Child Access to Firearms/ Safe Storage Task Force



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A Recommendation of Potential Action Items

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The Mayor's Child Access to Firearms/Safe Storage Task Force was a broad collection of city/ county staff and various community stakeholders who all dedicated a significant amount of time to this project. The members are as follows:

Jason Stille—Lincoln Police Department, Chair John Neal—Lincoln Public Schools Jim Davidsaver—Lancaster County Emergency Management Rose Hood Buss—HUB and co-chair of Suicide Prevention Coalition Heather Talbott—Bryan Health Dr. Dave Miers-Bryan Health Bennie Shobe—Lincoln City Council Teri Clark—BigShots Indoor Range and Gun Store Todd Duncan—Lancaster County Sheriff's Office Ben Pflanz—Lincoln Police Department Melody Vaccaro—Nebraskans Against Gun Violence Camille Iacono—Student Emily Killham—Nebraskans Against Gun Violence Alicia Henderson—Lancaster County Attorney's Office (retired) Sara Hoyle—Lancaster County Human Services Brian Baker—Lincoln/Lancaster County Health Department Bryan Seck—Prosper Lincoln Thomas Booth—Licensed Independent Mental Health Practitioner (retired)

We also received tremendous support from the LPD Crime Analysis Unit Manager Jeff Peterson, City Attorney Tonya Peters, and Administrative Assistant JJ Mayer-Adams, which helped guide and document our work. This is a culmination of many hours and significant attention to this topic. Further, two representatives for the National Rifle Association were invited to attend our meetings and were included in meeting notices for the group. All information regarding meeting content and attendance can be found on the Mayor's website.

Respectfully,

Captain Jason Stille Management Services Lincoln Police Department 575 South 10th Street Lincoln, NE 68508 402-441-7239



Executive Summary

In January 2019, Mayor Chris Beutler announced that he was creating the Child Access to Firearms/Safe Storage Task Force in order to examine strategies to reduce access to firearms by children and increase the safe storage of firearms in the community. The duties of the task force included:

- Examining local data on access to firearms by children including theft or misuse of firearms
- Studying existing research about safe storage practices and prevention of child firearm access
- Reviewing strategies used in other communities
- Identifying helpful practices that are currently in place or that could be considered locally
- Recommending practices that could be adopted, enhanced, or encouraged locally

At the beginning, the task force was provided its directive from the Mayor and listened to a presentation from the Lincoln Police Department's Crime Analysis Unit Manager regarding statistical data concerning firearms-related incidents in Lincoln over the past two decades. This information included firearms use as it related to juvenile suicides. Over the course of the next few months, the group's data examination extended to gun incidents at Lincoln Public Schools campuses, Lancaster County Sheriff's Office data and injury data from Bryan Health and the Lancaster County Health Department. Further examination of safe storage legislation was also reviewed from the cities of Seattle, Washington and Los Angeles, California, as well as the state of Washington.

While the group has not reached consensus on all of the recommendations contained within the four corners of this document, many of the items were supported and are listed as actionable. Where action items were not unanimous, we've included the main themes from our conversations so as to shed light on the different perspectives of the group to guide future debate and discussion.

Lastly, the task force recommends that this discussion and evaluation be on-going. Using a public health model of continual assessment allows for the city to grow and change with the needs of Lincoln proactively. Any change should be measured, where able to do so, in order to ensure that those modifications are reducing access to firearms by children and are made based on relevent local data.

Introduction

History

Following the shooting at Marjory Stoneman Douglas High School in Parkland, Florida, on February 14, 2018 (perpetrated by a former student), the people of Lincoln began to more intently examine procedures and processes related to firearms that would provide better safety for our youth. In Spring 2018, Lincoln saw a youth led movement hold a march with over 1,000 attendees, several walkouts in the high schools and middle schools, and a community led town hall at Lincoln High School. In September 2018, a local non-profit, Coalition of Nebraskans Against Gun Violence, brought the community conversation to the Lincoln City Council meetings with many Lincoln residents speaking up by email and in person calling for a safe storage ordinance in the hopes of reducing access to firearms by youth and other unauthorized persons.

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Considerations

The City of Lincoln is foundationally grounded in "the ultimate goal of protecting health and safety of our citizens; preserving and enhancing Lincoln's unique character and quality of life; and to carry out these duties in an open, honest, fair, and accountable way that involves the citizens in their government." The foremost goal of this task force was to maintain Lincoln's foundational values and most effectively and efficiently provide quality service to all residents.

Second, the task force recognizes its charge is to study and use historical and current data in examining potential action items. While data exists to varying degrees at the national or regional level, we recognize that to truly live up to our foundational principles, anything we recommend needs to reflect Lincoln values and goals. Therefore, we favored local data over national data, when available. The foremost goal of this task force was to maintain Lincoln's foundational values and most effectively and efficiently provide quality service to all residents.

Data Review

Local data from the Lincoln Police Department (LPD) was compiled, analyzed and presented by LPD Crime Analysis Unit Manager, Jeff Peterson. Based on the time period of calendar year 2000-2018 (and other than a few outliers) the trend line for stolen firearms (either taken in a burglary or stolen from an automobile) has remained fairly consistent. Guns stolen from a home or automobile consisted of 69% percent of all gun thefts during the past 10 years. During that same 10-year time frame, the number of incidents reported with stolen firearms has also remained consistent (Figures 1 - 7).

A brief analysis of cleared larceny from auto cases spanning 2014 - 2019 (year to date) discovered that 47.37% were perpetrated by juveniles, ages 14 - 18. During this same time period, there were 24 cleared cases* where firearms were stolen from a vehicle. Of those 24, the age breakdown of the perpetrator(s) were:

- 14 18 years of age 20
- 19 23 years of age 3
- 24 28 years of age 2
- 29 33 years of age 6
- 34 38 years of age 3

*the totals represented in the age count are more than the total cases cleared due to multiple persons arrested for a singular crime.

Unfortuantely, we do not possess adequate local data in the respective case reports to ascertain if stolen firearms were kept locked/safely stored in the home or vehicle and what, if any, impact this had on the theft. There are a variety of national studies regarding child-access prevention (CAP) and safe storage laws that were examined for perspective.

According to the RAND Corporation and various analyses they've conducted, there is supportive evidence that CAP laws decrease unintentional injuries and deaths. While there is limited evidence that education campaigns have successfully promoted safe storage of firearms, there is evidence that clinicians who counsel families to store guns safely can influence behavior, particularly when devices, such as gun locks, are given away for free (RAND Corporation, 2019, Gun Policy in America).

While we don't possess adequate data to make any reasonable deduction on current storage practices and their impact, if any, on firearms stolen during burglary or larceny cases, we do have very granular local data on juvenile suicides involving firearms.

During the time period of 1995-2018 in Lancaster County, there have been 42 juvenile suicides (ages 18 and younger). Of those 42 cases, 12 involved the use of a firearm. Of those 12 cases where a firearm was the method of suicide, 10 of those cases involved a firearm that was unsecured (Figure 9). The two remaining cases involved the use of a glass display case to hold the firearm (one that was easily breached and not considered secure) and an instance where the combination of the safe was shared with the juvenile. In short, our community experiences one juvenile suicide where a firearm is the method of that suicide once every two years, on average.

According to our local data, the leading method of suicide for ages 10-24 is hanging (47%) followed by use of a firearm (32%). The next highest method is jumping (6%). By comparison, the leading method of suicide for all ages is use of a firearm (40%) followed by hanging (26%) and overdose (18%) (Figure 10). The New York Times published data that found that in a 2010 study, 82% of all youth suicides by gun in the United States were completed with a firearm owned by a friend or family member. The same article indicates that a measurable reduction in completed suicides by firearm occurs when child access laws are in place.

The task force was interested to learn about safe storage practices locally. Unfortunately, current local data is not available. The group proposed modifying a few existing state and local surveys or exploring other community assessment options such as conducting a firearm storage survey to better understand local safety practices.

In the absence of local data, the group was able to look at relevant national data points. One data point the group recommended was the Behavioral Risk Factor Surveillance Survey. This survey does have relevant national data available, though it is from 2004. According to this data, "close to one-third (32.6 percent) of all U.S. households reported owning a gun in 2004. More than one in five (22.3 percent) gun-owning households kept at least one of their guns loaded. Of those, three-fifths (60.7 percent) stored their loaded weapons unlocked. Altogether, one in 14 American households (7.3 percent) had a loaded firearm in or around their homes, and nearly one in 20 (4.4 percent) lived with a gun that was unsecured."

More recent data (2016) published in the American Journal of Public Health indicates that less than half (46%) of gun owners report storing all firearms in a safe manner. For the purposes of this study, authors define safe storage as all guns being "stored in a locked gun safe, cabinet, or case; locked into a gun rack; or stored with a trigger lock or other lock." This study "conducted a nationally representative online survey of US gun owners (n=1444) to assess gun storage practices...". This nation-wide survey of only 1,444 gun owners may not be a reflective representation of Lincoln residents and local data is desired. School shootings and safety within schools was of concern to many task force members. The American Phychological Association surveyed 300 respondents ages 15-17 and 3,458 respondents ages 18+. The data collected by the APA indicates that 72% of Generation Z (those 15-21) indicate that school shootings or the possibility of school shootings are a significant source of stress. More than half say they experience stress at least sometimes when considering the possibility of a shooting at their school and more than one in five (21%) say that the possibility of a shooting at their school is a source of stress either often or constantly.

The task force learned that in the four years between 2014 - 2018, there were 8 reported incidents involving guns being brought onto Lincoln public middle or high school campuses: 1 was a bb gun; 3 were unsubstantiated reports where a firearm was never located; 2 were firearms located in the student's vehicle on campus; and 2 were firearms found in the student's possession. It is not clear where the firearms for these incidents were obtained as that data is not always collected. However, data from the Federal Commission on School Safety presented to the task force indicates that 54% of school shooters took the firearms from parents or friends.

The Journal of the American Medical Association (JAMA) recently published a study estimating the number of juvenile suicide and unintentional firearm mortality that would result if more adults in homes with children secured their firearms. The study indicates that an intervention that led to even a modest increase in locking up firearms could result in a meaningful decrease in firearm deaths among juveniles.

The task force was encouraged that the number of juveniles involved in a completed suicide by firearm or unintentional death by firearm is relatively small in the immediate Lincoln area. Some in the group felt that the numbers were not high enought to justify actions where there was not a consensus. Other members of the task force expressed concern that in the case of a mass casualty incident, these numbers would increase exponentially, and thus legislative intervention was necessary.

Data from The National Center for Biotechnology Information supports the conclusion that child-access prevention laws reduce unintentional firearm injuries among children.

Overall, the national data pointed to a few key conclusions for the task force: 1) safely storing firearms reduces the liklihood of unintentional injury/death by firearm for juveniles, juvenile suicide by firearm, and firearms used to cause intentional harm by juveniles; 2) juveniles obtain firearms either from home or the home of a close friend/family member or through theft; 3) an intervention that leads to more households securing firearms will decrease the number of suicides and deaths among juveniles.

Recommendations and Points for Consideration

The Task Force met on six different occasions (Feb 15th, March 14th, April 18th, May 16th, June 5th, and June 24th). Participants agreed to enter into discussions respectfully, provide data and ask for more information where necessary to discuss appropriate recommendations. Although discussion about solutions to gun violence can be contentious, the group handled the matter with seriousness, civility, and data-driven discussion.

Overarching themes:	The meetings consisted of review and evaluation of the
overarening themes.	available local and national data, peer reviewed studies, news
1. Legislation	articles, findings from other city task forces, and current
	processes and practices happening in Lincoln and the broader
2. Enforcement	state of Nebraska. Between meetings, partipants shared
	additional information on the topic by email. There was
	general agreement that more study can and should be
3. Education	conducted on the intersection of guns, public safety, and
	public health. All of the discussion, including meeting minutes
4. Partnerships	and handouts provided to the group, are prominently posted
	on the Mayor's website for public review.

After several meetings, the task force saw several distinctive themes emerge: Legislation, Enforcement, Education, and Partnerships. These themes are broken down in this document.

The task force took the Mayor's charge seriously and attempted to weigh all data and available literature, to the best of our abilities, prior to making recommendations.

While the work of the Task Force shouldn't be considered an exhaustive search and review, given the aggressive timeline, the recommendations of this committee were not made lightly or without thought. Numerous sources of information were reviewed, evaluated, and compared to local data and experiences.

Safe Storage Legislation

Members of Nebraskans Against Gun Violence and other members of the Lincoln community prompted the city of Lincoln to consider the question of whether the City of Lincoln should require firearm owners to lock up their firearms in order to reduce firearm injuries and fatalities. The task force considered peer-reviewed research on the impact of safe storage and child access prevention laws, considered how some other jurisdictions in the United States are using such laws, and evaluated local data on firearms use, possession, and its contribution to violent crime and suicide. The task force did not come to a unanimous conclusion on this issue.

Arguments *against* creating a safe storage ordinance of any type included the following main principles: 1) the government should heavily evaluate passing laws covering what a person does within his or her own home; 2) the Second Amendment prohibits certain legislation depending on how it's crafted; 3) such legislation may be difficult to enforce and may only come into play *after* a tragic event has already happened; 4) stringent firearm storage recommendations may impact a gun owner's ability to use a firearm for self defense; 5) various local control contributes to the confusing patchwork of gun laws across the US and; 6) lack of local data supporting the need for a safe storage ordinance. Some task force members wished to see more data about how firearms get into the hands of children and preferred the less intrusive approach of education campaigns prior to initiating legislative solutions.

Arguments *for* creating a safe storage ordinance of any type included the following main principles: 1) scientific evidence that safe storage/child access prevention laws reduce firearm deaths and injuries among minors; 2) evidence suggesting that unsecured firearms are a significant risk factor in high-casualty school shootings; 3) the lack of evidence indicating that safe storage laws reduce self-defense uses of firearms; 4) the successful implementation of safe storage laws in major U.S. cities such as Los Angeles and Seattle, where city officials find them important tools in curbing gun violence; 5) the value of an ordinance in motivating an educational campaign; and 6) the constitutionality of such an ordinance as evidenced by the courts.

Task force members considered two basic types of safe storage ordinances: one that would require all firearm owners in Lincoln to lock up their firearms when the firearms are not in their actual physical control and one that would only require firearm owners to lock up their firearms in homes where minors and/or prohibited persons live or are likely to visit. While some task force members who support a safe storage ordinance favor the stronger ordinance that would require all firearm owners to lock up firearms in order to reduce injury and theft, there was similar support for the compromise position of requiring firearm owners in homes only where children (or persons prohibited from owning a firearm) live, visit, or are likely to visit.

Article 1, Section 1 of the Nebraska Constitution reads: 'All persons are by nature free, and independent, and have certain inherent and inalienable rights; among these are life, liberty, the pursuit of happiness, and the right to keep and bear arms for security or defense of self, family, home and others, and for lawful defense, hunting, recreational use, and all other lawful purposes, and such rights shall not be denied or infringed by the state or any subdivision thereof.' There was discussion on the constitutionality of a proposed ordinance as it relates to this Article. While constitutionality may be highly dependent on the language of any proposed ordinance, some other municipalities' ordinances were listed as passing legal challenge.

In addition, there was some discussion on including a provision that would provide immunity from prosecution for violation of the local ordinance for those who are prohibited by law from owning or possessing a firearm (such as a felon) if they reported the firearm lost or stolen. If this immunity from prosecution is possible, a majority of the group believed that is should be part of the overall ordinance package. The task force did not research this for legal viability against state and federal laws barring prohibited persons from firearm ownership and would defer to the City Law Department to make a more comprehensive assessment.

The task force did discuss storage and locking devices but not through the lens of a policy requirement. The task force was advised by the city attorney, the consequences of violating city ordinances are limited by state law for maximum penalties. Other communities vary in their requirements and consequences.

While there was not a consensus at this time on support for a safe storage ordinance, an interesting point to be made was that if a comprehensive educational program was rolled out and measured, and that program was not found to have a measurable improvement on safe storage practices in the city of Lincoln, several task force members who initially opposed an ordinance became proponents for one.

Enforcement

Enforcement was a focus of this Task Force although it didn't center solely around the enforcement of a potential new legislative solution to safe storage of firearms.

While examining the data surrounding current enforcement efforts, the Task Force found that while the City of Lincoln has a city ordinance banning firearms stored in motor vehicles for longer than 24 hours, this ordinance has not been enforced to any degree by the Lincoln Police Department.

Based on the brief analysis by LPD's Crime Analysis Unit, if there is an approximate 50% chance that a gun stolen from a motor vehicle will be stolen by a juvenile, more attention towards minimizing this potential access point should be explored. As such, it is a recommendation by the majority of the task force that there be a concerted effort by the Lincoln Police Department to enforce this ordinance when violations are discovered. In addition, educating the public on the ordinance, as well as the aftermath of incidents involving firearms stolen from vehicles may help to decrease the number of firearms left in motor vehicles.

The trend line for firearms stolen from vehicles has been fairly static over the years so good baseline data is already available. Once a reasonable effort has been established to enforce this ordinance, the task force recommends periodic evaluation of this trend line to determine if enforcement has had any impact on the number of firearms left in vehicles for extended periods becoming easy targets of theft.

Of course, an unintended impact of enforcement of this ordinance could be that the public will stop reporting firearm thefts out of concern for being cited for this ordinance violation. Therefore, the city council may want to consider enacting an ordinance requiring a person to report any theft of a firearm within a certain time period. Such an ordinance may include language such as:

"An owner of a firearm has the duty to report a lost or stolen firearm within _____ days of the knowledge of the loss."

Mandating a duty to report firearm theft also helps in the timely investigation of crimes. Recent technology advancements have allowed many businesses and home owners in the city of Lincoln to install security cameras. The sooner law enforcement learns of the theft or loss of a firearm, the more likely it is that surveillance or other evidence will be available that will assist in recovering that firearm. The task force would recommend, if an ordinance is to be enacted, that additional basic research be conducted into video retention periods for various businesses. This evaluation is necessary in order to determine an acceptable grace period to report firearm theft taking into account the disruption to the individual as well as the potential for evidence loss. By way of comparison, the city of Seattle has a 5 day grace period for reporting firearm theft which seemed reasonable to the task force.

Education

The discussion involving an education component to child access to firearms as well as safely storing your firearm received more consensus. The entirety of the task force agreed that we should educate the public on safe storage practices as well as the tragic consequences of not doing so through a variety of Public Safety Awareness campaigns. The task force learned of (and viewed) a local PSA that a few members of the task force participated in and viewed a few national PSAs as well. These PSAs received positive feedback.

The task force found that there is community education about firearm storage happening in Lincoln however we're lacking coordination among agencies and have areas to expand. A comprehensive campaign must include pediatricians and Lincoln Public Schools as they interact with the largest number of people caring for Lincoln's children. This report specifically looks at partnerships as its own section.

While there are a variety of education campaigns available, it seems prudent for city stakeholders to coordinate a repetitive message, similar to other public health campaigns that are easy for the public to memorize like "click it or ticket," "only you can prevent forest fires," "see something, say something" and "friends don't let friends drive drunk." These stakeholders include, but are not limited to hospitals, public and private schools, physician's offices, firearm and sporting goods stores, and non-profits.

The task force recommends exploring the scope of a potential public education initiative on minimizing child access to firearms and preventing unintentional firearm injuries, building on the recent efforts like the partner collaboration that produced the local PSA. Several city or county resources could be engaged or considered to coordinate this initiative and bring all educational materials and our educational direction into a cohesive package. Prior experience on community initiatives that involve education and/or legislation should be considered as that specific expertise would be beneficial to conducting a successful campaign.

In addition, Lincoln Public Schools is encouraged to send information using existing communication tools about appropriate gun storage each time there is an actual or perceived gun incident in one of the schools. Ideally, private schools would also educate their families in the same or similar ways.

Partnerships

The task force recognized that Lincoln works best when we work together. There are numerous opportunities for partnerships in curbing child access to firearms and in promoting safe storage practices locally. One such discussion involved current practices by the Lincoln Lancaster County Youth Suicide Prevention Coalition and the past practice of handing out gun locks in conjunction with Gun Amnesty events held by the Lincoln Police Department. While this practice should be continued, it was recommended that the Coalition partner with the Lancaster County Sheriff's Office and hand out free gun locks when persons apply for handgun purchase permits, along with literature outlining safe storage practices.

Any education campaign is best served by involving numerous local intersectional partnerships in order to reach the broadest spectrum of the community and to truly realize effectiveness. The task force recommends that formal partnerships be formed with various community stakeholders allowing for a coordinated response to safe storage and preventing child access to firearms in our community. Current known partners include: City of Lincoln agencies (including but not limited to law enforcement, public health, etc.); Lancaster County Attorney's Office, Lincoln/Lancaster County Suicide Prevention Coalition; Public and private Schools within Lancaster County; University of Nebraska-Lincoln, Nebraska State Suicide Prevention Coalition; Hospitals/healthcare facilities; US Department of Veterans Affairs; Lancaster County Medical Society; University of Nebraska Medical Center; Nebraskans Against Gun Violence; BigShots Indoor Range and Gun Store (and other point of sale stores selling firearms and ammunition); Lancaster County Sheriff's Office; and Local media outlets.

A final recommendation of the task that did not fit neatly into our four themes deserves mention here because it involves many agencies who work with persons who are struggling with mental health issues that impact their dangerousness to themselves or the community. If a person is alleged to be mentally ill and dangerous, there is a process for that person to be placed in Emergency Protective Custody (EPC) for a period of time, after which a hearing is held before the Mental Health Board to determine whether that person needs to be involuntarily committed to a specific treatment level. Many times, before that hearing is held, the person's attorney and the Lancaster County Attorney's office comes to an agreement, based on information gained from mental health providers, that the person can be released to the community on the condition that the person follow a specific, agreed-upon treatment plan. From time to time, persons who have been released on such an agreed-upon treatment plan have been found to have continued and easy access to firearms during the early stages of their treatment following an episode of dangerous behavior. Our recommendation is that Lancaster County Attorney's office and other associated agencies should conduct an examination of the EPC and Mental Health Board process with the goal being to determine how and when a provision could be added to a person's treatment plan that would require the person to safely store their firearms locked in an off-site location, whether that be with an appropriate family member or cooperating business, for a period of time that provides for their own safety and for community safety.

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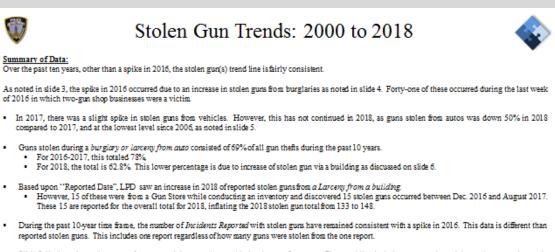
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Appendix

Figure 1. Stolen Gun Trends: 2000 to 2018



- Slide 8 displays the total amount of cases pertaining to stolen gun(s) via a larceny from auto. The trend line includes an upward trend due to the reported cases in 2016 and 2017, however, the 2018 numbers show a 45% decrease compared to 2017.
- Since 2000, 65% of all gun's thefts are via multi-stolen gun IR cases. For the past five-years, this drops to 55%. This can be fueled by multiple guns stolen from one case (i.e. local sporting goods store and other examples).

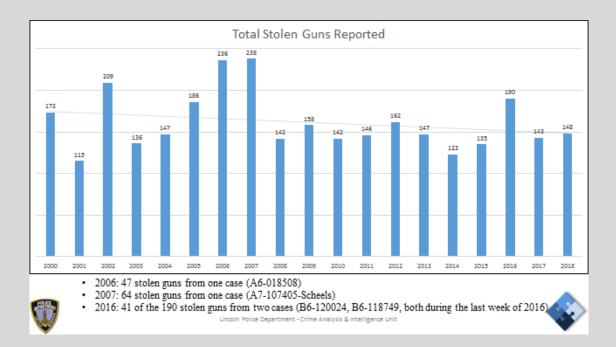


Figure 2. Total Stolen Guns Reported

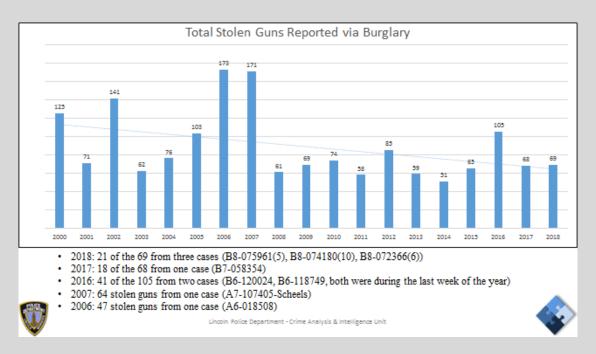
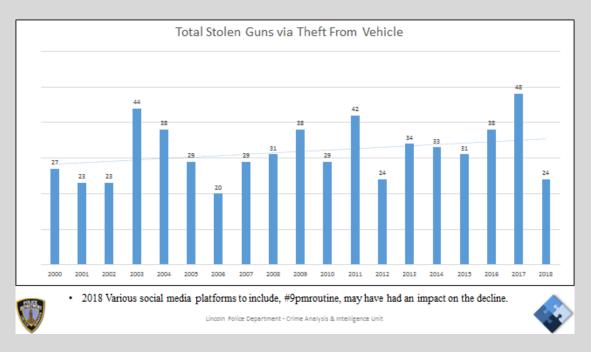


Figure 3. Total Stolen Guns Reported via Burglary

Figure 4. Total Stolen Guns via Theft From Vehicle



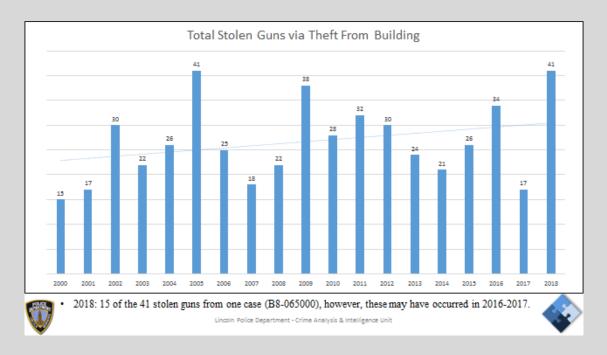
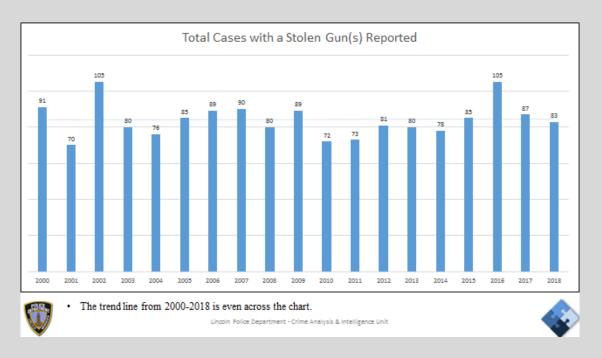


Figure 5. Total Stolen Guns via Theft from Building

Figure 6. Total Cases with a Stolen Gun(s) reported



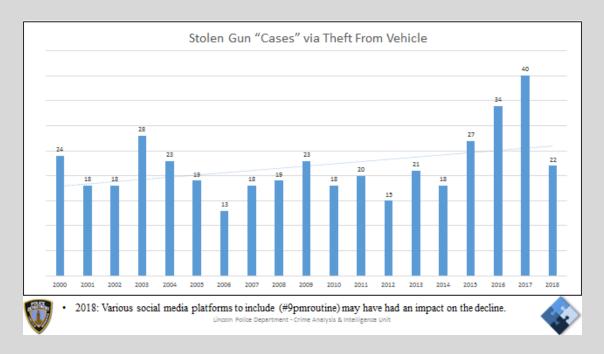
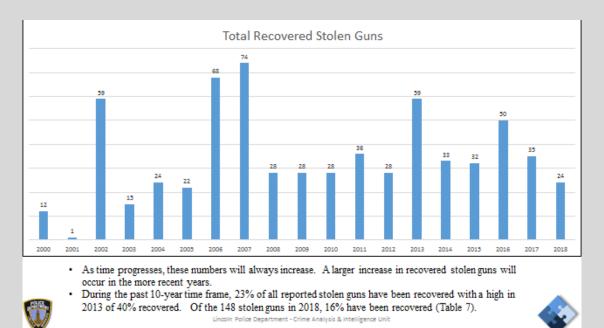


Figure 7. Stolen Gun 'cases' via Theft from Vehicle

Figure 8. Total Recovered Stolen Guns



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Figure 10. Suicide By Method 1995-2018

