

SB

174

<TARGET><BILL>SB 174</BILL><SUBJECT>SB
174</SUBJECT><COMM>SJUD29</COMM></TARGET>

UPDATED

SENATE COMMITTEE REPORT

DATE: 2/26/16

FURTHER: Finance

DATE TURNED IN TO OFFICE: 3/7/16

Judiciary Committee considered SENATE BILL NO. 174

SB 174-REG. OF FIREARMS/KNIVES BY UNIV. OF AK

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

and recommends:

[] be replaced with CS _____ () [] Same Title [] New Title

[X] adopt previous CS SB 174 (EDC) [X] 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 #

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

[] APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
	MICCHE			✓	
	CAHILL	✓			
	WIECHOWSKI			✓	
CHAIR:	MCGUIRE	✓			

Alaska State Legislature

SENATOR PETE KELLY

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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 Board Of Regent's weapons 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.

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Sectional Analysis

Senate Bill 174 version N

“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, the Board of Regents may not regulate firearms and knives except

1. In a manner identical to state law
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
3. In student dormitories or other shared living quarters
4. In university facilities where health services, counseling services, or other services related to sexual harassment or violence are provided
5. In university facilities during adjudication of staff or student disciplinary issues

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 must establish a process allowing a person, who is prevented from carrying a concealed handgun or knife (after being determined by the University to be a threat to themselves or others), to regain the ability to carry a concealed handgun or knife on university property.

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

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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.

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Memorandum

February 21, 2016

TO: Senator Mike Dunleavy, Chair
Senate Education Committee

FROM: Senator Pete Kelly 

RE: Questions raised during February 16, 2016 Hearing

Senator Gardner inquired whether a person charged multiple times of domestic violence, but not convicted, would be able to lawfully conceal carry a firearm.

According to the Alaska Department of Public Safety, a person charged with domestic violence, but not convicted, is not federally prohibited from possessing a firearm (assuming he or she is otherwise qualified to possess a firearm). A judge may require the forfeiture of a firearm as a condition of release. As a result of the ruling in *US v. Nobriga*, the Alaska Attorney General's Office has determined that Alaska's misdemeanor crimes of domestic violence do not qualify as prohibitors for possession or transfer of a firearm.

The State of 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. 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.
 - Felony convictions don't include convictions for crimes other than person crimes (violations of AS11.41) if more than ten years has elapsed since the person was unconditionally discharged from all aspects of the imposed sentence.
 - 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.

The Alaska Department of Public Safety has offered to answer further related questions should they be raised.

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

Section 1

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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.

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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.

Fiscal Note

State of Alaska
2014 Legislative Session

Bill Version: CSSB 176(JUD)
Fiscal Note Number: 1
(S) Publish Date: 3/24/14

Identifier: SB176CS(JUD)-UA-SYSBRA-3-21-14
Title: REG. OF FIREARMS/KNIVES BY UNIVERSITY
Sponsor: COGHILL
Requester: Senate Judiciary

Department: University of Alaska
Appropriation: University of Alaska
Allocation: Budget Reductions/Additions - Systemwide
OMB Component Number: 1296

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2015 Appropriation Requested	Included in Governor's FY2015 Request	Out-Year Cost Estimates					
			FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services	450.0							
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	450.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

1004 Gen Fund	450.0							
Total	450.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

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Estimated SUPPLEMENTAL (FY2014) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2015) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? yes
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Updated for CS(JUD).

Prepared By: <u>Michelle Rizk</u>	Phone: <u>(907)450-8187</u>
Division: <u>University of Alaska</u>	Date: <u>03/19/2014 11:00 AM</u>
Approved By: <u>Michelle Rizk</u>	Date: <u>03/19/14</u>
Agency: <u>University of Alaska</u>	

FISCAL NOTE ANALYSIS #1

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSSB 176(JUD)

Analysis

There is significant uncertainty, fiscal and otherwise, associated with the downstream effects of the CS for SB 176.

The CS would require that UA allow concealed carry of handguns by permit holders on UA premises, including: in residences (but student housing could require proof of a permit and use of lockboxes); in buildings and areas of campus where UA programs for K-12 students are held or students are present; in museums and libraries (but an individual who is "participating in a [K-12] sponsored event" may not possess a weapon); in buildings housing day care centers (though not in the day care itself or in an adjacent parking lot); in medical and counseling centers; in buildings where student disciplinary, personnel and sexual harassment complaints are adjudicated and evaluations for faculty tenure are conducted; in halls and arenas used for graduations, cultural and sporting events (though not when a K-12 "sponsored event" is occurring or in a place "where intoxicating liquor is served for consumption on the premises"); in dining halls; in classrooms; in labs containing hazardous materials; in animal care facilities; and in areas and buildings housing critical infrastructure such as the Poker Flat Rocket Range, earth satellite stations, power and water treatment plants, super computers, networking and telecommunications gear.

These complex and conflicting requirements will at a minimum require comprehensive re-writes of policies, regulations, campus handbooks and training materials, as well as additional training for police, residence life and other staff and faculty. They also can be expected to result in additional claims against UA for failure to enforce or for wrongful enforcement.

The CS would **require that UA allow permitted concealed firearms in circumstances in which firearms are restricted off-campus**, including the following:

- firearms in dorms where 60% of UA residential students are under 21, and where, unlike private housing, UA is the "adult" in dorms – UA retains authority & responsibility for dorms, hires RA's to maintain safety, order and provide counseling;
- Liquor is served in campus pubs and is present in dormitories;
- Both UAA and UAF have child care facilities on campus;
- UA adjudicates disciplinary and academic issues daily;
- UA operates health & counseling centers & sexual harassment offices;
- K-12 students regularly attend UA's 16 campuses in large numbers**, sometimes in extended residential, enrichment and college prep programs, often daily after school.

For example, under the CS, UA could not restrict armed permit holders from areas where UA-sponsored K-12 programming occurs or from dorms where armed permit holders would live and interact with students and visitors for whom concealed carry is a crime as well as with students or visitors without permits. UA will be placed in a situation where it cannot enforce the standard of care created by the Legislature but will still be responsible and liable for taking action to ensure safety. As a result, UA must attempt to mitigate risks even while potential liability increases. This will result in increased operating and insurance costs or in some cases reduction in programming and revenues.

The Report to the NRA by the National School Shield Task Force recommends 60-80 hours of training for school **employees** who are authorized to be armed. By contrast, a concealed carry permit requires only 12 hours of self-defense, legal and weapons handling training, and permittees are self-selected.

FISCAL NOTE ANALYSIS #1

STATE OF ALASKA
2014 LEGISLATIVE SESSION

BILL NO. CSSB 176(JUD)

Analysis Continued

The same NRA-sponsored report recommends that schools react to behavior that indicates a risk to a school. However, the CS would prohibit UA from restricting weapons of permit holders whose behavior indicates risk. For example, a permit holder who is involuntarily hospitalized for psychological **evaluation** or who exhibits warning signs including depression, suicide gestures, overt hostility or aggression, everyday occurrences on residential college campuses, doesn't lose his/her permit. That's because no state law prohibits possession of firearms by those with psychological disturbances; federal law prohibits possession by those "adjudicated as a mental defective" or "committed to a mental institution." These formal mental health adjudications are rare.

The CS also would prevent restrictions on permit holders who have committed or who later commit certain crimes. The permit law allows one class A misdemeanor in the past 6 years. So UA could not restrict concealed carry if a permit holder: is convicted once, for example, of stalking in the second degree, assault in the 4th degree, or is convicted of an Attempt or Solicitation of a Class C Felony.

Given UA's responsibility for occurrences on its premises, including dorms, and the high standard of care that applies to circumstances prevailing on its premises, inability to restrict handguns in these and other sensitive areas described above will require that UA explore additional security. Because UA's facilities inventory and programs are so extensive, it is not clear what additional security measures would be appropriate. The University of Alaska would hire a consultant to do a facilities and program inventory and security analysis. The University is responsible for 414 facilities at 3 universities, 14 community campuses, and numerous outreach centers across the State. The projected cost of the study is \$450,000.

Additional costs are indeterminate and may include the costs of secure firearm storage in dorms, hiring additional security personnel recommended by the study and additional policing, counseling, student discipline, insurance, claims and litigation defense costs. In Boise, where more restrictive legislation recently passed, the municipal chief of police estimated additional campus security costs at \$500,000 per year for one campus.

With the passage of CS SB176, Board of Regents' policy P.02.09.020 and university regulation R.02.09.020 "Possession of Weapons" would need to be updated. The date would be based on the bill's effective date.

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Memorandum

February 25, 2016

TO: Senator Lesil McGuire, Chair
Senate Judiciary Committee

FROM: Senator Pete Kelly

RE: SB 174 "Regulation of Firearms/Knives by the University of Alaska"

SB 174 affirms the power to place reasonable limitations on Alaskans' constitutional right to bear arms is reserved to the legislature and explicitly prohibits the University Of Alaska Board Of Regents from enacting policies that abridge that right.

Please find the following documents:

- CSSB 174(EDC) [Forthcoming]
- Sponsor Statement
- Sectional Analysis version N
- Summary of Changes versions H to N
- Fiscal Note – University of Alaska [Forthcoming]
- Responses to Senate Education Questions
- Supporting Documents
- Letters of support
- Letters of opposition
- Senate Education Committee Report

Contact: Joe Byrnes (465-2872)

http://www.newsminer.com/opinion/community_perspectives/sb-wrong-for-university-of-alaska/article_b8359664-d93d-11e5-99b1-a39f59b511a8.html

SB 174 wrong for University of Alaska

Mathew Carrick Feb 22, 2016

Recently, Alaska state legislators introduced Senate Bill 174, a bill that is second only to the budget in terms of the impact it would have on the future of the University of Alaska. SB 174 would allow the possession of concealed firearms anywhere on a University campus — even inside of dorms — and overturn existing university regulations on campus safety stating that guns must be kept in cars or locked storage. Although I am a conservative and a firm believer in gun rights, as a student I cannot support SB 174 or the effect it would have on our university campuses.

Allowing guns to be carried in our classrooms, labs, study areas and dorms is simply a bad idea that would create an unsafe environment. The University of Alaska is, and always should be, a learning environment, somewhere students are challenged to grow and look beyond their own ideas and feelings. Professors and teaching assistants have to give bad grades and encourage students to stretch themselves. Advisors need to have uncomfortable conversations with struggling students and help them become better students and people. Resident assistants — who are students themselves — often have to confront students who, caught up in the excitement of living away from home for the first time, haven't yet come to understand the boundaries of appropriate behavior.

And while the vast majority of students are reasonable and intelligent people, there are exceptions, just as in every large community. I have seen a student, angered by a C+ on his midterm, yell and storm out of a classroom. My friends who work in dormitories tell me about rare instances where they felt uncomfortable confronting a student and their friends.

How much harder would those situations have been if guns were involved? I think the campus police blotters would get much more violent.

Proponents of the bill may argue that SB 174 would make the situations I described safer, since professors and resident assistants who felt unsafe could carry their own firearms. Frankly, this is not true and betrays a misunderstanding of university culture. For one thing, resident assistants may not be able to conceal and carry, as many of them are younger than 21, the legal minimum for concealed carry in Alaska. Open carry is not much better, as that would create an unsafe, uncomfortable environment for the students living in the dorms. Additionally, guns are unlikely to be carried on campuses under any circumstances by professors, resident assistants or other authority figures. The culture of UA is one of safety, comfort and familiarity. Telling people who feel comfortable on campus that they need to carry firearms would introduce a new element of fear that is not needed or wanted. As someone who spends hours on campus nearly every day, I would hate to see the culture that has welcomed me so thoroughly and done so much to make me who I am threatened.

However, the Legislature is not the proper place to debate whether guns should or should not be allowed on campus. The state of Alaska has given authority to the university's Board of Regents so that they can decide which policies are appropriate for the institution. The regents and the administrators who work for them are the ones familiar with the needs and wants of the campus and they know how to best ensure the safety of students. They are the ones who communicate on a daily basis with students, staff and faculty. They know that the bill isn't needed — that there are few violations of existing gun policies and that campus safety can be best addressed in other ways. They know that SB 174 is not wanted by students and would turn open environments for learning into unsafe, fearful places.

The Board of Regents, not the Legislature, knows the university and what is good for our campuses. As a community, students, staff, faculty and alumni trust them to make the right choice. I hope our Legislature can, too.

Mathew Carrick is in his fourth year at the University of Alaska Fairbanks, where he recently graduated with a bachelor's degree in economics and is starting a master's in business administration. He is the second-term president of the UAF student government and serves as chair of the Coalition of Student Leaders, a statewide alliance of UA student governments. He works at the UAF Alumni Association and enjoys hiking, playing with his dog and volunteering.

Alaska Dispatch News

Published on *Alaska Dispatch News* (<http://www.adn.com>)

[Home](#) > Bill to allow guns on Alaska campuses perpetuates a myth, puts people in danger

[Alan Boraas](#) ^[1]

February 19, 2016

Main Image:

[IMAGEMEDIA140418231718763347](#) ^[2]

Main Image Caption:

OPINION: Think about the consequences of bringing together armed Alaskans who are tense, sleep-deprived and under pressure. Then don't do it. Pictured, state Sen. Pete Kelly, sponsor of a bill to allow guns on University of Alaska campuses.

Sen. Pete Kelly, R-Fairbanks, has introduced Senate Bill 174 that could allow concealed weapons on all University of Alaska campuses. His motive, [according to testimony described by Associated Press writer Rashah McChesney](#) ^[3], is to counter the increase in national college and university shootings by allowing the student body and faculty to arm themselves. Moreover, Kelly feels that the University Board of Regents' prohibition of guns on campus is a [violation of Second Amendment rights](#) ^[4].

The issue, however, is not constitutional; the broader issue is the power of the gun versus alternatives to gun violence.

Kelly feels that "gun-free zones" such as universities (the Legislature would also be a gun-free zone) attract the mentally ill to carry out acts of violence because there is no deterrent. The implication is campus shooters are crazy and just looking for somewhere and someone to randomly shoot. Since campus shootings usually end in suicide, it is difficult to know if this is true. There is evidence that it's not so simple.

In 2010 sociologists Rachel Kalish and Michael Kimmel [analyzed three school shootings](#) ^[5], two at colleges, Virginia Tech and Northern Illinois, the same college shootings cited by Sen. Kelly in his testimony. They also looked at the Columbine High School shooting perpetrated by Eric Harris and Dylan Klebold. Kalish and Kimmel found the shootings had consistent patterns.

Prior to 1999, school shootings were largely committed by younger minority males, did not involve a large number killed (because of the weaponry involved) and did not necessarily result in death by suicide of the shooter. An example in Alaska is the 1997 Bethel High School shooting in which the principal and another student were killed at close range with a shotgun by then-16-year-old Evan Ramsey. He is currently serving dual life sentences at Spring Creek Correctional Center.

The shootings Kalish and Kimmel analyzed indicate a different pattern. The shooters were college or high-school senior age, white middle-class males and involve what they call "suicide by mass murder." The older shooters lived in suburban or medium-sized towns not known for cultural diversity and were the subject of harassment, hazing and bullying for their taste in music, dress and other nonmainstream, but not illegal, behavior. They were frequently gay-baited although none were openly gay. They were teased and rejected by women. The shooters were quiet, introspective, studious and increasingly viewed themselves as outsiders scorned by the cool and seemingly perfect students.

At some point they snapped, brought assault weapons to campus, shot up classrooms and killed themselves.

What makes these campus shootings different from minority shootings, or terrorist attacks, Kalish and Kimmel argue, is a sense of cultural entitlement among American males. Women don't shoot up campuses, men do. Humiliation is emasculation, and an aggrieved man feels entitled to right the wrong by enacting the American heritage of violence. In Old West mythology the cowboy had a six-shooter on his hip and a carbine in a saddle holster. Injustice was dealt with by individuals acting alone. Unlike a six-shooter or a carbine, an assault rifle makes it possible to do a lot more damage in a short time. Campus shooters feel they have the right to kill and then to kill themselves.

An armed faculty and student body may make a temporary difference in campus suicide shootings. That assumes the faculty and students practice regularly (hours a week) and are police-trained (hundreds of hours) to make the virtually instantaneous decisions about whether or not to shoot. Most won't do this. If a campus is armed, my guess is suicide shooters will simply switch to suicide bombing to make their warped points.

What SB 174 will likely do is create a new kind of campus shooting — impulse shooting. Colleges are not idyllic ivory towers where students and faculty think high thoughts and then have tea. Colleges are tense places where sleep-deprived students often work a 40-hour week, take care of kids and go to school full-time. Substance abuse is common, anger is frequently just under the surface. Younger tenure-track faculty are under immense pressure to meet expectations or be fired. A loaded gun in a backpack will easily become the means for an exploding psyche to end it all.

We have created a false mythology that the gun is the answer. In the midst of an epidemic of intolerance, we will be better off trying to understand the causes and alternatives to violence rather than perpetuating the means to enact it.

Alan Boraas is a professor of anthropology at Kenai Peninsula College.

The views expressed here are the writer's own and are not necessarily endorsed by Alaska Dispatch News, which welcomes a broad range of viewpoints. To submit a piece for consideration, email commentary@alaskadispatch.com [6]. Send submissions shorter than 200 words to letters@alaskadispatch.com [7] or [click here to submit via any web browser](#) [8].

Source URL: <http://www.adn.com/article/20160219/bill-allow-guns-alaska-campus-perpetuates-myth-puts-people-danger>

Links:

[1] <http://www.adn.com/author/alan-boraas>

[2] <http://www.adn.com/image/imagemedi140418231718763347>

[3] <https://www.ksl.com/?nid=157&sid=38531792&title=bill-could-allow-concealed-weapons-at-alaskas-universities>

[4] <http://www.adn.com/article/20160213/alaska-senate-leaders-we-need-guns-ua-campus>

[5] <http://logicalliving.blog.com/files/2011/04/Suicide-Ten.pdf>

[6] <mailto:commentary@alaskadispatch.com>

[7] <mailto:letters@alaskadispatch.com>

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Alaska State Legislature

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MEMORANDUM

TO: Senator Pete Kelly, Senator Kevin Meyer, University of Alaska President Pat Gamble
FROM: Chad Hutchison, Senate Majority Counsel 
DATE: April 3, 2014
RE: Judiciary Committee Substitute for Senate Bill 176 ("CS for SB 176")

CURRENT UNIVERSITY OF ALASKA POLICY ON LAWFUL CONCEALED CARRY IS NOT THE LEAST RESTRICTIVE ALTERNATIVE AND THEREFORE IS A VIOLATION OF TWO EXPRESS, INDIVIDUAL, FUNDAMENTAL RIGHTS GUARANTEED BY THE ALASKA CONSTITUTION (THE INDIVIDUAL RIGHT TO KEEP AND BEAR ARMS AND THE INDIVIDUAL RIGHT TO PRIVACY)

I. THE ALASKA CONSTITUTION, FUNDAMENTAL RIGHTS AND ALASKA'S STRICT SCRUTINY ANALYSIS

1. IDENTIFICATION OF RIGHTS

If the state, or a political subdivision of the state is going to restrict lawful concealed carry, it invokes not one, but two, bedrock, fundamental, constitutionally protected rights: The individual right to keep and bear arms and the express, individual right to privacy.

The right to keep and bear arms is enshrined in Article I, Section 19: "The individual right to keep and bear arms shall not be denied or infringed by the State or a political subdivision of the State."

In addition, the Alaska Constitution, unlike the Federal Constitution, expressly protects an individual's right to privacy.¹ Article I, Section 22 states: "The right of the people to privacy is recognized and shall not be infringed. The legislature shall implement this section."

Alaska is one of the few states to have a constitutional privacy guarantee.² The Alaska Supreme Court has consistently held that this explicit guarantee provides *more protection of individual rights* than the Federal Constitution.³ Specifically, as stated by Justice Boochever:

[S]ince the citizens of Alaska, with their strong emphasis on individual liberty, enacted an amendment to the Alaska Constitution expressly providing for a right to privacy not found in the United States Constitution, it can only be concluded that the right is *broader* in scope than that of the Federal Constitution.⁴

2. DETERMINING THE LEVEL OF SCRUTINY

After identifying the individual rights, the next phase is to properly determine the level of scrutiny for review.⁵

If the individual rights prove to be fundamental, a relevant court is required to review the policy using a "strict scrutiny analysis" for each right restricted.⁶ In other words, the policy may only survive if the political subdivision of the State (in this case, the University)⁷ can establish that the policy advances a compelling state interest using the least restrictive means possible.⁸

A. DOES THE UNIVERSITY HAVE A "COMPELLING STATE INTEREST"?

Yes. The protection of the students, faculty and staff is a compelling state interest.

The next question is whether the University restriction on lawful concealed carry is the least restrictive means possible.

B. IS THE CURRENT UNIVERSITY POLICY THE "LEAST RESTRICTIVE MEANS" POSSIBLE?

No. As admitted by the University on page 5 of the March 31, 2014 Memorandum to the Co-chairs of the Senate Finance Committee, the current policy is "minimally restrictive" instead of the required "least restrictive" alternative (which must be done when restricting two fundamental rights).

¹ See *Mat-Su Coalition for Choice v. Valley Hospital Association, Inc.*, 1993 WL 13013293, *5-6 (Alaska Super. 1993)

² Arizona, California, Florida, Hawaii, Illinois, Louisiana, Montana, South Carolina and Washington also have express privacy guarantees in their state constitution. Alaska, along with Florida, Hawaii and California have free-standing provisions in their state constitutions. See Ezzard, *State Constitutional Privacy Rights Post Webster*, 67 Denver Univ.L.Rev. 401, 418-419 (1990).

³ See *Messerli v. State*, 626 P.2d 81, 83 (Alaska 1980).

⁴ See *Ravin v. State*, 537 P.2d 494, 514-515 (Alaska 1975). (Emphasis added).

⁵ See *State v. Planned Parenthood*, 171 P.3d 577, 581 (Alaska 2007).

⁶ *Id.*

⁷ The "University" shall also be known as "U of A", "University of Alaska."

⁸ See *Planned Parenthood*, 171 P.3d at 581.

Firearms are permitted, according to the University, but at “approved and supervised activities”, including rifle ranges, gun shows, vehicles in parking lots, faculty or staff residences⁹ and undeveloped and uninhabited land.¹⁰

The paragraph concluded by stating “[t]hus members of the public who are merely transiting campus or who cross undeveloped land currently face no constraints on their Second Amendment rights.”¹¹

But that’s simply not true. There certainly have been constraints on Alaska’s individual, constitutional guarantee to keep and bear arms. On April 28, 2010 on the University of Alaska – Anchorage campus, peaceful, law-abiding citizens transiting on campus were issued an alleged Notice of Regulation Violation before leaving.¹²

II. THE UNIVERSITY, IN THE MARCH 31, 2014 MEMORANDUM, INCORRECTLY RELIES ON *DISTRICT OF COLUMBIA V. HELLER* (A “LESS BROAD” INTERPRETATION OF THE FEDERAL CONSTITUTION) AND *DIGIACINTO V. GEORGE MASON UNIVERSITY* (A VIRGINIA STATE CASE) TO MISTAKENLY INTERPRET FUNDAMENTAL, INDIVIDUAL RIGHTS THAT ARE PROPERLY REVIEWED PURSUANT TO THE ALASKA CONSTITUTION, USING ALASKA PRECEDENT.

The Alaska Supreme Court has recognized that the individual fundamental rights in the Alaska Constitution are interpreted broader than the Federal Constitution.¹³ Individual fundamental rights include the individual right to keep and bear arms (which was specifically added to the State Constitution, via amendment, in 1994), and Alaska’s express, individual right to privacy.

1. ANALYSIS OF *DISTRICT OF COLUMBIA V. HELLER*

Despite Alaska’s precedent on individual liberties, the University of Alaska chose to rely on *District of Columbia v. Heller*, 554 U.S. 570 (2008). *Heller*, a case with significant negative treatment, originated from the United States District Court for the District of Columbia.¹⁴ The case involved a special police officer seeking, on federal second amendment grounds, to enjoin the District of Columbia from enforcing gun-control statutes.¹⁵

The U.S. Supreme Court ultimately held that the Second Amendment conferred an individual right to keep and bear arms and that statutes banning handgun possession in a home violated the Second Amendment.¹⁶

⁹ Ironically the University facility and staff are afforded rights that some lawful, qualified students are not. The burden is on the University to explain why the policy is not a violation of equal protection.

¹⁰ See March 31, 2014 Memorandum at page 5.

¹¹ See March 31, 2014 Memorandum at page 5. The Second Amendment merely provides the federal foundation upon which our Alaska Constitution rests. Alaska’s individual right to keep and bear arms is interpreted more broadly. In other words: There is more protection for the individual, beyond the language in the federal Second Amendment.

¹² <http://www.uaa.alaska.edu/news/gun-protest-on-uaa-anchorage-campus.cfm>

¹³ See *Ravin*, 537 P.2d at 514-515.

¹⁴ *Heller*, 554 U.S. at 570.

¹⁵ *Id.* at 570-571.

¹⁶ *Id.* at 636.

The University, via their memorandum, stated:

In *Heller*, the US Supreme Court case confirming the individual right to bear arms under the US Constitution, the majority stated that “[N]othing in our opinion should be taken to cast doubt on...laws forbidding the carrying of firearms in sensitive places such as schools and government buildings...” According to the *Heller* majority, such regulations are “presumptively lawful.” University premises are indisputably school and/or government buildings. In addition, UA campuses are home to numerous partnerships and programs with K-12 that results in thousands of K-12 students being present on campus every day. Thus an individual has no constitutional right to carry a firearm on developed University premises.¹⁷

Discounting the fact that Alaska interprets individual liberties more broadly than the U.S. Constitution, or that the University admits that firearms, unlike in other “sensitive” government buildings, are regularly on Alaska campuses already,¹⁸ the passage directly contradicts Alaska precedent.

The standard in Alaska is not that a political subdivision of Alaska’s restrictive firearm policy is “presumptive lawful.” On the contrary, the burden is on the University, free of presumption, to prove their restriction is necessary to a compelling state interest and the least restrictive means available.

In addition, contrary to the representations by the University, the CS for SB 176 specifically states: “The Board of Regents and the president of the university may not adopt or enforce a policy that restricts, in a manner inconsistent with AS 11.61.190-11.61.220.”¹⁹

2. ANALYSIS OF *DIGIACINTO v. GEORGE MASON UNIVERSITY*

A review of *DiGiacinto v. George Mason University* reveals that it is Virginia state case.²⁰ Ignoring the fact that Virginia is not in the Ninth Circuit, and *DiGiacinto* would, under most circumstances, lend little weight to most decisions by an Alaskan court, the *DiGiacinto* challenge was based, according to the University’s March 31, 2014 Memorandum, on “state and federal constitutional grounds.”²¹

A close review reveals that *DiGiacinto* filed a complaint seeking a declaratory judgment and injunctive relief against George Mason, claiming that a regulation prohibiting possession of firearms on campus violated his constitutional right to carry a firearm.²² *DiGiacinto*, as it relates to the state constitution, argued that George Mason’s firearm policy violated Article I, Section 13 of the Virginia Constitution.²³

Unfortunately for the University of Alaska, Virginia’s Constitution bears almost no resemblance to Alaska’s Constitution (either in form or substance to either Alaska’s individual right to keep and bear arms or the express individual right to privacy).

¹⁷ See March 31, 2014 Memorandum at page 2. (Emphasis as stated in original document).

¹⁸ <http://fm.kuac.org/post/despote-policy-weapons-still-appear-university-campus>.

¹⁹ AS 11.61.210 (7) specifically references preschool, elementary, junior high, or secondary school students.

²⁰ *DiGiacinto v. George Mason University*, 281 Va. 127, 704 S.E.2d 365 (Virginia 2011).

²¹ See March 31, 2014 Memorandum at page 3.

²² *DiGiacinto*, 281 Va. at 130-132.

²³ *Id.*

Article I, Section 13 of Virginia's Constitution states as follows:

That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state, therefore, the right of the people to keep and bear arms shall not be infringed; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

There is no mention of the individual right to bear arms. There is no express right to privacy which is guaranteed by Alaska's Constitution.

In fact, *DiGiacinto* is not dispositive at all. The Virginia state court specifically states that when provisions of the Constitution of Virginia are substantially similar to those in the United States Constitution, they will be afforded the same meaning.²⁴ The Virginia court opined: "Thus, for the purposes of this opinion, we analyze DiGiacinto's state constitutional rights and his federal constitutional rights concurrently."²⁵

Alaska courts, historically, have overwhelmingly rejected that analysis, as the Alaska Constitution is: (a) significantly different from the Federal Constitution; and (b) significantly broader than the Federal Constitution.²⁶

In other words: The University of Alaska, by relying on *Heller* and *DiGiacinto* (as it relates to individual fundamental liberties guaranteed in the Alaska Constitution) is simply wrong. If an Alaskan Supreme Court Justice drafted an opinion that included that Virginia language (i.e. reviewing state constitutional rights and federal constitutional rights concurrently), particularly as it relates to the individual right to keep and bear arms or the individual right to privacy, it would be a complete, dramatic reversal of long-standing Alaska precedent.

Alaska's Constitution requires broad interpretation as it relates to individual liberty and fundamental rights.

III. THE CS FOR SB 176 IS THE LEAST RESTRICTIVE ALTERNATIVE

Contrary to assertions by the University, the current firearm policy changes little, but for the express provision of the CS to SB 176:

Section 1. AS 14.40 is amended by adding a new section to read: **Sec. 14.40.173. Possession of concealed handguns.**

(a) The Board of Regents and the president of the university may not adopt or enforce a policy that restricts, in a manner inconsistent with AS 11.61.190 - 11.61.220, the possession of a concealed handgun by a person having a permit to carry a concealed handgun under AS 18.65.700 - 18.65.790.

²⁴ *DiGiacinto*, 281 Va. at 134.

²⁵ *Id.*

²⁶ See *Ravin*, 537 P.2d at 514-515; See *State v. Planned Parenthood*, 171 P.3d at 581.

(b) Notwithstanding (a) of this section, the Board of Regents and the president of the university may adopt and enforce a policy that limits the possession of a concealed handgun in student housing on university property. However, the policy must allow a person having a permit to possess a concealed handgun under AS 18.65.700 - 18.65.790 to possess a concealed handgun in student housing on university property if the person

(1) provides proof of the permit to a designated university employee; and

(2) stores the handgun in a lock box at all times when the handgun is not concealed and within the person's immediate control while in student housing on university property.

(c) In this section,

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

(2) "lock box" means a device with a locking mechanism that restricts access to a concealed handgun to persons other than the permit holder.

In other words, the University can still have gun shows, guns in vehicles, guns in faculty or staff residences, etc., but the University will also allow lawful concealed carry permit holders, including law concealed carry permit holders in residence halls for qualified students. Proactive enforcement of firearm violations can still go forward, just as it always has.

Allegations that the CS prevents the University from "meeting applicable standards of care", "taking appropriate action" or "from meeting standards in state law," is simply an incorrect reading of the CS and AS 11.61.190 - 11.61.220.

IV. CONCLUSION – THE COMMITTEE SHOULD SUPPORT THE CS TO SB 176

The University alleges that "UA's policies are presumptively constitutional because they apply to 'sensitive places' identified in federal and state law, i.e. schools and government buildings, and involve circumstances analogous to longstanding prohibitions."²⁷

The University, unfortunately, relies heavily on a mistaken interpretation of the "lower standard" federal right to keep and bear arms and irrelevant non-Alaska, state court rulings (from states with completely different constitutions). Concurrently, the University, as it relates to concealed carry, completely fails to address the additional fundamental express right to privacy guaranteed in the Alaska Constitution.

Alaska precedent is clear. The "fundamental right" language in the Alaska Constitution is significantly different than its federal foundation or other state constitutions. The Alaska Supreme Court has interpreted Alaska's individual liberties much broader than the language the University detrimentally relies upon.

²⁷ See March 31, 2014 Memorandum at page 3. The University, at times, appears to compare itself to warranting the same restrictions as a K-12 school, (despite the fact the median student age on some University campuses is 25 years old. See <http://www.uaf.edu/facts/>).

The University is not like a courthouse, state capitol or another “governmental building.”

Normal citizens²⁸ cannot bring firearms into a court house. Normal citizens do certainly bring firearms to the University.

Residents with firearms do not live in the state capitol building. Residents with firearms do already live at the University.

The University, as admitted on page 5 of the March 31, 2014 Memorandum, does not truly have “longstanding prohibitions” (similar to court houses, the state capitol or other “governmental buildings”) as guns routinely, already appear on state campuses.

The CS for SB 176 is about individual liberty and bedrock, fundamental rights. The University has the burden to provide a least restrictive alternative if they chose to limit the individual right to bear arms and the individual right to privacy.

Thus far the University has failed to provide that least restrictive alternative.

The CS for SB 176 should advance.

²⁸ Non-Law Enforcement.


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MEMORANDUM

DATE: March 4, 2016
TO: Senator McGuire, Chair
Senate Judiciary Committee
FROM: Matt Cooper, Associate General Counsel 
University of Alaska
RE: Programs Dedicated to Serving Minors on University of Alaska Campuses

Attached to this memorandum are three spreadsheets identifying programs specifically for preschool, elementary, junior high and secondary students held on University of Alaska campuses.

I requested and received broad program information from each of the three main universities along with their rural campuses and community colleges. I received information on the program, the facilities used for the program, and the general dates for the program.

I then applied two criteria to the program information to identify those programs that are most analogous to K-12 programs at the University:

- 1) Does the university assume responsibility for the minor such that it is *in loco parentis*, or is the program of a general, open nature where parents and members of the public participate?
- 2) Is the area where the program takes place used exclusively for the program, or is it generally open to the public?

The programs included in the attached spreadsheets are only those programs where the university is responsible for the minors and only in places used exclusively for the program. I have excluded all other programs. The programs identified in the attachments represent those K-12 programs where the University requests authority to regulate concealed carry of handgun and knives.

University of Alaska Anchorage

BP Summer Engineering Academies	Engineering and Industry Building; Matsu Campus	Summer (2016 schedule not yet available)
Kids2College	Campus buildings - at UAA, Prince William Sound College; Kenai Peninsula College, Kodiak College, and Mat Su College	1 day annually
ANSEP	ANSEP building; Alaska Airlines Center; Wells Fargo Center; West Hall dorms; Natural Sciences Building	Year round
Alaska Piano Competition	Fine Arts	April 30, May 1
4-H	University Center; Rasmussen Hall	Year round
Culinary Bootcamp	Cuddy Hall	June and July
Summer Culinary and Bakery Boot Camp	Cuddy Hall	June and July
Mat Su Middle College	Eagle River Campus	Academic year
Della Keats Health Science program	North Hall, Commons, Health Sciences Bulding, Library	July 10 - August 5
Kids College	Eagle River Campus; University Center	June 6 - July 28
Alaska Theatre of Youth	Arts buildings	June 20 - 25
Model United Nations	Wendy Williamson; Professional Studies Building	At times during spring semester
Kodiak - Kids to College	Kodiak Campus	Spring
Kodiak - STEM activity	Kodiak Campus	Summer - 1 day
Mat Su - Summer Science Academy	Jalmar Kerttula Building	May 26 - June 12
Mat Su - Mini Med School	Jalmar Kerttula Building	June 6 - 10; 22 - 26
Mat Su - Crime Scene Investigation	Jalmar Kerttula Building	June 13 - 17; July 7 - 24
Mat Su - Summer Art Academy	Fred & Sara Machetanz Building	June 6 - 10

University of Alaska Anchorage

Mat Su - Mini Med School II	Jalmar Kerttula Building	June 20 - 24
Mat Su - Environmental Science	Jalmar Kerttula Building	August 1 - 5
Mat Su - UAA Engineering - Arduino Robots	Fred & Sara Machetanz Building	July 11 - 15
Mat Su - UAA Engineering - Robotics	Fred & Sara Machetanz Building	July 18 - 22
Mat Su - UAA Engineering - Structure Design	Fred & Sara Machetanz Building	July 25 - 29

University of Alaska Fairbanks

Program	Facilities	Dates
Rural Alaska Honors Institute (RAHI)	Macintosh Hall; Duckering 252; Brooks 103; Brooks 302; Brooks 104; Brooks offices; Bunnell 402; Bunnell 406; UA Museum classrooms; Murie Auditorium and Conference Room; Patty Gym; Student Recreation Center; Reichardt 165; West Ridge Reearch Building (WRRB) labs	May 31- July 15
Alaska Summer Research Academy	Reichardt; Akasofu; Patty pool; Murie; WRRB; Geophysical Institute; museum; Wood Center	July 18 - 29
ASRA Saturdays	Bunnell and Duckering	Saturdays, year round
UAF Summer Sessions Kid Camps (Archaeology; Art; Bugs; Cooking; Dinosaurs; Geocaching; Geology; Junior Authors; Law & Order; Math; Music; Photography; Pottery; Storytelling)	Museum classrooms; Fine Arts Building; Hutchison Career Center Kitchen; Bunnell; Reichardt; Community and Technical College; Old U-Park	Various dates, June through August
Summer Music Academy	UAF Music Building; Gruening	June 6 - 17
Fairbanks Summer Arts Festival	Fine Arts; Davis Concert Hall; various other UAF buildings	July 17 - 31
UAF Math Day	Wood Center Ballroom	April
Kids2College	Various locations	April
Nanook Basketball Camp	Patty Center	May - June
Fairbanks Suzuki Institute	Music Building; Great Hall; Davis Concert Hall; Gruening; Wood Center class rooms	May 31- June 5
Visual Arts Academy	Fine Arts; Bunnell	June 6 - 17
Alaska Youth Academy	Wood Center Ballroom; Stevens Hall; Fire Station; Patty Center	July 25 - 29
Colors of Nature Summer Academy	Murie	July 7 - 18
Winter Break Rec Camp	Student Recreation Center	December
Alaska Cello Intensive	Music Building; Great Hall; Davis Concert Hall	August 1 - 15
Nome Kids to College	UAF - Northwest Campus - Nome	May / June

University of Alaska Fairbanks

Girls on Ice	Reichardt	June 17 - 28
GeoFORCE	Reichardt	May 27 - June 4
Upward Bound	Nerland	May 16 - July 3
WEIO	MacLean House	July 20 - 23

University of Alaska Southeast

Kids to College	Egan classrooms	May - 1 day
Sealaska Heritage Institute Summer Camp	On campus apartments / residence halls; REC center; Egan classrooms *Program run by outside entity on UAS campus	Two weeks - dates change
Goldbelt Heritage Foundation Summer Camps	On campus apartments / residence halls; REC center; Egan classrooms *Program run by outside entity on UAS campus	Two weeks - dates change
Early Scholars	Egan classrooms	One day a week for 8-10 weeks

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March 31, 2014

TO: The Honorable Pete Kelly, Co-Chair, Senate Finance
The Honorable Kevin Meyer, Co-Chair, Senate Finance

THROUGH: Pat Gamble, President, University of Alaska

FROM: Michael Hostina, General Counsel, University of Alaska &
Matt Cooper, Associate General Counsel

A handwritten signature in black ink that reads "Michael B. Hostina".

RE: Legal Issues Posed by the Judiciary CS for SB 176

Thank you for the opportunity to provide input regarding the legal issues posed by the Judiciary Committee Substitute for SB 176 (hereafter CS), a bill relating to the regulation of firearms by the University of Alaska.¹

The CS would require that the university permit concealed carry of handguns by permit holders on all parts of campus (other than in university pubs and in day care centers where other laws restrict possession). The CS provides that in student housing, the University could require the permit holder to provide proof of the permit and keep the handgun in a lock box when not concealed and within the person's immediate control.

The CS (and the original bill) create numerous practical and legal issues, but as discussed below, **neither are required to effectuate the constitutional right to bear arms.** In addition, both bills create compelling safety and risk management issues.

A. There Is No Constitutional Right To Carry Firearms On Developed University Premises

Supporters of the CS (and the original bill) argue that a bill is required because the University's present policy of limiting firearms on the developed premises of the University is unconstitutional. While they acknowledge that the University's policy addresses a compelling state interest in safety and prudent risk management, they argue that there is a constitutional right at issue, a "strict scrutiny" standard applies and that UA must use the least restrictive alternative to meet these compelling interests.

¹ Many of the issues raised by the CS overlap with issues raised by the original bill. Because the original bill was analyzed in a March 5, 2014, memo to Senate Majority Leader John Coghill and is part of the record, this memo will focus on the issues posed by the CS.

However, this analysis is based on a clearly flawed assumption, i.e., that there is a constitutional right to bear arms on developed University premises. That is not the case. The argument concludes with an additional error: that the CS is an alternative that would actually allow the University to address the compelling state interests of safety and prudent risk management.

1. The US Supreme Court Has Clearly Stated That Restrictions On Firearms On School Property And In Government Buildings Are “Presumptively Lawful”

The assumption that there is a constitutional right to carry firearms on school property or in government buildings is erroneous. If there was such a right, the legislature presently would be violating that right by **banning** firearms in the Capitol Building, on K-12 property, and in court system facilities.²

In *Heller*,³ the US Supreme Court case confirming the individual right to bear arms under the US Constitution, the majority stated that “[N]othing in our opinion should be taken to cast doubt on . . . laws forbidding the carrying of firearms in sensitive places such as schools and government buildings . . .”⁴ According to the *Heller* majority, such regulations are “*presumptively lawful*.”⁵ University premises are indisputably schools and/or government buildings. In addition, UA campuses are home to numerous partnerships and programs with K-12 that results in thousands of K-12 students being present on campus every day. Thus an individual has no constitutional right to carry a firearm on developed University premises.

Despite hundreds of cases contesting firearms restrictions since the 2008 decision in *Heller*, **there are no reported state or federal cases striking down university or college firearm regulations on constitutional grounds.**⁶ To the contrary, in a case⁷ contesting firearms restrictions imposed by George Mason University,⁸ the Virginia

² Federal case law is clear that a complete ban on firearms-related conduct that is in fact protected by the Second Amendment is unconstitutional. Thus for a ban to survive constitutional scrutiny, it must involve conduct not protected by the second amendment. Per *Heller* then, “presumptively lawful” firearms bans in schools and government buildings are not protected by the Second Amendment.

³ *District of Columbia v. Heller*, 554 U.S. 570 (2008).

⁴ *Id.* at 626– 627.

⁵ *Id.* at 627. “We identify these presumptively lawful regulatory measures only as examples; our list does not purport to be exhaustive.”

⁶ Supporters confuse cases involving conflicts between university policy and state law (University of Utah, University of Colorado, University of Florida) with cases questioning the constitutionality of university regulations in light of the Second Amendment or state analogues . The former involve questions of legislative authority, not constitutional rights.

⁷ *Digiacinto v. George Mason University*, 281 Va. 127, 704 S.E.2d 365 (Virginia 2011).

⁸ The George Mason regulation states: “Possession or carrying of any weapon by any person, except a police officer, is prohibited on university property in academic buildings, administrative office buildings,

Supreme Court held that George Mason University was both a government entity and a school and thus a “sensitive place”⁹ where under *Heller*, firearms restrictions are presumptively valid. The challenge to George Mason’s regulation was brought on both state and federal constitutional grounds. Though the appellant could have sought review of the federal constitutional issue by the US Supreme Court, no request for US Supreme Court review was filed.¹⁰

The same analysis holds true under the Alaska Constitution. In 1994 the voters of Alaska amended Alaska’s constitution to add the second sentence of Article I, Section 19, thus establishing an individual right to bear arms under Alaska’s Constitution. In *Wilson v. State*,¹¹ the Alaska Court of Appeals looked at whether the 1994 amendment to Article I, Section 19 invalidated Alaska law prohibiting felons from possessing firearms. Since voters had approved the amendment to the constitution, the Court of Appeals determined the breadth of the right by examining the “meaning placed on the amendment” by the voters. Because the voters had been assured that existing laws would not be affected by the amendment, the Court concluded that the voters had not intended to invalidate existing Alaska laws regulating firearms. Thus the voters who passed the amendment did not intend to create a constitutional right that extends, for example, to carrying firearms in schools, to concealed carry under 21, to courts or other government buildings, all of which were restricted in 1994.

2. Because Regents’ Policy And University Regulation Only Apply To Developed University Premises Which Are defined By The Courts As “Sensitive Places,” No Constitutional Right Is Implicated And Strict Scrutiny/Narrow Tailoring Requirements Do Not Apply

Since *Heller*, courts typically have adopted a two-step analysis in Second Amendment cases. The first step is to determine whether a challenged policy or law is outside the scope of the Second Amendment’s protection.

To determine whether a challenged law falls outside the historical scope of the Second Amendment, we ask whether the regulation is one of the “**presumptively lawful** regulatory measures” identified in *Heller*, 554 U.S. at 627 n. 26. . . .¹² (Emphasis in original.)

student residence buildings, dining facilities, or while attending sporting, entertainment or educational events. Entry upon the aforementioned university property in violation of this prohibition is expressly forbidden.” The court also held, presumably in the alternative, that this regulation was narrowly tailored.

⁹ *Digiacinto* 704 S.E.2d at 370. “The fact that George Mason is a school and that its buildings are owned by the government indicates that George Mason is a ‘sensitive place.’”

¹⁰ The National Rifle Association participated in the case as an amicus.

¹¹ 207 P.3d 565 (Alaska App. 2009).

¹² *Jackson v. San Francisco*, 2014 WL 1193434 (C.A.9 (Cal.), decided March 25, 2014).

If the restriction is presumptively lawful, as is the case with sensitive places including schools and government buildings, the analysis stops there and the restriction is considered presumptively constitutional.

However, even if the law is within the scope of the Second Amendment, there is no default to strict scrutiny. The appropriate level of scrutiny still must be determined. Whether “strict scrutiny” applies depends on two factors:

If a prohibition falls within the historical scope of the Second Amendment, we must then proceed to the second step of the Second Amendment inquiry to determine the appropriate level of scrutiny. *Chovan*, 735 F.3d at 1136. When ascertaining the appropriate level of scrutiny, “just as in the First Amendment context,” we consider: “(1) ‘how close the law comes to the core of the Second Amendment right’ and (2) ‘the severity of the law’s burden on the right.’” *Chovan*, 735 F.3d at 1138 (quoting *Ezell*, 651 F.3d at 703). . . .

As we explained in *Chovan*, laws which regulate only the “*manner* in which persons may exercise their Second Amendment rights” are less burdensome than those which bar firearm possession completely. 735 F.3d at 1138.¹³

Even if there were a constitutional right to bear arms in schools and government buildings, strict scrutiny would not apply in a case involving government regulation of firearms on government premises. The University’s policies do not restrict firearms in the broader community or constitute a ban, even on University premises. The University regulates firearms **only on University-controlled premises, in those limited areas for which it is responsible**.¹⁴ The University’s policy does not intrude into the community at large or into private homes to broadly restrict firearms possession or use. University restrictions apply only in a part of the broader community, i.e., on the University’s developed premises, and even then with exceptions. *Heller*’s broad declaration that firearms restrictions in sensitive places are presumptively lawful makes clear that it would be error (and perhaps disingenuous) to focus on a restriction’s impact in a limited area rather than on its impact in the community at large or in private homes. Otherwise the most narrowly tailored restriction could be shown to be unduly burdensome in that narrow area.

The University’s developed premises and buildings have been defined by both the courts and the Alaska legislature as sensitive places in which firearms regulation is

¹³ *Id.*

¹⁴ Such a restriction is analogous to permissible time, place and manner restrictions in First Amendment speech cases.

presumptively lawful and outside the scope of the Second Amendment's protections.¹⁵ As a result, no further constitutional analysis is appropriate, much less an analysis applying strict scrutiny.

B. Concealed Carry By Permit Is Not Less restrictive Or More Effective Than Current University Policy

For the reasons discussed below, the concealed carry permit system in the CS is not less restrictive than current policy in certain circumstances. The CS would potentially intrude on the rights of everyone who brings a firearm to campus while preventing the University from addressing the acknowledged compelling interests of safety and prudent risk management on UA campuses.¹⁶

1. UA's Current Policy Is Minimally Restrictive But Effective

UA's current policy does not ban long guns from campus, or require everyone bringing a handgun to campus to have a concealed carry permit. Absent special arrangements, weapons are not permitted in UA buildings, including student dorms, classrooms, labs and meeting places. Weapons are permitted: at approved and supervised activities, including rifle ranges, gun shows, etc.; in cars on streets and in parking lots; by faculty or staff in residences; on undeveloped and uninhabited land. Thus members of the public who are merely transiting campus or who cross undeveloped land currently face no constraints on their Second Amendment rights.

Bill supporters argue that the University's current policy does not prevent concealed guns on campus and thus creates safety and liability problems. This argument ignores the fact that a permit requirement also could be ignored and will create other difficulties. It also is based on a flawed assumption that rules only have value if they are followed. Even criminal law does not prevent all crimes from occurring. Nor does the CS simply preserve the status quo.

¹⁵ The Virginia Supreme Court put it this way: "Further, the statutory structure establishing GMU is indicative of the General Assembly's recognition that it is a sensitive place, and it is also consistent with the traditional understanding of a university. Unlike a public street or park, a university traditionally has not been open to the general public, "but instead is an institute of higher learning that is devoted to its mission of public education." Moreover, parents who send their children to a university have a reasonable expectation that the university will maintain a campus free of foreseeable harm." *Digiacinto* 704 S.E.2d at 370. (Citations omitted.)

¹⁶ If strict scrutiny applied, a court would consider whether the compelling government interest actually could be met by a less restrictive means. The test is thus two parts: is a less restrictive alternative available; and does the alternative still meet the compelling state interest. The CS does not meet those interests and thus does not demonstrate that there is a less restrictive alternative for the University's policy. Again, restrictions that apply only to schools and government buildings like the University's restrictions are excepted from Second Amendment coverage.

UA's policies, like criminal laws, allow UA to take action when it becomes aware of a violation, in this case, the presence of any weapon on developed premises.¹⁷ This is particularly important in problematic circumstances common on University campuses and described in more detail below. The CS, however, would prohibit any UA response even in circumstances when UA knows of a threatening situation and thus is likely to be held liable for failure to act.

C. The CS Prevents the University From Meeting Applicable Standards Of Care While Increasing The Potential For Foreseeable Harm and Liability

Generally the University only may be held liable for harm that occurs on campus if its actions have not met the standard of care that applies to a particular incident. However, if a crime or injury is "legally caused" by the University's breach of a standard of care it owes to the injured party, the University will be liable. The foreseeability of harm is an important factor in determining legal causation, particularly with respect to third-party acts.

1. A University Is In A Unique Position of Responsibility For Its Students

The standard of care imposed on the University with respect to students and other invitees on campus is quite high compared to the standard of care imposed, for example, on a municipality for public streets or open spaces like parks. This is due to a variety of factors, including that UA is deemed to be in control of its developed property, invites young people onto its property, educates, feeds and houses them under its supervision and is treated by parents, federal law and state common law as responsible to a significant degree for the well-being and safety of students.

2. The CS Prevents The University From Meeting Standards In State Law

The CS increases the likelihood that UA will be held liable for weapons-related crimes, as well as accidents and injuries relating to firearms. It does so by preventing UA from regulating firearms consistent with the standards in current state law. The CS would require that UA allow concealed carry permit holders to carry handguns in sensitive areas and situations on UA campuses when state law criminalizes firearms possession in similar circumstances off-campus. These situations include:

- Possession of a firearm on the grounds of a K-12 school is a crime - but the CS would require UA to permit firearms in areas where K-12 students are regularly on UA's 16

¹⁷Supporters discount the potential for identifying concealed carry. However, 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.

campuses in large numbers, sometimes in extended residential, enrichment and college prep programs, often daily after school.

- Concealed carry under 21 is a crime - but the CS would require permitting firearms in dorms where 60% of UA residential students are under 21, and where, unlike private housing, UA is the “adult” – UA retains authority and responsibility for dorms, and hires Resident Assistants to maintain safety, order and provide counseling;
- Possessing a loaded firearm in a place where intoxicating liquor is served is a crime - but the CS would require UA to permit firearms in dormitories where liquor is present;
- Possession of a firearm in a child care facility or adjacent parking lot is a crime - but the CS would require permitting firearms in nearby locations since both UAA and UAF have child care facilities integrated on campus;
- Possession of a firearm in a court facility is a crime, but the CS would require UA to permit firearms in potentially contentious adjudications of staff and student disciplinary and academic issues;
- Possession of a firearm on the grounds of a domestic violence shelter is a crime - but the CS would require UA to permit firearms in health and counseling centers as well as sexual harassment offices.

Supporters of the CS state that UA will be able to take action with respect to any crimes that are committed under these statutes. That is true, but misleading. UA will be placed in a situation where it cannot act before harm occurs where the harm is foreseeable, or apply the standard of care suggested by these statutes in analogous but non-criminal situations. However, UA will still be held to those higher standards.

The CS also would not allow UA to meet the standard of care related to the permit requirement. Other than in the dorms, the CS provides no authority for UA to determine whether someone who carries concealed actually has a permit. Thus while UA would be expected to ensure that only permit holders carry firearms on campus, it will be unable to do so.

3. The CS Does Not Meet Standards In The Report To The NRA By The National School Shield Task Force

Supporters of the CS argue that UA could be liable for failing to permit weapons on campus in the event of a mass shooting. That argument is not supported by any legal standard of which we are aware, and is inconsistent in at least two respects with recommendations (standards) contained in the Report to the NRA by the National School Shield Task Force.

That report recommends that schools react promptly to behavior that indicates a risk. Under present policy, UA can respond promptly to reports of any weapons possession on developed property and take appropriate action. Under the CS, that would no longer be the case. The CS would prevent restrictions on permit holders who have committed or who later commit certain crimes. The permit law allows one class A misdemeanor in the past 6 years. So UA could not restrict concealed carry if a permit holder: is convicted once, for example, of violating a protective order, stalking in the second degree, assault in the 4th degree, or is convicted of an Attempt or Solicitation of a Class C Felony.

The CS also would prohibit UA from restricting weapons of permit holders whose behavior indicates risk apart from convictions. For example, someone who is known to possess firearms on campus and who is involuntarily hospitalized for psychological evaluation (which often ends without a formal finding of mental illness or formal commitment for treatment), or who exhibits warning signs including depression, suicidal ideation or gestures, or overt hostility or aggression (everyday occurrences on residential college campuses) could not be deprived of his/her weapons.¹⁸ That's because no state law prohibits possession of weapons by those with psychological disturbances; federal law prohibits possession by those "adjudicated as a mental defective" or "committed to a mental institution." These formal mental health adjudications are relatively rare. Foreseeability of harm creates an expectation and standard that UA will respond when troubling events occur.

The same NRA-sponsored report recommends 60-80 hours of training for selected school employees who are authorized to be armed. By contrast, a concealed carry permit requires only 12 hours of self-defense, legal and weapons handling training. Permittees self-select.

Thus under the CS or the original bill, UA's policy could not meet the NRA's recommended standard for possession of firearms on school grounds or for responding to indicators of threats.

D. Summary And Conclusion

UA's policies are presumptively constitutional because they apply to "sensitive places" identified in federal and state law, i.e., schools and government buildings, and involve circumstances analogous to longstanding prohibitions. Even if that were not the case,

¹⁸ Jared Lee Loughner was suspended from Pima County Community College for bizarre behavior three months before he killed six people at a constituent's meeting with Representative Gabrielle Giffords. Despite evidence of mental illness he apparently was never formally adjudicated and remained eligible to possess weapons under state and federal law. He thus would have been eligible for a concealed carry permit applying Alaska standards.

The Honorable Pete Kelly, Co-Chair, Senate Finance
The Honorable Kevin Meyer, Co-Chair, Senate Finance
Re: Legal Issues Posed by the CS for SB 176
March 31, 2014
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strict scrutiny would not be applicable to restrictions that are time, place and manner oriented and that do not apply to broader communities or private homes.

The University's current policy is constitutional, minimally restrictive, and, in contrast to the proposed legislation, effective. Current policy allows the University to take action precisely when harm is foreseeable. By contrast, the proposed legislation would prevent the University from taking action with respect to weapons in problematic circumstances that are commonplace on university campuses. As a result, the rationale for this legislation is fundamentally flawed.

Taken together these limitations will result in inability to remove offenders with weapons from campus, loss of control over conduct on UA premises, and dramatically limit UA's ability to intervene early in conflicts or unsafe behavior. This creates greater potential for situations in which UA is unable to act to prevent foreseeable harm to third parties and greater potential for liability.

Because UA owes a duty of care to students and invitees on campus, and because the CS as well as the original bill would prohibit UA from meeting the standard of care suggested by existing state law and other sources of applicable standards, in circumstances where harm is foreseeable, this legislation will lead to an increased potential for liability in the event of weapons-related crimes or accidental injuries on campus.

Violence on campus is extremely rare. However, legislation that forecloses the possibility of proactive response to behavior that places the University on notice of foreseeable harm is not sound public policy and should be avoided, particularly where it solves no other problem.

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)



Guns on Campus: Overview

10/5/2015



In the wake of several campus shootings, the most deadly being the 2007 shooting at Vir 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 to 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 weapons 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 [statute specifically naming public colleges and universities](#) as public entities that 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."

Additional Resources

- [Guns on Campus: Campus Action](#)
- [Guns on Campus: Resources](#)
- [NCSL Education homepage](#)
- [Education Bill Tracking Database](#)

NCSL Member Toolbox

Members Resources

- [Get Involved With NCSL](#)
- [Jobs Clearinghouse](#)
- [Legislative Careers](#)
- [NCSL Staff Directories](#)
- [Staff Directories](#)
- [StateConnect Directory](#)

Policy & Research Resources

- [Bill Information Service](#)
- [Legislative Websites](#)
- [NCSL Bookstore](#)
- [State Legislatures Magazine](#)

Accessibility Support

- [Tel: 1-800-659-2856 or 711](#)
- [Accessibility Support](#)
- [Accessibility Policy](#)

Meeting Resources

- [Calendar](#)
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Denver

7700 East First Place
Denver, CO 80230
Tel: 303-364-7700 | Fax: 303-364-7800

Washington

444 North Capitol Street, N.W., Suite
Washington, D.C. 20001
Tel: 202-624-5400 | Fax: 202-737-1000

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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.

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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.

Document: Alaska Stat. § 29.35.145

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.

ALASKA STATUTES

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**Table 1.05 Headcount by Age and Academic Organization (AO)
Fall 2014**

	Age						Not Reported	Total	% < 25	Median Age
	Under 20	20-24	25-29	30-39	40-49	Over 50				
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
CRCO										
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				

Policies » Safety & Crime Stats » Campus Crime Stats

At UAS, we care about your safety. While the campus has been a relatively safe environment in which to study and socialize, it is the responsibility of all students to be aware of and avoid potentially unsafe situations. Faculty, staff and students are encouraged to report any crime or suspicious activity to a university official or local law enforcement. Visit the campus safety page for more information to include the Campus Crime Awareness and Campus Security Act information.

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:

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Juneau, AK 99801
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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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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:

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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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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:

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Juneau	Ketchikan	Sitka
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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.

CRIMES	ON CAMPUS			NON-CAMPUS			PUBLIC PROPERTY		
	2012	2013	2014	2012	2013	2014	2012	2013	2014
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**

CRIMES	ON CAMPUS			NON-CAMPUS			PUBLIC PROPERTY		
	2012	2013	2014	2012	2013	2014	2012	2013	2014
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.

CRIMES	ON CAMPUS			NON-CAMPUS			PUBLIC PROPERTY		
	2012	2013	2014	2012	2013	2014	2012	2013	2014
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.

CRIMES	ON CAMPUS			NON-CAMPUS			PUBLIC PROPERTY		
	2012	2013	2014	2012	2013	2014	2012	2013	2014
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.

	ON CAMPUS			ON CAMPUS STUDENT HOUSING FACILITIES *			NON-CAMPUS			PUBLIC PROPERTY		
	2012	2013	2014	2012	2013	2014	2012	2013	2014	2012	2013	2014
CRIMES												
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 Alatna 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.

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 varying 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

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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>

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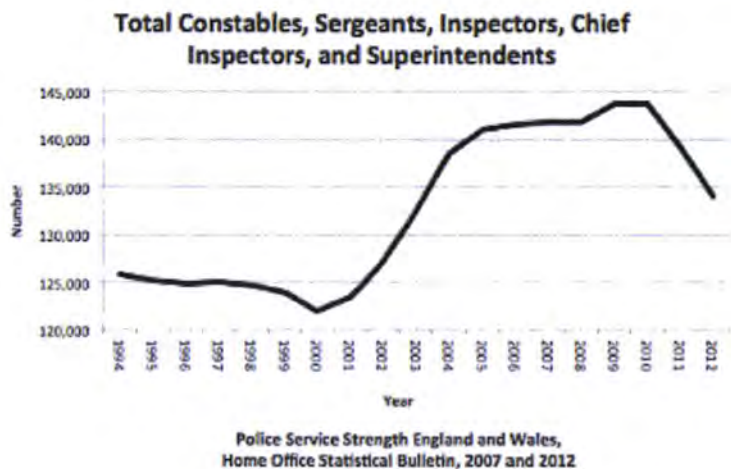
MURDER AND HOMICIDE RATES BEFORE AND AFTER GUN BANS

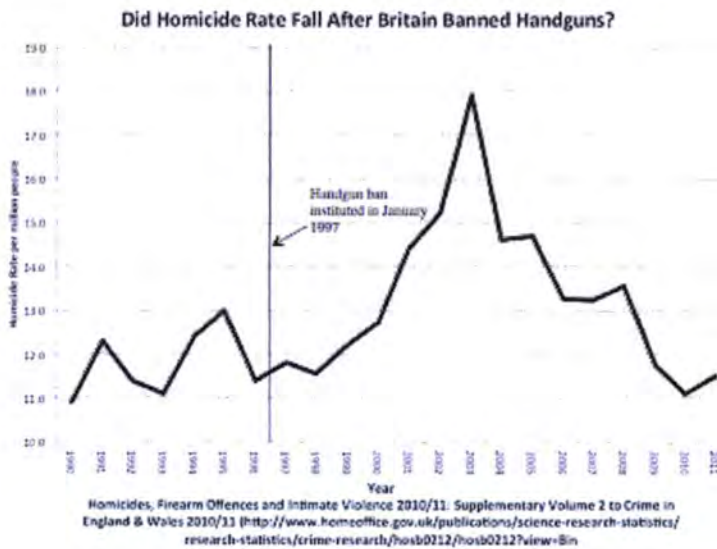
1 DEC , 2013

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

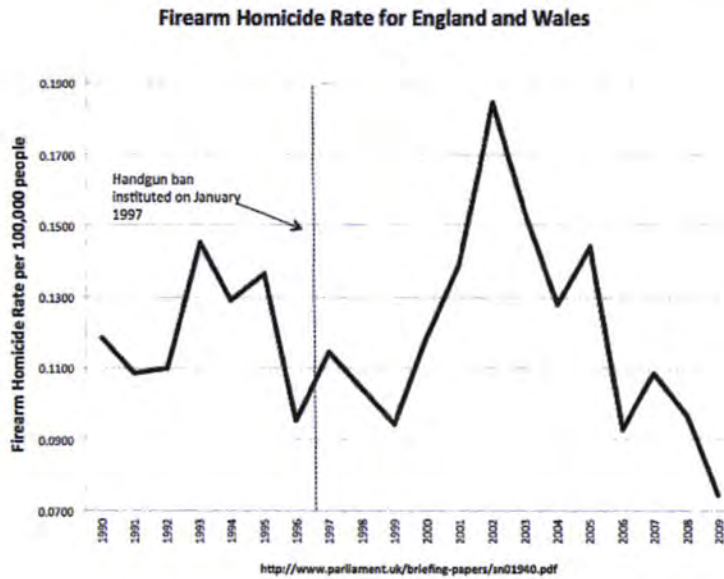
Original post: Every place that has been banned guns (either all guns or all handguns) has seen murder rates go up. You cannot point to one place where murder rates have fallen, whether it's Chicago or D.C. or even island nations such as England, Jamaica, or Ireland.

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.





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.



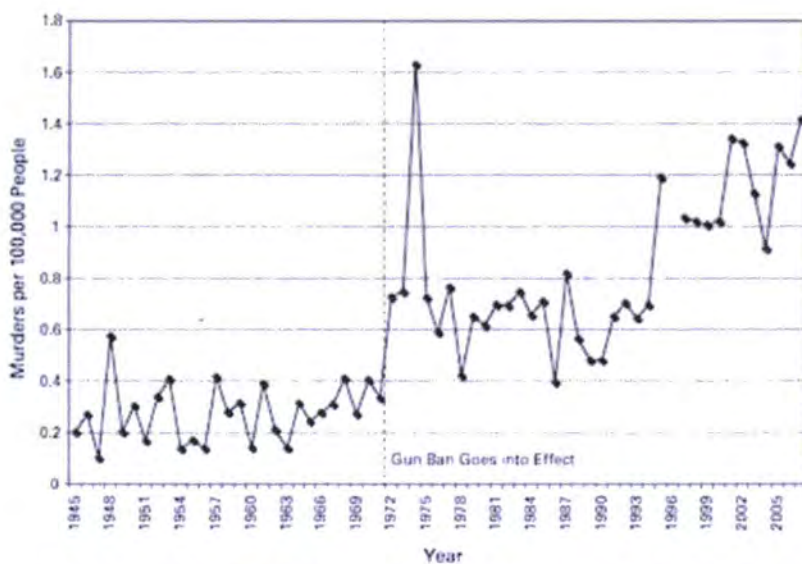


Figure 10.18. Ireland's murder rate. While murder rates in the United States and Jamaica include both murders and manslaughter, Ireland's numbers include only murder. Including manslaughter would probably roughly double the measured murder rate for Ireland for most years. (Murder rate data are not available for 1996.)



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](#))?

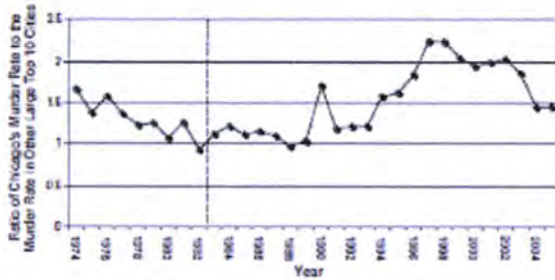


Figure 10.14. Chicago's murder rate relative to the other nine largest cities (weighted by population)

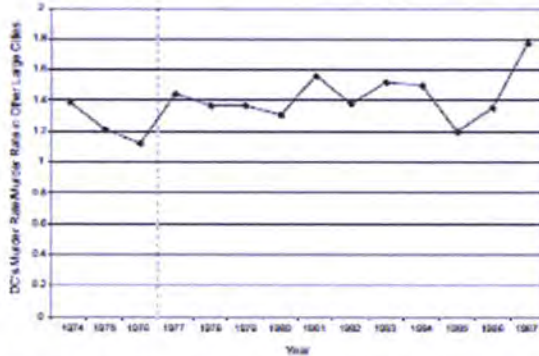


Figure 10.7. Changes in DC's murder rate relative to the other forty-eight largest cities (excluding Chicago from top fifty list, weighted by population)

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 outside.

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 officers 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 permit 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 were also 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



WONKBLOG

- 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 Thorton 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 Applesseed](#), 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 gunmen 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 unfortunate.
- Method: Bombing X (too regulated & suspicious)
- Biological Warfare X (too impatient, requires extensive knowledge, chemistry 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. Most folks will misinterpret correlation for causation, namely relationship and work failure is caused. Both were expediting catalysts not the reason. The causation being my state of mind for the past 15 years.

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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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April 2004

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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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 variables 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	4.8	1.4

Table 1 (Continued). Frequency and Injury Rates of Self-Protection (SP) Strategies

Type of SP	Sexual Assault**					Assaults				
	Frequency	% Injured	% Injured After SP	% Seriously Injured	% Seriously Injured After SP	Frequency	% Injured	% Injured After SP	% Seriously Injured	% Seriously 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	57.5	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 SP/16	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	1.8	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 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 (-2.70)
V threatened without weapon		2.47 (0.73)	4*10 ⁶ (0.00)	2*10 ⁶ (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 ⁶ (0.00)	1*10 ⁶ (0.00)	5*10 ⁶ (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	Raped After
			SP*	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> (-2.29)	0.44 (-1.49)	0.61 (-1.43)
V was 65 or older		<i>0.07</i> (-2.53)	-	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 ⁶ (0.00)	1*10 ⁶ (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> (-2.01)	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		0.55 (-2.13)	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 Injury			Sexual Assault ²			Assault ³		
	Injury After SP ⁴	Injury After SP ⁴	Injury After SP ⁴	Injury After SP ⁴	Injury After SP ⁴	Injury After SP ⁴	Injury After SP ⁴	Injury After SP ⁴	Injury After SP ⁴
V attacked O with gun, fired gun	-	-	-	-	-	-	0.65 (-0.42)	1.54 (0.26)	0.27 (-0.79)
V threatened O with gun	-	-	-	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)	1.74 (1.14)	2.09 (0.83)	0.76 (-0.32)
V attacked O with other weapon (knife, etc.)	0*10 ⁶ (0.00)	0.00 (0.00)	0.00 (0.00)	7*10 ⁶ (0.00)	0.00 (0.00)	0.00 (0.00)	1.32 (0.90)	1.17 (0.77)	8.34 (2.49)
V threatened O with other weapon (knife, etc.)	0.24 (-0.60)	174.92 (0.00)	6.11 (0.00)	0.18 (-0.15)	0.00 (0.00)	0.00 (0.00)	0.32 (-0.61)	0.94 (-0.09)	8.22 (2.22)
V attacked O without weapon (hit, kicked, etc.)	1.77 (2.16)	2.35 (1.68)	1.25 (1.33)	1.46 (1.60)	1.89 (1.42)	1.27 (0.87)	1.48 (0.70)	1.17 (0.83)	8.25 (-4.42)
V threatened without weapon	0.49 (-0.67)	0.94 (-0.64)	0.15 (-0.69)	0.52 (-0.71)	0.11 (-0.53)	0.29 (-0.11)	1.07 (0.30)	1.58 (0.80)	0.75 (-0.77)
V struggled, ducked, blocked blows, held onto property	1.84 (1.19)	1.69 (0.99)	1.65 (0.14)	1.97 (4.18)	2.54 (2.32)	1.12 (0.30)	2.81 (1.06)	1.73 (3.82)	8.40 (-4.98)
V chased, tried to catch or hold O	0.09 (-0.00)	-	-	0.09 (0.00)	0.00 (0.00)	0.00 (0.00)	1.01 (0.14)	1.75 (1.27)	0.64 (-1.12)
V yelled at O, turned on lights, threatened to call police	1.22 (0.10)	2.34 (1.34)	1.58 (1.02)	0.92 (-0.43)	1.33 (0.76)	0.96 (-0.13)	0.39 (-1.31)	1.31 (1.74)	8.57 (-3.87)
V cooperated, or pretended to (stifled, did what they asked)	0.63 (-1.23)	3.79 (1.37)	0.97 (-0.06)	0.98 (-0.00)	2.46 (2.69)	2.38 (1.42)	2.34 (2.72)	4.87 (3.67)	1.81 (1.87)
V argued, retorted, pleaded, bargained, etc.	1.21 (0.82)	2.07 (1.28)	1.63 (1.11)	1.38 (1.66)	2.88 (2.52)	1.78 (1.74)	0.97 (-0.27)	2.86 (6.58)	1.00 (0.00)
V ran or drove away, or tried, hid, locked door	1.16 (0.52)	1.16 (0.24)	0.78 (-0.47)	0.92 (-0.37)	1.66 (0.13)	0.55 (-1.42)	0.69 (-0.81)	0.88 (-0.66)	8.17 (-12.05)
V called police or guard	2.62 (1.82)	-	0.31 (-0.25)	3.15 (2.60)	-	0.57 (-0.58)	0.33 (-1.37)	0.19 (-0.93)	8.19 (-4.23)
V tried to attract attention or help, even others (cried out for help, called children (male))	1.27 (0.51)	3.22 (1.31)	2.72 (1.37)	1.27 (0.62)	1.97 (0.95)	1.98 (1.17)	1.08 (0.48)	0.93 (-0.23)	0.54 (-1.83)
V screamed from pain or fear	3.21 (0.98)	3.31 (2.16)	8.29 (0.81)	3.40 (4.54)	4.41 (2.66)	5.62 (3.85)	4.31 (0.65)	2.78 (4.40)	2.41 (2.94)
V took other SP actions	0.90 (-0.31)	0.86 (-0.13)	0.40 (-0.94)	8.3 (2.19)	0.24 (-1.60)	8.89 (-2.90)	0.79 (-2.73)	1.26 (1.19)	8.18 (-10.43)
Sample Size	673	201	351	1,176	569	798	1,213	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)

- All other variables are not shown
- Not including No-SP group, Calling the Police is the reference point
- Including No-SP group, No Self-protection is the reference point
- Sexual assaults include completed rape, attempted rape, sexual attack with serious assault, sexual attack with minor assault, sexual assault without injury, unprovoked sexual contact without force, verbal threat of rape, and verbal threat of sexual assault
- Assaults include aggravated assault with injury, attempted aggravated assault with weapon, threats 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 Injury			Sexual Assault			Assault		
	Serious Injury After SP ⁴	Serious Injury After SP ⁴	Serious Injury After SP ⁴	Serious Injury After SP ⁴	Serious Injury After SP ⁴	Serious Injury After SP ⁴	Serious Injury After SP ⁴	Serious Injury After SP ⁴	Serious Injury After SP ⁴
V attacked O with gun, fired gun	-	-	-	-	-	-	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)
V threatened O with gun	-	-	-	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)	1*10 ⁶ (0.01)	3*10 ⁶ (0.01)	0.00 (0.00)
V attacked O with other weapon (knife, etc.)	0.00 (0.00)	3*10 ⁶ (0.00)	2*10 ⁶ (0.00)	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)	4*10 ⁶ (0.00)	0.00 (0.00)
V threatened O with other weapon (knife, etc.)	7.42 (1.08)	1*10 ⁶ (0.00)	2*10 ⁶ (0.00)	5.88 (0.81)	1*10 ⁶ (0.00)	2*10 ⁶ (0.00)	0.63 (0.81)	0.96 (0.00)	0.00 (0.00)
V attacked O without weapon (hit, kicked, etc.)	0.63 (-0.62)	8*10 ⁶ (0.00)	1*10 ⁶ (0.00)	0.59 (-0.77)	1*10 ⁶ (0.00)	896.14 (0.00)	0.96 (-0.23)	1.26 (0.13)	8.14 (2.59)
V threatened without weapon	1.52 (0.82)	2*10 ⁶ (0.00)	1*10 ⁶ (0.00)	2.03 (0.50)	1*10 ⁶ (0.00)	6*10 ⁶ (0.00)	0.75 (-0.92)	1.47 (0.34)	0.82 (-0.21)
V struggled, ducked, blocked blows, held onto property	1.78 (1.05)	0.60 (0.00)	0.90 (0.00)	1.52 (1.39)	1.11 (0.00)	0.00 (-0.00)	1.28 (1.50)	2.34 (2.95)	0.79 (-0.83)
V chased, tried to catch or hold O	0.00 (-0.00)	-	-	0.00 (0.00)	0.00 (0.00)	0.00 (0.00)	0.80 (-0.31)	2.38 (0.86)	1.76 (0.00)
V yelled at O, turned on lights, threatened to call police	1.84 (0.10)	1*10 ⁶ (0.00)	4*10 ⁶ (0.00)	1.48 (0.72)	0.16 (0.00)	9*10 ⁶ (0.00)	0.96 (-0.01)	0.99 (-0.01)	0.18 (-1.30)
V cooperated, or pretended to (stifled, did what they asked)	3.68 (1.74)	8*10 ⁶ (0.00)	9*10 ⁶ (0.00)	4.76 (2.41)	0.00 (-0.00)	3*10 ⁶ (0.00)	2.46 (1.90)	81.82 (5.50)	9.97 (3.75)
V argued, retorted, pleaded, bargained, etc.	1.31 (0.67)	1*10 ⁶ (0.00)	1*10 ⁶ (0.00)	2.13 (1.89)	2*10 ⁶ (0.00)	9*10 ⁶ (0.00)	0.88 (-0.60)	1.21 (0.35)	0.88 (-1.27)
V ran or drove away, or tried, hid, locked door	0.38 (-0.94)	0.25 (0.00)	0.58 (0.00)	0.25 (-1.47)	0.06 (-0.00)	0.01 (0.00)	8.45 (-3.88)	0.62 (-0.90)	8.18 (-4.00)
V called police or guard	1.72 (0.19)	-	0.00 (0.00)	1.39 (0.32)	-	0.00 (-0.01)	0.80 (-1.47)	0.72 (-0.80)	8.18 (-6.00)
V tried to attract attention or help, even others (cried out for help, called children (male))	0.07 (-0.94)	0.60 (0.00)	0.96 (0.00)	0.21 (-1.48)	1*10 ⁶ (0.00)	9*10 ⁶ (0.01)	2.41 (3.50)	1.31 (0.30)	0.18 (-0.19)
V screamed from pain or fear	2.92 (1.94)	6*10 ⁶ (0.00)	9.79 (0.00)	2.88 (-1.69)	1*10 ⁶ (0.01)	88.89 (0.00)	2.88 (5.87)	4.98 (2.00)	2.89 (2.64)
V did other response	0.96 (-0.05)	0.00 (0.00)	0.00 (0.00)	0.79 (-0.31)	0.00 (0.00)	0.00 (0.00)	0.80 (-2.44)	1.18 (0.22)	0.21 (-2.99)
Sample Size	673	170	314	1,178	534	756	11,213	6,509	6,621
-2 Log Likelihood	149	600	000	188	000	000	1,887	289	818

BOLD p<0.01 (two-tailed), *Italic* 0.01<0.05 (two-tailed)

- All other variables are not shown
- Not including No-SP group, Calling the Police is the reference point
- 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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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-Jensen 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 variables 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 of 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 ^a	Statistical Methods	Control for SP-Injury Sequence	V/O relationship *SP Interaction	Typology for SP actions	Findings ^a		
								Rape Completion	Injury	Serious Injury ^b
Brecklin and Ullman (2001)	NCVS 1992-96	362	P ^c	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 Student 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 1979-89	147	NP	ANOVA	No	No	Forceful fight Flee or push O away Scream or yell Head, bag, attempt to reason	± ^d ± ± ±	± ± ± ±	
Zoscha-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 ^e

- 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.

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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 Acquaintance 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 Flood, 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) + - +	
Alexson 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 Cahoun (1987)	College Survey	206	NP	ANOVA	No	No	Clear Non-consent	- (sig)		
Block and Skogan (1986)	NCS 1973-79	347	P	Logistic	No	No	Forceful Physical SP Non-forceful SP	+ - (sig)	+ (sig) -	
Levine-MacCombie and Kouz (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)		
Quamsey and Upfield (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)	
Ortfin and Ortfin (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)	-0.08
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
Victim Characteristics		
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
Offender Characteristics		
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
Incident Circumstances		
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
Other Variables eliminated in Logistic Analysis		
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	35.3	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	4.8	1.4

Table 3 (Continued). Frequency and Injury Rates of Self-Protection (SP) Strategies

Type of SP	Sexual Assault**					Assaults				
	Frequency	% Injured	% Injured After SP	% Seriously Injured	% Seriously Injured After SP	Frequency	% Injured	% Injured After SP	% Seriously Injured	% Seriously 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	1.8	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 ⁹ (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 ⁹ (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		0.60 (-2.29)	0.44 (-1.49)	0.61 (-1.43)
V was 65 or older		0.07 (-2.53)	-	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)		0.67 (-2.01)	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		0.55 (-2.13)	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
-2L.og-Likelihood		671	157	313

TABLE 5. Self Protection and Nonsexual Injury.¹

Self Protection Strategy	Odds Ratio (Coef./S.E.)								
	Rape			Sexual Assault ²			Assault ³		
	Injury	Injury After SP ⁴	Injury After SP ⁵	Injury	Injury After SP ⁴	Injury After SP ⁵	Injury	Injury After SP ⁴	Injury After SP ⁵
V attacked O with gun, fired gun	-	-	-	-	-	-	0.65	1.54	0.29
V threatened O with gun	-	-	-	0.00	0.00	0.00	1.74	2.08	0.76
V attacked O with other weapons (knife, etc.)	0.10 [†]	0.00	0.00	0.00 [†]	0.00	0.00	1.14	0.83	-0.32
V threatened O with other weapons (knife, etc.)	0.00	0.00	0.00	0.00	0.00	0.00	1.32	1.47	0.46
V threatened O without weapon (hit, kicked, etc.)	0.24	174.92	0.11	0.18	0.00	0.00	0.82	0.54	0.23
V attacked O without weapon (hit, kicked, etc.)	-0.16	0.00	0.00	-0.15	0.00	0.00	-0.61	-0.09	-0.22
V threatened without weapon	1.77	2.95	1.85	1.66	1.80	1.27	1.08	1.17	0.25
V struggled, ducked, blocked blows, held onto property	0.49	0.04	0.15	0.52	0.11	0.29	1.07	1.31	0.78
V chased, tried to catch or hold O	-0.67	-0.64	-0.69	-0.71	-0.53	-0.51	0.30	0.30	-0.77
V called police or guard	1.86	1.09	1.05	1.97	1.16	1.12	2.01	1.73	0.48
V yelled at O, turned on lights, threatened to call police	0.19	0.39	0.14	0.10	0.00	0.00	1.04	1.73	0.64
V cooperated, or pretended to (straddled, did what they asked)	0.00	-	-	0.00	0.00	0.00	0.14	0.27	-0.12
V argued, reasoned, pleaded, bargained, etc.	1.22	2.34	1.58	0.92	1.35	0.56	0.89	1.33	0.57
V ran or drove away, or tried, hid, locked door	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
V tried to attract attention or help, wren others (cried out for help, called children inside)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
V screamed from pain or fear	0.63	3.79	0.97	0.98	1.46	1.18	2.36	4.87	1.30
V took other SP actions	1.21	2.07	1.61	1.38	2.89	1.78	0.97	2.86	1.00
Sample Size	673	201	351	1,076	569	798	11,213	6,602	9,714
-2 Log Likelihood	747	139	214	1,054	254	476	7,974	1,824	4,107

BOLD p<0.01 (two-tailed), Italic 0.01<0.05 (two-tailed)

- All other variables are not shown
- Not including No-SP group. Calling the Police is the reference point
- Including No-SP group. No Self-protection is the reference point
- 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
- Assaults include aggravated assault with injury, attempted aggravated assault with weapon, threats 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	-	-	-	-	-	-	0.60	0.60	0.00
V threatened O with gun	-	-	-	0.00	1.10 [†]	3.10 [†]	0.60	0.60	0.00
V attacked O with other weapons (knife, etc.)	0.00	3.70 [†]	2.10 [†]	0.00	2.10 [†]	4.10 [†]	0.88	1.71	0.26
V threatened O with other weapons (knife, etc.)	0.00	4.90 [†]	2.10 [†]	0.00	0.00	0.00	-0.23	0.17	-0.22
V attacked O without weapon (hit, kicked, etc.)	0.63	4.90 [†]	1.10 [†]	0.85	1.10 [†]	0.60	0.36	1.26	0.44
V threatened without weapon	1.08	0.00	0.00	0.83	0.00	0.00	0.67	0.00	0.00
V struggled, ducked, blocked blows, held onto property	-0.62	0.00	0.00	-0.78	0.00	0.00	-0.23	0.43	-0.10
V chased, tried to catch or hold O	1.52	2.10 [†]	1.10 [†]	2.03	1.10 [†]	0.10 [†]	0.78	1.47	0.82
V argued, reasoned, pleaded, bargained, etc.	0.32	0.00	0.00	0.50	0.00	0.00	-0.55	0.16	-0.21
V yelled at O, turned on lights, threatened to call police	1.78	0.00	0.00	1.82	1.11	0.00	1.25	3.84	0.79
V cooperated, or pretended to (straddled, did what they asked)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
V argued, reasoned, pleaded, bargained, etc.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
V ran or drove away, or tried, hid, locked door	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
V tried to attract attention or help, wren others (cried out for help, called children inside)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
V screamed from pain or fear	1.86	1.10 [†]	4.10 [†]	1.48	0.10	3.10 [†]	0.99	0.99	0.59
V took other SP actions	1.04	0.00	0.00	0.72	0.00	0.00	-0.54	-0.01	-0.40
Sample Size	673	170	314	1,076	534	756	11,213	6,509	9,621
-2 Log Likelihood	149	000	000	188	000	000	1,887	299	858

BOLD p<0.01 (two-tailed), Italic 0.01<0.05 (two-tailed)

- All other variables are not shown
- Not including No-SP group. Calling the Police is the reference point
- 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*.

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.

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.

Guns and Campus Safety

University position on campus weapons management

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

Joseph Byrnes

From: Sen. Pete Kelly
Sent: Saturday, February 13, 2016 13:40
To: Joseph Byrnes
Subject: FW: SB 174

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

Joseph Byrnes

From: Sen. Pete Kelly
Sent: Saturday, February 13, 2016 13:41
To: Joseph Byrnes
Subject: FW: SB174

From: Chuck Green [mailto:chuckg@gci.net]
Sent: Friday, February 12, 2016 7:19 PM
To: Sen. Pete Kelly <Sen.Pete.Kelly@akleg.gov>
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

Joseph Byrnes

From: Lance Roberts <roberts.lance@gmail.com>
Sent: Sunday, February 14, 2016 22:24
To: Sen. Pete Kelly
Cc: Joseph Byrnes
Subject: SB174 UA carry

To the Legislature:

I would ask for your support of SB174 to allow students of the University of Alaska their unfringed right to bear arms. I received three degrees from UAF in the period from 1982 to 2012, and was always amazed that the students there were not allowed to conceal carry so as to be able to protect themselves.

With the increase in incidents on school and university properties all over the U.S, and the preponderance of those happening in gun-free zones, it only makes sense to allow students the right to carry. They will be able to stop a shooter sooner than any campus police could arrive to do, and by declaring that the campuses aren't gun-free zones a message will be sent to those thinking about such acts.

The only specific I would mention in the bill is the vague reference to the Regents being able to regulate open-carried knives. Do we really want them stopping anyone from wearing a swiss-army knife or leatherman? I think the bill would work just as fine not allowing the regulation of knives, or at least protecting the common place ones.

Thanks,

Lance Roberts
Fairbanks, AK

February 15, 2016

Dear Senator Kelly,

I am happy to respond and give my testimony in support of SB174. I look forward to this bill passing on the account of my testament to the freedom and right to keep and bear Arms.

I want to start by saying guns don't kill people, mentally ill people kill people. The "Batman shooter" James Holmes was mentally unstable and expressed his instability with a mass shooting. In a "Gun Free Zone". Criminals don't adhere to laws and will find a way to get access to guns because they are criminals. That is why law abiding citizens must have guns on their persons to protect themselves and stop criminals in their tracks.

Case in point, Charl Van Wyk prevented slaughter of hundreds of souls by terrorists during the St. James Massacre on July 25th, 1993. One man with a .38 special revolver stopped the attackers and they fled the church.

The gunman of the Oregon community college shooting which 10 people were killed went to a "Gun Free Zone" to murder defenseless people. Christopher Harper-mercier (the gunman) knew they would be defenseless because the law abiding students in the college were following the law and not armed. It was easy pickings for him on account the students were helpless to defend themselves. An air force veteran who was licensed to carry concealed during the shooting tried to assist but was stopped by staff members in the school.

What was the staff thinking? "Huddle together in an exit less room and hope the madman didn't find them". How gallant of them? This is the contingency plan for UAA I might add. It boggles my mind, the learned helplessness of some people. How can people think they have no power to change a situation that has turned for the worse? One man who was unarmed tried to apprehend the shooter, an army veteran Chris Mintz, ended up being shot five times. A true hero who tried to make a difference.

History and logical thinking has proven that gun-free zones are dangerous. I for one would feel much more secure legally carrying a weapon to defend myself in such situations.

Sincerely,

Herman Schliesing
Student University of Alaska Anchorage

Joseph Byrnes

From: Harry Dexter <harry.dexter@yahoo.com>
Sent: Wednesday, February 17, 2016 04:46
To: Sen. Pete Kelly
Subject: Carrying of a concealed weapon (CCW) on the University of Alaska grounds.

Senator Kelly:

Recently I was made aware of a bill being introduced into the Alaska State Legislature. If the above mentioned bill passed it would permit law abiding citizens to carry a concealed firearm on the university campus. Before I express my opinion about the bill I would like to briefly list my credentials.

I am a retired police officer from a well known police agency in the Los Angeles area. My career encompassed 30 years. Assignments included: Patrol, traffic, canines and SWAT. My last 12 years of service were devoted to FBI, DEA and state, county and local task forces.

Drawing from my experience it seems that when an incident occurred there was always a time delay. Normally the police must be notified of an incident, and then police units must be dispatched. A reasonable person should be able to deduce that many precious seconds can pass leading into several minutes before the arrival of police units. The logical conclusion is that the longer a crime continues the more victims that result.

Therefore, I support the passage of the bill to permit law abiding citizens to ccw on the university campus. In past incidents many lives might have been spared in the United States had a policy of this kind existed at other universities.

Sincerely,

Harry Dexter
Cell: 818 918 1849
Email: harry.dexter@yahoo.com

Gayle Keller

From: abelaska@mtaonline.net
Sent: Tuesday, February 16, 2016 8:34 AM
To: Sen. Pete Kelly
Subject: S.B. 174

Hello,

I want to thank you for introducing S.B174. (Campus Carry) I.E. The protection of and reinforcement of our god given second amendment rights of self preservation. I have searched the State web site looking for the complete wording of this bill as it is written now, but can not find it. Could you please provide me with a copy of it or a link where I can find it.

Thank you

Abel Veldkamp
907 223 8169
abelaska@mtaonline.net

My name is Tom Boutin. I live here in Juneau. Thank you for having this hearing, and thank you for allowing me to call in to this hearing. I am speaking just for myself of course.

SB174 is needed legislation in my view. The legislation appears to cover the need very well and the drafters have met every concern that could possibly have occurred to me.

I think the bill addresses an apparent oversight in state law. Clearly, gun-free zones cannot work and do not work to eliminate or even reduce violence today. As a matter of fact from watching the national news each evening it seems that when some nut goes off his medication or wants to get through to his lady psychologist, or when some terrorist wants to come here and kill us it seems likely he will choose to do so in a gun-free zone. But even apart from that scenario, if I had a daughter or if my wife was taking an evening class I would much prefer that when she walks to her car at the end of class her revolver be in her purse instead of locked in her car. I think most people feel that way today, and I expect that in no small part this legislation will bring University rules in line with current common practice.

This is careful and constructive legislation. Concerns expressed by University interests seem to be very similar to concerns expressed 25 years ago when Alaska concealed carry was first considered by the Legislature. Critics said that upon enactment concealed carry would result in Alaskans reaching for their guns to settle any argument and that bars would have bullets flying as in an old cowboy movie. Moreover, the scenarios cited by opponents talk about hypothetical circumstances that are unlawful today and would remain unlawful after SB174 became law such as armed students abusing alcohol. Thank you for your time.

I am a certified National Rifle Association Instructor and a Range Safety Officer. My wife and I are volunteer managers at the ADF&G indoor range; last summer we opened and managed the range for public hours every Sunday, and we have done that for a few summers.

Gayle Keller

From: Simon Gilliland <simongilliland@gmail.com>
Sent: Thursday, February 18, 2016 3:36 PM
To: Sen. Gary Stevens; Sen. Click Bishop; Sen. Mia Costello; Sen. Johnny Ellis; Sen. Mike Dunleavy; Sen. Dennis Egan; Sen. Berta Gardner; Sen. Cathy Giessel; Sen. Lyman Hoffman; Sen. Anna MacKinnon; Sen. Lesil McGuire; Sen. Kevin Meyer; Sen. Peter Micciche; Sen. Bert Stedman; Sen. Bill Stoltze; senator.bill.wielochowski@akleg.gov; Sen. Donny Olson; Sen. Charlie Huggins; Sen. Pete Kelly; Sen. John Coghill
Cc: ua.president@alaska.edu; dlmilke@alaska.edu; marizk@alaska.edu
Subject: Support for SB 174

Dear Sirs,

I am writing to you today in **SUPPORT** of SB 174. I am a former UA student and engineering graduate and the elder brother of three sisters who are former or current UA students.

Now that I have graduated I don't frequent the campuses as often but when I do it is usually to spend a quite weekend afternoon in the UAA/APU Consortium Library; and every time I am greeted by the same familiar sign "Gun Free Zone". After my time as a student I know to take off and stow my pistol before exiting my vehicle but why should I be required to do so? I am a law abiding US and Alaskan citizen who despite failing four engineering and upper level math classes that I can recall and being required to retake 18 credits of GER and 100 Level classes when I transferred into UAA never felt the need to get even with the university or my professors for perceived or actual injustices. You know why I never felt the need to be violent? Because like the infinite majority of the population I was taught that violence isn't the answer and to respect the law. But because of a prejudice, weapons are not permitted on University property. When an individual is bent on committing a crime a sign or "statute" isn't going to stop them; equal and **timely** force in the possession of a calmer minded individual most likely will however.

Let me illustrate. I assume most if not all of you have or had young children at one point. If they became angry and decided to take their hand, commonly a toddler's "weapon" of choice, and hit someone who had offended or angered them how did you stop them? Most likely using your hand; the hand of a clear thinking individual who used the same "tool", a hand, to stop or prevent an attack where the same "tool" was used as an instrument of force and perpetration.

Now back to the campus library. On the way into the main Consortium Library entrance you might not see the Providence Transit Center bus stop but on the way out it's hard to miss. Now bus users, of which I was one during college, are not the reason for this mention; the bus bench "clientele" who hang out there on a nearly daily basis however are. Now these are not by any means all bad people but they look rough from their time on the streets and very similar to those same individuals above who have little to no respect for the law or be intent on preying on a young lady in particular. As I mentioned above I have three sister's who have or are attending various UA campuses. They are all smart about where they go, daylight or not, but sometimes this isn't enough to protect ones self. Now I know many University students do not meet the minimum age requirements under the law of twenty-one years of age to carry a handgun concealed however this is not reason to allow them to be banned entirely by University statute. I recall one female classmate who carried two things on the outside of her book bag, mace, and for those who might not take the hint, a folding knife which I can only assume she would have had not qualms with using should a predator required additional persuasion that he had picked a bad target for his evil intentions. These methods she was forced to carry however are very limited in their ability to protect beyond an extremely close quarter's contact confrontation and I imagine she would have much rather

carried her handgun which she could, and did, legally carry elsewhere during her daily life. Why are we allowing the University to limit individuals to only protecting themselves from harm once they have actually been assaulted?

When I attended UAA there were many returning or otherwise older students. In my graduating engineering class of roughly twenty five students, I was at twenty-two years of age I believe the second youngest with at least a quarter of the class being over twenty-five. And you can be certain that I wasn't the only one who's first order of business upon returning to our cars was to fill the empty holster in our waistband or inside our shirt or pant leg. Why did we all carry? Because we all cared about the safety of our loved ones, those around us, and ourselves. Why do we abide by the University's rules as unconstitutional as they are? Because we are law and University statute abiding citizens who would prefer to not deal with the bureaucracy of the University or risk repercussions to our degrees because of the University loosing a very embarrassing and public court battle. No the people being punished by this University statute which the Legislature is intending to suppress are the same men and women who would confront an armed perpetrator with only our bare hands if necessary to save the lives of our classmates or people we don't even know. Why? Because it is our duty and privilege as citizens to look out for and protect those weaker among us. Some of these men and women have protected this nation while fighting on foreign soils while others have not yet had the opportunity to save the life of a fellow man.

We are the parents who barely get assignments in on time, straight A students who's life revolves around our studies, the student athletes whose faces are used in promoting Alaskan Universities, and above all we are the first people who will react to a problem when it arises. The time has come to take the restraints off of those of us who follow the law and would protect our fellow man if the need arose. The time has come for the Legislature to ensure we have access to the same tools to protect ourselves and others, afforded to us by the US and Alaska State Constitutions, while going about our lives as students on the campuses of Alaska's public University system.

Thank you for your time and consideration on this matter.

Simon Gilliland - Former UA Student and 17 year Alaskan Resident

Gayle Keller

From: Richard Hughes <rahughes@gci.net>
Sent: Wednesday, February 17, 2016 4:29 PM
To: Sen. Pete Kelly
Subject: SB 174 - Gun Bill

Senator Kelley:

I fully support your bill for arms approval on UA campuses. I instruct at UAF and am continually reminded that there have been numerous slayings on gun-restricted campuses. We have to recognize that restricting gun/weapons access provides those with nefarious intention to do exactly as they wish with no exposure. A question: where would you do maximum devastation if there were no controls? The answer, as in other universities is UA; WE DON'T WANT THAT.

The testimony from UA Administration has some credits, but can't be supported entirely. We have to move forward, and back to my support.

Regards,



Richard A. Hughes, PE

H2T Mine Engineering Services, LLP

318 Juneau Ave.

Fairbanks, AK 99701-3768

(907) 347-1521, Fax: 451-6537

<http://www.h2tmes.com>

Gayle Keller

From: michael mooradian <moravius1@yahoo.com>
Sent: Tuesday, February 16, 2016 5:51 PM
To: Michael Mooradian
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.

Sincerely,

Michael Mooradian
907-830-2318

Gayle Keller

From: mike smith <mikesmithak@gmail.com>
Sent: Monday, February 15, 2016 5:22 PM
To: Sen. Pete Kelly; Sen. Bill Stoltze; Sen. Mike Dunleavy; Sen. Lesil McGuire; Sen. Cathy Giessel
Subject: SB174 Support

Senators, Kelly, Stoltze, Dunleavy, McGuire and Giessel,

As a university employee, please let me personally thank each of you for introducing and supporting SB174. In today's world, we hear too often of unstable students reeking havoc and destruction their fellow students and unarmed staff. In the office where I work, students are often highly charged and overly anxious about their financial aid, admission status, full classes or a variety of other issues that seem to take them to the brink of rational thinking. Thank God we have not had any major incidents of violence yet. Still, infringing on my right to keep and bear arms at my place of work, and then making the situation more dangerous by posting to the public that I'm unarmed, is both unconstitutional and unacceptable.

Please accept this email as my unequivocal support of SB174 and any legislation that allows me to retain my rights as a citizen and takes the Board of Regents out of the role of interpreting the Second Amendment. "Shall not infringe" seems cut and dry to me. I should have the right to carry my firearm wherever I go. The only place I'm truly vulnerable is the place I spend most of my day... at work.

Also, please understand that while I respect the university's position on the matter, it is NOT shared by all of it's employees. Many of us believe that it is based less on student safety and more on covering their liabilities. Hypothetical scenarios and dangers, no matter how valid they make them out to be, should never supersede the law. I believe the adage that says, "when we trade our freedoms for safety, we end up with neither."

If you have any questions regarding this email or my support for SP174, please don't hesitate to contact me. I can be reached at 907-952-7251

Michael B. Smith
Concerned University Employee

Gayle Keller

From: Michael McGowan <mgmcgoo@alaska.net>
Sent: Friday, February 19, 2016 8:48 AM
To: Sen. Pete Kelly
Cc: Sen. John Coghill; Sen. Click Bishop; Rep. Steve Thompson; Rep. Tammie Wilson; representative.scott.kawasaki@akleg.gov
Subject: UA Gun Control

I support your legislation to enable law abiding citizens to protect themselves with concealed weapons on all UA campuses. Just about every mass shooting in the U.S. and internationally has occurred in gun free zones where innocent people are prohibited from carrying firearms to protect themselves. It's only a matter of time before such tragedy occurs in Alaska.

Your legislation should be expanded to include all government and public facilities that prohibit people from protecting themselves with concealed weapons. It should require them to post the weapons prohibition at every entrance AND provide sufficient armed guards on the premises to protect people in the event of an armed attack. This should not only be required at UA campus facilities but any other places such as schools, bars, court houses, airlines, the state legislature, etc. where firearms are prohibited.

There should be no place within the State of Alaska that prohibits innocent people from protecting themselves from mass shootings unless the facility provides sufficient armed guards to ensure the safety of the public. My wife works at a public school that could easily have an attack similar to Sandy Hook. Door locks and the prohibition of weapons within our schools does nothing to protect victims when mass shootings occur. We need to be proactive rather than reactive to enable law abiding citizens to be the first responders.

We teach kids how to stop, drop and roll. We teach adults how to use fire extinguishers. Why not teach everyone how to dog pile on armed attackers and let the building occupants protect themselves with concealed weapons until law enforcement arrives on the scene.

Thanks for your time to make Alaska a safer place to live.

MGM

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

Gayle Keller

From: Lauchlan Ford <ljfmah@gmail.com>
Sent: Monday, February 15, 2016 6:05 PM
Cc: Sen. Lesil McGuire; Sen. Cathy Giessel; Sen. Pete Kelly; Sen. Mike Dunleavy; Sen. Bill Stoltze; Sen. Kevin Meyer; Sen. Charlie Huggins; Sen. Anna MacKinnon; Sen. John Coghill
Subject: Fwd: SB 174

----- Forwarded message -----

From: Lauchlan Ford <ljfmah@gmail.com>
Date: Mon, Feb 15, 2016 at 5:40 PM
Subject: SB 174
To: Bill Wielechowski <Senator.Bill.Wielechowski@akleg.gov>

I am a constituent. I support SB 174 because: a) The State constitution provides no exception and the Univ of AK is in violation of the constitution both State and federal. b) No problem has been identified and documented that justifies denying fundamental rights, and in fact, the usual "blood in the streets" arguments are ridiculous fabrications of overactive imaginations of job-nervous bureaucrats. c) Political correctness gone wild as in educators' safeguarding their careers with "Zero Tolerance" policies in the name of caring for the children. d) Dermot Cole envisions wild dorm parties leading to bloodshed without mentioning any such problem before dorms were built. e) My home is surrounded by at least seven gun free zones within within four football fields' distance, and since gun free zones are proven killing zones I am very concerned.

L J Ford

4928 Mills Drive, 99508

Gayle Keller

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.....

Gayle Keller

From: Glenn Gambrell <ggambrell@alaska.edu>
Sent: Thursday, February 18, 2016 2:13 PM
To: Sen. Pete Kelly; Rep. David Talerico; Rep. Daniel Ortiz;
representativewes.keller@akleg.gov; Sen. Mike Dunleavy
Subject: SB-174 and support for UAs current position

Dear Senator Kelly and Education Committee Members,

I am writing to express my support of the current University of Alaska's policy on handguns/weapons on all UA campuses and expressing my opposition to SB-174

I am a retired Army Officer, ardent support of the Constitution and the Second Amendment and, currently enrolled as a full time Masters Student in Northern and Arctic Studies at UAF.

The majority of students enrolled in the UA system are not eligible to own handguns and conceal carry in the State of Alaska. The UA system has enough day to day issues to include under age drinking and sexual assault that guns do not to be included as another issue.

The current policy is the right fit for the the UA System. Allow UA to be the parent. Do not allow outlier situations be the cause of knee jerk legislation.

Sincerely
Glenn J Gambrell
LTC (R)
NORS '17

Sent from my iPhone

Gayle Keller

From: Erica Nardella <enardell@alaska.edu>
Sent: Thursday, February 18, 2016 5:44 PM
To: Sen. Pete Kelly
Subject: I support SB 174

Senator Kelly,

My name is Erica Nardella and I am a Social Work student at UAF. I just wanted to share that I support SB 174. I am definitely a minority in this position, but I had my own opinion before I even watched the Senate Education meeting.

First of all, I believe in constitutional rights, though I do not even believe that is your goal - I think defense and safety is your concern. I believe we are entitled to the civil liberties of the constitution, but those days are gone.

Beyond the violation of our constitutional rights, I think the main focus is in your assertion that a bad man with a gun is going to do what he wants, with or without legislation (paper). The best we can do is be able to protect ourselves and have preventative measure. We cannot control bad things, but we do have power to protect ourselves. I am not sure why others do not see it from that perspective.

While I do concede that many (students, especially) feel that this will create a more dangerous atmosphere (even if perceived), it is our right to be able to defend ourselves. It stops there for me. It does help that your bill makes sense though. In other words, your bill makes more sense than potential risks. I like how you also showed the facts about being a target and being vulnerable.

Unfortunately, I do not believe it will pass - the university is entirely opposed to it, and I am very much against the grain in my opinion, but I just wanted to share my support with you.

Thank you for what you do and for fighting the good fight,

Erica Nardella

Gayle Keller

From: Dan McIntosh <danmcintosh90@gmail.com>
Sent: Friday, February 19, 2016 1:43 PM
To: Sen. Pete Kelly

Sen Kelly,

I am contacting you about SB 174, the expansion of concealed carry to college campuses. I have personal knowledge of this topic as while attending Gonzaga University (Spokane, WA) I had to use a pistol to deter a potential break in to my apartment in Oct 2013. Unbeknownst to me the school had a no firearms policy that covered my apartment and they attempted to have me expelled for these actions even though Spokane Police who responded and apprehended the suspect said that true violence was deterred. The long and short of it is enough outrage was caused and the school kept both me and my roommate. I can say being whiteness first hand to how legal gun ownership can deter crime I fully support you efforts and if there is any further testimony you would like or explanation I am more than willing.

<http://abcnews.go.com/blogs/headlines/2013/11/gonzaga-students-hit-with-probation-for-pulling-gun-on-intruder/>

Best Regards,

Dan McIntosh
Cordova, AK
907.232.0342

Gayle Keller

From: Chris M Turletes <cmturletes@uaa.alaska.edu>
Sent: Friday, February 19, 2016 11:56 AM
To: Sen. Mike Dunleavy; Sen. Charlie Huggins; Sen. Gary Stevens; Sen. Berta Gardner; Sen. Pete Kelly; Senator.Lesie.Maguire@akeg.gov
Subject: SB 174 testimony

Greetings My Name is Chris Turletes, I live in southwest Anchorage, I am a retired Army officer and now work at the University of Alaska Anchorage. I am a UAA alum as is one of my daughters. Thank you for this opportunity to provide written testimony on SB 174.

SB 174 would preclude the Board of Regents and university from effectively managing student and employee conflicts and campus safety issues where concealed weapons are involved. As a university employee who spends a lot of time on campus for both work and recreation, I don't understand the need to allow weapons or concealed carry weapons on campus. Part of our goal is to prepare our students to be good citizens; the campus is a place where freedom of speech and exploration of ideas is supposed to occur.

An armed campus stymies open and free dialogues, debates and arguments, personal engagements.

The policy in place now allows those that carry weapons to leave them in their vehicles.

As a part of the Campus Emergency Response team I think concealed carry compounds any event involving guns on campus. Who's the friendly, who's the hostile. You just don't know.

Why carry a weapon on campus in the library at the gym or the Arena or at the coffee shop or bookstore or classroom? Personal protection? Self Confidence? Intimidation? I can't think of a good reason.

I think SB 147 is a major distraction to the job at hand which should be to hammer out a budget and to orient the state to be able to create new revenues and reestablish an environment that makes us feel comfortable living, working and playing in the state; without having to wear a gun.

Thank you for the opportunity to submit testimony.

Chris Turletes

UAA AVC Facilities and Campus Services

Gayle Keller

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

Gayle Keller

From: Barrie Greenfield <barrie_greenfield@yahoo.com>
Sent: Friday, February 19, 2016 12:55 PM
To: Sen. Pete Kelly
Subject: Bill 174 - Guns on Campus

Dear Senator Kelly,

As a recent UAF graduate, I want to express my support of Bill 174.

In the United States, a supposed Gun-free zone is simply an invitation to those who wish to harm others. My personal safety is not to be taken lightly, but when I am not allowed to carry concealed for my own protection or those fellow students around me, my safety is at risk. Attending night classes over the recent years meant that many times I had to walk across campus (or downtown at the CTC building) in the dark and away from crowds. Again, this means my own personal safety is at risk.

There are well-known incidents of individuals being sexually assaulted while on UA campuses- I do now wish to join that number and being able to carry concealed can be an effective deterrent to potential assailants.

I understand there are some concerns of guns being carried around minors and those who are not fully responsible. However, we live in Alaska. You can go to the local grocery store and there are people carrying concealed around minors, should we outlaw this also? (in case, you're wondering, NO!) I'd be willing to accept certain requirements to carry on campus, such as possessing a conceal and carry permit, even though it is not required normally for Alaskan residents.

The bottom line is, I should be allowed to carry concealed and defend myself regardless of my location- that means University of Alaska campuses, as well as my home, work and grocery stores.

thank You,

Barrie Greenfield

Fairbanks, Alaska



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.

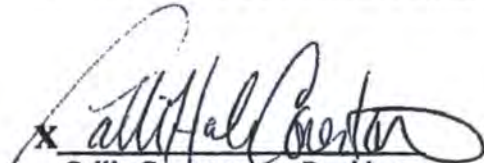
Be It Resolved That:

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 Coghil, 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



**University of Alaska Southeast
Staff Council
Juneau, Ketchikan, and Sitka Campus**

**UAS STAFF COUNCIL RESOLUTION AY1516-01
Approved February 16, 2016**

TO: Jim Johnsen
President, University of Alaska

VIA: Faye Gallant
Chair, Staff Alliance

CC: Richard Caulfield
Chancellor, University of Alaska Southeast

Maren Haavig
President, Faculty Senate/Alliance

DATE: February 16, 2016

RE: Oppose Senate Bill 174 Guns on Campus

Whereas:

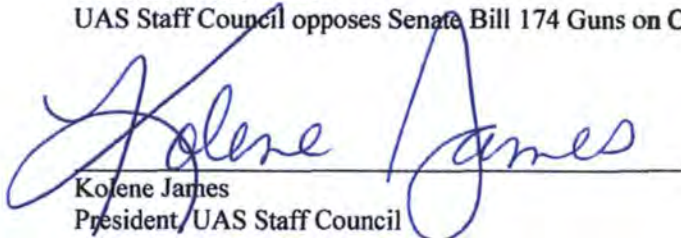
On February 16, 2016, the UAS Staff Council unanimously opposed SB174 Guns on Campus and supports Student Services Council of the University of Alaska and UAS Student Government Juneau campus resolution 1516-10: Oppose SB 174 Guns on Campus.

In the current climate of violence associated with guns, SB 174 will only amplify this behavior within our campus and community.

UAS Staff Council advises Staff Alliance and the UA Administration to support the best interests and importantly, safety, of the University employees and students.

Be It Resolved That:

UAS Staff Council opposes Senate Bill 174 Guns on Campus

A handwritten signature in blue ink, reading 'Kolene James', written over a horizontal line.

Kolene James
President, UAS Staff Council

Enclosures: UASJC-Resolution 1516-10
VC Letter Opposing Gun Legislation

The mission of the University of Alaska Southeast is student learning enhanced by faculty scholarship, undergraduate research and creative activities, community engagement, and the cultures and environment of Southeast Alaska.

Gayle Keller

From: uaafac@alaska.net
Sent: Thursday, February 18, 2016 1:09 PM
To: Sen. Lesil McGuire; Sen. John Coghill; Sen. Mia Costello;
senator.Petter.Micciche@akleg.gov; Sen. Bill Wielechowski
Cc: Sen. Pete Kelly; Sen. Bill Stoltze
Subject: SB174-Judiciary Committee

SB174 is **not necessary**. Current UA Policy does not ban all weapons and Alaska Gun Law allows restrictions on people and places for concealed carry including restrictions for people under the age of 21. The constitutional right to bear arms is not compromised when restrictions apply only to sensitive locations such as schools, courts, legislative offices, and government buildings. SB174 is inconsistent in restricting Board authority for concealed weapons yet allowing the Board of Regents to regulate open carry, discharge of firearms, and in "restricted access areas".

SB174 prevents UA from properly managing know 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 at sporting events
- During adjudication of staff or student disputes, disciplinary or academic actions commonly involving combative and highly stressed students or employees
- During confrontations with unstable and aggressive people in campus spaces such as libraries, museums, or during public events
- 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.

SB174 does not help the University fulfill its mission.

Steve Rollins
UAA Faculty and Staff Association

Gayle Keller

From: coldness@acsalaska.net
Sent: Monday, February 15, 2016 5:26 PM
To: Sen. Pete Kelly
Subject: SB174

Dear Honorable Senator Pete Kelly,

I am writing to you to express my **strong opposition** to the SB174, "An Act relating to the regulation of firearms and knives by the University of Alaska". I have taught general, organic and environmental chemistry at the University of Alaska Southeast for the past 15 years and have on occasion had the unpleasant experience of dealing with students that, because of failing grades, feel they are being treated unfairly. These situations have traditionally been handled with great attention and care through a cooperative and unbiased process involving the student, the UAS administration, and myself. Oftentimes, the process can evoke irrational response from the student. Fortunately, concealed weapons are a violation of the University of Alaska Board of Regents Policy and thus the risk of the grade dispute situation turning violent has been minimized. I'm sure you have experienced similar situations dealing with impassioned constituents. Perhaps you can take a moment to consider how you would feel about talking with an aggravated citizen if there were no impediment to that individual entering your office with a firearm. Regardless of whether you feel threatened by this hypothetical scenario, I do indeed feel threatened by the intent of SB174 to remove any impediment to students (and any other persons) to arrive armed to the University of Alaska. Other than to introduce a general level of anxiety and heightened fear of violence on campus, I see no rational reason to allow concealed weapons on the University of Alaska campuses or to limit the Board of Regents ability to determine policy for the University of Alaska campuses.

I urge you to reconsider your support of SB174.

Sincerely,

Lisa Hoferkamp
Associate Professor of Chemistry
University of Alaska Southeast
Juneau, AK

Gayle Keller

From: Kathrin W McCarthy <kwmccarthy@uas.alaska.edu>
Sent: Friday, February 19, 2016 6:59 PM
To: Sen. Pete Kelly
Subject: packing

Dear Senator Kelly,

I am writing to let you know that I am completely **opposed** to UA students carrying concealed or openly displayed guns on campus. Isn't this a Texas thing? I am sorry that you feel that you must distract and obfuscate using this guns on campus rather than dealing with the much more pressing concerns our state has to deal with -- our financial problems.

Sincerely,

Kathrin McCarthy

Gayle Keller

From: Diane Erickson <diane.erickson.ak@gmail.com>
Sent: Saturday, February 20, 2016 2:38 PM
To: Sen. Pete Kelly
Subject: Fwd: Guns on Campus: I oppose it

I am strongly **opposed** to guns on the UA campuses. At a time when you are proposing massive budget cuts to the UA system, you are taking an action that will divert shrinking resources from education to security and policing on the campuses. Research clearly shows that brains are not fully developed until the mid-20's. Before that time, the brain is susceptible to emotional outbursts, especially if alcohol and/drugs are introduced. What a mix....young people who are not fully developed and guns!

If you and your colleagues believe so strongly in 2nd amendment rights, throw open your legislative offices and allow guns. Until you do, you are serving up a load of hypocrisy.....again. You will put the lives of every campus employee and student at risk, but you are not putting yourself out for risk. Get some skin in this game...lead the way...show us how safe it is to have concealed carry in your legislative offices. Stand up for 2nd amendment rights...open up your offices. Unless you do, you don't really believe in 2nd amendment rights...or you are a coward.

The Republican majority in this legislature continues to demonstrate that they don't care about Alaskans. Do the lives of Alaskans working on campus mean so little to you that you can use them as pawns? How do you sleep at night....and do you have your speech ready for when the first person dies on a UA campus if this goes into effect? Because when it happens you will have blood on your hands.

Diane Erickson

The Honorable Pete Kelly
Alaska State Senate
Senator.Pete.Kelly@akleg.gov
907-465-3709

Dear Senator,

My name is Colin Osterhout, from Juneau, Alaska. In addition to being an alumnus, I currently work for the University of Alaska Southeast. It is important to note that these thoughts represent my own personal concerns and should not be construed to speak for the university in any official capacity. I am writing today in opposition to SB 174. I view this bill as an unnecessary attempt to hastily enforce partisan beliefs upon the University of Alaska without sufficient research, deliberation, or public input from all stakeholders.

Where is the research that is being drawn upon to inform this discussion? Without any scientifically peer-reviewed data and analysis to back up what would be a major policy shift, I can only assume the motivation behind the bill is ideological in nature. Not a sound basis on which to dictate policy with such wide-ranging implications, some of which may not have been considered, such as the correlation between the increase in suicide rates that goes along with increased access to firearms.

The potential for a "chilling effect" on the learning community has been expressed to me from several faculty members. Instead of a safe learning space in which people can offer their opinions free from threat of physical violence, we are instead fostering a space in which students and faculty members maintain suspicions; this leads to guarded dialog at best.

We are struggling to attract new students to our campuses in a time of decreasing budgets, programs, and local populations. I cannot imagine how the passage of SB 174 would help bolster our image of a safe campus for prospective students or their parents. In a similar vein, how would implementation of this law affect our ability to attract the best faculty and staff in the future?

Recent states and schools around the nation have experienced greatly increased costs from implementing similar laws pertaining to concealed carry of weapons. We simply do not have the staff, space, or budget to deal with this sort of major policy shift.

What is the urgency for passage of this bill? Where is the evidence of overwhelming demand that is driving its passage? By seemingly fast-tracking this legislation, especially in a time of budget crisis, we are circumventing the naturally slower-moving separate Staff Councils, Faculty Senates, Student Governments, and statewide Staff Alliance deliberative processes. Due process is a fundamental concept in our government, we are not honoring that in spirit here.

For what it is worth, I am a gun-owner, hiker, and hunter, and greatly enjoy the outdoors and the freedom to use firearms responsibly. In my opinion however, like church, institutions of higher learning are not well-served by allowing concealed weapons on campus. Please take a minute to consider all the implications of this bill and if security is found to be a real concern for the faculty, staff, and student populations then to find appropriate ways of addressing those concerns in a more constructive manner. Like you, I love serving the citizens of Alaska. I appreciate your time.

Colin Osterhout
Juneau, AK

Gayle Keller

From: Carol Kaynor <carol@carolkaynor.com>
Sent: Friday, February 19, 2016 10:52 AM
To: Sen. Pete Kelly
Subject: please, no guns on University of Alaska campuses

Dear Senator Kelly,

Please add my name to those who oppose allowing guns on University of Alaska campuses. I am a staff member at UAF. I work in the Elvey Building at West Ridge. I feel safe here. I would no longer feel safe if guns were allowed on campus.

You write that the answer to a bad man with a gun is a good man with a gun. But this is not the Wild, Wild West, where whoever wins is whoever can draw fastest. Will I feel safer knowing anybody in my building might be carrying? No.

And that's my main point: Prohibiting guns on campuses is a "safety" issue, not a gun-rights issue. Are guns allowed where you work in Juneau? Why not? I imagine it's because you wish to feel safe while you're working for the people of Alaska. The same is true for those of us on campus. We don't want guns here because we wish to feel safe while we're working, studying, teaching.

Please reconsider your bill for the sake of those of us who do, truly, want to feel safe.

Thank you very much,

Carol Kaynor
1125 Cartleb Rd
Fairbanks, Alaska 99712