tailed), **Italic** 0.01<0.05 (two-tailed)

* Not including No-SP group; Calling the Police is the reference point.

** Including No-SP group; No Self-protection is the reference point.

TABLE 4. Rape Completion (Continued)

Variable	Description	Raped	Raped After SP*	Raped After SP**
Victim Characteristics				
	Child in the victim's household	1.04 (0.18)	2.03 (1.35)	1.55 (1.32)
	V owned the house	0.79 (-1.11)	0.20 (-2.86)	0.32 (-3.18)
	V had a job last week or for 2 weeks last 6 months	<i>0.60</i> <i>(-2.29)</i>	0.44 (-1.49)	0.61 (-1.43)
	V was 65 or older	<i>0.07</i> <i>(-2.53)</i>	-	0.09 (-1.83)
	V was married	1.34 (0.80)	3.40 (1.40)	1.46 (0.66)
	V had high school diploma or higher	1.24 (0.99)	1.89 (1.32)	1.22 (0.57)
	V was black	0.53 (-1.69)	0.09 (-2.28)	0.23 (-2.20)
	V was Asian	3.12 (1.39)	5*10 ⁹ (0.00)	1*10 ⁹ (0.00)
	V was Hispanic origin	0.75 (-0.77)	1.22 (0.28)	0.81 (-0.40)
	Number of victimization in last six months	1.02 (0.79)	0.86 (-1.22)	1.01 (0.60)
Offender Characteristics				
	O was gang member	0.73 (-0.74)	6.18 (1.44)	1.88 (0.90)
	O was on substance (alcohol or drugs)	<i>0.67</i> <i>(-2.01)</i>	0.67 (-0.84)	0.69 (-1.12)
	O was V's sexual intimate	1.52 (1.43)	1.34 (0.37)	1.67 (1.14)
	O was V's family member	0.74 (-0.56)	3.99 (1.20)	0.98 (-0.02)
	O was V's acquaintance (no family, work acquaint.)	0.94 (-0.26)	1.57 (0.81)	0.94 (-0.18)
	O was V's work acquaintance	0.80 (-0.40)	0.55 (-0.34)	2.83 (1.06)
	O was Black	2.39 (2.05)	2.02 (0.67)	1.67 (0.71)
	O was White	1.89 (1.86)	0.86 (-0.21)	0.87 (-0.27)
	O was repeat O	0.95 (-0.18)	0.42 (-1.15)	0.59 (-1.33)
Incident Circumstances				
	Incident occurred in rural	2.00 (2.36)	0.61 (-0.75)	0.83 (-0.41)
	Incident occurred in urban	0.95 (-0.23)	0.57 (-1.04)	0.45 (-2.14)
	Incident occurred at home	2.03 (2.37)	6.25 (2.62)	3.62 (2.72)
	Incident occurred near home	1.89 (2.20)	4.48 (2.19)	2.53 (2.01)
	Incident occurred in public place which may have security	0.97 (-0.06)	0.00 (0.00)	0.53 (-0.88)
	Incident occurred with others present	<i>0.55</i> <i>(-2.13)</i>	0.41 (-1.35)	0.40 (-2.14)
	Constant	75.87 (0.00)	0.00 (0.00)	0.00 (0.00)
	Sample Size	673	208	358
	-2Log-Likelihood	671	157	313

TABLE 5. Self Protection and Nonsexual Injury.¹

Self Protection Strategy	Odds Ratio (Coef./S.E.)								
	Rape			Sexual Assault ⁴			Assault ⁵		
	Injury	Injury After SP ²	Injury After SP ³	Injury	Injury After SP ²	Injury After SP ³	Injury	Injury After SP ²	Injury After SP ³
V attacked O with gun; fired gun	-	-	-	-	-	-	0.65	1.54	0.29
V threatened O with gun	-	-	-	0.00	0.00	0.00	(-0.42)	(0.26)	(-0.79)
V attacked O with other weapons (knife, etc.)	6*10 ⁹	0.00	0.00	7*10 ⁹	0.00	0.00	1.74	2.09	0.76
V threatened O with other weapon (knife, etc.)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(0.00)	(1.14)	(0.83)	(-0.32)
V attacked O without weapon (hit, kicked, etc.)	0.24	174.92	6.11	0.18	0.00	0.00	1.32	1.47	0.36
V threatened without weapon	(-0.86)	(0.00)	(0.00)	(-1.15)	(0.00)	(0.00)	(1.09)	(0.87)	(-2.43)
V struggled, ducked, blocked blows, held onto property	1.77	2.95	1.85	1.46	1.89	1.27	(-0.61)	(-0.09)	(-2.22)
V chased, tried to catch or hold O	(2.16)	(1.68)	(1.33)	(1.69)	(1.42)	(0.67)	1.48	1.17	0.25
V yelled at O, turned on lights, threatened to call police	0.49	0.04	0.15	0.52	0.11	0.29	1.07	1.38	0.75
V cooperated, or pretended to (stalled, did what they asked)	(-0.67)	(-0.64)	(-0.69)	(-0.71)	(-0.53)	(-0.51)	(0.30)	(0.80)	(-0.77)
V argued, reasoned, pleaded, bargained, etc.	1.86	1.69	1.05	1.97	2.36	1.12	2.01	1.73	0.40
V ran or drove away, or tried; hid, locked door	(3.19)	(0.99)	(0.14)	(4.10)	(2.22)	(0.39)	(11.06)	(3.83)	(-8.08)
V called police or guard	0.00	-	-	0.00	0.00	0.00	1.04	1.75	0.64
V tried to attract attention or help, warn others (cried out for help, called children inside)	(0.00)	-	-	(0.00)	(0.00)	(0.00)	(0.14)	(1.27)	(-1.12)
V screamed from pain or fear	1.22	2.34	1.58	0.92	1.35	0.96	0.89	1.33	0.57
V took other SP actions	(0.80)	(1.54)	(1.02)	(-0.43)	(0.76)	(-0.13)	(-1.31)	(1.74)	(-3.89)
Sample Size	0.63	3.79	0.97	0.98	5.46	2.38	2.34	4.87	1.88
-2 Log Likelihood	(-1.32)	(1.27)	(-0.04)	(-0.06)	(2.30)	(1.42)	(2.72)	(3.67)	(1.49)
	1.21	2.07	1.63	1.38	2.80	1.78	0.97	2.86	1.00
	(0.82)	(1.28)	(1.13)	(1.66)	(2.52)	(1.74)	(-0.27)	(6.55)	(0.00)
	1.16	1.16	0.78	0.92	1.06	0.55	0.69	0.89	0.17
	(0.52)	(0.24)	(-0.47)	(-0.37)	(0.13)	(-1.42)	(-4.91)	(-0.66)	(-12.05)
	2.62	-	0.31	3.15	-	0.57	0.83	-	0.19
	(1.82)	-	(-1.26)	(2.60)	-	(-0.68)	(-1.87)	-	(-8.23)
	1.27	3.22	2.72	1.27	1.97	1.98	1.08	0.93	0.58
	(0.51)	(1.31)	(1.37)	(0.62)	(0.95)	(1.17)	(0.48)	(-0.23)	(-1.83)
	3.31	5.31	6.29	3.40	4.41	5.62	4.31	2.75	2.41
	(3.98)	(2.16)	(3.01)	(4.56)	(2.66)	(3.55)	(9.65)	(4.49)	(3.94)
	0.90	0.86	0.40	0.5	0.24	0.09	0.79	1.26	0.18
	(-0.33)	(-0.13)	(-0.94)	(-2.33)	(-1.60)	(-2.90)	(-2.73)	(1.19)	(-10.43)
Sample Size	673	201	351	1,178	569	798	11,213	6,602	9,714
-2 Log Likelihood	747	139	314	1,054	254	476	7,974	1,824	4,107

BOLD p<0.01 (two-tailed), *Italic* 0.01<0.05 (two-tailed)

1. All other variables are not shown
2. Not including No-SP group, Calling the Police is the reference point.
3. Including No-SP group, No Self-protection is the reference point.
4. Sexual assaults include completed rape, attempted rape, sexual attack with serious assault, sexual attack with minor assault, sexual assault without injury, unwanted sexual contact without force, verbal threat of rape, and verbal threat of sexual assault.
5. Assaults include aggravated assault with injury, attempted aggravated assault with weapon, threatens to assault with weapon, simple assault with injury, assault without weapon and without injury, and verbal threat of assault.

TABLE 6 Self Protection and Serious Injury.¹

Self Protection Strategy	Odds Ratio (Coef./S.E.)								
	Rape			Sexual Assault			Assault		
	Serious Injury	Serious Injury After SP ²	Serious Injury After SP ³	Serious Injury	Serious Injury After SP ²	Serious Injury After SP ³	Serious Injury	Serious Injury After SP ²	Serious Injury After SP ³
V attacked O with gun; fired gun	-	-	-	-	-	-	0.00	0.00	0.00
V threatened O with gun	-	-	-	0.00	1*10 ¹²⁸	3*10 ⁵²	0.00	0.00	0.00
V attacked O with other weapons (knife, etc.)	0.00	3*10 ²⁵	2*10 ⁴²	0.00	2*10 ¹⁰⁶	4*10 ⁷²	0.88	1.71	0.26
V threatened O with other weapon (knife, etc.)	7.42	4*10 ⁷⁸	2*10 ⁴⁴	3.93	1*10 ⁶⁶	2*10 ²⁵	0.63	0.00	0.00
V attacked O without weapon (hit, kicked, etc.)	0.63	8*10 ⁹	1*10 ¹⁰	0.59	1*10 ⁹	896.14	0.96	1.26	<i>0.34</i>
V threatened without weapon	3.52	2*10 ¹⁶	1*10 ¹⁵	2.03	1*10 ⁸⁰	6*10 ⁵¹	0.75	1.47	0.82
V struggled, ducked, blocked blows, held onto property	1.78	0.00	0.00	1.92	1.11	0.00	1.25	3.34	0.79
V chased, tried to catch or hold O	0.00	-	-	0.00	1*10 ¹⁴	4*10 ²³	0.80	2.38	1.76
V yelled at O, turned on lights, threatened to call police	1.86	1*10 ¹⁰	4*10 ²¹	1.48	0.10	5*10 ²⁷	0.99	0.99	0.59
V cooperated, or pretended to (stalled, did what they asked)	3.69	4*10 ¹⁵	9*10 ¹³	4.76	0.00	3*10 ⁶	2.46	51.62	9.97
V argued, reasoned, pleaded, bargained, etc.	1.51	1*10 ¹²	1*10 ²²	2.13	2*10 ³⁹	9*10 ¹⁶	0.86	1.21	0.56
V ran or drove away, or tried; hid, locked door	0.38	0.25	0.08	0.25	0.00	0.01	0.45	0.62	0.18
V called police or guard	1.72	-	0.00	1.39	-	0.00	0.72	-	0.10
V tried to attract attention or help, warn others (cried out for help, called children inside)	0.07	0.00	0.00	0.21	1*10 ⁶	9*10 ²²	2.61	1.31	0.88
V screamed from pain or fear	2.92	6*10 ⁷	9.79	2.88	1*10 ¹⁶	68.89	2.86	4.75	2.99
V did other response	0.96	0.00	0.00	0.79	0.00	0.00	0.48	1.14	0.21
	(-0.05)	(0.00)	(0.00)	(-0.31)	(0.00)	(0.00)	(-2.64)	(0.22)	(-2.99)
Sample Size	673	170	314	1,178	534	756	11,213	6,509	9,621
-2 Log-Likelihood	149	.000	.000	188	.000	.000	1,887	289	858

BOLD p<0.01 (two-tailed), *Italic* 0.01<0.05 (two-tailed)

1. All other variables are not shown
2. Not including No-SP group, Calling the Police is the reference point.
3. Including No-SP group, No Self-protection is the reference point.

Biography of Authors

The principal investigator, Gary Kleck, is professor at the School of Criminology and Criminal Justice at Florida State University. He has published numerous books and research articles in journals such as *Criminology*, *American Journal of Sociology*, *American Sociological Review*, and *the Journal of Criminal Law and Criminology*. He is the winner of the Michael J. Hindelang Award of the American Society of Criminology for *Point Blank* (1993), awarded for making "the most outstanding contribution to criminology." He has completed various funded research projects, including "The Impact of Drug Enforcement on Urban Drug Use Levels and Crime Rates" awarded by the U.S. Sentencing Commission in 1995 and "Testing a Fundamental Assumption of Deterrence-Based Crime Control Policy" awarded by the Charles E. Culpeper Foundation in 1997. He is responsible for the research project including analysis of data and writing the report.

The second investigator, Jongyeon Tark, is a doctoral student at School of Criminology and Criminal Justice at the Florida State University and a police lieutenant with the Nation Police Agency in South Korea. One of his articles recently appeared in *Criminology*.