

# **GUN MASSACRE ESSAYS**

By

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## A LOST CAUSE

***Legislators are ambushed. And a gun-numbed land shrugs and moves on.***

*By Julius (Jay) Wachtel.* “It’s going to be in my pocket from this day forward. It’s got all the punch you need.” House member Chris Collins (R-Ala.) was of course referring to a gun, specifically the 9mm. pistol [that he occasionally carries](#) in the glovebox. But the Congressman’s resolved to ramp up his game. His decision to “pack” 24-7 was prompted by [the June 14 shooting](#) at a Congressional baseball practice in Alexandria that wounded four, most seriously fellow Republican legislator Steve Scalise, the Majority Whip.

Congressman Collins isn’t the only one looking to guns as a solution for...well, guns. Reacting to the same tragedy, his Alabama GOP colleague, Rep. Mo Brooks [asked that D.C. exempt legislators](#) from laws restricting concealed carry (applicants are [presently required](#) to demonstrate a “good reason”):

Right now, when we’re in Washington, D.C., once we’re off the Capitol Hill Grounds complex, we’re still congressmen, senators — we’re still high-profile targets — but we have absolutely no way to defend ourselves because of Washington, D.C.’s rather restrictive gun laws.

Fellow GOP stalwart Rep. Chuck Fleischmann (R-Tenn.), who hit the ground to avoid the assailant’s fusillade, heartily agrees:

Put it this way: If we had had more weapons there, we’d be able to subdue the shooter more quickly. Thank God that the Capitol Police were there and were armed, because otherwise we’d have had a situation where there’d be a lot more damage.

Naturally, the Dem’s don’t see it that way. But let’s not get trapped into parsing ideological disputes. Considering what actually happened, it seems unlikely that a passel of armed citizens would have helped. [James T. Hodgkinson](#), the assailant, was in a more-or-less secluded position [about two to three house-lengths](#) away from his victims [when he began firing salvos from an SKS 7.62 cal. semi-automatic rifle](#). Consider whether a group of startled, frightened lawmakers could have even organized an effective response. Then imagine how many would have perished or accidentally plugged one another while trying.

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Six and one-half years earlier [Congresswoman Gabrielle Giffords \(D-Ariz.\) was fighting for her life](#) after being shot in the head during an Arizona political event. Her assailant, Jared Loughner, a 22-year old recluse was standing in a crowd when he suddenly pulled a Glock 9mm. pistol and opened fire, killing six and wounding thirteen. It could have been much worse had several citizens not tackled the gunman when he paused to reload. None of these heroes was armed. A Johnny-come-lately who *was* [described what nearly happened](#) when he stumbled on the scene:

As I approached the people wrestling with him [Loughner] one of the other gentlemen actually had gotten the gun away from him. And that's what I saw first was him holding the gun. And, you know, I had my hand on my pistol and I saw that the gun he was holding was locked back, and so it was empty. And I decided that instead of pulling my gun, I would try and get that gun from him. So, I ran up to him and grabbed his wrist and pushed him up against the wall. At that point, everybody around me says no, no, it's this guy, you got that wrong guy.

It's possible to conceive of circumstances that would benefit from the presence of armed citizens. Still, if everyone that wished to be armed *was*, what might the unintended consequences be? For a hint, read our [prior gun control posts](#). Here's an extract from "[Don't Blame the NRA](#)":

We've become so accustomed to gun violence that we seldom think about the gang members, "ordinary" criminals and otherwise law-abiding heads of household who commit countless mini-massacres year-in and year-out with weapons whose unthinkable lethality would have horrified the framers of the Second Amendment. That's what's really insane.

It's not simply a question of "who" carries. "What" they possess is equally crucial. Indeed, the lethality of guns commonly in use has reached levels that would have been unimaginable to the Founders. Once more, [let's self-plagiarize](#):

In December 1791, when the Second Amendment went into effect, a "handgun" wasn't a .40 caliber Glock with a fifteen-round magazine. It was a bulky, muzzle-loading single-shot flintlock that could take nearly a minute to prepare for a second round.

So what about Hodgkinson's SKS? Lacking a handgrip and other external baubles, the Eastern-block military surplus rifle [was never deemed an "assault weapon"](#) under (now-expired) Federal law. Imported in large quantities, it's widely available at moderate cost. (Four-hundred bucks can get you a nice one. We assume that's about what Hodgkinson paid when he legally bought his at a gun store.) "Assault weapon" or not, SKS rifles are

extremely effective killing machines, boasting projectiles that travel nearly twice as fast and carry more than three times the energy of the 9mm. pistol ammo that supposedly now lines Rep. Collins' pockets. (See Di Maio, "Gunshot Wounds," 2nd. ed., p. 168.) And even when its bullets don't kill [they inflict devastating wounds](#):

According to Di Maio...as these projectiles traverse tissue they create a temporary, undulating cavity that can be as much as 12.5 times the bullet diameter. "Organs struck by these bullets may undergo partial or complete disintegration. The pressures generated are sufficient to fracture bone and rupture vessels adjacent to the permanent wound track but not directly struck by the bullet." (p. 171)

This "cavitation" is exactly what happened to Rep. Scalise, [who nearly perished from an SKS-inflicted wound to the hip](#). (Click [here](#) for a recent *New York Times* op-ed on point.) Incidentally, this lethal threat [is a risk that cops face whenever they don the badge](#):

Nye County (Nev.) sheriff's deputies responded to a call about a domestic argument with shots fired. Diverting to a nearby casino where the woman supposedly went to take refuge, they encountered her male partner in the parking lot. Without warning the man retrieved an SKS semi-automatic rifle from his vehicle and opened fire. Deputy Ian Deutch, 27, was struck and killed by a round that penetrated his body armor. A member of the National Guard, the deputy had just returned from a tour in Afghanistan.

[Table 38](#) of the UCR's latest "Law Enforcement Officers Killed and Assaulted" report quantifies the threat in stark terms. Nineteen of the 454 officers gunned down during the decade ending in 2015 were slain by projectiles that penetrated their body armor. All but one of these deaths was caused by rifle rounds. Due no doubt to their lethality and ubiquity, 7.62 X 39 caliber bullets were the most frequently responsible. Of course, cops well know that the body armor they normally wear cannot protect them from high-powered rifle rounds (armor that can be far too heavy and clumsy for daily wear.) It makes perfect sense that police have increasingly turned to armored cars. They've "militarized" because so has everyone else. And now [there's a proposal to relax the ban on silencers](#). Meaning that shooters will be more comfortable, while cops will have even less cues about the location of a lethal threat.

What could be done? In "[A Ban in Name Only](#)" we discussed the 1987 massacre in Hungerford, England, where sixteen persons were gunned down by a man wielding a handgun and two rifles. In response, Great Britain promptly enacted laws banning all semi-automatic rifles beyond .22 rimfire. Nine years later, when a handgun-toting

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British subject murdered sixteen children and a teacher, our (for now, European) cousins virtually banned handguns. Not that we're suggesting cause-and-effect, but forgive us for pointing out that in 2015 murder in Great Britain [was less than one-quarter the U.S. rate](#). As for what their cops and ours face, consider that in 2015 the gunfire death rate for U.S. law enforcement officers was four per thousand, while the U.K. rate was their typical zero.

U.S.				Officers killed		U.K.			
	Guns	Other	Total	U.S. 5 X pop.			Guns	Other	Total
2000	47	4	51			2000	0	2	2
2001	61	9	70			2001	0	2	2
2002	51	5	56			2002	0	1	1
2003	45	7	52			2003	1	2	3
2004	54	3	57			2004	0	1	1
2005	50	5	55	U.S. 7 X # cops		2005	1	0	1
2006	46	2	48			2006	0	0	0
2007	55	2	57			2007	1	2	3
2008	35	6	41			2008	0	0	0
2009	45	3	48			2009	1	1	2
2010	55	1	56			2010	0	0	0
2011	63	9	72	U.S. cops v. U.K. cops		2011	0	0	0
2012	44	5	49	2000 - 2015		2012	3	0	3
2013	26	1	27			2013	0	2	2
2014	46	5	51			2014	0	0	0
2015	38	3	41			2015	0	1	1
Total	761	70	831			Total	7	14	21
				Gun deaths	All deaths				
				109 X	40 X				

Of course, in Great Britain firearms restrictions enjoy widespread public support. But as my dear father pointed out when our ferry docked in Miami, we're in America now! So forget "could." What *can* be done? Apparently, nothing. Our highly polarized political atmosphere has shelved all thoughts of tightening gun controls. Even Bloomberg news (you know, the outfit owned by that gun-phobic gazillionaire) [considers further restrictions a lost cause](#). Here's a snippet from their interview with Senator Chris Murphy (D-Conn.), the baseball catcher who represents the liberal side of the aisle:

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“I think we’re beyond the place in which Washington responds to mass shootings...After Orlando and Sandy Hook, that’s clearly not how people’s minds change here.”

What might actually propel change seems too horrific to contemplate. In the meantime, life isn’t a baseball game, and it will most likely be ordinary citizens and street cops who’ll continue to bear the costs of doing nothing.

p.s. Hodgkinson reportedly purchased both guns legally. Still, he had several past gun-related run-ins with the law, including a 2016 arrest for striking a person with the butt of a shotgun and firing a round. But the victim didn’t show up in court so charges were dropped. Although Hodgkinson retained his gun rights he was certainly a dangerous man and ripe for an intervention (click [here](#).)

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## ANOTHER DAY, ANOTHER MASSACRE

*Pretending to regulate has consequences*



*For Police Issues by Julius (Jay) Wachtel.* “He didn’t stand out — because if he did, I would’ve never sold him the gun.” [That’s what the Endicott, New York gun dealer said](#) about the youth who bought a rifle at his store in January.

It wasn’t an ordinary rifle. After passing the required background check, Payton Gendron, 18, walked out with a Bushmaster XM-15, an AR-15 style assault weapon that fires the .223 caliber cartridge. As we’ve often pointed out, these immensely powerful projectiles can inflict fatal wounds nearly anywhere they strike (“[Going Ballistic](#)”). Some States, including California and New York, have enacted so-called “assault weapons bans” that supposedly tone things down. These “solutions” are ridiculously half-hearted. For example, to limit ammunition capacity, [New York laws](#) restrict the XM-15 and its brethren to fixed, ten-round ammunition magazines. But as the dealer pointed out, “any gun can be easily modified if you really want to do it.” And that’s what Gendron reportedly did, obtaining a kit by mail-order that, after a bit of installation, allowed the weapon to accept removable, high-capacity magazines, thus turning it back into a true implement of war.

Gendron resided with his parents and siblings in [Conklin](#), a southern New York town of about 5,000 residents. On Friday, May 13 he got in his car and made the two-hundred-plus mile drive to Buffalo. Along with the XM-15, he brought along a Savage rifle, [which he got as a birthday gift](#) from his parents two years earlier, and a shotgun. (We saw a photo of the birthday celebration, including the gun box, online.)



On arrival Gendron promptly cased the store. He was back the next afternoon. Carrying the XM-15, Gendron exited his car and began firing. He shot four persons on



his way into Tops, killing three. On entering he encountered the security guard, Aaron Salter, Jr., a retired Buffalo cop. Mr. Salter fired his handgun, but the bullet bounced off his assailant's body armor. Gendron shot and killed Mr. Salter. He then went on to murder another six persons and wound two. When confronted by police Gendron put the gun to his head. But he ultimately surrendered.

Gendron was inarguably consumed by racial animus. His many media posts included [an online "manifesto"](#) that espouses white supremacy, touts racist "replacement theory" and praises prior massacres. Having apparently long prepared for what he considered to be an inevitable event, Gendron set out his murderous intentions in stunning detail, from shooting the security guard whom he expected to run across to murdering Black shoppers. And as it turned out, all but two of the persons he shot were indeed Black.

Gendron used a helmet-mounted camera [to stream the slaughter on Twitch](#). Although the video was quickly taken down, copies wound up on Twitter. We've viewed the two-minute-plus clip. Far too grisly to post, it graphically depicts several shootings. Authorities announced that "positive identification of many of the victims has been delayed by the severity of their wounds." And that the wounds *were* highly severe – that, after all, is what assault rifles are intended for – is clearly evident from the toll of ten dead and three wounded.

So what's the solution? As we mentioned in "[A Stitch in Time](#)," early intervention is obviously essential. Many jurisdictions allow police and family members to seek judicial orders that direct troubled persons to give up their guns ("Red Flag" [I](#) and [II](#)). When issued, these prohibitions can be entered in databases that gun dealers must check before transferring firearms. Still, a qualified someone must take the initiative and expend the necessary time and effort to seek an order. And agreeable judge must be present on the other end. It's an intensive process, and results aren't guaranteed.

It's been suggested that monitoring social media could identify likely killers in advance (see, for example, "[When a 'Dope' Can't be 'Roped'](#)"). Of course, time is of the essence. And the sheer volume of postings can make for an overwhelming task. Artificial intelligence measures can supposedly help cull the wheat from the chaff. But using A.I. in an unfocused fashion raises serious concerns about privacy.



Sometimes, though, we become aware of problematic individuals, such as the three characters profiled in “[Preventing Mass Murder](#)”, *before* they strike. While Gendron was much younger than Bowers, Sayoc or Beierle, like them he was not an ordinary sort. Described by a former classmate as “a little bit of an outcast,” Gendron turned up in “a full hazmat suit” when classes resumed post-pandemic. More significantly, as his high-school days came to an end, Gendron ran his mouth in a way that led teachers to call in the cops. On *him*.

How did *that* come about? Students had been asked to discuss their post-graduation plans. There are several versions of what Gendron said when his turn came up. [In one](#), he supposedly announced that he longed to commit a murder-suicide. [In another](#), that “he wanted to do a shooting, either at a graduation ceremony, or sometime after.” Whether it was his personality, or his delivery, or (most likely) a combination of the two, Gendron’s comments didn’t come across as the “joke” he would later insist was intended. State troopers responded and took him in for an involuntary mental health evaluation.

In your writer’s “career” as a student and, much later, as a college instructor, nothing like that ever happened. Not even close. But that assumedly rare event happened to Gendron. After spending a day and a half in the hospital, he was released. Best we can tell, nothing further was done, and he graduated on schedule. And about a year later he spent nearly a grand on his XM-15.

We made our attitude about assault weapons quite clear in “[Ban the Damned Things!](#)” But it’s also “quite clear” that not even California, whose gun laws are supposedly the strictest in the nation, is ready to take these unusually lethal weapons out of circulation. Apparently, neither are the Feds. In fact, a Ninth Circuit panel [recently ruled](#) that California’s prohibition on the sale of semi-automatic rifles to persons under 21 violates the Second Amendment. So we simply keep pretending. Instead of addressing the underlying problem – [the lethality of the projectiles fired by assault rifles](#) – we place half-hearted limits on magazine capacity and prohibit hand grips and such. And when young men such as Gendron, and [Nikolas Cruz](#) (he murdered seventeen with an AR-15 type gun), and [Adam Lanza](#) (he murdered twenty-six with an AR-15 type gun), and [Patrick Crusius](#) (he killed twenty-three and wounded an equal number with an AK-style rifle) laugh at these “restrictions” and commit their unspeakable deeds, we shrug our shoulders and comment about the, um, “rarity” of the events.

Neither Cruz nor Lanza were supposedly motivated by race. Crusius, though, had [posted extensive hateful racial comments online](#) (his scorn was directed at Mexican

immigrants.) All three clearly suffered from severe psychological problems. [According to his lawyers](#), Crusius, who still awaits trial, had been mentally disabled throughout high school. Still, none of these characters were ever involuntarily committed. Just like Gendron, each remained legally qualified to buy and possess guns. Crusius and Cruz reportedly bought theirs at retail (Lanza used his mother's rifle.)

We suspect that in the end, Gendron's obsession about race – and, likely, Crusius' – will be understood not necessarily as the *cause* of the massacres but as a reflection of the shooters' deep-seated mental problems. That's not to excuse their murderous acts but to highlight the immense difficulty of effectively regulating the acquisition and possession of firearms, let alone assault rifles. As long as we continue to allow these highly lethal weapons to be sold, ill-intentioned persons will continue to acquire and misuse them. It's *guaranteed*.

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## ARE WE HELPLESS TO PREVENT MASSACRES?

*A murderous rampage in Nashville suggests  
that lawmaking is not a solution*



*For Police Issues by Julius (Jay) Wachtel.* When 28-year old Audrey Hale fired through a glass door and barged into Covenant Christian School on March 27, the Nashville resident [carried three weapons](#): a Lead Star Arms “Grunt” AR-15 .223 caliber rifle (left), a Kel-Tec SUB2000 9mm. carbine (right),



and a Smith & Wesson 9mm. pistol. Once inside, [Hale roamed the first and second floors of the school](#), killing three nine-year old students and three adults whom he came across in the hallways. Alerted by the gunfire, teachers promptly locked down their classrooms. Hale fired more rounds – some apparently pierced doors – but he didn’t crash into any rooms and no one else was hurt.

Officers soon arrived and shot Hale dead.

*Was Hale legally entitled to have guns?* [Tennessee does not require background checks](#) for gun purchases. [But Federal law prohibits](#) felons and persons who were ever adjudicated mentally defective or committed to a mental institution from acquiring guns. As best we know, none of these categories applied to Hale. So as an adult, Hale could legally purchase guns from Federally-licensed gun stores to their twisted heart’s

delight. And Hale did, buying seven guns, including the three used in the massacre, from local sources.

*Could Hale's parents have done anything?* It turns out that Hale was receiving medical care for an emotional condition. His need seems obvious. [According to a former classmate](#), Hale had shared “suicidal thoughts” with her and other acquaintances and “[was posting a lot about depression](#)” during the weeks preceding the massacre. Incredibly, [Hale messaged her on Instagram moments before it began](#). “I’m planning to die today...You’ll probably hear about me on the news.” She promptly called a suicide prevention number, then the Sheriff’s Dept. But by that time the slaughter was underway.

Hale’s parents clearly knew that something was seriously amiss. [They told police](#) that they did not want Hale to have guns and thought that their child had disposed of the one gun they knew of. In fact, [Hale had been training at local gun ranges](#) and kept his seven store-bought weapons, plus two shotguns (one was “sawed-off”), plus lots of ammunition, plus detailed plans for the massacre, [at the home](#). Everything was supposedly well hidden, so it’s possible that the parents were unaware that their adult “child” had an arsenal.

And even had they been inclined to act, there was another obstacle. Nineteen States plus the District of Columbia have so-called “[Red Flag](#)” laws that enable judges, based on affidavits from family members or police, to order that guns be seized from possibly dangerous persons. Tennessee does not. So taking Hale’s guns would have required a highly intrusive and time-consuming commitment process. Even in the supposedly “Bluest” of places, liberty interests and due process concerns make preventive gun seizures an intensive, resource-consuming process with an uncertain conclusion. Considering the parents’ apparent “see nothing, hear nothing, know nothing” attitude, that was clearly never in the cards.



*Might society have pre-empted the massacre?* Over the decades, America’s experimented with various approaches to deal with troubled citizens. California recently enacted the “[Community Assistance, Recovery, and Empowerment Court Program](#)”. Known as CARE, it allows family members, first responders and health

workers to seek the detention of troubled persons. If a judge finds cause, individuals can

be ordered to participate in a twelve-month plan, renewable once. To help implement the program, Governor Kevin Newsom [called for a bond measure](#) that would direct billions to create treatment facilities and long-term supportive housing for the mentally ill.

Many progressively-minded politicians are delighted. Among them is L.A. Mayor Karen Bass, who recently met with the dispirited residents of tent camps that occupy her city's central core. But not everyone is pleased. Civil liberties groups are concerned that CARE's coercive underpinnings – after all, we *are* talking judicial mandates – would reverse decades of reforms that led America to abandon its long-standing practice of institutionalizing the mentally ill. This overhaul began in 1963 with passage of [Public Law 88-164](#), which appropriated \$26 million to create facilities that would find the causes of mental disorders and devise practices to ameliorate their effects. [According to then-President Kennedy](#), “new medical, scientific and social tools and insights” would allow mental hospital populations to be slashed in half.

And so they were. Mental institutions across the U.S. emptied. But as rampant homelessness and poor behavior became the “new normal,” critics of deinstitutionalization called the purportedly benevolent approach an appealing fiction. Even reformists were forced to concede that the transition wasn't producing its intended effects. In their view, while the plan was eminently workable, [society had failed to allocate sufficient funds and human resources](#) to carry it through.

*What about stricter gun laws?* [Hale used an AR-15 style .223 caliber rifle and two weapons that fire the 9mm. projectile](#); one is an assault-style carbine, and the other's a 9 mm. pistol. Notably, although police responded promptly, all six victims died from their wounds. That's not surprising. Nine-millimeter rounds are standard police issue and can easily kill. And the .223 cartridge is notoriously lethal. As we pointed out in “[Ban the Damned Things](#)” and our [Washington Post op-ed](#), its extreme velocity creates “temporary wound cavities” more than a dozen times the bullet diameter, shattering nearby organs and causing devastating internal damage. (For a graphic depiction of “how bullets from an AR-15 blow the body apart”, click [here](#).)



Recognizing that there is a problem, some progressively-minded places turned to – what else? – lawmaking. [To date](#), nine States and the District of Columbia have enacted assault weapons “bans”, and nineteen States and D.C. have “Red Flag” laws that authorize police to seize guns from allegedly dangerous persons. Such measures have reportedly helped. [But loopholes are rampant](#), and guns that are shorn of

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doo-dads but fire the same lethal cartridge as the AR-15 are available even in so-called “strong-law” States.

Audrey Hale is the most recent in a long line of deranged shooters whom even the most restrictive laws couldn’t touch. Some, like [Frank R. James](#), who opened fire in the New York City subways last year, had undergone mental treatment. What’s more, he also had a long criminal record. But James had never been “committed” to a mental institution, adjudged mentally defective, or convicted of a felony. As far as the law was concerned, he was free to acquire guns to his heart’s delight. And that’s in a State with gun laws that are supposedly far more restrictive than Tennessee’s. Meanwhile, Federal firearms laws are under severe threat. In its 2020 [Bruen](#) decision, the Supreme Court held that “to justify a firearm regulation the government must demonstrate that the regulation is consistent with the Nation’s historical tradition of firearm regulation.” Its ruling, which nullified a New York law requiring that persons who wished to carry a gun justify their reason, was later used by an Indiana-based Federal judge [to throw out the conviction](#) of a gun buyer who falsely asserted that he wasn’t facing felony charges. After all, ex-con with a gun laws aren’t “historical,” right?

But forget the Feds. Consider, say, what the highly-respected *Giffords* website [thinks about California’s gun laws](#):

Overall, California has the strongest gun safety laws in the nation and has been a trailblazer for gun safety reform for the past 30 years.

Impressed? California law bans “assault weapons.” Its definition, though, is quite complex. Here’s an [extract](#):

30515. (a) Notwithstanding Section 30510, “assault weapon” also means any of the following: (1) A semiautomatic, centerfire rifle that does not have a fixed magazine but has any one of the following: (A) A pistol grip that protrudes conspicuously beneath the action of the weapon. (B) A thumbhole stock. (C) A folding or telescoping stock. (D) A grenade launcher or flare launcher. (E) A flash suppressor. (F) A forward pistol grip. (2) A semiautomatic, centerfire rifle that has a fixed magazine with the capacity to accept more than 10 rounds. (3) A semiautomatic, centerfire rifle that has an overall length of less than 30 inches.

Nothing whatsoever is said about caliber (everything below .50 is OK). Now grab a look at [“Our Never-Ending American Tragedy.”](#) Here are the “California legal” versions of the rifles Syed Farook and Tashfeen Malik used to murder fifteen in the 2015 San Bernardino massacre (DPMS Panther Arms on the left, Smith & Wesson M&P15 on the right):





And yes, both chamber that insufferably lethal .223 caliber round. Ditto the “Grunt” assault rifle that Hale carried. Is it “California compliant?” Check out [Lead Star Arm’s “California Compliant”](#) page.

Our nation’s historically welcoming attitude towards firearms (we’re parodying the Supremes) has enfeebled even the most half-hearted attempts to constrain gun lethality. Guns that mimic Vietnam-era AR-15 assault rifles have long been a major source of profit for the gun industry. Natch, many wound up in the hands of troubled souls. “Gun massacre” became part of the everyday lexicon.

Preventives have proven an appealing fiction. So we must look elsewhere. Meaning, after the fact. And what else is there “after” but the cops? Nashville P.D.’s response [has been widely praised](#). Officers quickly entered the school and gunned down the attacker. Bodycam video indicates that three officers clad in tactical vests and armed with long guns – what appears to be a tactical team – spotted Hale on the second floor. Their quarry ran off, firing “wildly.” But Hale was soon cornered. That encounter, which only consumed a few minutes, has been called far superior to [what happened at Robb Elementary in Uvalde](#), where it took police and hour to confront the shooter.



There’s no question but that Nashville cops did an outstanding job. But the comparison with Uvalde isn’t apt. Its cops didn’t have a tactical team on the ready. And the need was obvious, as two of Uvalde’s patrol officers who entered Robb Elementary were quickly wounded (fortunately, only slightly) by .223 caliber rounds that Salvador Ramos fired through a door. Ramos holed up in a room full of students, next to other rooms filled with students. So Uvalde’s cops had to be careful about rushing in with guns. Hale, though, didn’t barge into any occupied classrooms. Indeed, [Nashville officer bodycam video](#) depicts a chase through empty rooms and hallways.

Bottom line: in these days, when every evildoer has access to an assault weapon, all police departments, no matter how “small”, must have a trained, long-gun equipped tactical team on the ready, twenty-four seven. There really is no third choice.



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## COMING CLEAN IN SANTA BARBARA

### *Good police work could have prevented a massacre*

*For Police Issues by Julius (Jay) Wachtel.* During the past decade a wave of mass shootings has drawn attention to the threat posed by the armed and mentally ill. Federal law prohibits firearms possession by persons who have been adjudicated to be mentally defective. But adjudication is controlled by State laws, and most require proof, before someone can be detained, that they pose an imminent physical risk to themselves or others. Absent demonstrably violent behavior, that's a tough standard to meet. So in practice, mental issues are usually only taken up in court after a crime has already occurred.

So much for prevention!

It's usually up to police to collect and present evidence of dangerousness. When Santa Barbara (Calif.) sheriff's deputies knocked on [Elliot Rodger's](#) apartment door on April 30, the 22-year old Isla Vista resident and sometime college student was not an unknown commodity. He had come to official attention twice before, once as the victim or instigator of a minor brawl, and again as the complainant in a petty theft. On this occasion the circumstances were different. Alerted by Mr. Rodger's parents that their son, who had a history of psychological issues, might be experiencing an emotional crisis, state mental health authorities alerted police. Several officers promptly conducted a "welfare check." After reportedly spending ten minutes with Mr. Rodger they left.

Three weeks later Elliot Rodger would become a mass killer, stabbing three students to death, then gunning down three others and wounding thirteen. He left behind a thick manifesto excoriating the many co-eds who had spurned his advances. Yet according to Santa Barbara County sheriff Bill Brown, the deputies who spoke with Rodger found him in good mettle, with a "very convincing story" that persuaded them he did not pose a threat.

Rodger himself would have disagreed. In his manifesto he wrote that had deputies entered the apartment, he would have surely been arrested. Aside from his as-yet incomplete rant, which professed his intention to commit mass murder, he had three high-powered pistols, a large quantity of ammunition and numerous ammunition magazines.

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But the officers stayed outside. According to Sheriff Brown, they had found no legitimate reason to pursue the matter. After all, Rodger had his rights.

California requires that all gun sales, including private transactions, go through a dealer and be recorded with the state. A ten-day waiting period is also in effect. Computerized decades ago, the “Automated Firearms System” (AFS) allows peace officers to instantaneously determine if someone legally purchased a handgun in California by entering their name and birthdate into any police terminal. (As of this year perpetual, centralized records of long gun transfers will also be kept.) Had the sheriff’s dispatcher or one of the deputies bothered to check, they would have immediately discovered that Mr. Rodger had been amassing pistols since turning 21, the minimum legal age for buying a handgun.

Now comes some informed speculation. To someone who spent his career in law enforcement, it seems inconceivable that an officer who knew that Mr. Rodger had bought three handguns in quick succession would not press his inquiries and ask to see the weapons, and if told “no” to cajole and insist, in the way that cops do every day when dealing with recalcitrant citizens. This, as we know, didn’t happen, as neither the dispatcher nor the responding officers had checked to see whether Mr. Rodger had guns.

This failure to do some very basic fact-gathering is plainly obvious to any law enforcement professional. One assumes that in the future sheriff’s dispatchers will run AFS checks so that deputies are properly informed. Yet Sheriff Brown’s comments are not reassuring. True enough, dealing with the mentally ill is not simple. And no one wants cops to overstep. But when the sheriff of Santa Barbara County puts off his officers’ failure to act to the complexities of the factual and legal environment, he is being disingenuous. Street cops are not unfamiliar with the mentally ill, and fully expect them to dissemble. Any reasonably competent officer who knew that Rodger had a small arsenal would have been legally justified to press his inquiries beyond the front steps, and would have felt morally compelled to do so. Even if Mr. Rodger didn’t cooperate, minimal investigation would have yielded plenty of cause (among other things, ominous YouTube postings) to search his apartment and detain him for mental evaluation.

Now, days after the tragedy, with calls for more tightly regulating gun sales, lowering the legal threshold of dangerousness, and even creating mental health teams to respond with deputies, it seems that the Santa Barbara Sheriff’s Department has artfully sidestepped the real culprit: shoddy policing. As cops well know, in the real world of limited time and resources there is no substitute for doing a quality job. When a chief law enforcement officer deflects blame by attributing a preventable tragedy to the

supposedly greater flaws of the system, he's essentially given up. Hopefully his subordinates won't follow suit.

Posted 5/30/22

## COPS V. ASSAULT WEAPONS: A HOPELESS SITUATION

*Even the speediest, most expert response can't foreclose mayhem*



*For Police Issues by Julius (Jay) Wachtel.* On May 26, clicking on the “gunshop” link at [Oasis Outback](#) produced a static, full-screen display of “[Our Hearts Are With the Families of Uvalde](#)” in large block letters. To get to the intended destination page we had to manually type in its [address](#). (Doing that worked. It also brought up a proud announcement that the store “Is Now a Class 3,” meaning it sells machineguns and silencers.)

Oasis’ redirection was certainly understandable. As the whole world knows, it’s the sporting goods store where eighteen-year old [Salvador Ramos legally purchased](#) the Daniel Defense, AR-15 style, .223 caliber semi-automatic rifle he used to murder nineteen students and two teachers at Robb Elementary School, which sits only three miles away. Ramos bought the gun on May 17. He went back the next day to get 375 rounds of ammunition, then returned two days later to buy a second assault rifle (he left it behind in his truck during the massacre.) And on May 24 it was time for a massacre!



Ramos was proud of his lethal new toys. He [posted photos](#) of the weapons and of an ammunition magazine on his Instagram account. He also [asked another user](#), whom he apparently picked at random, to repost the pictures on her account. But she refused. “What your

guns gotta do with me?” she demanded. He messaged her again early the morning of the attack. “I’m about to...I got a lil secret I wanna tell u.” He promised to reveal it before 11:00 am. And he did, but not to her. Instead, [he spilled the beans](#) to a fifteen year-old [FaceTime](#) chum in Germany. Days earlier he bragged to her about acquiring bullets that “would expand when they struck somebody.” This time his first message was about a dispute with his grandmother. A few minutes later he texted “I just shot my grandma in her head.” And seconds after that, “Ima go shoot up a(n) elementary school rn (right now).”

Ramos was by most accounts a troubled soul. A former classmate – Ramos had sent him pictures of his newly-bought guns – said that their gaming sessions [were frequently interrupted](#) by calls from Ramos’ mother, who complained that he was “doing nothing with his life.” Ramos would reply with expletives. He frequently wound up at his grandmother’s house, which is where he was living when he bought the guns and embarked on his attack.

Ramos had recently dropped out of high school. He took a job at a fast-food joint but soon walked out on that as well. A former supervisor called him a loner. “You know how my guys talk to each other and are friendly? He wasn’t like that.” His German friend thought him friendless and isolated. Their exchanges occasionally proved disturbing. Such as when Ramos bragged that he “threw dead cats at people’s houses.”

Another virtual acquaintance said that Ramos once streamed an image of himself holding a gun. There was blood on the ground, which Ramos attributed to a nosebleed.

Ramos’ world seemed wholly virtual. Until it wasn’t. About 11:30 am on May 24, 2002, after shooting his grandmother – she was struck in the face and critically wounded – he put both rifles and a bag of ammunition in a pickup truck and drove to Robb Elementary School. According to Texas DPS Chief Steven McCraw, [Ramos crashed his vehicle into a ditch](#) and exited with the Daniel Defense rifle and his ammo. After firing at two persons who were leaving a nearby funeral home he crouched behind a car and fired at a school building. A district police officer drove by but apparently didn’t see him. Ramos climbed a fence and entered the school through an open back door. As he reached classrooms 111 and 112 – they’re interconnected – he unleashed a barrage of “more than 100 rounds,” apparently firing through the walls. That, we assume, is how his victims met their horrendous fates.



Three local police officers entered the school “two minutes” behind Ramos. Four colleagues soon joined them. Ramos fired at them from the classrooms. Bullets pierced a wall and inflicted “grazing wounds” on two of his pursuers. Before long, nineteen officers [had staked out the hallway](#). And that’s where the school district police chief told them to wait.

Police evacuated all the students they could. But the surviving occupants of rooms 111 and 112 remained under Ramos’ control. Within minutes, several surreptitiously dialed 9-1-1 and in hushed tones reported that many classmates had been shot dead. They begged for police to come in. [Eventually, a tactical team was assembled](#). Using a ballistic shield for cover, an “elite Border Patrol tactical unit” and several local officers confronted Ramos. Gunfire broke out. Ramos was killed. Unfortunately, the shield didn’t offer perfect protection and an agent “was shot in the foot and grazed in the head.”

That entry happened about 12:50 pm. According to the ABC News timeline, that took place *one hour and fifteen minutes after* the first set of officers followed Ramos onto the campus.

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This delay has occasioned a lot of criticism. According to Texas DPS Director Steven C. McCraw, [“It was the wrong decision, period.”](#) His sentiments were echoed by Texas Governor Greg Abbott, who declared himself “absolutely livid.” Even if Ramos had stopped shooting at students, prompt medical attention could have allowed more of the injured to survive. Alas, it’s not the first time that police have been accused of failing to



speedily intervene during a school massacre. Only four years ago, in February, 2018, a 19-year old former student used an AR-15 style rifle to kill seventeen persons and wound an equal number at [Marjorie Stoneman High School](#) in Parkland, Florida. Nikolas Cruz then blended in and simply walked away. Deputies were severely criticized for not promptly going in, and the Sheriff was ordered removed.



Similar concerns were voiced after the [1999 Columbine massacre](#), when two Colorado high school seniors gunned down twelve students and a teacher and wounded twenty-three others. While all that happened within twelve minutes of the initial 9-1-1 call, SWAT didn't go in for forty-five minutes. By then, both shooters had taken their own lives. In fact, Columbine is widely credited for leading to the development of the "[Immediate Action/Rapid Deployment Approach](#)." This technique, which enables ordinary officers to quickly assemble into teams and confront active shooters in a variety of settings, [has been adopted by police agencies throughout the U.S.](#)



Rapid deployment has reportedly succeeded on many occasions. But we recently discussed an "immediate action" response in Los Angeles that turned out poorly ("[Who's in Charge?](#)"). In December 2021 a 24-year old man on felony probation burst into a large clothing store and began assaulting customers and staff. LAPD dispatchers (incorrectly) informed officers that the suspect had fired shots. Responding officers quickly gathered, promptly assembled into a column formation, and got to work (see bodycam image on the right). And when they neared the suspect, the officer on point opened fire with an assault rifle, fatally wounding a man whom he assumed was armed (he wasn't.) Tragically, a police bullet also pierced an interior wall, killing a 14-year old girl who had taken refuge with her mother in a dressing room.

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Humans are unpredictable. Getting them to voluntarily comply can be difficult. Throw in the extreme lethality of firearms available to the general public and the challenge becomes enormous. As we've mentioned in past posts (see, for example, "[An American Tragedy](#)") assault rifle projectiles sail through walls and ordinary ballistic garments as though these obstacles don't exist. Should they strike flesh, the bullets indeed (as Ramos bragged) "expand," creating huge cavities that pulverize blood vessels and destroy organs. It's why the team that ultimately went in at Robb Elementary took that special shield.



We suspect that Ramos' use of an assault rifle prompted the school police chief to adopt that "[barricaded subject](#)" approach. After all, Ramos' bullets had already wounded two officers. To be sure, slowing things down so that responders can be adequately briefed and equipped (again, that shield) makes sense. It's not only officer safety. After all, unless it's exquisitely well-placed, police gunfire can easily endanger innocents. Again, think back to that L.A. clothing store.

But *an hour*? Once they realize they're surrounded, "ordinary" criminals might simply give up. But individuals on a rampage – meaning school shooters and wackos who burst into clothing stores – are coming from a decidedly different mental place. In such cases, extending an ample opportunity to surrender can invite even more mayhem. On the other hand, hurried policing can, even if expertly delivered, prove tragically imprecise. Just ask LAPD.

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No matter how well policing is done, it can't prevent mass shootings. Neither can it always mitigate the outcomes. So what about doing something about the killers' tools? We've repeatedly called for outright bans on assault rifles, which are essentially instruments of war (see, for example, "[Ban the Damned Things!](#)"). But even supposedly gun-unfriendly places like California have only managed to institute "pretend bans" that ignore what *really* counts: the weapons' fearsome ballistics (click [here](#) and [here](#) for our articles on point in the *Washington Post*.)

What about background checks and "[Red Flag](#)" orders? Certainly, screening buyers can help. But reliable ways that consistently and reliably prohibit questionable characters from buying guns are simply out of reach. Ramos had his foibles, but they were nowhere near what a judge would require to bar him from buying guns. And in an awful coincidence, his first gun purchase came only three days after another murderous eighteen-year old – [Payton Gendron](#) – gunned down ten persons at the *Tops* market in Buffalo, New York. That mass murder, which also drew the world's attention, was also done with an AR-15 style assault rifle that its mis-user legally bought. Gendron even had a seemingly substantial prior mental-health demerit. But it was never acted on, so he remained qualified to buy guns. And both sellers – Oasis Outback, Uvalde, TX; Vintage Firearms, Endicott, NY – reported that the transactions seemed perfectly routine.

Until, of course, they weren't.

Posted 12/12/07

**DISTURBED PERSON + GUN = KILLER  
DISTURBED PERSON + ASSAULT RIFLE =  
MASS MURDERER**

By Julius Wachtel, (c) 2010

This year marks the sixtieth anniversary of the AK-47, the weapon designed by the famous [General Mikhail T. Kalashnikov](#) to help Communists win the struggle against Western imperialism. From the jungles of Southeast Asia to the killing fields of America's inner cities, the simple, reliable weapon became an instant hit. Now the battleground has expanded into the epicenters of capitalist consumption. We're talking, of course, about shopping malls.

It's unlikely that the [19-year old gunman](#) who murdered five in a Nebraska mall last week knew anything about the political history of the gun in his grasp. What little is known paints him as a mentally disturbed teen playing out his demons in the established pattern: grab a gun and lots of ammo, go to a place where people gather and shoot as many innocent strangers as you can. Then reload.

What's to be done? Apparently, nothing. Thanks to permissive laws that make it virtually impossible to force anyone to accept treatment, the mentally ill are left to medicate themselves, or not, and the rest of us are left to duck and cover. (Anyone who thinks that's too harsh an assessment should go be a cop or social worker, then report back.)

If we can't do anything about individuals, what about guns? Oh, please! When a weak, loophole-ridden piece of legislation like the [Federal assault weapons ban](#) expires and even the Democrats applaud, there is absolutely no hope of regulating ourselves out of this mess. Now, it's true that a handful of States, including California, have laws that make high-caliber, high-capacity shoulder-fired weapons less available. But since these can be legally purchased elsewhere (e.g., Arizona, Texas, Nevada, Washington, etc.), with no ID required when buying from private parties or at gun shows, the impact of localized restrictions is negligible.

Wackos and assault rifles are an impossibly lethal combination. Handguns have limited range and their projectiles can usually be defeated by quality ballistic garments.

But rifle cartridges are far more powerful, imparting a velocity, hence energy, that allows most bullets beyond a .22 short to penetrate ordinary ballistic vests (those that can stop rifle rounds are far too heavy and cumbersome to wear on patrol). The large magazine capacities and high cyclic rates of civilian assault-type rifles can pin down anyone reckless enough to advance on a shooter. That's what LAPD discovered during the infamous [North Hollywood shootout](#) of February 28, 1997, when two bank robbers armed with a 9mm pistol and five semi-auto rifles (several made full auto, an illegal but often simple conversion) held off platoons of cops, wounding eight officers and five civilians.

According to the FBI, only 4% of [firearms murders](#) in the U.S. between 2002-06 were committed with rifles. But for [killings of police](#), the figure was 18%. Why are officers disproportionately vulnerable to long gun fire? FBI data reveals relatively few through-the-vest shots. But there's something else that makes rifles so lethal. It's the ability to accurately place a shot at distance, in the most vulnerable part of the body and the one most difficult to protect: the head. Between 1997-2006, 58% of officers killed by gunfire died from head or neck wounds (gun type wasn't specified.) A tragic, well-known Southern California example is the February 1994 murder of [LAPD Officer Christy Hamilton](#), struck above the vest with a .223 caliber round fired from an AR-15 rifle. Her assailant, a 17-year old youth who murdered his father, then committed suicide.

Many police agencies shifted tactics after Columbine. It's now common for cops to carry rifles, and when there is an "active shooter" they don't necessarily wait for SWAT. But impulsively going after a madman with a rifle is incredibly dangerous. If the bad guy takes cover and simply waits a dead or wounded officer is likely. Even if the good guys ultimately triumph, by the time that police arrive or the shooter kills himself it's usually too late.

So what's the solution? Only days after Nebraska a disaffected 24-year old wielding a rifle, two handguns, a pair of smoke grenades and a backpack full of ammunition shot nine and killed four in Colorado. His spree was finally brought to an end by an armed ex-Minneapolis cop working as an armed security guard. Setting aside that it *was* a guard with police experience, the event was instantly seen as confirmation of the value of citizens carrying guns. But consider another example. In November 2005 [Brendan McKown](#), 38, a CCW permit holder with *no* police experience drew his pistol as Dominick Maldonado was shooting up the Tacoma Mall with an AK-47. Not wanting to kill a "kid," McKown put his gun away and tried to talk Maldonado into giving up. Maldonado aimed the rifle. McKown went for his pistol, but before he could get it out he was shot multiple times, leaving him a paraplegic. (In all, six citizens were shot; McKown was the most seriously injured. Maldonado got a life sentence.)

## POLICEISSUES.ORG

In the end, neither SWAT teams nor armed citizens are a realistic solution to the threat posed by assault rifles. Thanks to our culture's infatuation with guns and politicians' reluctance to call a halt to the insane escalation of firepower, we're entering an era where no one is safe from angry young men and their killing machines. Do we really want our cities to turn into Baghdads? Whatever one's views on the Second Amendment, this cannot be what the Founding Fathers intended.

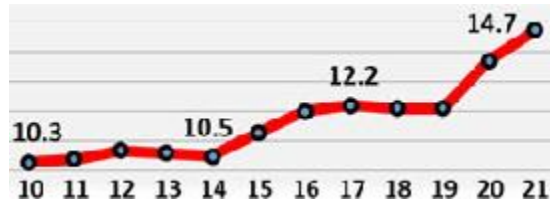
Posted 5/2/23

**FEARFUL, ANGRY, FUZZY-HEADED.  
AND ARMED.**

## *Do “Stand Your Ground” laws needlessly increase gun violence?*



*For Police Issues by Julius (Jay) Wachtel.* America's love affair with the gun is certainly having some predictable consequences. Although we usually avoid kicking things off with numbers, excuse us for mentioning that according to the [CDC's Wonder](#)



[platform](#), yearly firearm death rates per 100,000 pop. from all causes rose steadily during 2013-2021 (the most recent year of data), going from 10.3 to 14.7, a twelve-year gain of *nearly 43 percent*.

Shocking as these numbers might seem, they haven't drawn much notice. Instead, what's really caught the public eye is an aspect of the mayhem that's usually overlooked. We're talking about more-or-less "ordinary" citizens who are propelled by "[seemingly trivial circumstances](#)" to use firearms as lethal instruments of expression. And as of late, there's been a surfeit of examples:

- **Antioch, Illinois, April 12:** Apparently annoyed by his neighbor's leaf-blowing, a 79-year old resident with a reputation for quarreling grabbed his handgun and fatally shot the 59-year old man in the head. A murder charge was filed.
- **Liberty, Missouri, April 13:** It was ten at night when a sixteen-year old Black youth on an errand to fetch his brothers rang the wrong doorbell. That got an 84-year old White man out of bed. Revolver in hand, he supposedly saw the youth pulling on the storm door (that's contested). So he fired, twice. One bullet struck the teen in the head. Miraculously, he survived. According to the prosecutor, the

case has a “racial component.” First-degree assault charges have been filed.

- **[Davie, Florida, April 15](#)**: A couple making a late-evening Instacart delivery drove up the wrong driveway and was shooed away by the homeowner’s son. But after turning around, the vehicle ran over some rocks on the road. That supposedly frightened the homeowner. He opened fire, striking the vehicle’s bumper and flattening a tire. No charges were filed, and police returned the shooter’s handgun. But the local D.A. ordered an inquiry.
- **[Hebron, New York, April 15](#)**: On the same day, a like set of circumstances had a far poorer ending. Realizing that they were in the wrong driveway, a group of friends in two cars and a motorcycle turned around and were on their way out. That’s when the 65-year old landowner, who was reportedly upset by like incidents in the past, opened fire. One of his bullets struck and killed Kaylin Gillis, a 20-year old budding marine biologist. A murder charge was filed.
- **[Gastonia, North Carolina, April 18](#)**: Soon after moving into a quiet neighborhood, a 24-year old man developed a “rep” for yelling at the kids next door. And when they ran into his yard to fetch an errant basketball he came out shooting. Bullets grazed a child and her mother and seriously wounded the dad. Unlike our other examples, the shooter had a recent criminal history and was pending trial for a recent assault-with-a-hammer.

And just as we were trying to put the wraps on this essay came a real stunner:

- **[Cleveland, Texas, April 28](#)**: Five persons ages 8 to 40 were shot dead in rural Texas by their next-door neighbor after asking that he stop firing his AR-15 style rifle in the yard. Deputies had previously confronted Francisco Oropeza, 38, about that, but let him keep the gun. Oropeza fled towards a forest some miles away. And at this writing, he’s still on the lam.

As gun killings increase (again, glance at our introductory graph) episodes where guns are “expressively” misused have captured public and media attention. Inevitably, the blame game is on. When, as in Missouri, the tragedies involve White shooters and Black victims, racial animus inevitably becomes the prime suspect. And it may well be a factor. But how to explain the many episodes where shooters and victims are of the same (usually, White) race? Could it be that White folks have gotten, well, crazier?

COVID’s become a popular explanation (excuse?) for misbehavior. [A 2020 APA survey](#) concluded that thanks to the pandemic’s deleterious effects on social interaction

and such, “we are facing a national mental health crisis that could yield serious health and social consequences for years to come”.

A key shift in the law has also caught blame. Citizens were once required to, whenever possible, “[safely step away](#)” from threatening situations. That began to change in 1994, when Utah passed the nation’s first stand-your-ground (SYG) law. By the end of the last decade, SYG laws graced the codes of thirty states. Could it be, [as the AP recently conjectured](#), that the loosening led to needless violence?

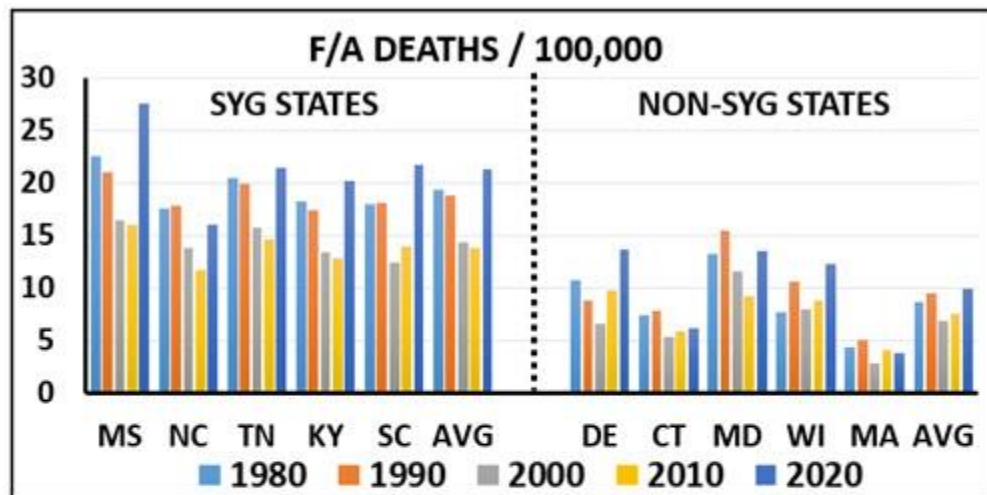
Academic studies suggest the answer is most likely “yes”:

- In 2012 eighteen states had SYG laws. Georgia State University scholars Chandler McClellan and Erdal Tekinan [examined their effects](#). They concluded that “extending the right to self-defense with no duty to retreat to any place a person has a legal right to be” led to a statistically significant increase in death by homicide among White male residents of SYG states. Numbers-wise, it amounted to “an additional 4.59 homicides per 100,000 residents per month per state.” No effects were found on Black persons, or on suicides.
- Last year *JAMA Open* [published a study](#) comparing twenty-three states that enacted SYG laws between 1999 and 2017 with eighteen states without SYG. Three scholars from the UK and a University of Pennsylvania biostatistician concluded, among (many) other things, that SYG laws were “associated” with an increase in firearms homicide of 8 percent nationally, and 10.8 percent in SYG states. But there were marked differences within. Five SYG states – Alabama, Florida, Georgia, Louisiana, Missouri – demonstrated pronounced increases, while seven SYG states – Arizona, Indiana, Michigan, Nevada, Oklahoma, Texas, and West Virginia – seemed unaffected.
- A recent [RAND review](#) of twelve studies concluded that “there is supportive evidence that stand-your-ground laws may increase firearm homicides”. But it tempered its findings by noting that seven concluded SYG’s effects were “uncertain.” That uncertainty was evident in the *JAMA Open* piece, which cautioned that factors including “economic shifts”, local cultures, existing laws and gun availability could affect the interpretation of outcomes.

Most of these studies generated output that ordinary earthlings might find perplexing. We wanted something simpler. Excluding D.C. and foreign possessions, [there are presently thirty SYG states and twenty non-SYG](#). We used a statistics package to randomly select five from each group. CDC death rate data

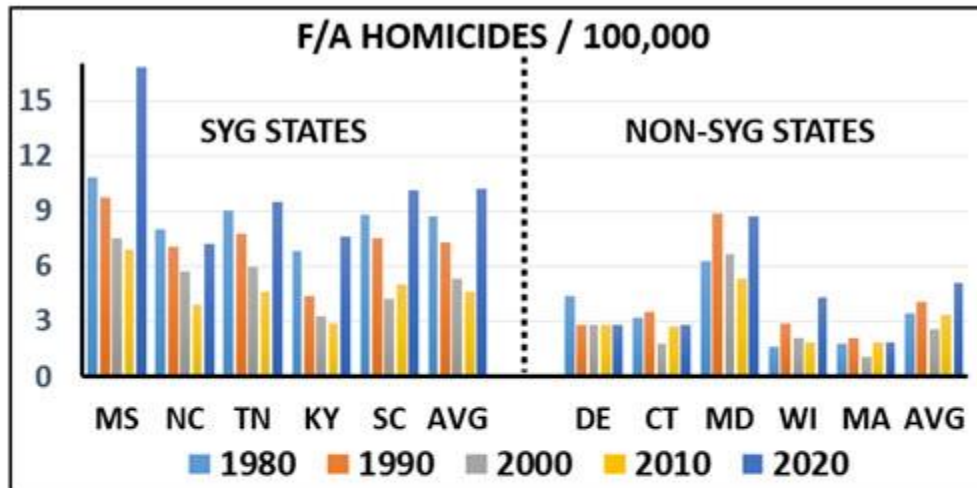


(click [here](#) and [here](#)) was then used to generate a graph that tracks firearms death rates per 100,000 population in ten-year increments between 1980 and 2000 (SYG states on the left, non-SYG on the right):



SYG	1980	1990	2000	2010	%CHG	2020	%CHG	NON	1980	1990	2000	2010	%CHG	2020	%CHG
MS	22.5	21.1	16.5	16	-28.9	27.6	72.5	DE	10.7	8.8	6.6	9.8	-8.4	13.7	39.8
NC	17.6	17.8	13.8	11.8	-33.0	16	35.6	CT	7.5	7.8	5.3	5.9	-21.3	6.2	5.1
TN	20.5	19.9	15.8	14.7	-28.3	21.4	45.6	MD	13.3	15.5	11.6	9.3	-30.1	13.5	45.2
KY	18.2	17.4	13.4	12.8	-29.7	20.2	57.8	WI	7.7	10.6	8	8.8	14.3	12.3	39.8
SC	18	18.1	12.4	14	-22.2	21.7	55.0	MA	4.4	5.1	2.8	4.1	-6.8	3.9	-4.9
AVG	19.4	18.9	14.4	13.9	-28.4	21.4	54.3	AVG	8.7	9.6	6.9	7.6	-10.5	9.9	30.9

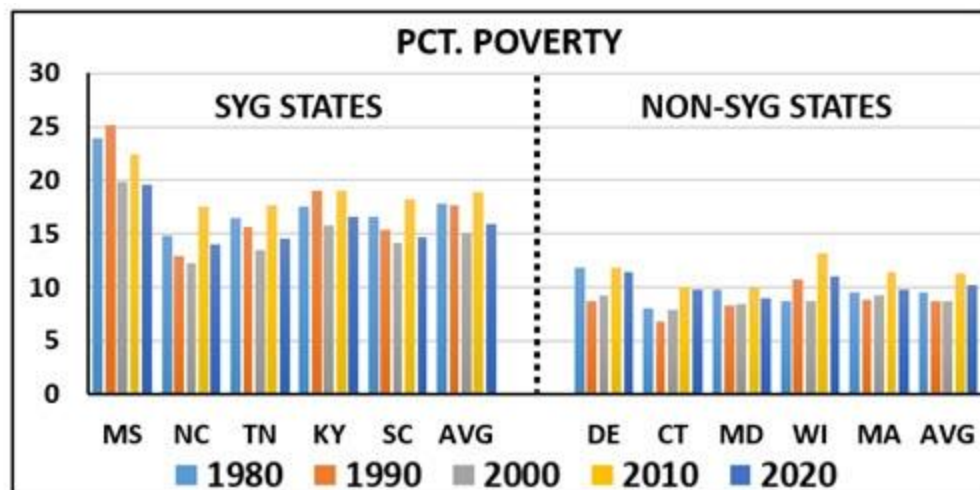
There are two %CHG columns: the one on the left lists percentage change in gun deaths between 1980 and 2010, and the second between 2010 and 2020, the period when most SYG laws came into effect. What's apparent is that as the periods transitioned, gun death rates in both SYG and non-SYG states, which had been falling across the board, abruptly shifted direction. Of course, given the national uptick in violence that accompanied the pandemic (see that introductory graph) that was to be expected. But the SYG states' increase seems especially pronounced. *CDC* data also reports gun homicides. Here are those rates:



SYG	1980	1990	2000	2010	%CHG	2020	%CHG	NON	1980	1990	2000	2010	%CHG	2020	%CHG
MS	10.8	9.7	7.5	6.9	-36.1	16.8	143.5	DE	4.4	2.8	1.1	5	13.6	7.7	54.0
NC	8	7.1	5.7	3.9	-51.3	7.2	84.6	CT	3.2	3.5	1.8	2.7	-15.6	2.8	3.7
TN	9	7.8	6	4.6	-48.9	9.5	106.5	MD	6.3	8.9	6.7	5.3	-15.9	8.7	64.2
KY	6.8	4.4	3.3	2.9	-57.4	7.6	162.1	WI	1.6	2.9	2.1	1.9	18.8	4.3	126.3
SC	8.8	7.5	4.2	5	-43.2	10.1	102.0	MA	1.8	2.1	1.1	1.9	5.6	1.9	0.0
AVG	8.7	7.3	5.3	4.7	-47.4	10.2	119.7	AVG	3.5	4.0	2.6	3.4	1.3	5.1	51.2

What we've seen so far is consistent with concerns that SYG laws, which were mostly enacted after 2010, may have provoked gunplay. Still, non-SYG Delaware, Maryland and Wisconsin also exhibited substantial upticks. Although their rate increases aren't as drastic, *something* was driving things. And it wasn't SYG laws!

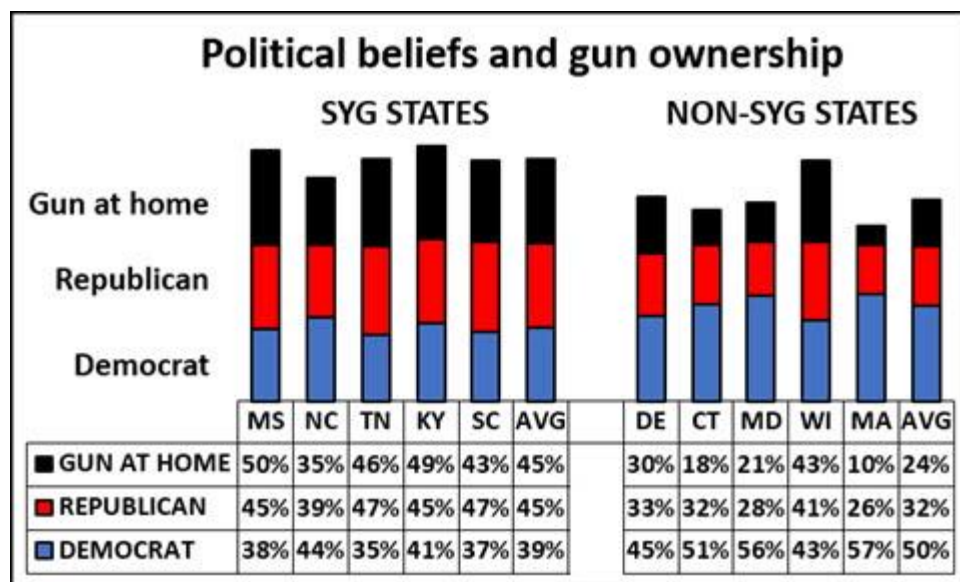
What else could it be? We've frequently harped about poverty's strong association with violence (check out that lead table in "[Woke up, America!](#)"). Here's a graph that compares SYG and non-SYG states poverty-wise:



SYG	1980	1990	2000	2010	%CHG	2020	%CHG	NON	1980	1990	2000	2010	%CHG	2020	%CHG
MS	23.9	25.2	19.9	22.4	-6.3	19.6	-12.5	DE	11.8	8.7	9.2	11.8	0.0	11.4	-3.4
NC	14.8	13	12.3	17.5	18.2	14	-20.0	CT	8	6.8	7.9	10.1	26.3	9.8	-3.0
TN	16.4	15.7	13.5	17.7	7.9	14.6	-17.5	MD	9.8	8.3	8.5	9.9	1.0	9	-9.1
KY	17.6	19	15.8	19	8.0	16.6	-12.6	WI	8.7	10.7	8.7	13.2	51.7	11	-16.7
SC	16.6	15.4	14.1	18.2	9.6	14.7	-19.2	MA	9.6	8.9	9.3	11.4	18.8	9.8	-14.0
AVG	17.9	17.7	15.1	19.0	7.5	15.9	-16.4	AVG	9.6	8.7	8.7	11.3	19.5	10.2	-9.2

Clearly, there's a big difference. SYG states have been economically beset for a very long time. In comparison, their non-SYG brethren have basked in affluence. And while that gap lessened over time, it remains observably pronounced.

Political beliefs and gun availability could also be important. This graph uses data from RAND's estimate of [household gun ownership during 1980-2016](#) by state and the results of Gallup's [2017 poll of party affiliation](#):



Bottom line: residents of SYG States are considerably more likely to be ideologically conservative and to have (at least one) gun at home.

So what's the upshot? Self-help is consistent with conservative political doctrine, which is prominent in SYG states. Residents of SYG states are also more affected by gun violence. And more likely to be dissatisfied with their economic conditions. So it would make perfect sense for them to oppose Government meddling and, as personal safety goes, demand a permissive approach to self-defense. Of course, human nature is fickle. People are fallible, and increased gun availability can greatly worsen the effects of bad

decisions. So that same set of circumstances that led thirty states to enact SYG laws may have brought on a lot more than what their boosters intended.

But we haven't even touched on the consequences of encouraging citizens to use guns on the civil servants who must respond to *all* shootings, SYG or otherwise. Given the risks of working those unpredictable streets, has it made *them* more likely to needlessly use lethal force? Check out what happened to that [well-intentioned armed citizen in Hemet, Calif.](#) when a cop mistook him for being a bad guy. Police officers, too, are fallible humans. But that's something for another essay.

Posted 4/19/21

## FOUR WEEKS, SIX MASSACRES

*Would stronger gun laws help? We crunch the numbers.  
They're not reassuring.*



*For Police Issues by Julius (Jay) Wachtel.* When we left off in “[Two Weeks](#)” the toll was three massacres and twenty-two dead in seventeen days. But we had missed one. On March 29, a Maryland man [embarked on a vicious shooting spree](#). His gunfire claimed four lives, including those of his parents, and seriously wounded a fifth person. He then committed suicide. Joshua Green, 27, used two handguns that he bought and legally registered last year. He had no criminal record. So we changed the essay’s title to “Two Weeks, *Four* Massacres.”

Then on April 8, as we began working on this essay, tragedy struck in South Carolina. [A former NFA player used two pistols](#) to slay an elderly physician and his wife and two of their grandchildren at a Rock Hill home. Phillip Adams, 32, also shot and killed a handyman. Adams had played pro football during 2010-2015 but left the sport after suffering several injuries, including at least two concussions. He clearly found the transition to ordinary life difficult. [Family and friends observed](#) that Adams was growing increasingly moody and temperamental and seemed to be “struggling with his mental health.” Of course, no one expected that he’d embark on a murderous spree.

But he did. Tracked by police to his parents’ home, the former athlete shot himself dead.

Then on April 15, when we thought this essay was really, *really* done, a young gunman toting two assault rifles [stormed an Indianapolis FedEx facility](#) (see image above) and opened fire, killing eight and wounding seven. Brandon Scott Hole then committed



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suicide. A former FedEx employee, the 19-year old [was placed on a brief “mental health hold”](#) last year after his mother warned police that he “might try to ‘commit suicide by cop’.” Hole then had a shotgun, which police seized and apparently did not return. But that didn’t slow him down. He went on to legally purchase one assault rifle in July and another in September. Although Indiana has a so-called “[Red Flag](#)” law that can be used to bar gun ownership by mentally disturbed persons (more on that later) it was apparently never invoked.

What could stem the slaughter? Many gun control advocates fiercely insist that stronger laws help. Given your writer’s past career as a Federal firearms agent, he’s not inherently hostile to that approach. Yet when we assessed the effects of gun law strength and related factors on gun deaths and murders four years ago [the results weren’t reassuring](#):

Our number-crunching confirmed statistically significant associations between gun laws, overall gun deaths and gun suicides, but not between gun laws and gun homicides. While our efforts are admittedly limited, they suggest that gun laws as implemented in the U.S. are far more apt at reducing gun deaths from non-criminal rather than criminal causes.

So we did it again. This time we used [Gifford’s widely-accepted scale](#) of gun law strength. Keeping ostensible causes and effects separate, here are our measures (“variables” in statistics-speak):

## Causal variables

- **Gun law strength.** [Giffords’ 2020 State gun law strength](#) (range 1-50). Giffords assigns #1 to the State with the strongest laws, and #50 to the State with the weakest. We flipped that around. Scaled low law strength to high law strength.
- **Gun ownership.** [RAND 2016 gun ownership by State](#) (proportion of adults living in a household with a firearm in 2016). Scaled low proportion of gun owners to high.
- **Percent residents in poverty, by State.** [From the Census](#). Scaled few to many.

## Effects variables

- **2019 homicide rates/100,000 pop., by State.** [From the CDC](#).

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- **2019 firearm murder rates**/100,000 pop., by State. [From the UCR.](#)
- **2019 firearms mortality**/100,000 pop., by State. [From the CDC.](#)
- **2019 firearms suicide**/100,000 pop., by State. [From the CDC.](#)
- **2017-2021 number of persons shot (killed or wounded) in mass shootings** (four or more shot on a single occasion) / 100,000 pop., by State. [From the Gun Violence Archive.](#) Due to missing or questionable data eight states were excluded. We also did not factor in the [2017 Las Vegas massacre](#), which killed sixty and wounded 411.

Correlation analysis (the  $r$  statistic) was used to assess the relationships between pairs of variables. Here's a brief discourse:

**Explanation:**  $r$ 's are on a scale of -1 to +1. If the  $r$  is zero the variables aren't associated, meaning that as the scores of one change the other does its own thing. If the  $r$  is either 1 or -1 the relationship is in lockstep. If the  $r$  is positive, the scores of the variables increase and decrease together; if it's negative, as the scores of one variable increase, the scores of the other decrease. Lesser  $r$ 's (say, .2 or -.2) denote weaker relationships, thus less synchronicity in the variables' movements. Due to the nature of the data we omitted the asterisks (\*) that report an  $r$ 's "significance." However, in our experience any  $r$  that's .50 or greater, whether positive or negative, definitely bears attention.

	Homicide	Gun homicide	Gun suicide	Gun death	Mass shoot
Homicide	-	.95	.25	.75	.76
Gun homicide	.95	-	.15	.65	.87
Gun suicide	.25	.15	-	.82	.04
Gun death	.75	.65	.82	-	.47
Mass shoot	.76	.87	.04	.47	-

We first assessed the relationships among the "effect" variables. As expected, each was "positive," meaning their scores increased and decreased together. Many of the relationships were also strong, meaning that the scores changed in substantial synchrony. That's particularly true for homicide and gun homicide, which seem like two measures of the same thing

(nearly 3 out of four murders in 2019 [were committed with firearms](#).) As expected, gun suicides, which accounted for about sixty percent of gun deaths in 2019 (23,941 / 39,707, click [here](#) and [here](#)) are strongly related to overall gun deaths. Mass shootings were also very strongly related to gun homicides, thus homicides overall.



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We then brought in the “causal” variables: gun law strength, gun ownership and percent of residents in poverty. Here’s the matrix with everyone on board:

		Homicide	Gun homicide	Gun suicide	Gun death	Mass shoot	Gun law strength	Gun Owner	Pct Poverty
<b>Causes</b>	Gun law strength	-.33	-.20	-.76	-.73	-.23	-	-.84	-.44
	Gun ownership	.26	.17	.84	.75	.16	-.84	-	.33
	Pct poverty	.74	.72	.30	.64	.63	-.44	.33	-
<b>Effects</b>	Homicide	-	.95	.25	.75	.76	-.33	.26	.74
	Gun homicide	.95	-	.15	.65	.87	-.20	.17	.72
	Gun suicide	.25	.15	-	.82	.04	-.76	.84	.30
	Gun death	.75	.65	.82	-	.47	-.73	.75	.64
	Mass shoot	.76	.87	.04	.47	-	-.23	.16	.63

Stronger gun laws are supposed to reduce crime. And maybe they do. All the  $r$ 's for gun law strength are negative. As gun laws get tougher, each of the effect measures (say, gun deaths) declines. And as gun laws weaken, the other measures increase. But the strengths of the relationships varies. Gun law strength seems only moderately associated with homicide overall ( $r=-.33$ ) and its relationships with gun homicides ( $r=-.20$ ) and mass shootings ( $r=-.23$ ) are relatively weak. On the other hand, gun law strength is strongly associated with both gun suicides ( $r=-.76$ ) and gun deaths ( $r=-.73$ ).

State gun suicide rates			
Gun law strength	-.76	Gun owner	.84
Control for gun Ownership		Control for gun law strength	
Gun law strength	-.20	Gun owner	.57

But there may be a statistical fly in the ointment. Gun law strength has a very robust, negative relationship with gun ownership rates ( $r=-.84$ ). Problem is, strong associations between variables can exaggerate the apparent strength of their relationships with other variables. So we turned to partial correlation. We begin on the left side of the graph, which reports the relationship between gun suicide rates and gun law strength. Note that when we “control for” (exclude the influence of) gun ownership, the relationship between gun suicides and gun law strength plunges from  $r=-.76$  to  $r=-.20$ . Switch to the right side, which describes the relationship between

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gun suicide rates and gun ownership. Once we exclude the influence of gun law strength, the association between gun suicides and gun ownership falls from  $r=.84$  to  $r=.57$ . What remains, though, is still a good-sized  $r$ . Our takeaway is that gun ownership rates seem to be a substantially more powerful influencer of gun suicides than gun law strength.

State gun death rates			
Gun law strength	-.73	Gun owner	.75
Control for gun Ownership		Control for gun law strength	
Gun law strength	-.30	Gun owner	.35

Let's do the same with gun death rates. Once gun ownership gets the boot, the association between gun deaths and gun law strength drops precipitously, from  $r=-.73$  to  $r=-.30$ . Same thing happens when we exclude the influence of gun law strength from the association between gun death rates and gun ownership. Bottom line: when it comes to gun deaths, gun law strength and gun ownership are somewhat important, but perhaps much less so than what one might expect.

And things get more interesting. Check out this matrix. Gun law strength and gun ownership are weakly associated with the three variables that reflect guns' criminal misuse: homicides, gun homicides and mass shootings. Those "effects" seem far better explained by another "cause." Can you find it?

	Homicide	Gun homicide	Gun suicide	Gun death	Mass shoot	Gun law strength	Gun Owner	Pct Poverty
Gun law strength	-.33	-.20	-.76	-.73	-.23	-	-.84	-.44
Gun ownership	.26	.17	.84	.75	.16	-.84	-	.33
Pct poverty	.74	.72	.30	.64	.63	-.44	.33	-

Good job! Yes, it's poverty. Essays in our [Neighborhoods special topic](#) have long examined this social condition, which many criminologists consider a key underlying factor in crime and violence. Check out the relationships between poverty and homicide, poverty and gun homicide, poverty and gun deaths and poverty and mass shootings. Each  $r$  is positive and strong, meaning that as poverty increases, so do the others, and in nearly lock-step fashion.

Everyone knows that many poor neighborhoods are burdened by gun violence. So here's a "lever," right? Well, not so fast! After all, the apparently strong relationships between poverty and its soulmates could be a instant replay of what happened earlier. Poverty has moderately strong relationships with both gun ownership and gun law

strength. Is it possible that their influence is exaggerating poverty's relationships with other variables? Once again let's turn to partial correlation.

Look at the left graph. "Controlling" for either gun ownership or gun law strength hardly affects the " $r$ " between homicide deaths and poverty. It remains very strong. Ditto gun homicides and poverty.

State homicide rates				State gun homicide rates			
Poverty rates		.74		Poverty rates		.72	
Control for gun ownership		Control for Gifford gun law strength		Control for gun ownership		Control for Gifford gun law strength	
Poverty rates	.72	Poverty rates	.70	Poverty rates	.71	Poverty rates	.71

The next two graphs convey about the same story. Controlling for gun law strength slightly reduces the association between gun death rates and poverty, but it remains robust at  $r=.52$ . And the strong relationship between mass shootings and poverty is unaffected.

State gun death rates				Mass shootings – persons shot rates			
Poverty rates		.64		Poverty rates		.63	
Control for gun ownership		Control for Gifford gun law strength		Control for gun ownership		Control for Gifford gun law strength	
Poverty rates	.63	Poverty rates	.52	Poverty rates	.63	Poverty rates	.62

So what's the takeaway? Here are the perpetrators of the six massacres in our series:

- **March 16:** [Robert Aaron Long, 21](#), used a 9mm. pistol he bought that morning to murder eight at three Atlanta-area massage parlors
- **March 22:** [Ahmad Al Aliwi Alissa, 21](#), used an AR-556 "pistol" to murder ten at a Boulder, Colorado supermarket. He also carried a 9mm pistol

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- **March 29: Joshua Green, 27**, (mentioned here) used two handguns to murder four persons in Maryland
- **March 31: Aminadab Gaxiola Gonzalez, 44**, used a 9mm. pistol to murder four persons at a Southern California business
- **April 8: Phillip Adams, 32**, (mentioned here) used two pistols to murder five persons at a private residence in South Carolina
- **April 15: Brandon Hole, 19**, (mentioned here) used two assault rifles to murder eight persons and wound seven at an Indianapolis FedEx facility

Best we can tell, none of the gunmen – and all *were* male – was a convicted felon or had ever been committed to a mental institution. Best we can tell none was prohibited by either Federal law or, indeed, the law of *any* State from owning or acquiring the firearms they misused. That includes California, which Giffords commends for having [the strictest gun laws in the U.S.](#)

Is it really that hopeless? Let's go through some of the "levers".

- **Mental health.** Four shooters – Long, Alissa, Adams and Hole – had serious mental issues of which friends and family were well aware. Twenty States have ["Red Flag" laws](#) that empower courts to issue ["extreme risk protection orders"](#) that authorize police to seize guns from potentially dangerous individuals. Applications for these orders can be made by law enforcement officers and, in seven States, by family members. Alissa, Hole, Gonzales and Green lived in states with Red Flag laws (Hole's Indiana requires that police apply.) Of course, obtaining such orders is time-consuming. Serving them [can also be risky](#). And getting family members to inform authorities or cooperate is no easy task.
- **Waiting periods.** Of the six states in our series, [only California imposes a waiting period](#) that delays the delivery of guns purchased at retail (it's ten days.) Gonzalez, the lone California resident, used guns that he reportedly owned for some time. That doesn't necessarily mean waiting periods are useless. Long, whose rampage began only hours after buying a gun, resides in Georgia, which has no waiting period. Had he been forced to wait a week or so, he might have "cooled off" or reconsidered.
- **Minimum age.** [Federal laws](#) prohibit licensed gun dealers from selling handguns to persons under twenty-one and long guns (rifles and shotguns) to

persons under eighteen (18 USC 922[b][1]). [A handful of states](#) have more stringent provisions for long-gun buyers. For example, [California](#) only allows dealers to sell bolt-action type rifles to persons under twenty-one, and then only if they have a hunting license. However, no state restricts the purchase or possession of firearms by otherwise qualified persons who have reached full adulthood meaning twenty-one. Hole, the only killer younger than twenty-one, was of legal age to buy long guns of any kind in Indiana and nearly everywhere else.

- **Gun lethality.** Four killers used handguns; two, Alissa and Hole, were armed with assault weapons. (As we mentioned in [our previous essay](#), Colorado classified Alissa's firearm, really a short-barreled AR-15, as a "pistol.") That post also addressed the lethality of modern-day handguns and the vicious effects of the ammunition used by assault weapons. Yet even in supposedly gun-hostile California, legislators invariably build in loopholes that lessen the impact of gun control laws on enthusiasts and the firearms industry. Given that propensity, when it comes to guns with fearsome ballistics our response is always the same: "[Ban the Damned Things!](#)"

Full stop: what about "regular" gun violence? While six massacres and thirty-nine dead innocents in four weeks is deplorable, those numbers don't begin to approach the everyday toll of criminal and gang-related gunplay in America's urban areas. Indeed, a *Chicago Tribune* columnist [recently complained](#) that the "outcry over recent violence in Atlanta, Colorado and California" ignores the incessant gun violence that plagues her community:

But 15 people were shot at a party in Chicago's Park Manor neighborhood on March 14 (two days before the Atlanta-area shootings) and eight people were shot outside a Wrightwood neighborhood storefront on March 26 (four days after the Boulder shooting and five days before the Orange shooting)...What does it say that the violence here is so rarely included in larger discussions — in the media, among politicians — about mass shootings and the trauma they inflict on our nation?

For more about that, check out "[The Usual Victims](#)." Work your way through some of the related posts. Incredible!

No, we're not suggesting that gun laws are useless. Even an  $r$  of  $-.20$  (that's the raw relationship between gun law strength and gun homicides) is *something*. So tinker with laws and regulations all you want. To make a real impact, though, we must look to the

fundamentals. As our [Neighborhoods](#) essays repeatedly point out – and as the data clearly suggests – economic deprivation is deeply linked to the violence that besets many American neighborhoods. For our most recent essay on point, check out “[Fix Those Neighborhoods!](#)” And while you’re at it, don’t forget to read “[Memo to Joe Biden](#),” recently published in John Jay’s *[The Crime Report](#)*.

Reducing the toll from gun violence, whatever its form, calls for a return to the fundamentals. What is a “society” all about? How can we strengthen the bonds between humans regardless of their income, social standing, place of residence, ethnicity, or skin color? How can we place America’s downtrodden places on the path to prosperity? We don’t have any quick answers, but that “[Marshall Plan](#)” we so frequently peddle could be a good start.



Posted 2/28/24

## HOUSTON, WE HAVE (ANOTHER) PROBLEM

*Fueled by assault rifles, “senseless” murders plague the land*



*For Police Issues by Julius (Jay) Wachtel.* As our more “senior” readers know, the “problem” we’re appropriating for our own, selfish purposes reared its ugly head fifty-four years ago. On April 14, 1970, [an American mission to the moon](#) was aborted mid-flight when an oxygen tank blew up. Happily, the orbiter landed safely (on Earth) and no one got hurt.

Like all such missions, Apollo 13 launched from Florida’s Cape Kennedy. It then came under the control of “Mission Control” at Johnson Space Center, a vast “\$1.5 billion complex” near downtown Houston. That’s Houston, Texas. Our government’s most sophisticated, science-based enterprise is based in a decidedly “Red” State. Texas also happens to be a “[Stand Your Ground](#)” State. Meaning, among other things, that it encourages private gun ownership. And, apparently, gun use. For example, its denizens are under no obligation to retreat before using force, including deadly force, in self-defense (Texas Penal Code [sec. 9.31e](#)).



Our focus here, though, isn’t on simple errors in judgment, no matter how tragic their consequences. After all, even the best-intentioned humans (and here we include most cops) occasionally fall prey to the chaos and uncertainty that suffuse everyday life. It’s about “senseless” behavior, meaning without any rational basis. And there are few better examples than what happened in Houston during the afternoon hours of Sunday, February 11. That’s when a local resident, 36-year old Genesse Iyonne Moreno, [burst into a church between services](#). Accompanied by her 7-year old son, Moreno was attired in a



trench coat and carried two rifles, a .22 caliber weapon and an AR-15. She quickly opened fire with the latter in a hallway. Two off-duty police officers working security promptly fired back, killing her. During the exchange Moreno's son was critically hurt, and a middle-aged parishioner sustained non-life threatening wounds to his leg. (Just whose bullets struck them is yet to be revealed.)

What drove Moreno to act as she did? Her rifle bore a "Palestine" sticker, and she had reportedly made "anti-Semitic" writings. But the church was a Christian congregation. Motives aside, what is known paints a highly disturbing picture of a highly disturbed soul. While Moreno identified as a woman, she had a substantial criminal record in Houston under a male alias. Here's a summary from our inquiry of the [Harris County Court](#):

ESCALANTE MORENO, JEFFREY					
Arrest Date	Agency	Charge	Fel/Misd	Disposition	Sentence
10/22/2005	Houston PD	Hit-run	M	Guilty	20 days
8/6/2009	Houston SO	Assault w/injury	F	Convicted M	180 days
3/8/2010	Houston SO	Forgery	F	Convicted M	2 days, fine
11/2/2010	Houston SO	Poss Marijuana	M	Guilty	30 days
12/4/2010	Houston SO	Evade arrest	M	Guilty	75 days
4/2/2022	Katy PD	Illegal wpn carry	M	Convicted	2 days

Moreno supposedly purchased the AR-15 in December 2023. How, and from whom, hasn't been revealed. She has no known felony convictions, which would have barred her from buying a gun from a dealer. Family members and police said that Moreno suffered from long-standing mental problems; police officers placed her under "emergency mental detention" in 2016. However, Texas doesn't have a "[Red Flag](#)" law, so there was no ready way to keep her from buying a gun in a store. Neither does it require background checks for gun transfers [between private parties](#). So Moreno could have easily acquired a firearm even if her mental problems were of record.

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Moreno hasn't been the Lone Star State's only "senseless" killer. Consider the [May 6, 2023 massacre in Allen, a Dallas exurb](#). Attired in tactical gear and wearing an "RWDS" (Right-Wing Death Squad) patch on his chest, Mauricio Garcia, 36, jumped out of his car and began "indiscriminately" firing an AR-15 in the parking lot of a large mall. He then charged into a building and continued the fusillade. Garcia killed eight and



wounded seven before a security guard shot him dead.

Garcia (photo from OK.ru) brought along an arsenal. In addition to the AR-15 he carried two handguns on his person and had five more guns in his car. All were legally bought. Garcia, a security guard, had a clean criminal record. But there *was* a “glitch”. Garcia enlisted in the U.S. Army when he was eighteen. But only three months later concerns about his mental health and an “adjustment disorder” [led to his discharge](#). Unfortunately, the Army didn’t pass that on to the FBI, which runs the nation’s [“Insta-Check” gun purchase system](#). So he remained free to buy guns from retail dealers to his wicked heart’s delight.

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We’re not done with Texas. Four days preceding Garcia’s foul deed a tactical unit comprised of Feds and State troopers [arrested Francisco Oropeza](#) in the small town of Cut and Shoot, about 40 miles north of Houston. Oropeza was on the run after murdering four adults and a 9-year old in the nearby town of Cleveland, where he lived, because they had the temerity to demand [that he stop shooting his AR-15](#) in his yard. One of his victims had just called 9-1-1 about his gunfire. And this wasn’t the first time.

Oropeza was an illegal immigrant with four prior deportations. That’s important to know because it [legally excluded him from having guns](#). Prosecutors are [seeking the death penalty](#). Sadly, that’s already been imposed.

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“We can’t get inside his head. We just don’t have any clue as to why he did what he did.” [Joliet Police Chief Bill Evans’s comments](#) reflect the perplexing nature of the January 21, 2024 spree by our fourth killer, twenty-three year old Romeo Nance. He was ultimately cornered – and committed suicide – in Texas. But his appalling handiwork took place in Joliet, Illinois, the community where he grew up. [And its toll was grim](#). Nance murdered his mother, three sisters, a brother, and an uncle and aunt. While fleeing he also shot and killed a 28-year old pedestrian carrying groceries and wounded a middle-aged man whom he happened to encounter.



Nance’s explosive temper was well known to police, [who were frequently summoned to his residence](#). Leaving out numerous traffic infractions, here’s a summary of his adult

criminal record from the [Will County Court](#):

NANCE, ROMEO A.					
Crime Date	Agency	Charge	Fel/Misd	Disposition	Sentence
2/15/2023	Will County	Dmg Gov Prop	F	Open case	N/A
2/8/2023	Will County	Battery w/inj	M	Open case	N/A
1/26/2023	Will County	Obstruct ofcr	M	Open case	N/A
1/26/2023	Will County	Firearm w/o lic	M	Open case	N/A
1/3/2023	Will County	Shoot at occ veh	F	Open case	N/A
1/3/2023	Will County	Shoot at veh	F	Open case	N/A
1/3/2023	Will County	Unlic gun, aggr	F	Open case	N/A
1/3/2023	Will County	Reck disch gun	F	Open case	N/A
10/22/2019	Will County	Robbery	F	Pled to M	Prob, fine
10/22/2019	Will County	Robbery	F	Pled to M	Prob, fine
10/22/2019	Will County	Theft person	F	Pled to M	Prob, fine
10/22/2019	Will County	Theft fm person	F	Pled to M	Prob, fine
10/22/2019	Will County	Poss marijuana	F	Pled to M	Prob, fine

Soon after turning eighteen Nance was arrested for a robbery that involved “pressing a knife against [his victim’s] chest”. He got a break, and the case was settled with his plea to a misdemeanor marijuana charge. Nance completed a probationary term, by all appearances successfully. But his conduct eventually tanked. In January 2023 he shot at a female motorist during a traffic encounter. Police seized an unlicensed handgun and “two cartons of ammunition” from his backpack. Nance went on to assault an officer and soon collected additional charges.

Nance perpetrated his massacre using an “AR-15 style” rifle [that was recovered from his car](#). He also used a handgun. How he obtained these weapons hasn’t been revealed. His previous tangles made him ineligible to receive an [Illinois firearm owner’s ID card](#), which the State requires of all gun owners. So he probably acquired his guns through private transactions.

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Shift to Minnesota. Prohibited or not, emotionally-troubled men – and it’s almost always a male – find it easy to get high-powered firearms. On February 18, 2024, after a prolonged negotiation session during which he denied being armed, Shannon Gooden (Facebook photo on left) [unleashed a barrage of “more than 100” rifle rounds](#), killing two Burnsville police officers and a paramedic who had responded to a call about a sexual assault. Despite a 2007 felony assault conviction and [a judge’s 2020 refusal to reinstate his gun rights](#), Gooden had multiple firearms and a copious amount of ammunition. He committed suicide



Switch to Maine. U.S. Army reservist Robert Card’s mounting “anger and paranoia” deeply troubled an Army chum. So much so, that in September 2023 [he warned their superior](#) that Card was going “to snap and do a mass shooting.” And on October 25 that’s exactly what he did, [unleashing back-to-back barrages](#) in a Lewiston bowling alley and a restaurant (surveillance photo on right) that killed eighteen persons and injured thirteen. Card had a troubled mental history. It included a two-week 2023 stint in an Army psychiatric ward that followed his mentions of “hearing voices” about “hurting other soldiers”. But the Army, which barred him from handling guns, apparently didn’t consider his treatment to be a [mental “commitment”](#) that required it inform the Insta-Check system. Ergo, Card remained able to buy guns to his wicked heart’s delight. Including the [Ruger SFAR semi-auto rifle](#) he used in the massacre . And yes, he bought it in a gun store. *Ten days earlier*. Card committed suicide as police closed in.



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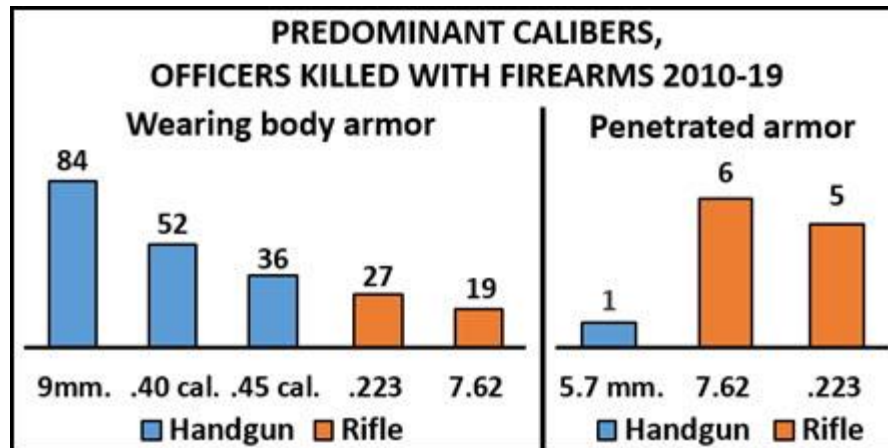
We began our post by declaring a focus on “senselessness”. Alas, irrational behavior is not uncommon. And in our gun-infused society, it all-too-often leads to gunplay. Most, though, involves handguns. As we pointed out in [“Going Ballistic,”](#) their lethality is far, far outstripped by the killing power of the military-style rifles that have become immensely popular among enthusiasts. And mass murderers. Let’s self-plagiarize from [our 2015 op-ed in the Washington Post](#):

One assumes that assault rifles were picked on [by the Federal ban] because they are particularly lethal. Key attributes that make them so include accuracy at range, rapid-fire capability and, most importantly, fearsome ballistics. In their most common calibers – 7.62 and .223 – these weapons discharge bullets whose



extreme energy and velocity readily pierce protective garments commonly worn by police, opening cavities in flesh many times the diameter of the projectile and causing devastating wounds.

All this is well known to law enforcement. Between 2010-2019 (the last year with complete [LEOKA](#) data) 471 law enforcement officers [were feloniously slain by gunfire](#). Of these, [339 were wearing body armor](#). And 21 were slain by rounds [that penetrated their armor](#). This graph depicts the most frequent culprits, gun-wise:



Ballistics definitely “count”. [According to a March 2023 article](#) in the Texas Tribune, that vulnerability was apparently very much on the minds of the officers who responded to the May 2022 massacre at Robb Elementary School in Uvalde, Texas. During “previously unreleased interviews” they said they backed off and waited for SWAT because they lacked the weapons and protective gear to confront the shooter’s “battle rifle”. Here’s its image when seized:



Several non-SWAT officers did try to make a prompt approach. As they went down the hallway the gunman opened fire through a door. Two officers got grazed:

The gunman had an AR-15...Its bullets flew toward the officers at three times the speed of sound and could have pierced their body armor like a hole punch through paper. They grazed two officers in the head, and the group retreated.

According to a police sergeant, “You knew that it was definitely an AR. There was no way of going in.”

When it came time to review the police response, political correctness took hold. Official assessments (click [here](#) for DOJ’s report) repeatedly blasted the (again, non-SWAT) cops for not promptly charging in . No mention was made of the exceptionally lethal nature of Ramos’ gun, whose projectiles would readily defeat “ordinary” ballistic vests commonly worn on patrol. Of course, Texas is a place that embraces guns. Suggesting that so-called “assault rifles” are simply *too* lethal would have stirred a hornet’s nest. Far better (and safer) to blame it on the cops, and *only* the cops.

Then came the Allen massacre. Attention turned to a [Texas House bill](#), backed by the families of Uvalde’s victims, that would have increased the minimum age for buying semi-auto rifles from 18 to 21 (Uvalde’s gunman was 18 when he bought his two AR-15 style rifles from a dealer.) That seems hardly controversial. Even so, gunplay had abated, [and the proposal quickly died in committee](#). Really, in Texas it simply can't be about the gun. Here’s what the legal counsel for [Texas Gun Rights](#) told the Washington Post [about the massacre in Cleveland, Texas](#):

It’s a tragedy but we need to get away from blaming guns which only answers the question of how and start asking the question why these shootings take place, why people feel the need to settle differences with violence and murder...

But didn’t Francisco Oropeza’s AR-15 style weapon pose a special threat? Absolutely not, the lawyer replied. Its presence was “meaningless.” After all, Oropeza “could have killed those people just as easily with a handgun.”

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[In a recent interview](#), ATF Director Steven Dettelbach suggested that the unending stream of mass killings may be numbing Americans to the effects of gun violence. At a meet with families of the Lewiston massacre, he emphasized that speaking out was crucial. “Your voices are very important...It really makes a difference.” Dettelbach later told reporters that it was “too easy” for unstable persons to get firearms.

As a (long retired) ATF agent, we second the current boss’s views. Still, guns have suffused the land. They’re so easy to acquire from private sources that trying to control *who* gets them can seem hopeless. Perhaps a highly focused approach on the most lethal weapons – say, an outright prohibition on assault rifles – could help. After all, these instruments of war weren't in play when they penned the Second Amendment. Indeed, we urged that “solution” six years ago in “[Ban the Damned Things!](#)” Mind you, it

would have to be a *real* ban, *sans* the exceptions and workarounds that characterize so-called “assault weapons bans” in so-called “strong law” States like our own California.

But for that, check out “[A Ban in Name Only](#)”. Meanwhile, does anything here resonate? If so, pass it on!



Posted 6/3/24

## KIDS WITH GUNS

*Ready access and permissive laws create a daunting problem*



*For Police Issues by Julius (Jay) Wachtel.* As our unimaginably conflicted Presidential campaign picks up steam, it's probably inevitable that even the most gut-wrenching examples of America's struggle with gun violence will be consigned to the back-burner. So when a married couple recently [drew fifteen years in prison](#) for their son's vicious behavior, hardly anyone (other than his victims' families, of course) seemed to notice.

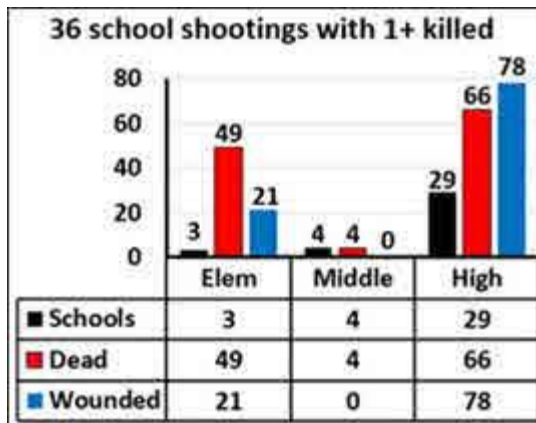
In November 2021 Ethan Crumbley – he was then only fifteen – gunned down four classmates and wound seven other persons at Michigan's Oxford High School. Earlier this year Jennifer and James Crumbley were each convicted at separate trials on four counts of voluntary manslaughter for recklessly furnishing the 9 mm. pistol that their deeply-troubled son used in the massacre. This tragic event came only four days after James Crumbley purchased Ethan's asserted "Christmas present" at a gun store. It probably didn't help the parents' cause that Ethan had tagged along. Nor that his mother once [posted an open letter on Twitter](#) thanking President-elect Trump for, among other things, "allowing my right to bear arms [and] be protected if I show a home to someone with bad intentions."

[Ethan pled guilty](#) to first-degree murder and terrorism last December. He told the judge that "any sentence that they ask for, I ask that you do impose it on me". Although seventeen, thus still not technically an "adult", he drew life without parole.

His parents will be eligible for release in ten years.

Troubled youths often act out their demons at school. And if a gun's readily available, so much the worse. We've covered a host of these tragedies. Here are the worst four:

- [1999 Columbine High School massacre](#) (Columbine, Colorado). Two twelfth-grade students, one eighteen, the other seventeen, used assault-style pistols and shotguns acquired through friends to murder twelve students and a teacher and wound twenty-one others.
- [2012 Sandy Hook Elementary School massacre](#) (Newtown, Connecticut). A twenty-year old former student killed his mother, then used her assault-style rifle and 9 mm. pistol to shoot his way into the school. He gunned down twenty children and six adult employees, then committed suicide. [Police Issues post](#)
- [2018 Marjorie Stoneman High School massacre](#) (Parkland, Florida). A nineteen-year old former student used an AR-15 style rifle that he legally bought in a gun store in 2017 to murder fourteen students and three teachers. He was later arrested without incident. [Police Issues post](#)
- [2022 Robb Elementary School massacre](#) (Uvalde, Texas). An eighteen-year old former student shot his grandmother in the face, then used an AR-15 style rifle that he legally bought (he left a second rifle in his vehicle) to murder nineteen students and two teachers and wound seventeen others. He was shot and killed by SWAT while still inside the school. [Police Issues post](#)



yielded 36 episodes, one at each of three elementary schools, four middle schools, and 29 high schools. In all, 119 persons were killed and 99 were wounded.

There were two unique groups: thirty-two shootings with one to four persons killed other than the shooter, and four shootings with ten to twenty-six:

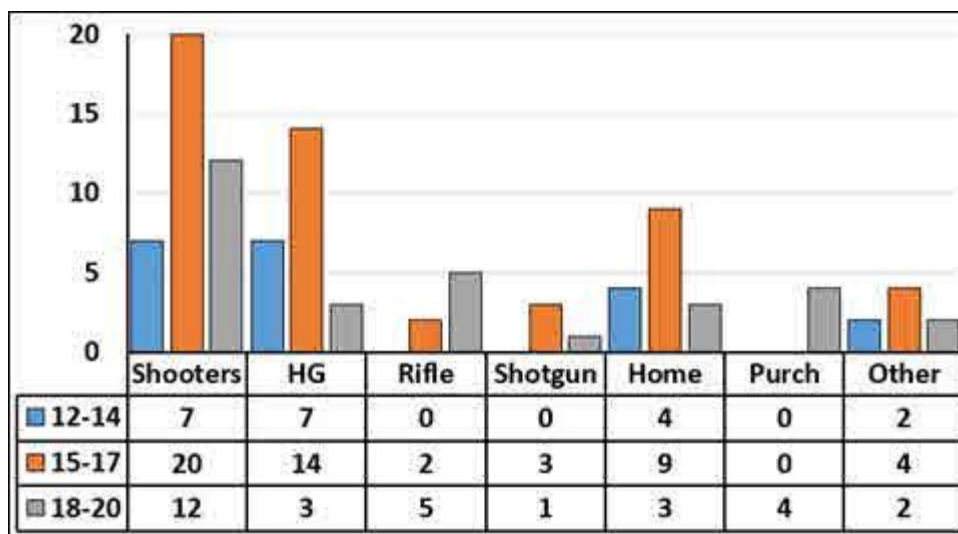
Here our objective is to explore the youthful misuse of guns, and particularly by younger teens. While we didn't intend to focus on school shootings, these deplorable events helped us explore how children became murderous gunslingers. Using Wikipedia's [List of school shootings in the United States \(2000–present\)](#), we selected all shootings at K-12 schools between 2012 and 2024 where the shooter was under 21 and killed at least one person. That

Deaths	Shootings			Victims		Shooters	Weapon type				
	#	Targeted	Untargeted.	Killed	Wound.	Avg. age	Handg.	Shotg.	Rifle	Comb.	Unk.
1-4	32	22	10	45	50	15.7	23	3	4	2	4
10-26	4	0	4	74	49	18.5	1	1	3	1	0

22 TARGETED SHOOTINGS				
Victims		Firearm type (18 shtgs)		
Killed	Wounded	Handgun	Shotgun	Rifle
24	9	15	2	1
14 UNTARGETED SHOOTINGS				
Victims		Firearm type		
Killed	Wounded	Handgun	Shotgun	Rifle
95	90	9	2	6

Shooter intent and gun type were key determinants of the human toll. Twenty-two episodes in the one-to-four killed group were “targeted” on specific antagonists, often someone who supposedly had bullied the shooter. ([In a middle school shooting](#) that involved three 13-year olds, the shooter was the bully, while his victim was a youth who was defending the child being bullied.)

Handguns were used in nearly all targeted shootings. Per-shooting casualty counts were accordingly limited: twenty had one death, and two had two deaths each. In contrast, eight of the fourteen “untargeted” episodes, where shooters had no specific victim in mind, caused more than one fatality. Their greatly disproportionate overall toll is attributable to four episodes that involved long guns: the [2018 Santa Fe High School \(TX\) shooting](#), where a 17-year old armed with a handgun and shotgun took ten lives, and the massacres at Sandy Hook, Marjorie Stoneman and Robb Elementary, where rifles were used to murder sixty-four.



Our thirty-six episodes had forty shooters. Thirty-nine were between the ages of twelve and twenty; one was twenty-one. Handguns were by far their most common

weapon. After all, they're easy to conceal, and firepower isn't as much at issue when there is a specific "target" in mind. Handguns were also the *only* firearms used by the younger shooters. Unable to legally buy a gun of any kind, they usually turned to weapons that belonged to adult family members and were kept at home.

	Handgun	Rifle	Shotgun
Home	12	4	2
Store	0	2	1
Priv	0	1	0
Stolen	2	0	0
Ghost	1	0	0
Unk	9	0	1

In our lead-off example a fifteen-year old's parents were imprisoned over the lethal consequences of gifting a pistol to their deeply troubled son. News accounts don't suggest that family members purposely granted such ready access to any of the other young shooters. Two of their handguns actually came from other teens' homes. In a [2022 Seattle-area high school shooting](#) a 14-year old boy used a pistol that another 14-year old supposedly stole from his father's handbag. Six years earlier, [a 15-year old Arizona high school student](#) borrowed a handgun from a classmate who brought it from home, supposedly without permission. After the killing, the shooter committed suicide. He was one of ten in our sample to do so.

	Handgun	Rifle	Shotgun	Comb.	Unk.
Episodes	21	6	2	3	4
Killed	32	68	2	12	5
Wounded	30	45	1	23	0

Rifles were of mixed origin. Two massacres – at Marjorie Stoneman and Robb Elementary – were committed with rifles that

shooters legally purchased at gun stores. The rifle used at Sandy Hook belonged to the youth's mother. He took it, along with a handgun, after shooting her dead. We've often commented on the killing power of assault rifles (see "[Ban the Damned Things!](#)"). Here their effects proved truly devastating. Used on only six occasions, they accounted for more than half the total deaths and nearly half the woundings.

Schools continue to be beset by armed youths. On May 1, 2024 [Mt. Horeb, Wisconsin police shot and killed a 14-year old](#) who was about to enter his middle school while armed with a rifle. He reportedly pointed the weapon – it turned out to be a Ruger .177 caliber pellet rifle – at responding officers and didn't drop it when ordered. His disturbing online chatter (he posted "my last morning" earlier that day) revealed a fascination with guns.

Two days later, [a 17-year old Washington D.C. high school student was wounded](#) by a bullet that pierced her classroom. Two students, ages seventeen and eighteen, were arrested for "assault with a dangerous weapon, carrying a pistol without a license and endangerment with a firearm."

Might lawmaking offer a solution? [Not according to Iowa's Governor:](#)

This was a horrible tragedy. It's certainly nothing that any governor wants to wake up to in the morning and hear what's happened. No additional gun laws would have prevented what happened. There's just evil out there.

Gov. Kim Reynolds was reacting to the [January 4, 2024 shooting at Perry High School](#). Reportedly upset over being bullied, a 17-year old student opened fire with a handgun and a shotgun, killing two and wounding six. Authorities haven't identified the weapons' source. But the teen was too young under either [Iowa](#) or [Federal](#) law to buy a gun of any kind at a store. Iowa law also bars giving handguns to persons under twenty-one, and long guns to anyone under eighteen. Parents, though, can permit underage youths to possess long guns. They can also allow supervised access to handguns by those at least fourteen.

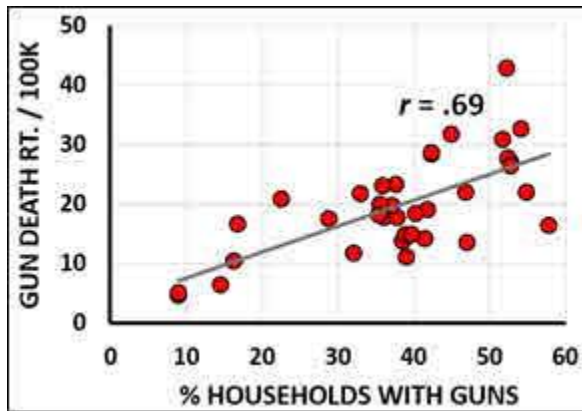
[State gun possession and purchase laws](#) vary. Hawaii and Illinois are the most restrictive, with a minimum age of twenty-one for both firearms purchase and possession. At the opposite extreme, Missouri, Montana, Ohio and Texas set no minimum age for possessing any type of firearm. Florida reacted to the Marjorie Stoneman massacre by increasing the minimum age for buying a rifle from eighteen to twenty-one, the same minimum that applies to handguns. Natch, gun enthusiasts were unhappy. Earlier this year, the State's House chamber [approved a bill](#) that would return the minimum age for long-gun purchases to eighteen. [But it died in the Senate.](#)

Teen firearms misuse is by no means limited to school grounds. [A fourteen-year old Los Angeles girl was recently charged with murder](#) for gunning down a 20-year old woman who was standing on a streetcorner. Why the teen fired and where her gun came from are still to be revealed. But the March 21st. killing took place in the State [with the strongest gun laws in the nation](#).



Last year, “[Are We Helpless to Prevent Massacres?](#)” explored the issue of prevention. It was inspired by the March 27, 2023 massacre at Nashville’s Covenant Christian School, where a 28-year old armed with assault rifles unleashed a fusillade, killing three nine-year olds and three adults. Check out the essay and its related posts, say, “[Our Never-Ending American Tragedy](#)” for more. It’s subtitled “A murderous rampage in Nashville suggests that lawmaking is not a solution.”

Our views about that haven't changed. Yet some steps *are* possible. While we don't promote the notion of imprisoning careless parents, encouraging safe gun storage can help. Ditto, holding gun makers to account for recklessly marketing their wares. Check out the recent story about the lawsuits [filed by families of the victims of Uvalde](#).



Problem is, firearms have great cultural significance. Our society's attitudes about gun ownership and possession have inevitably led to their abundant (over-abundant?) presence. So half-steps – and that's clearly all that many (most?) of our fellow-citizens seem willing to do – are unlikely to substantially lessen the mayhem. Our graph uses [CDC data](#). While we don't claim that gun density is the *only* "cause" of gun deaths, it clearly

matters. *A lot*. Even when we "control" for our favorite evil-doer, poverty, the "*r*" only drops to .61. (For more, see "[Policing Can't Fix What Really Ails](#).")

Let's close with a bit of self-plagiarism from "[Our Never-Ending American Tragedy](#)":

Given the nature of our society and its body politic, tweaking the rules seems the only option. But even the hardest legal response (e.g., California's) has had at best only a limited effect. What would work – drastically shrinking the number of guns in citizen's hands and sharply curtailing the lethality of what remains – seems well out of reach. We're not Britannia! That's why when it comes to gun control, *Police Issues* tends to despair. Yet there's been some momentum. Hopefully the final chapter of Reasonable Americans v. Guns is yet to be written.

Couldn't have said it better ourselves!



Posted 5/15/23

## “LEGAL” GUN BUYERS CAN BE A PROBLEM

*They figure in many killings, as both doers and enablers*



*For Police Issues by Julius (Jay) Wachtel.* Does this image stir your memory? It depicts the Uvalde, Texas retailer where eighteen-year old Salvador Ramos [bought the AR-15 style rifle](#) he used to murder nineteen students and two teachers at Robb elementary school last year.

Oasis Outback (it's still in business) was [one of 52,799 licensed firearms dealers](#) in the U.S. in 2020, and one of 10,635 in Texas. Only about one in four have a commercial storefront. Most licensees – estimates peg it at 74 percent – [operate from their homes](#). Either way, the numbers are huge. And to partake of their goodies is ridiculously easy. Other than money, all one needs is to be of age – the Federal minimums for buying from a dealer are eighteen for a long gun and twenty-one for a handgun – and to be free from a felony conviction ([18 USC 922\[b\] and \[g\]](#)). A handful of states (not including Texas) have raised set the minimum for long-gun purchases [at twenty-one](#). And to assure that criminal record checks are thorough and, ostensibly, to discourage impulsive purchases, several (again, excluding Texas) [impose a few days' wait](#) before guns can be picked up.

And that's about it.

Considering the quirks of human nature, America's permissive approach to gun acquisition might seem an exercise in self-annihilation.



Guns, though, have been an integral part of the sociocultural (and Constitutional) fabric since our nation's founding. And thanks to a prolific firearms industry, our land is awash with lethal toys. Just *how* “awash”? [According to ATF](#) (full disclosure: your writer's one-time employer), gun manufacturers produced 13,804,919 firearms for non-military use in

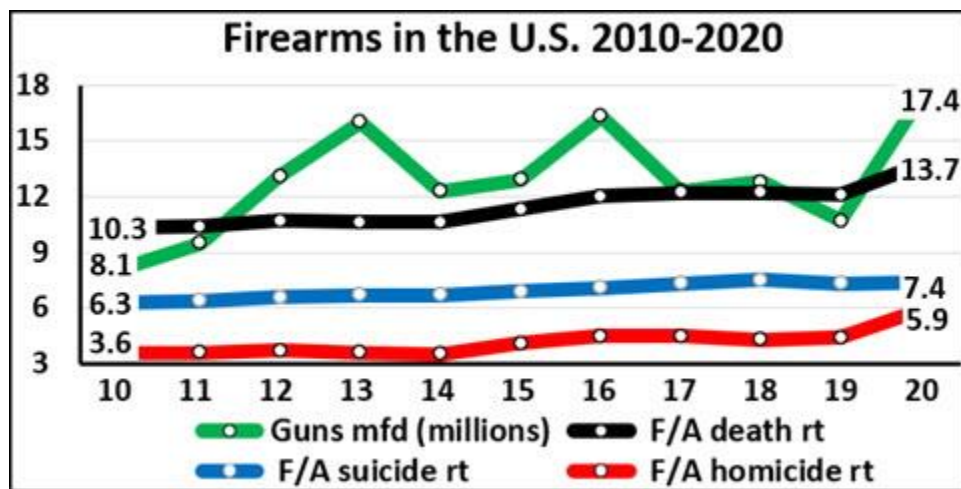
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2021. Of those, 458,684 were exported, leaving 13,346,235 to be distributed domestically. Again – *that's in a single year*. Over time, the numbers are truly astounding. During 1986-2021, including imports (and excluding exports) 281,196,579 guns entered the domestic marketplace.

There is a small hitch. These quantities include guns (mostly, handguns) acquired by police. Large agencies that responded to a [2013 PERF survey](#) reported buying an average of forty-four handguns per officer per year. Extended to [all 18,000 state, county and Federal law enforcement agencies](#) in the U.S., that's well under one million. That leaves, um, twelve-million-plus new guns for resale to, well, you and me. *Each year*.

Americans readily admit they're well-armed. Thirty-two percent of adult respondents to a [2020 Gallup poll](#) reported owning a gun, and 44 percent said they lived in a household with a gun. Of course, there *are* consequences. Simple common sense suggests that more guns = more instances of impulsive misuse (see, for example, "[Fearful Angry. Fuzzy-Headed. And Armed.](#)") According to a [Rand report](#), increased gun availability is a likely explanation for the continuing uptick in suicide. [A seemingly robust study](#) published by the American Public Health Association noted that increased gun ownership during 1981- 2010 was associated with an increase in gun homicide.

Using [CDC data](#) we brought it together in a single graph:



During 2010-2020, as gun production ramped up and guns piled up, the per/100,000 rates for gun deaths, gun suicides and gun homicides steadily increased. Statistically speaking, the relationship between gun manufacture and the other variables is moderately strong, with *r*'s (correlation coefficient, range 0-1) of .55 with firearm deaths, .49 with gun suicides, and .57 with gun homicides.

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Of course, factors other than guns contribute to violence. One that we frequently turn to is economic conditions, measured by poverty (see, for example, “[Worlds Apart](#)”). Guns, though, are often the means. So how do evildoers get them? In this essay we’ll focus on what happens with guns, such as those acquired by Salvador Ramos, that are sold at retail. Several studies have confirmed that these ostensibly legal transactions can lead to poor endings:

- Our journal article, “[Sources of Crimes Guns in Los Angeles, California](#)”, reported that unlicensed “street dealers” and corrupt licensed dealers – particularly, those based at home – were sources of a substantial number of crime guns. Fourteen percent of a set of 1,599 firearms seized by L.A.-area police during 1988-1995 whose retail purchasers’ names were known were in fact recovered from their buyers (pg. 228).
- Twenty-seven percent of the inmates who responded to [DOJ’s 1991 prisoner survey](#) reported that they bought the gun they got caught with at a store. Ten percent said so on the [2016 survey](#) (pg. 7).
- Violence Project’s [database of 190 mass shootings](#) between 1966 and 2021 reveals that eighty of 172 shooters (46.5%) legally acquired their guns, and that fifty-five (32%) purchased at least one from a licensed dealer.
- Twelve percent of the nearly one and one-half million crime guns [traced by ATF](#) during 2017-2021 were confiscated from their retail buyer (pg. 26.) This is unavoidably an underestimate, as possessor identities often go unreported to ATF. Even so, each year police are apparently seizing more than *thirty-six thousand* store-bought guns from their buyers.

The frightful carnage enabled by store-bought guns didn't end with Salvador Ramos. Here are three more recent examples:

- [Louisville, Kentucky, April 10, 2023](#). Livestreaming his foul deed, 25-year old Connor Sturgeon opened fire with an AR-15 style rifle on his Louisville bank co-workers. By the time police shot him dead he had killed five. He also wounded eight persons, including two of the responding officers. Sturgeon legally purchased the weapon [from a local gun dealer](#) six days earlier.
- [Nashville, Tennessee, March 27, 2023](#). Audrey Hale, a 28-year old Nashville resident, possessed two assault-style rifles and a handgun during his attack at Covenant Christian School. [Unleashing 152 rounds](#), he murdered three

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employees and three nine-year old students. Hale bought these guns and four more at five different gun stores between 2020-2022.

- [Chesapeake, Virginia, November 22, 2022](#). Andre Bing, a 31-year old Walmart night shift supervisor, purchased a 9mm. pistol at a gun store in the morning. Some hours later he fatally shot six co-workers, then committed suicide.

Is there anything that might have prevented these massacres, or at least mitigated their effects?



[According to Giffords](#), ten states and D.C. ban assault weapons. But none of our three assault-rifle-packing killers – Ramos (weapons on left), Sturgeon and Hale – lived in any of those states. In any event, such “bans” are no solution. As our prior posts (for example, “[Ban the Damned Things](#)”) and [Washington Post op-ed](#) point out, assault weapons “bans”, including the long-expired Federal ban, fail to address the guns’ most lethal aspect: their fearsome ballistics. Instead, the focus is on extrinsic features such as magazine capacity and hand grips. Even in the most “restrictive” jurisdictions (i.e., California), .223 caliber semi-auto rifles remain legal. And as demonstrated in the deplorable example set by [Syed Farook and Tashfeen Malik](#), the married couple who murdered fourteen in San Bernardino, Calif., frightfully deadly.

Our four killers purchased their guns legally. Ergo, none had a criminal record. Salvador Ramos, at eighteen, was just barely old enough to buy a long gun under Federal law. Like most every other state, Texas never raised that bar. [A bill to do so](#) for assault weapons, which was inspired by Uvalde, has been introduced in the Texas legislature. It’s deemed to have no chance of being enacted into law.

Was there anything else about these characters that, had it been acted on, might have prevented them from at least “legally” buying guns?

- Salvador Ramos’ criminal and mental health histories were both supposedly clean. But he was nonetheless “[a troubled soul](#).” News articles and [Wikipedia’s account](#) paint a disturbing picture of his angry nature and violent propensities. Ramos was chronically rude to coworkers. And there were those bizarre social media posts, of which the most threatening came shortly before the massacre. Setting those aside – they were probably too late to act on – concerns about personal freedom make it doubtful that a



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“[Red Flag law](#)” could have been successfully applied. In any event, [Texas doesn't have one](#) (ideological quarrels [make it unlikely](#) that will soon change.)

- Connor Sturgeon held a master's in finance, was a well-regarded bank employee, [and had no prior contacts with police](#). But family members said he struggled with mental problems and [was receiving psychiatric treatment](#) for anxiety and depression. Shortly before embarking on the massacre he texted a friend that he was suicidal. But as with Ramos, the warning came too late. Even if Sturgeon's family knew of his gun purchase, Kentucky lacks a Red Flag law, so their ability to act would have been severely constrained.



- Audrey Hale was also deeply troubled. Like Sturgeon, Hale was being treated [for an "emotional disorder."](#) Hale's parents, with whom the transgender person lived, didn't feel that Hale should have guns, and thought that Hale had sold the one they knew of. They were supposedly unaware of the store-bought guns that Hale had stashed around the house. Nor of the "calculated plan", including maps, that Hale assembled in preparation for the massacre. Tennessee also lacks a Red Flag law, so Hale's parents had few options. As with Sturgeon and Ramos, Hale texted his intentions to an acquaintance just before embarking on the lethal rampage.



- Andre Bing's coworkers [described him](#) as "an aggressive, if not hostile, supervisor" who conceded having "anger issues". An employee who was present during the massacre accused him of "picking people out" to shoot. Police say that Bing [left a note on his phone](#) that complained about being mocked and harassed. It had plentiful clues about his troubled psyche. "Sorry everyone but I did not plan this I promise things just fell in place like I was led by the Satan...I was actually one of the most loving people in the world...I just wanted a wife that was equally yoked as I and obsessed over the thought; however, I didn't deserve a wife." [Virginia has a Red Flag law](#), but only officials can submit a petition.

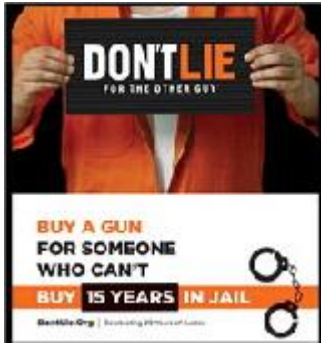


[According to ATF](#), fifty-eight percent of crime guns traced between 2017 and 2021 (866,120 of 1,482,702) were purchased by someone other than their possessor (p. 26). Clearly, what buyers do with their guns (other than pull the trigger) is also important. As it turns out, many resell their weapons. Consider, for example, the August 2021 murder of [Chicago police officer Ella French](#). She was killed and her partner was wounded when



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brothers Eric and Emonte Morgan opened fire during a traffic stop. Their gun, a Glock .22, was bought for Eric Morgan by a friend because Eric, a convicted felon, couldn't do so himself. Purchaser Jamel Danzy's bad deed, which devastated the officers' families and coworkers, earned him two and one-half years in Federal prison.



“Straw purchase” – buying a gun for someone else – is commonplace. [Our “Sources” article](#) cites so-called “straw buyers” as one of three major sources of trafficked guns (the other two are corrupt licensed dealers and unlicensed “street” dealers). [According to Giffords](#), straw purchasing “is the most common channel identified in trafficking investigations.” According to [a journal article](#) by noted firearms researcher Garen Wintemute, there were more than 30,000 attempted straw purchases in a single year. Indeed, ATF has found straw buying to be such a problem that it partnered with the NSSF in a national campaign entitled “[Don’t Lie for the Other Guy](#)”.

Disaster can strike even when buyers are well intentioned. On January 6, 2023 a six-year old Virginia boy suffering from an “acute” mental disability snuck his mother’s legally purchased pistol into school and [shot his teacher during class](#). Authorities [charged the mother](#) with felony child neglect and misdemeanor failure to secure a gun. (The child’s parents normally take turns accompanying the troubled boy to class, but neither did on that day). The teacher was seriously wounded but is recovering.

Back to human nature. Once firearms come off a dealer’s shelf, they can easily become a source of grief. So if you’re reassured because someone “legally” bought a gun from a dealer, think again!



Posted 8/8/22

## LOOPHOLES ARE (STILL) LETHAL

*Massacres prove no match for America's intractable gun culture*



*For Police Issues by Julius (Jay) Wachtel.* Here's a verbatim extract from [a recent article](#) in the *Los Angeles Times*. We inserted two blanks. Can you fill them in?

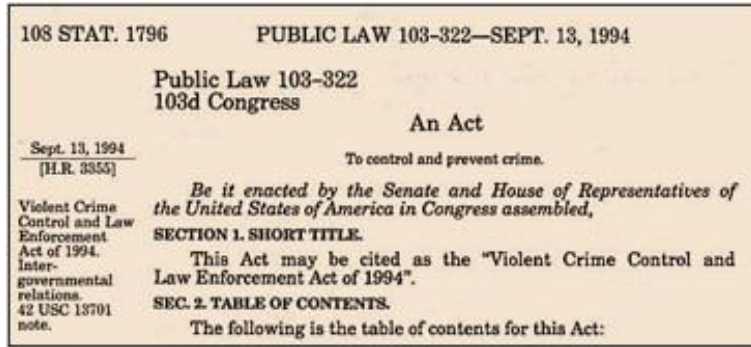
Without major changes in \_\_\_\_ and public policy, uncounted tens of thousands of people will die each year, with devastating results on their families and their friends. That's part of the cost of the \_\_\_\_ culture, which, thus far, Americans have been willing to accept.

You'll find the answers at the end. But for now, let's assume it's about guns. After all, in 2020, the most recent year for which CDC offers comprehensive statistics, [more persons were shot dead](#) in the U.S. (45,222) than, say, were killed in traffic accidents (40,698). What's more, only a tiny sliver of gun fatalities – 535, about 1.2 percent – were “accidents.” Nearly all were intentional: suicides comprised about 53 percent (24,292) and homicides about 43 percent (19,384).

Bottom line: guns are used in an awful lot of on-purpose mayhem. Yet they're far more loosely regulated than driving, which really is an essential component of everyday life. But at a time when life is consumed by massacres, and fear of massacres, our seemingly best-intentioned leaders continue building on a platform of pretend.

*Pretend?* Only days ago, as the country reeled from the slaughter in Highland Park, Vice-President Kamala Harris [called for stern action](#): “We have more to do. We have more to do. Congress needs to have the courage to act and renew the assault weapons ban.” Ditto, Illinois Governor J.B. Pritzker:

We urgently need federal regulation on the weapons of war and high capacity magazines that are used only for mass murder. Illinois is not an island, and even with ... some of the strictest gun laws in the nation, our state is only as safe as the state with the weakest laws — many of which border Illinois.”



In effect between September, 1994 and September, 2004, the original Federal assault weapons ban – it lapsed as prescribed after ten years – outlawed, among other things, semi-automatic rifles that could accept a detachable magazine and had two or more of five features

(click [here](#) for Public Law 103-322, 103d Congress and [here](#) for a brief version):

- (i) a folding or telescoping stock;
- (ii) a pistol grip that protrudes conspicuously beneath the action of the weapon;
- (iii) a bayonet mount;
- (iv) a flash suppressor or threaded barrel designed to accommodate a flash suppressor;
- (v) a grenade launcher.

Some pistols and shotguns were also outlawed, as were magazines and other feeding devices that could hold more than ten rounds of ammunition. A short list of popular firearms that broke the rules were banned by name. Among them were the civilian versions of the Uzi, Colt AR-15 and Intratec TEC-9 semi-auto rifles. However, banned guns and magazines that were legally on hand on the law’s effective date could continue to be possessed and transferred, ad infinitum.

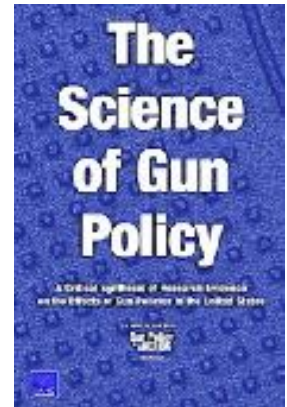
Did the ban do any good? “Changes in US mass shooting deaths associated with the 1994-2004 federal assault weapons ban: analysis of open-source data” (*Journal of Trauma and Acute Care Surgery*, January, 2019) [analyzed 44 mass shootings](#) (four or more fatalities) that took place between 1981 and 2017. Its conclusion, that “mass-shooting fatalities were 70% less likely to occur during the federal ban period” suggests that the ban was effective. Indeed, [its authors recently reported](#) that the ban could have prevented “314 of the 448 mass shooting deaths that occurred” during non-ban periods. Yet they nonetheless cautioned against drawing an explicit cause-and-effect relationship:

...our analysis cannot definitively say that the assault weapons ban of 1994 caused a decrease in mass shootings, nor that its expiration in 2004 resulted in the growth of deadly incidents in the years since. Many additional factors may contribute to the shifting frequency of these shootings, such as changes in

domestic violence rates, political extremism, psychiatric illness, firearm availability and a surge in sales, and the recent rise in hate groups.

Put simply, there was too much else going on. Statistically speaking, the “variables” that would need to be taken into account to credit the law were simply too unruly to measure and incorporate.

In “Effects of Assault Weapon and High-Capacity Magazine Bans on Mass Shootings” (*Gun Policy in America*, Rand Corporation, 2022) academics [reviewed studies about the effects of assault weapons bans](#) on mass shootings. What they discovered seems hardly conclusive. For example, one author credited State bans with reducing mass shooting deaths, including deaths from school shootings. But bans didn’t seem to significantly reduce the frequency of mass shootings. Again, there were a bucketful of methodological concerns. In all, the reviewers found there was “inconclusive evidence for the effect of assault weapon bans on mass shootings.”



Your author is deeply skeptical that the original Federal ban, or its proposed replacement, or the State bans, could substantially reduce mass shootings. After all, America has long been awash in guns of all kinds, and unlicensed peer-to-peer transactions are commonplace. Banned weapons that were in the marketplace and in citizens’ possession when the 1994 ban was enacted were grandfathered in. Most significantly, the elaborately-crafted bans have virtually begged to be circumvented. Let’s self-plagiarize from “[Reviving an Illusion](#)”:

Colt renamed the AR-15 the “Sporter”, removed its flash suppressor and bayonet lug and reworked the magazine so that it could hold only ten rounds. Soon everyone was stripping weapons of meaningless baubles and producing essentially the same guns as before. When the ban, which carried a ten-year sunset clause, came up for re-approval in 2004 it died quietly.

Ten years later, when time came to renew the so-called “ban”, even the vociferously anti-gun Violence Policy Center [saw little reason to endorse a re-do](#):



The 1994 law in theory banned AK-47s, MAC-10s, UZIs, AR-15s and other assault weapons. Yet the gun industry easily found ways around the law and most of these weapons are now sold in post-ban models virtually identical to the guns Congress sought to ban in 1994. At the same time, the gun industry has aggressively marketed new assault-weapon types such as the Hi-Point Carbine used in the 1999 Columbine massacre that are frequently used in crime. Reenacting this eviscerated ban without improving it will do little to protect the lives of law enforcement officers and other innocent Americans.

According to the Giffords Law Center, seven States and the District of Columbia [presently ban assault weapons](#). California, Connecticut, New York, and D.C. supposedly have the strictest provisions. Still, each essentially follows the original Federal model. For example, [California](#) offers a similar generic definition of an illegal assault weapon. It also bans a long list of guns by name. In an attempt to up the game, it prohibits semi-auto rifles that can accept a detachable magazine and have just *one* (not the Fed ban's minimum *two*) extrinsic feature, such as a pistol grip or thumbhole stock. California also bans magazines and feeding devices for any gun that can hold more than ten rounds (click [here](#) and [here](#).)

Problem is, beyond banning very large calibers (.50 and above), neither the Feds nor any State have paid any attention to the underlying reason why assault weapons are so lethal: [ballistics](#). *Not one*. Let's self-plagiarize from [our 2015 op-ed](#) in the *Washington Post*:

One assumes that assault rifles were picked on [by the Federal ban] because they are particularly lethal. Key attributes that make them so include accuracy at range, rapid-fire capability and, most importantly, fearsome ballistics. In their most common calibers – 7.62 and .223 – these weapons discharge bullets whose extreme energy and velocity readily pierce protective garments commonly worn by police, opening cavities in flesh many times the diameter of the projectile and causing devastating wounds.

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Of course, getting hung up on caliber would likely outlaw all semi-automatic rifles beyond .22 rimfire. That, as we mentioned in [“A Ban in Name Only,”](#) is how the United Kingdom reacted to England’s 1987 [Hungerford Massacre](#). But like we then wrote, “we’re not Britannia, where a sense of community still prevails.” Acting promptly after the Federal ban, Colt tweaked its AR-15’s external configuration and rebranded it the “Sporter.” And yes, the weapon kept chambering the same powerful .223 caliber cartridge used by military AR-15’s.



Other manufacturers quickly followed suit. For example, Norinco rebranded its civilian version of the vicious AK-47 rifle, which fires the lethal 7.62mm. projectile. One of their tweaked products (see left), a model 56-S semi-automatic rifle, was used by Patrick Purdy to murder five schoolkids and wound thirty-two in the January 17, 1989 [Stockton, Calif. schoolyard massacre](#). Purdy had legally purchased the rifle in Oregon.

Purdy’s horrific act assured the prompt enactment of California’s assault weapons ban, which was then being drafted. Its long list of banned guns specifically includes the Model 56-S, along with the Colt AR-15 and so forth. Not by caliber, though – just by name. Twenty-six years later, when [Syed Farook and Tashfeen Malik](#) gunned down fourteen and wounded twenty-two in San Bernardino, Calif.,



they used two .223 caliber AR-15 variants: a DPMS Panther Arms A15 (left) and a Smith & Wesson M&P15 (right), which a friend bought for them at a California gun store. All “Panthers” were placed on the [Golden State’s banned list](#), and Smith & Wesson no longer produces the M&P15. But don’t fret! Check out our introductory graphic. That’s [S&W’s “California compliant” Volunteer!](#) Per the state ban, its capacity is limited to ten rounds (natch, plus one in the chamber), but it fires the same deadly .223 NATO round as the fully automatic AR-15 your writer lugged around in Saigon, um, fifty-four years ago.

So what about [New York State’s](#) “tough” law? Like California’s ban, it prohibits semi-auto rifles that can accept detachable magazines and have at least one in of a list of prohibited features, such as “a folding or telescoping stock, a pistol grip that protrudes

conspicuously beneath the action of the weapon, a thumbhole stock: and so forth. Here, for example, is a “New York legal” version of the Bushmaster XM-15 .223 caliber semi-automatic rifle that [Payton Gendron used to murder ten and wound three](#) at the Tops market in Buffalo on May 14. How does it get away with that pistol grip? Its magazine isn’t detachable! (As it turns out, Gendron used readily available parts to illegally modify the gun to accept a large-capacity detachable magazine.)



So how does that [proposed replacement](#) for the Federal assault weapons ban live up to its “new and improved” label? Just like those “tough” bans in California and New York, the presence of only *one* “prohibited feature” (such as that nasty pistol grip) would require the gun to have a fixed magazine.

Problem solved!

Well, not really. A far more helpful step would require an honest assessment of the factors that drive firearms lethality. Its impact isn’t just felt by “ordinary” citizens. “[A Lost Cause](#)” mentioned that police officers must contend with evildoers who are equipped with firearms whose projectiles readily defeat ballistic garments normally worn on patrol. That, indeed, may be the fundamental reason why cops seemed so hesitant to advance on the madman who used an assault rifle to stage [the recent massacre at Uvalde’s Robb Elementary School](#). So what can be done? Prior posts (see, for example, “[Reviving an Illusion](#)” and “[Going Ballistic](#)”) suggest that firearms could be subjected to a point system that scores factors which affect lethality, including accuracy, ammunition capacity, ease of reloading, cyclic rate and, most importantly, ballistics. Guns that score too high could be banned.

And *that* takes us back to our opening challenge. It’s from [a recent article](#) in our hometown newspaper about the distractions caused by increasingly elaborate in-vehicle digital technology. The answers are “driver behavior” and “infotainment.” Of course, controlling the former by imposing limits on the latter could prove a very tough sell. Kind of like slamming the brakes on guns.

After all, we really *aren’t* Britannia.



Posted 11/19/17

## MASSACRE CONTROL

### *What can be done to prevent mass shootings?*

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

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

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

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

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

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

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

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

## **Keeping firearms from the mentally ill**

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

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

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

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

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

What could be done?

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

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

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

## **Arming private citizens**

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

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

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

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

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

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

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

Arming private citizens raises some critical issues:

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

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

## **Limiting gun lethality**

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

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

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

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

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

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

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



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subject to a criminal records check.

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

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

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

Posted 3/24/21

## ONE WEEK, TWO MASSACRES

*An Atlanta man buys a pistol. Hours later eight persons lie dead.*



*For Police Issues by Julius (Jay) Wachtel.* According to the World Health Organization, “[compulsive sexual behavior disorder](#)” is an [impulse control disorder](#) “characterized by a persistent pattern of failure to control intense, repetitive sexual impulses or urges.” In the U.S., though, the levers of power are held by the American Psychological Association. And it’s repeatedly refused to officially recognize a like syndrome, “[hypersexual disorder](#),” as a bonafide mental disorder. APA’s dictionary, though, does offer a catchy definition of yet another wannabe, “[sexual addiction](#)”:

The defining features of a sexual addiction include sexual behavior that is out of control, that has severely negative consequences, and that the person is unable to stop despite a wish to do so. Other features include persistence in high-risk, self-destructive behavior; spending large amounts of time in sexual activity or fantasy; neglect of social, occupational, or other activities; and mood changes associated with sexual activity.

Whatever one calls Robert Aaron Long’s condition, there’s no doubt that the twenty-one year old resident of Atlanta was obsessed with sex. A former roommate at a local rehab facility where Long spent several months receiving treatment for sex addiction [said that his buddy was “tortured”](#) by his compulsive thoughts, and especially so because he was very religious. Long complained that he simply couldn’t stay away from massage parlors, which he frequented for sex: “He’d feel extremely guilty about it. He’d talk about how he was going to harm himself.” Yet Long also shared good things about his upbringing. A favorite memory was of getting a gun when he was ten.

Long's "passion for guns and God" was mentioned in [The Daily Beast](#). His since-deleted Instagram account reportedly featured the tagline "Pizza, guns, drums, music, family, and God. This pretty much sums up my life. It's a pretty good life."

Apparently, not so much. Long's parents had reached [the end of their ropes](#). Fed up with their son's obsession with pornography and his repeated visits to parlors for "massages with happy endings," they kicked him out of the house. That supposedly happened on March 15. On the very next morning Long bought a 9mm. pistol at a gun store. Like most buyers, he apparently quickly passed the Fed's automated "[Insta-Check](#)." Georgia [doesn't have](#) its own waiting period or background check, so Long promptly left with the gun.

[His murderous spree](#) began within hours. It would claim eight lives. Long's first stop was in the Atlanta suburb of Acworth, where he burst into Young's Asian Massage. His fusillade left four dead: owner Xiaojie Tan, 49, masseuse Daoyou Feng, 44, handyman Paul Andre Michel, 54, and customer Delaina Yaun, 33. Long also shot and seriously wounded Elcias Hernandez-Ortiz, a passer-by. He then drove to Atlanta's "Cheshire Bridge" area. Long opened fire inside Gold's Spa and, across the street, at Aromatherapy Spa. In all, [four employees](#) were killed: Yong Ae Yue, 63, Hyun Jung Grant, 51, Soon Chung Park, 74, and Suncha Kim, 69.

Informed that their son was wanted, Long's parents told police that his car had a tracking device. A highway patrol officer spotted the youth and performed a pit maneuver. [Long's car spun out](#) and he promptly surrendered. His pistol was in the car. Word is he was on his way to Florida, where he intended to continue his murderous spree.

Six of Long's victims were of Asian descent. That brought on a torrent of speculation that Long, who is White, was motivated by racial animus. But while pundits have feverishly cited the tragedy as the undeniable product of racism, we haven't come across any reliable information that Long was a bigot. Indeed, he insisted that he wasn't a racist but was angry at the spas for feeding his sexual obsessions. They were, [he allegedly told the cops](#), "a temptation that he wanted to eliminate."

Indeed, such "temptations" abound in the Cheshire Bridge area where Gold's and Aromatherapy are located. [According to the Atlanta Journal-Constitution](#) the zone has been long known as the city's "unofficial red light district" (click [here](#) for the paper's earlier, comprehensive account about the area's notoriety.) During 2011-2013 [Atlanta police arrested ten employees](#) of Gold's Spa who "offered to perform sexual acts on undercover officers for money." Each of the arrested was female, and several [listed the spa as their place of residence](#). [According to USA Today](#) all three massage parlors are

listed on erotic review site “[Rubmaps](#),” and user comments mention their special “benefits.” Young’s Asian Massage is supposedly being investigated for prostitution, and police received complaints about possible sex work and exploitation at the other two spas as recently as 2019. Yet city officials insist that as far as they know the businesses operate legally.

So we’ll leave it at that. Our focus is on a concern that your writer, a retired ATF special agent, can personally attest to: the ease with which deeply-troubled persons can “legally” acquire guns at retail. Posts in our [Gun Massacres special topic](#) have repeatedly discussed the problem. Long seemed clearly in the grips of a mental crisis. But he wasn’t a felon. He was never involuntarily committed to a mental institution nor formally adjudged mentally defective. So nothing in [Federal law](#) prohibited him from buying a gun, impulsively or otherwise.

Many States have adopted [a variety of measures](#) to address such gaps. Some extend the prohibition on gun possession to certain categories of misdemeanants. And/or expand the definition of disabling mental conditions to include voluntary treatment. And/or impose mandatory “waiting periods” before firearms can be delivered. A few have even enacted “[Red Flag Laws](#)” (also known as “extreme risk protection laws”) that empower judges, based on information from police and family members, to order the confiscation of guns from risky individuals

When it comes to Long, though, none of that was available. Georgia, whom the [Giffords](#) gun-control group regularly awards an “F”, [has not enacted any restrictions](#) that go substantially beyond Federal gun laws. It doesn’t offer a way to [preemptively seize guns](#). Neither does it impose [a waiting period](#) on gun deliveries. It’s basically “walk in with the loot, walk out with the heat”.

Had he been forced to wait ten days before picking up the gun, would Long have still carried out the massacre? Could a delay have blunted its impulsive underpinnings? Might a deeply-troubled young man have rethought his intentions? It’s impossible to say, but at the very least eight people would have stood a chance of staying alive.

But Long didn’t have to wait, and the consequences are plain to see.

In past years we’ve written about other gunslinging youths with long-standing mental issues of which family and friends were well aware. For example, [Elliot Rodger](#). A 22-year old college dropout, he had received mental treatment since childhood. Rodger eventually settled in Isla Vista, a Santa Barbara (CA) neighborhood populated by students. He would soon produce and share a lengthy and chilling “manifesto” that [excoriated co-eds for spurning him sexually](#):

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I will punish all females for the crime of depriving me of sex. They have starved me of sex for my entire youth, and gave that pleasure to other men. In doing so, they took many years of my life away.

During 2012-2013 Rodger bought three 9mm. pistols at two gun stores and practiced with them at a range. On May 23, 2014, two weeks after a call from his worried parents prompted a visit by Sheriff's deputies (they were satisfied he was o.k. and left) Rodger stabbed three students to death. He then went on a shooting rampage, killing three more students and wounding thirteen. Rodger then shot himself dead.

Then there's [Jared Lee Loughner](#). Also twenty-two, and also a one-time student – [he had been expelled from an Arizona college](#) for erratic behavior – Loughner opened fire with a 9mm. pistol at a January 8, 2011 Tucson political event. Six fell dead and thirteen were wounded. One of the latter was then-Representative Gabrielle Giffords (D-Az), who went on to found the well-known gun control group whose website we referenced above. Loughner bought his gun at a local gun shop five weeks earlier. On the morning of the massacre he went to get ammunition but his odd behavior [led one store to turn him away](#) (he got what he wanted at another store.) After his arrest Loughner was placed on medication and confined to a mental ward. He ultimately pled guilty and was sentenced to “forever.”

Just like Long, Elliot Rodger and Jared Loughner readily bought guns at a store. Both were free of felony convictions. While each was (like Long) a longtime mental basket case, neither had been committed to a mental institution nor formally adjudged as mentally defective. Both had reached that magical age – twenty-one – that qualified them to purchase a handgun. (Eighteen is the Federal minimum for buying a rifle or shotgun at a store.)

Before Boulder happened we intended to present data – we've put together some fascinating numbers – that probes the effects (if any) of waiting periods and such on State homicide rates. But things have changed. So once we collect enough information about the Colorado massacre we'll be back with Part II. Hopefully that will conclude the series.

Posted 8/9/21

## OUR NEVER-ENDING AMERICAN TRAGEDY

***California's gun laws are the "strongest in the U.S."  
Tell that to its citizens. And its cops.***



*For Police Issues by Julius (Jay) Wachtel.* Located northwest of Bakersfield, the placid community of Wasco lies amidst vast fields of roses, a colorful commodity that the area produces in great abundance. But on July 25 the town of about 25,000 became the latest venue of our never-ending American tragedy. That's when a deeply troubled resident, [Jose Manuel Ramirez Jr., 41](#), opened fire with an AK-47 type rifle and a handgun, killing his wife, Viviana Ruiz Ramirez, 42, and their two sons, Jose Manuel Ramirez III, 24, and Angel Manuel Ramirez, 17.

[Neighbors alerted 9-1-1 to the gunfire](#) and reported that victims had been shot. When deputies arrived Jose Ramirez fired at them from inside the home. They backed off and summoned SWAT. Soon two armor-clad deputies approached on foot to attempt a rescue. Firing through a window, Martinez unleashed another barrage. His rounds struck and killed Deputy Phillip Campas and wounded his partner, Deputy Dizander Guerrero. Ramirez holed up for hours, then tried to climb onto the roof. Deputies shot him dead. As it turns out Ramirez was a felon, thus legally barred from possessing firearms. [A domestic violence restraining order](#) had also been issued prohibiting him from having guns.

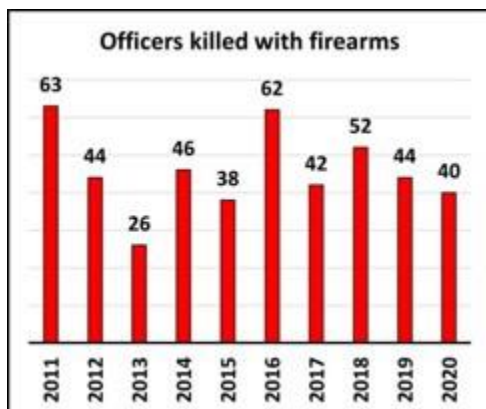
According to the [Gun Violence Archive](#), in 2021 the Golden State suffered [twenty-eight "mass shootings"](#) (four or more wounded or killed other than the gunman) through July 29. Our essays have mentioned several. "[Two Weeks, Four Massacres](#)" described the March 31 episode when a disgruntled middle-aged man burst into an Orange County business and opened fire with a pistol, killing four including a nine-year old. (He was wounded and captured.) Two months later another angry man packing



three pistols and multiple magazines [murdered nine coworkers at a San Jose rail yard](#), then took his own life.

Our [gun massacre essays](#) have harped about the ghastly toll for years. But [a recent survey](#) indicates that a majority of the Golden State's residents "believe gun control laws are effective in reducing crime." A notable gun-control organization, [Giffords](#), holds California up as a model of sanity. After all, it boasts the nation's strongest gun laws and one of its lowest gun death rates. Cause and effect! But [our recent analysis](#) of state-level data using the *r* statistic (it ranges from zero, meaning no relationship, to 1.0, a perfect association) found that gun laws are far less important a factor than economic conditions.

	Homicide	Gun homicide	Mass Shooting
Gun law strength	-.33	-.20	-.23
Gun ownership	.26	.17	.84
Pct poverty	.74	.72	.63



Guns don't just imperil ordinary citizens. Four-hundred fifty-seven American law enforcement officers were killed by hostile gunfire during the last decade ([LEOKA Table 31](#)). Seventy-one percent (325) fell to handgun rounds, and twenty-one percent (95) to bullets fired from rifles. Most of the carnage was produced by powerful, modern-day weapons. Sixty-six percent (214) of the handgun fatalities were caused by 9mm. and .40/.45 caliber pistols. AR-15 type (cal. 223 cal./5.56 mm.) and AK-47 type (7.62 mm.) weapons accounted for fifty-seven percent (54) of deaths from rifle fire.

It's not just about assault rifles. "[Two Weeks](#)" pointed out that "the muzzle energy of ammunition fired by today's 9mm. pistols can be twice or more that of the .38's and .380's that were popular when your writer carried a badge." But when assault weapons *are* involved, watch out! As [our Washington Post op-ed](#) warned two years ago, even the hardest protective vests can prove ineffective against the unseemly ballistics of military-style weapons that are routinely marketed for civilian use. LEOKA reported that sixteen of the seventeen officer deaths between 2011-2020 which involved penetration of body armor were caused by projectiles fired



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from rifles ([Table 39](#)). Ten were of the AR-15 and AK-47 type. The only penetration fatality attributed to a handgun was caused by the highly lethal 5.7 X 28 mm. round fired by a [“big boomer” pistol](#), really an assault weapon in disguise.

But don't California's “strong” gun laws prohibit “assault weapons”? Technically yes, but [the devil is in the details](#). For example, if a gun has a removable magazine, it can't sport features such as a protruding pistol grip. Wily manufacturers have adapted with a host of legal variants. Here, for example, are the



“California legal” versions of the weapons Syed Farook and Tashfeen Malik used to murder fifteen in the [2015 San Bernardino massacre](#) (DPMS Panther Arms on the left, Smith & Wesson M&P15 on the right.) Both fire the same extremely lethal .223/5.56mm. bullet as the AR-15. Readily slicing through doors, walls, and bullet-resistant inserts in protective vests, these fearsome rounds produce [massive, often unsurvivable wound cavities](#) wherever they strike. Ballistics-wise, though, California (just like the Feds) only imposes one restriction: caliber must fall below .50. Job done!

Really, if cops could do all their work from armored cars, that's where many would prefer to remain.

Fast-forward to 2021. According to [LEOKA's running count](#), twenty-nine U.S. law enforcement officers fell to hostile gunfire during the first six months of this year. [Five served in California](#). Three were reportedly victims of pistol fire, and two of projectiles discharged by assault-style rifles:

- Sacramento County deputy sheriff Adam Gibson, [murdered on January 18, 2021](#) by an ex-con armed with a pistol. Another officer was wounded.
- San Luis Obispo Police Department detective Luca Benedetti, [murdered on May 10, 2021](#) by a burglary suspect armed with an assault rifle. Another officer was wounded
- Stockton Police Department officer Jimmy Inn, [murdered on May 11, 2021](#) by an ex-con armed with a pistol.

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- Sergeant Dominic Vaca, San Bernardino County Sheriff's Office, [murdered on May 31, 2021](#) by an assailant armed with a pistol.
- Kern County deputy sheriff Phillip Campas, one of the Wasco victims, murdered on July 25 with an assault rifle. A colleague was wounded.

Even in supposedly blessed California, lethal gunplay is so frequent that it takes a cop killing, a mass murder or some very unusual circumstances to merit a headline. That threshold was breached a few days ago when a famous “Tik Tok” influencer and his girlfriend [were shot in the head while watching a movie](#) in a darkened Corona theater. Both succumbed to their wounds. Joseph Jimenez, 20, a local resident unconnected with the couple, was arrested the following day, and the handgun he reportedly used was recovered at his residence. A schizophrenic off his meds, [Jimenez told authorities](#) that “voices in his head” provoked the attack. “I wish I didn’t do it,” he said.

Of course, it’s not just about California. New York State is [also held up as a “national model”](#) by Giffords, which ranks the Empire State’s gun laws as [fifth strongest](#) in the U.S. Here’s a recent headline from the *New York Times*:

***Mass Shooting in Queens Leaves 10 Wounded***

As seven bystanders were injured in a shooting, Eric Adams called on New York City authorities to intensify efforts against gangs and guns.

[Giffords also has high praise for Illinois](#). After all, its gun laws are supposedly eighth strongest. So here’s a headline we originally scoured from the *Chicago Tribune*:

At least 55 people shot, 7 fatally, this weekend in Chicago. One man slain after brick was thrown through his window.

But while wrapping up this piece we learned that on Saturday evening, August 7, [Chicago police officer Ella French was shot and killed](#) and her partner was critically wounded by an occupant of a vehicle they stopped while on patrol in the Seventh police precinct. (That area, which encompasses the Englewood & West Englewood neighborhoods, is so violence-ridden that we singled it out in [“The Usual Victims”](#).) During the exchange of fire, the shooter was also wounded, and three persons are now in custody. Here’s the *Chicago Tribune*’s headline:

Two Chicago police officers among 47 people shot in weekend violence that left one cop dead

What to do? “[A ‘Ban’ in Name Only](#)” and our [Washington Post op-ed](#) suggest that firearms lethality could be measured with “a scoring system that takes characteristics such as ballistics, rapid-fire capability, lack of recoil, accuracy and portability into account.” Guns that exceed certain parameters could be banned. But unless we really, *really* long for another American Revolution, sharply curtailing the lethality of firearms (and, as well, drastically reducing the number in circulation) are likely out of reach. When it comes to serious gun control, our badly fractured land may indeed be “[A Lost Cause](#).”

Not so the U.K. One year after a 27-year old British subject gunned down sixteen persons with a handgun and two rifles in the [Hungerford Massacre of 1987](#), Great Britain enacted the “[Firearms \(Amendment\) Act 1988](#),” which banned semi-automatic rifles beyond .22 rimfire. And after the [Dublane school massacre of 1996](#), when a man armed with four handguns murdered sixteen children and a teacher, Great Britain essentially [banned handguns](#) beyond super-long barreled .22’s. (Click [here](#) for U.K. gun laws and turn to pp. 17-18 for the prohibitions.)

These restrictions continue to enjoy abundant public support. As well they should. During the one-year period ending March 2020 [695 persons were murdered in the U.K.](#) (England and Wales.) With a population of 67,081,000, its per/100K homicide rate was 1.0. To compare, in 2019 [our land suffered 16,425 homicides](#). With a population of 328,239,523, America’s per/100K murder rate comes in at 5.0, *five times* the U.K.’s. And while a measly *thirty* (4.3%) of the U.K.’s homicides were by shooting (sharp instruments were far more common) guns figured in [nearly three out of every four](#) (73.7%) murders in the U.S.

What about cops? “[A Lost Cause](#)” contrasted murders of police officers in the U.S. and the U.K. between 2000-2015. During that period Great Britain’s yearly toll hovered around *one*. Using data from LEOKA Table 28 and accounts from the U.K.’s [Police Roll of Honour Trust](#), here’s an update:

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U.S.				Officers feloniously killed				U.K.			
	Guns	Other	Total						Guns	Other	Total
2016	62	4	66	U.S. 5 X pop., 7 X cops				2016	0	0	0
2017	42	4	46	U.S. cops v. U.K. cops				2017	0	2	2
2018	52	5	57	2016 - 2021				2018	0	0	0
2019	44	4	48	Gun deaths    All deaths				2019	0	1	1
2020	41	5	46	↓				2020	1	0	1
2021	36	8	44	277 X    77 X				2021	0	0	0
Total	277	30	307					Total	1	3	4

Back to fixing things. Your writer spent his first career chasing gun traffickers. Many used “straw buyers” to buy guns singly and in quantity from gun stores in the same or neighboring States. Some got their guns directly from licensed dealers who corruptly pushed them “out the back door.” However they acquired their guns, street dealers promptly resold them at considerable profit to criminals and thugs. Many of these weapons turned up quickly in crimes. (Click [here](#) for the writer’s published article about gun trafficking in Los Angeles.)

Straw buyers feeding illegal street dealers continues to be a major source of crime guns. Addressing this problem is the objective of a new Department of Justice initiative (click [here](#) for a news account and [here](#) for DOJ’s press release.) New York City [recently reported](#) a major “bust.” We heartily support such efforts. Still, trafficking casework consumes prodigious resources. Investigators must identify potential violators, conduct extensive surveillance, and execute warrants to search and arrest. Considering the massive numbers of firearms that are manufactured and sold each day, it’s unlikely that even the best investigative efforts can substantially reduce the lethal toll.

Ditto, fine-tuning the law. Illinois, for example, [recently enacted a regulation](#) that directs State police to confiscate firearms from persons whose firearms ID cards have been revoked, say, because of a felony conviction, but who apparently kept their guns. Background checks will also be required for private party gun transfers beginning in 2024. To be sure, these are promising steps. But no one with any experience in such things would claim that they’re likely to make a substantial dent on violence overall.

Perhaps nothing can. But some determined citizens are refusing to give up. Despite bankrupt Remington Arm’s offer to settle for \$33 million, the families of the twenty-six students and teachers who were murdered in the [2012 Sandy Hook elementary school massacre](#) are [pressing on with their lawsuit](#). They insist they will prevail because in their

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view the [Federal law that shields gun makers and sellers from litigation over gun misuse](#) doesn't apply. According to the plaintiffs, Remington violated Connecticut law – the school was located in Newtown – by purposely marketing the assault weapon used in the attack to appeal to the violence-prone.

It's not just Americans who are upset. Mexico [recently filed a Federal lawsuit](#) against Smith & Wesson, Colt, other gun makers and a wholesaler, alleging that negligent gun marketing practices have fostered a huge, illegal inflow of guns that greatly imperils its citizens. As someone who has worked “guns to Mexico” cases, your writer heartily agrees.

Given the nature of our society and its body politic, tweaking the rules seems the only option. But even the hardest legal response (e.g., California's) has had at best only a limited effect. What *would* work – drastically shrinking the number of guns in citizen's hands and sharply curtailing the lethality of what remains – seems well out of reach. We're not Britannia! That's why when it comes to gun control, *Police Issues* tends to despair. Yet there's been some momentum. Hopefully the final chapter of Reasonable Americans v. Guns is yet to be written.



Posted 11/4/18

## PREVENTING MASS MURDER

***With gun control a no-go, early intervention is key.  
Might artificial intelligence help?***

*By Julius (Jay) Wachtel.* “We’re under fire! We’re under fire! He’s got an automatic weapon and firing at us from the synagogue. Every unit in the city needs to get here now!” Broadcast by one of the first officers at Pittsburgh’s “Tree of Life” synagogue, [the stunning message](#) graphically conveys the unimaginably lethal threat that just one of America’s well-armed citizens gone wrong can pose to the public and the police.

On Saturday morning, October 27, Robert Bowers, a 46-year old loner, [armed himself with an AR-15 rifle and three Glock .357 pistols](#) and burst into the Tree of Life, gunning down eleven congregants and wounding two. He then opened fire on arriving patrol officers and [wounded two](#) who approached on foot. Two SWAT team members would eventually encounter Bowers on the third floor; during an exchange of gunfire [both sustained multiple gunshot wounds](#). According to the police chief, that officer [might have bled to death](#) had a colleague not applied a tourniquet. Bowers was also wounded, although not as seriously. While being cared for he reportedly said “that he wanted all Jews to die and also that they (Jews) were committing genocide to his people.”

Apparently, those whom Bowers claimed as “his people” are white supremacists. This [“isolated, awkward man](#) who lived alone and struggled with basic human interactions” secretly wallowed in a vicious subculture, frequently posting flagrantly bigoted comments disparaging Jews on [“Gab,”](#) a social media site popular with extremists:

The vast majority of [Bowers’] posts are anti-Semitic in nature, using language like “Jews are the children of satan,” “kike infestation,” “filthy EVIL jews” and “Stop the Kikes then worry about the Muslims.” Other posts repeat standard white supremacist slogans, such as “Diversity means chasing down the last white person.”

Bowers, who has a concealed-carry license, waxed enthusiastically about guns and [posted photos of his Glocks](#). Police found three more handguns and two rifles in his residence and [a shotgun](#) in his vehicle. To law enforcement, though, the sometime truck driver was a cipher. “At this point,” said the local FBI head, “we have no knowledge that Bowers was known to law enforcement before today.”

Cesar Sayoc is different. Before his arrest on October 26 for [mailing more than a dozen explosives-laden packages](#), the 56-year old bodybuilder/male stripper [accumulated a criminal record](#) that included a conviction for grand theft as well as arrests for theft, battery, fraud, drugs and, in 2002, threatening to settle a dispute with a bomb, a transgression that ultimately earned him a year's probation.

As one might suspect, Sayoc's personal life was a mess. Estranged from his birth family, divorced and bankrupt, he was living in a beat-up van [festooned with pro-Trump messages](#). Sayoc promoted far-right conspiracy theories and lambasted liberals on social media. In contrast to Bowers, though, [Sayoc posted on major platforms: Facebook and Twitter](#). His rants had recently turned downright scary:

He directed a tweet at Ms. Waters, the California Democrat, with a photo of what appeared to be her house. The message read: "see you soon." He sent another to Eric H. Holder Jr., an attorney general under Mr. Obama, that read, "See u soon Tick Tock." And he told Zephyr Teachout, a Democrat who ran unsuccessfully for attorney general in New York, that he had a surprise waiting for her. "We Unconquered Seminole Tribe have a special Air boat tour lined up for you here in our Swamp Everglades," he wrote. "See u real soon. Hug your loved ones."

Complaints to Twitter went unheeded. (It has since apologized.) After Sayoc's arrest [family members and their lawyer came forward](#). Among other things, they bemoaned the absence of a "safety net" that might have kept their kin from plunging into the abyss.

Compared with Bowers and Sayoc, [Scott Beierle](#), the deranged middle-aged Florida man who killed two and wounded five in a Tallahassee yoga studio on November 2, was really, *really* different. We say "was" because Beierle ended things by committing suicide. We emphasize "really" because he was not your archetypal terrorist. Beierle's complaint wasn't about politics or religion: it was that women refused to pay him attention, at least of the erotic kind. So he fought back with a series of YouTube videos that championed the "[Incel](#)" (involuntary celibacy) movement and praised its late spiritual master, the murderous [Elliot Rodger](#), who in 2014 killed six and injured more than a dozen before committing suicide.

Beierle didn't simply convey beliefs – he personalized his messages, disparaging and threatening women by name (e.g., "could have ripped her head off."). Neither was his deviant behavior just online. University and local police had twice arrested Beierle for grabbing women from behind, but charges were eventually dismissed. His odd behavior was noticed by others. A former college roommate said that Beierle seemed mentally unstable [but not to the point of involving the authorities](#):

He was very weird and made everyone uncomfortable. It worried me at the time. There was concern for sure. But there wasn't enough evidence, and I would have been wasting the police's time if I had made any kind of report. I had nothing.

What could have been done?

- As current law goes, not much. Felons and persons who have been adjudicated as mentally defective are barred from having guns. By these standards, neither Bowers nor Beierle was prohibited. Sayoc, who had a substantial criminal record, didn't use guns.
- Our pages (see, for example, "[Massacre Control](#)") have discussed various approaches to keeping America safe. One of our favorites is limiting gun lethality. Most recently in "[Ban the Damned Things!](#)" we pointed out the unparalleled killing power of assault-type rifles, whose fearsome ballistics have increasingly forced police to deploy armored cars. Even so, making highly lethal firearms available to the public seems coded into America's DNA. No matter how many massacres take place, that's unlikely to change.
- President Trump [suggested posting armed guards](#) at religious services. Of course, the most likely outcome of a shootout between a stunned guard and a determined, AR-15 toting assailant is still (you guessed it) a massacre. Perhaps fewer might have been shot at the synagogue, or the yoga studio, had one or more of those present been packing guns. On the other hand, crossfire by agitated gunslingers might have likely caused even more casualties.

So, case closed? Not so fast. "[A Stitch in Time](#)" argued for identifying those whose "documented behavior indicates they are at great risk of harming themselves or others" and [applying measures](#) such as home visits, counseling and mental "holds" preemptively, *before* they strike. To be sure, that essay's human examples – Eric Garner, Deborah Danner, Manuel Rosales – were long-term chronic disrupters, well known to local cops. Beierle might fit that mold. But picking out villains inspired by ideology such as Bowers and Sayoc may, as we suggested in "[Flying Under the Radar](#)," prove a challenging task:

Cast too wide a net and you'll be overwhelmed, swamping the system, irritating honest citizens and possibly infringing on their rights as well. Select too few and should a bomb go off you'll be criticized for overlooking what critics will quickly point out should have been obvious from the start.

On the “positive” side, Beierle, Bowers and Sayoc each used social media. Their posts brimmed with violence and hate. To be sure, parsing through the countless online messages generated each day might seem an overwhelming task. That’s where artificial intelligence (AI) might help. A recent NIJ report, [“Using Artificial Intelligence to Address Criminal Justice Needs”](#) discusses the use algorithms to analyze large, crime-related datasets. For example, video images can be scanned to “match faces, identify weapons and other objects, and detect complex events such as accidents and crimes in progress or after the fact.”

AI also holds out the promise of “predicting” crime: “With AI, volumes of information on law and legal precedence, social information, and media can be used to suggest rulings, identify criminal enterprises, and predict and reveal people at risk from criminal enterprises.” To that end, [a recent award](#) (“Combating Human Trafficking Using Structural Information in Online Review Sites”) funds the development algorithms that could identify victims and traffickers, in part by analyzing user posts in sex “review” websites:

Machine learning models will be trained using a ground truth dataset based on online reviews recovered and processed using these keywords. The resulting models will then be trained and optimized to detect and classify online reviews, according to criteria such as trafficking, adult, and child.

Along these lines, it seems likely that algorithms could be devised to analyze social media posts and law enforcement, criminal and gun registration records and compare their contents to established “truths” derived from actual episodes of terrorism. Leads could of course be used to kick off or inform investigations, and we expect that in one form or another some of this is already being done. But our emphasis here is preventive, to use leads generated by AI or other means to expose ne’er-do-wells who have been flying under the radar so that interventions such as those mentioned in [“A Stitch in Time”](#) can be applied.

Sounds good. But we live in a democracy. What about liberty interests? [A recent article in Smithsonian](#) warns that AI’s application to crime mapping has led critics to complain that using past patterns to devise algorithms creates the risk of “bias being baked into the software”:

The American Civil Liberties Union [ACLU], the Brennan Center for Justice and various civil rights organizations have all raised questions about the risk of Historical data from police practices, critics contend, can create a feedback loop through which algorithms make decisions that both reflect and reinforce attitudes about which neighborhoods are “bad” and which are “good.”

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Still, no one is forced to reside – or post – in the “neighborhoods” of Gab, Facebook and Twitter. Reacting to the handiwork of Bowers, Sayoc and their many forebears (we can now add Beierle to the mix) *New York Times* columnist Frank Bruni complained that the web has become a “delivery system” for grotesque notions that encourage twisted minds to do the unthinkable:

It [the web] creates terrorists...I don't know exactly how we square free speech and free expression — which are paramount — with a better policing of the internet, but I'm certain that we need to approach that challenge with more urgency than we have mustered so far. Democracy is at stake. So are lives. (“[The Internet Will Be the Death of Us](#),” 10/30/18)

What's to be done? If we're certain that ordinary citizens will have invariably steady minds *and* hands, we can encourage gun-carry. Well, good luck with that. Yet with serious gun control out of favor little else of promise remains. That's where early intervention comes in. Here's hoping that the lamentable deficit in “urgency” identified by Mr. Bruni gets fixed real soon so that acting *before* the fact gets a chance to work before the next madman strikes.

Posted 9/16/24

## PREVENTION THROUGH *PREEMPTION*

*Expanding the scope of policing beyond making arrests*



*For Police Issues by Julius (Jay) Wachtel.* On the morning of Sept. 4, 2024 Colt Gray, a 14-year old student, walked into Apalachee High School in Winder, Georgia. An “AR-style” rifle was concealed in his backpack. He went to class but soon walked out. And on his return he opened fire, killing two students and two teachers and wounding nine others.

Colt promptly surrendered. Details about what he did, and why, continue to emerge. (For the *AP*’s extensive, frequently updated account, click [here](#).) How this tragedy might have been prevented is getting a lot of attention. Colt reportedly alerted his mother that he had evil intentions. Alas, her call to the school apparently came too late. Physical security measures also seemed lacking. In our gun-saturated land, metal detectors and backpack searches may no longer be “optional”. Here, though, our focus is on the cops. Could authorities have taken life-saving, proactive steps months, even years earlier? Did they have the necessary tools? And, most importantly, the right *mission*?

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**im committing a mass shooting, and im waiting a good 2-3 years**

**im on the edge of a lgbtq massacre**

In May, 2023 [the FBI received](#) “several anonymous tips about online threats to commit a school shooting at an unidentified location and time.” [These two examples](#) exemplify what was being posted on a [Discord](#) account under the name of “Lanza” (the notorious





Sandy Hook killer, but in Russian.) An email address connected with the account was linked to then-13-year-old Colt Gray, and the FBI passed it all on to the Jackson County sheriff.



Colt and his father, Colin, were promptly visited by two deputies. That visit was in part captured on video (click [here](#)). Throughout its approx. 13-minute length, the deputy who conducted the interview (his companion took the video) used a mild tone and was careful not to offend. Attributing the visit to “Lanza’s” posts, he insisted that he and his partner were just doing their job. “I hate this...I feel pretty bad about this...” He also downplayed the matter’s urgency. “I don’t know how old this information is....”

Colt’s father, with whom the deputy first spoke, confirmed that he kept hunting guns at home, but that his son could only access them under supervision. Colin proudly said that Colt did “a lot of hunting” and had “shot his first deer this year.” But he also mentioned that Colt was “getting picked on in school.” Colt soon joined in. He and his father denied any knowledge of the threats. Colt said he left Discord because his account was hacked. He conceded being bullied, and said that he was being helped by a school counselor.

Although the deputy’s tenor remained compassionate and low-key, he ultimately conveyed some mixed feelings about Colt’s denials. “I gotta take you at your word. And I hope you’re being honest with me...I’m not saying you’re lying...but it’s not unusual for people to lie to me.”

Video aside, the deputies’ written report [offered a disturbing picture](#) of the Gray household. Nine months earlier, in August 2022, the family, comprised of Colin, his wife Marcee, Colt and two younger siblings, was formally evicted from their home. Deputies participated in the process and took ammunition and an assortment of weapons including “a black AR-15 rifle with a scope” for safekeeping. These items were later returned to the father.

Colin and Marcee separated. She took the two youngest, and Colin and Colt moved to the residence where they were interviewed. [Marcee went on to rack up a string of arrests](#) for drugs, family violence and battery. After serving a brief jail term, she was required to attend a “family violence intervention program” and was prohibited from contacting her husband.

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Had the deputies taken prompt and decisive action after meeting with Mr. Gray and his son, four innocents might still be alive. So why didn't they? A few hours after the massacre the FBI [released an official statement](#) that deemed Colt's reported connection to the threats as "inconsistent" and insufficient to justify an arrest. Here's an extract:

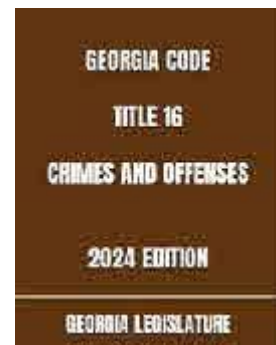
...The father stated he had hunting guns in the house, but the subject did not have unsupervised access to them. The subject denied making the threats online. Jackson County alerted local schools for continued monitoring of the subject...At that time, there was no probable cause for arrest or to take any additional law enforcement action on the local, state, or federal levels.

What *was* needed? Here's Georgia's law on "terroristic threats" ([GA Code § 16-11-37](#)):

(1) A person commits the offense of a terroristic threat when he or she threatens to: (A) Commit any crime of violence; (B) Release any hazardous substance; or (C) Burn or damage property.

(2) Such terroristic threat shall be made: (A) With the purpose of terrorizing another; (B) With the purpose of causing the evacuation of a building, place of assembly, or facility of public transportation; (C) With the purpose of otherwise causing serious public inconvenience; or (D) In reckless disregard of the risk of causing the terror, evacuation, or inconvenience described in subparagraph (A), (B), or (C) of this paragraph.

(3) No person shall be convicted under this subsection on the uncorroborated testimony of the party to whom the threat is communicated. Terroristic threats are misdemeanors unless they call for someone (implicitly, a specific someone) to be killed, in which case they are felonies.



There's no disputing that the *Discord* posts reviewed by the [Washington Post](#) meet Georgia's legal definition of "terroristic threat." What the FBI and sheriff's office said they found lacking, though, was the "who."

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As one would expect, the Apalachee High School shooting has stirred a great deal of

critical retrospection. [Authorities are now facing severe criticism](#) for not using subpoenas and other means to probe Colt's supposedly vile online behavior.

Still, even critics concede that invoking the power of the criminal law is no simple matter. When the deputies visited there had not been a shooting, and the one crime that a 13-year old might have committed was likely to be deemed a misdemeanor. Georgia's cops aren't mandated or funded to chase wild geese.

Is anyone? Actually, yes. [Twenty-one States](#) (not including Georgia) have enacted "extreme risk" (aka "Red Flag") laws. These enable authorities – and, often, family members and co-workers – to petition courts for orders directing police to seize guns that may be at imminent risk of misuse.

Red Flag laws provide agencies with the rationale and – equally importantly – the funding they might need to probe the personal histories of troubled souls. And Colt hardly needed a very deep dive. His extended family was well aware of the youth's long-standing psychological issues. Annie Brown, his mother's aunt, [recently told The Washington Post](#) that she had helped the child, who was chronically absent from school, enroll in a new middle school. Colt, she claimed, was "begging for help from everybody around him. The adults around him failed him."



Colin obviously knew that he had a seriously troubled kid. But when the deputies showed up he conveyed the fiction that everything was well in hand. He conceded that Colt experienced "some problems" at middle school, but insisted that things had improved. Colin didn't get into the details of his son's mental health issues, and the deputies apparently didn't ask. Indeed, Colt's father had apparently fooled himself. In December 2023, about seven months after the deputies' visit, [he bought the AR-15 style rifle](#) that was used in the massacre (crime scene photo on left) as a Christmas present for his son.

In the end, it fell to Colt's grandmother to go to Apalachee High School and ask for help. And they apparently came through. Colt was scheduled to start therapy one week before the shooting.

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On September 6, 2024, father and son [appeared in Barrow County Superior Court](#). Colt, who is being treated as an adult, was charged with four counts of murder. Moments later, the same judge charged his father with "four counts of involuntary

manslaughter, two counts of second-degree murder and eight counts of cruelty to children.”

Might a Red Flag law have prevented four deaths, nine woundings, anticipated life-without-parole sentences for a father and son, and the hideous toll on families and friends? It’s possible. But even in Red Flag states, extreme risk protection orders require forewarning. And the will and resources to carry the process through. On August 21 [a California senior opened fire in his home](#), wounding his mother and leaving two adult relatives dead. Police were twice called to the residence about the shooter’s behavior during the previous week. But officers didn’t think that 60-year old William Bushey posed an immediate threat. “He did not meet the criteria for an emergency psychiatric hold, so they left, leaving the family with resources.”

No, those “resources” didn’t include body armor.

And the slaughter inexorably continues. Two days after Apalachee, a dispute led a 16-year old to shoot and kill a 15-year old in a restroom [at Joppatowne High School](#) in Joppa, Maryland. Yes, that state has a Red Flag law, but there was apparently no forewarning. Clearly, to make a real difference one must restrict the availability of guns. Say, altogether prohibit their possession by youths. (Of course, that would get in the way of dads sharing a unique hobby.) Or require that firearms kept at home be stored under lock and key. (Of course, that could get in the way should an emergency arise.) Bottom line: in our ideologically-riven, gun-obsessed land, enforcing the laws that exist is difficult enough; the barrier to tightening things up may well be insurmountable. So we’ll keep doing what’s least controversial – say, going after ex-cons with guns and their shady suppliers, as your writer did during his ATF career – and leave the rest for another day.

That is, should there *be* another.

Posted 8/8/10

## SAY SOMETHING

### *Is society powerless in the face of mass shootings?*

911: "State Police."

Shooter: "Hey, is this 911?"

911: "Yeah, can I help you?"

Shooter: "This is Omar Thornton. The shooter over in Manchester."

911: "Yes, where are you, sir?"

Shooter: "I'm in the building...ah, you probably want to know the reason why I shot this place up. Basically this is a racist place."

911: "Yup, I understand that."

Shooter: "They treat me bad over here and treat all other black employees bad over here, too, so I took it into my own hands and handled the problem. I wish, I wish I could have got more of the people."

*By Julius (Jay) Wachtel.* Connecticut state trooper William Taylor was overseeing dispatch at Troop H on the morning of August 3rd. [when a call came in](#) from the man who just [gunned down eight co-workers](#) at a Manchester liquor warehouse. It seemed that the killer couldn't wait to justify his brutal act and bemoan what he considered a low body count.

Omar Thornton, 34, had quit his job minutes earlier after watching a private investigator's video depicting him stealing beer from his delivery truck and placing it in a car. After resigning he went to the kitchen on a pretext, retrieved two 9mm pistols from his lunch box and exited, guns blazing. He ultimately holed up in a corner of the plant and dialed 911. Four minutes into the call, as a police SWAT team closed in, he set down the phone and put a bullet in his brain.

Thornton, a gun enthusiast, frequented a nearby shooting range. He had a shotgun in his car and more weapons at his home. All had been legally purchased.

Shootings by purportedly "ordinary" people have become such a common feature of American life that we seldom give them much thought. Here are some of this year's other examples:

[July 12, 2010 – Albuquerque, New Mexico.](#) An armed man walked into a plant where he once worked and shot six persons, killing two, then turned the gun on

himself. Robert Reza, 37, had recently split up with his live-in girlfriend, who was still employed there and whom police suspect was his main target. She was gravely wounded.

[June 6, 2010 – Hialeah, Florida](#). A man with a .45 pistol shot and killed his estranged wife outside the restaurant where she worked, then burst inside, killing three female employees and wounding three. He committed suicide when police arrived. Gerardo Regalado, 38, was despondent about his failed relationship and apparently angry at women.

[May 6, 2010 – South L.A. County, California](#). A man armed with an assault rifle broke into a home and fired numerous rounds, killing his former girlfriend, her brother and their father and wounding two others. Joseph Mercado, 26, then set out to burn down the house. He might have succeeded had he not been confronted by a patrol deputy who heard the gunfire. Fortunately, the officer also had an assault rifle and wounded Mercado. The killer's excuse? He was mad at his ex about a child custody dispute.

[April 14, 2010 – Chicago, Illinois](#). A 32-year old man shot and killed his pregnant wife and infant son, a pregnant 16-year old niece and a 3-year old niece and critically wounded his mother and a 13-year old nephew. He also fired a round at his fleeing 12-year old niece but missed. Finally out of ammo, James Larry asked cops to shoot *him*. They didn't.

[January 17, 2010 – Appomattox, Virginia](#). A man shot and killed eight persons, including his sister and brother-in-law and their two children, then fired on officers and a police helicopter, puncturing its fuel tank and forcing it down. Christopher Speight, 39, a sometime security guard, had dozens of guns on his property, including a number of assault rifles. He also had an assortment of homemade bombs.

[January 7, 2010 – St. Louis, Missouri](#). A heavily armed worker stormed into a manufacturing plant and started blasting away. Timothy Hendron, 51, a thirty-three year employee, was armed with an assault rifle, a shotgun and two pistols and wore a fanny pack stuffed with extra ammunition. By the time it was over he had slain three co-workers and wounded five. Hendron was one of the plaintiffs in a lawsuit against the firm and was having conflicts with superiors.

Not enough? Going back to 2009, remember the [North Carolina man](#) who went to the nursing home where his estranged wife worked and shot eight dead and wounded three,



including a police officer? How about the [Alabama man](#) who armed himself with two assault rifles, a handgun and shotgun and killed his mother, seven relatives and two bystanders and wounded six more, including two cops? Or, in 2008, the [Kentucky man](#) who settled an argument about workplace safety by getting a .45 pistol and killing his boss and four others?

And on and on. Editorial reactions to the carnage run the gamut from [bitter denunciations](#) of our firearms-obsessed culture to limp pieces that bemoan the tragedies but offer little in the way of a remedy. In an otherwise thoughtful [commentary](#) about the Timothy Herndon massacre, St. Louis Post-Dispatch columnist Bill McClellan took such pains to prove that he's no reflexive gun-hater that even after what happened in his city he endorsed (for others) the idea of bringing guns to work for protection. "I say sure. If it makes you feel better, go ahead."

But will these firearms be wisely used? To paraphrase the gun lobby's favorite jingle, (inanimate) guns don't kill people, (fallible) people do. From what he wrote, Mr. McClellan would have probably said "go ahead" to Omar Thornton, Robert Reza, Timothy Hendron and Wesley Higdson (the Kentucky killer.) He would have probably been fine with arming the others, too.

Indeed, there's no indication that any of the killers bought their guns intending to misuse them. Several, including Thornton, the Manchester shooter, were gun aficionados. Yet in fits of anger, jealousy and just plain craziness, misuse them they did. In the end, it was the presence of a firearm at a particular point in time that made all the difference. Summarizing [recent findings](#) that weak gun laws and high rates of gun ownership lead to more gun deaths, the Violence Policy Center's Kristen Rand said, "The equation is simple. More guns lead to more gun death, but limiting exposure to firearms saves lives."

Well, that's fine. Yet the unmistakable trend is in the direction of making guns available to everyone, all the time. Perhaps it's time to tackle the threat posed by gun misuse as we do with other causes of death, say, impaired driving. In 2007 41,259 persons were [killed in traffic collisions](#), including 29,072 occupants of passenger motor vehicles. DUI's (BAC of .08 and above) figured in 13,041 deaths. According to the [CDC's injury reporting system](#) there were 31,224 deaths from firearm injuries during the same period. Ninety-seven percent (30,335) were violence-related, meaning purposeful; fifty-six percent (17,352) were suicides.

With more people having and carrying more guns you and I and our families are at increasing risk of being shot by someone who may suddenly go berserk. Counting on

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armed citizens to come to the rescue is delusional – in fact, they’re part of the problem. So here’s an idea. Let’s use the White House as a bully pulpit for a national campaign to remind everyone – gun owners, their friends, family members and co-workers – that guns and anger are a lethal combination. “Friends don’t let [angry] friends pack guns.” “If your [angry] friend has a gun, say something.” Take out ads in print and on TV, put up billboards, place posters at gun stores and firing ranges. It’s something worth considering.

Posted 1/11/11

## THE ELEPHANT IN THE ROOM

### ***Restrict the possession of “ordinary” guns or get used to regular massacres***

*By Julius (Jay) Wachtel.* “I have a Glock 9 millimeter, and I’m a pretty good shot.” That’s what Congresswoman Gabrielle Giffords (D - Ariz.) [told a New York Times reporter](#) last year. Only months later she would be fighting for her life, [shot through the head](#) with the same brand and caliber of pistol.

On January 8, Jared Loughner, 22, opened fire with a Glock 9mm. pistol during the Congresswoman’s “Congress on your Corner” event at a Tucson supermarket. The unemployed, sometime student – he got booted from college for disruptive behavior – killed six, including a 9-year old girl and a Federal judge. He wounded thirteen, including Ms. Giffords.

Loughner was tackled by citizens while reloading his pistol. A search of the home where he lived with his parents [yielded a prior letter](#) from the Congresswoman and several notes suggesting his intent to carry out the assassination.

By any measure Loughner is a very sick puppy. His MySpace account was full of disconnected thoughts and delusional ramblings about off-the-wall subjects like government thought control. He wrote about returning to the gold and silver standards – with him in charge of the Treasury. “Mein Kampf” was listed as one of his favorite books, which might seem insignificant until one considers that his intended target, Ms. Giffords, is active in Judaism.

Loughner fits the archetype of the murderous loner to a tee. [Past acquaintances described him](#) as odd and reclusive. His in-class rants at Pima Community College frightened classmates and instructors. A video he posted about the college was the last straw. He and his parents were called in and told that Loughner couldn’t return unless he was psychologically cleared. In his one known run-in with the law police cited him for scrawling the letters “C” and “X” on a street sign, which he said symbolized Christianity.

Loughner might have been a very odd duck, but he was nonetheless qualified under [Federal law](#) to buy a handgun. He was a legal U.S. resident, over 21 years of age (the minimum to buy a handgun), not a convicted felon, not under indictment, and was

never adjudicated (meaning, in court) as mentally defective. [On November 30, 2010](#) Loughner walked into Sportsman's Warehouse in Tucson and purchased a Glock 9mm. pistol. Arizona has no state waiting period or gun-training requirement, so Loughner left with the gun right after passing the criminal record check. Oh, yes. Thanks to [a 2010 amendment to state law](#), as a legal possessor over the age of 21 [he was also automatically entitled](#) to carry the weapon either openly or concealed on his person, no permit required.

But it's not just Arizona. Ordinary handguns like the Glock 9mm. can be purchased anywhere in the U.S. In California, which is considered the most restrictive state – magazine capacity is limited to ten rounds and a permit is required for concealed carry – buyers must pass a brief safety exam and wait ten days to pick up their gun. And that's it.

It's really quite convenient.

Actually, what most stands out about the events in Tucson are their ordinariness. In ["Say Something"](#) we pointed out that "shootings by purportedly 'ordinary' people have become such a common feature of American life that we seldom give them much thought." Troubled young males who use guns to give vent to their demons are nothing new. Prior examples include the [April 1999 Columbine \(Colo.\) High School massacre](#), where two male students killed 13 and injured 21, the [March 2006 Capitol Hill massacre](#), in which a deranged 28-year old man opened fire at a youth party in Seattle, killing six and wounding two, and the April 2007 [massacre at Virginia Tech](#), where a mentally disturbed 23-year old college senior killed 32 and wounded 25.

Virginia Tech has remarkable parallels to the Tucson massacre. Its perpetrator, Sung Hui-Cho, was armed with two pistols that he had recently bought at gun stores. One was a Glock 9mm (the other was a Walther .22). Cho also had mental problems; indeed, his were so serious that a judge had ruled him mentally ill. Unfortunately, Virginia's procedure for entering that information into the database used to clear gun purchases was lacking, enabling Cho to buy guns.

Reaction to the Tucson shooting was swift. Many observers, including outspoken Pima County Sheriff Clarence Dupnik, [laid blame on a "toxic political environment"](#) that replaced reasoned discourse with posturing and threats. During last year's Congressional races Sarah Palin's political action committee televised ads to which Congresswoman Giffords objected: "The way that she has it depicted has the cross hairs of a gun sight over our district. When people do that, they've got to realize there's consequences to that." Sheriff Dupnik and others [also blame lax gun laws](#) and the

expiration of the assault weapons ban, which also prohibited high-capacity ammunition feeding devices such as the 30-round magazines used by Loughner.

But if we're seeking to prevent wackos from going on a rampage, all the half-hearted "bans" and regulatory initiatives in the world would make little difference. Ordinary guns are the elephant in the room. Medium-caliber semi-auto pistols such as the Glock 9mm. are exceedingly lethal regardless of magazine capacity. And that's to say nothing of the increasingly popular and even more deadly .40 caliber pistols (yes, Glock makes those, too.) Or the wildly popular "[Big Boomer](#)" handguns, whose projectiles pierce ballistic vests as easily as knives cut through butter.

What's needed, of course, is a fundamental reset in our attitude about firearms. Unfortunately, guns, politics and ideology have become impossibly conflated. What's more, in 2008 the Supreme Court decided in [Heller](#) that having a gun, at least in the home, is an individual right. While the Justices suggested that they would support "reasonable" regulation, their decision put proponents of gun control on the defensive. It's no longer about moving forward: it's about not losing any more ground.

Bottom line: without severely restricting the kinds of guns that citizens can possess (which, by the way, isn't going to happen) there's no way – none – to prevent massacres. Don't believe it? Read the posts linked below.

Posted 10/23/11

## THERE'S NO ESCAPING THE GUN

***A prosperous community discovers that mass murder is an equal opportunity threat***

*By Julius (Jay) Wachtel.* A paunchy middle-aged man turned away from the grisly scene and headed for his car. Eight were dead or dying, including his ex-wife. [Scott Dekraai](#) had just set a record that would go down in infamy.

Acquaintances said that Dekraai, 41, had been a pleasant, easy going man until a 2007 tugboat accident that killed a shipmate and left him partly disabled. His life quickly unraveled. Within months a court order was filed directing him to stay away from his father in law, who claimed that Dekraai had beat him up. (The order, which required that Dekraai temporarily give up his guns, expired one year later.) Dekraai's wife Michelle, a hair stylist, filed for divorce, and they became embroiled in a child custody dispute that would drag on for years. [She told coworkers](#) at a beauty salon that she feared he would kill her.

No one took it seriously. After all, this was Seal Beach, a tony Southern California coastal community of 25,000 where such things don't happen. Who could predict that Dekraai would don a bulletproof vest, [invade Salon Meritage](#) and blaze away with three large-caliber pistols?

But on October 12, 2011 that's exactly what he did.

"He stopped to reload, and then continued gunning people down," said Orange County D.A. Tony Rackauckas. "He was not satisfied with murdering his intended target, his ex-wife. For almost two minutes, Dekraai shot victim after victim, executing eight people by shooting them in the head and chest. He was not done. He then walked out of the salon and shot a ninth victim, a male, who was sitting nearby in a parked Range Rover."

In addition to Michelle, who was first to be gunned down, Dekraai murdered the shop owner, Randy Fannin, stylists Victoria Buzo and Laura Elody, Christie Wilson, a nail artist, customers Michele Fast and Lucia Kondas, and David Caouette, 64, a passer-by whom Dekraai encountered in the parking lot. Laura Elody's mother Hattie Stretz, who was visiting the salon, was gravely wounded but survived.



Dekraai (he quickly surrendered) wasn't a criminal in the conventional sense. Neither was Orange County's previous record holder. In 1976 [Edward Charles Allaway](#), a 37-year old custodian at Cal State Fullerton, turned a semiautomatic rifle he bought at K-Mart on fellow employees, killing seven and wounding two. Allaway's wife had just sued for divorce. Psychiatrists diagnosed him as a paranoid schizophrenic. He was found not guilty by reason of insanity and committed to a mental hospital, where he remains to the present day.

Los Angeles County's mass murder record is held by [Bruce Pardo](#). He, too, was no ordinary criminal. On Christmas eve 2008 the 45-year old, freshly divorced engineer barged into the residence of his former in-laws with five pistols and a homemade flamethrower that he had concealed under a Santa suit. By the time he was done nine were dead including his ex-wife, her parents, a sister, a nephew, and two brothers and their wives. Like Dekraai and Allaway, Pardo had no criminal record. Unlike them, he had the good sense to kill himself.

Learning theory says that behavior is shaped by watching others. While America isn't the only place where disturbed persons use guns to release their demons (keep in mind the recent massacre in Norway) the frequency of these events – what we've referred to as their "ordinariness" – suggests that there's a lot of monkey-see, monkey-do going on in the U.S.A. In March we wrote about the [Tucson massacre](#), where an college dropout with mental issues shot and killed six and wounded thirteen including Congresswoman Gabrielle Giffords (D - Ariz.) A post in August 2010 spoke of a disaffected truck driver [who shot and killed eight co-workers](#) after being fired for stealing beer. We took that opportunity to review six other multiple-victim shootings between January and July 2010 that seemed motivated by no purpose other than letting off steam.

Here is an update. Keep in mind that this is only a sample, as to list all such incidents would take a lot more than a blog post.

[10/18/11](#): A New York man facing a divorce trial beat his estranged spouse to death and used a shotgun to kill their two children, Molly, 10, and Gregory, 8. Samuel Friedlander, 50, then shot himself dead.

[10/6/11](#): A "well liked" but disgruntled Northern California truck driver opened fire on coworkers with a handgun and a rifle, killing three and wounding six, some critically. Shareed Allman, 46, then tried to carjack a vehicle, wounding its driver. He was later shot and killed by police.

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**9/7/11:** Disturbed by a failing relationship, a West Virginia man shot and killed five persons inside a home. Shayne Riggleman, 22, then ran over a motorist and critically wounded a gas station attendant. He committed suicide as police closed in.

**9/6/11:** A Nevada man opened fire with a rifle at a Carson City retail center and inside an IHOP restaurant, killing four and wounding seven. He then killed himself. Eduardo Sencion, 32, was said to have “mental issues.” His motive is unknown.

**8/7/11:** Angered by comments about the appearance of a home where he lived with his girlfriend, Ohio resident Michael Hance, 51, went on a shooting rampage. He killed seven and wounded two before police shot him dead.

**7/24/11:** A stormy relationship ended at a roller rink, where the husband shot and killed his wife and four of her family members. He also wounded four others. Tan Do, 35, then turned the .40 caliber Glock on himself.

**7/11/11:** Wyoming man Everett Conant III, 36, shot and killed his three teenage boys and his 33-year old brother inside the mobile home where they lived. He also seriously wounded his wife. A former employer said that Conant was having personal problems. Police arrested him without incident.

**7/8/11:** Angered by his wife’s decision to leave him, a reportedly bipolar 34-year old ex-con with a violent past shot and killed her, their daughter and his in-laws. He then went gunning for others, killing a former girlfriend, her sister and the sister’s daughter. Rodrick Dantzler then took his own life.

**6/13/11:** Barred by a restraining order from visiting his children, Maine resident Steven Lake, 37, grabbed his shotgun, went to his estranged wife’s home, and shot and killed her and their two children. He then committed suicide.

**11/14/10:** A 29-year old Pennsylvania man shot the mother of their three children, then shot the kids and himself. A two-year old was the sole survivor. The “sweet” couple had reportedly been arguing.

**9/27/10:** A 41-year old Florida man ignored a restraining order and went to the home of his estranged wife. He shot and killed her and four stepchildren, ages 10 to 14, and wounded a 15-year old. He committed suicide as officers arrived.

[9/11/10](#): Enraged that his eggs weren't cooked right, a rural Kentucky man "not known to be a violent person" used a shotgun to murder his wife and four neighbors. He then turned the weapon on himself.

[9/1/10](#): A few days after being arrested for violating a restraining order a California man shot six persons in an Arizona resort city, killing five including his estranged spouse. He returned with two children to California, where he committed suicide. The children were unharmed.

We've long argued that the availability of guns overwhelms our ability to prevent their misuse. [According to the NRA](#) there are nearly 300 million firearms in the U.S., including 100 million handguns, with about 4 million new guns entering circulation each year. That may actually be an underestimate. According to ATF in 2010 [American gun makers produced](#) a whopping 5,403,714 firearms. Only four percent were exported.

Here's one old refrain: "Guns don't kill people, people kill people." Here's another: "Let's enforce the laws we have." Federal and state laws bar convicted felons, persons adjudged as mentally defective and individuals under active restraining orders from possessing firearms. But our examples aren't about ordinary criminals. Our chronology of terror includes only one ex-con. True, some of the shooters were emotional basket cases, yet none had been adjudicated mentally ill, the threshold before laws kick in. And while three were under active restraining orders, trusting in a piece of paper to convince an embittered man (all the killers were male) to give up his guns seems a very, very long shot.

It's for such reasons that the NRA promotes gun carry laws. Armed citizens, it insists, can keep shootings from happening in the first place. Well, good luck with that. An armed citizen was present at the [Tucson massacre](#). He didn't intervene, partly for fear that he might shoot an innocent person, and partly because responding officers might shoot *him*. As for the episode in Seal Beach, it would have taken snipers lying in wait to repel Dekraai's attack. And what's to be done about the many incidents that take place inside a home? Should family members pack guns to the dinner table? Should spouses always be armed? And when it's time to go night-night, who puts away their Glock first?

Carrying pro-gun arguments to their inevitable, ridiculous conclusion highlights the profound intractability of America's gun dilemma. But while we can't rely on the law to work miracles, maybe we can promote the notion of watching one's temper and using guns wisely.

Consider, for example, that the UCR attributes at least [one in four homicides in 2010](#) to “arguments,” and that these led to the deaths of 323 wives, 60 husbands, 28 mothers, 62 fathers, 39 sons and 15 daughters. [NIJ](#) reports that about 1.3 million women and 835,000 men are assaulted by an intimate partner each year, and that as many as half of all female homicide victims ([2,918 women were feloniously slain in 2010](#)) were murdered by their partners.

Domestic murder-suicide has become such a common occurrence that it merits [its own NIJ page](#). As one might expect, virtually all are by gun: “More incidents of murder-suicide occur with guns than with any other weapon. Access to a gun is a major risk factor in familicide because it allows the perpetrator to act on his or her rage and impulses.” According to the [Violence Policy Center](#) there were 591 such deaths during the first six months of 2005. Three out of four involved an intimate partner, and three out of four happened at home. Researchers coined the category of “family annihilator” to describe men who go berserk and gun down everyone, including the kids and the dog. Nearly all (92 percent) of murder-suicides are done with guns, so their availability is thought crucial:

The most common catalytic component in murder-suicide is the use of a firearm. Firearms allow shooters to act on impulse...The presence of a gun allows the offender to quickly and easily kill a greater number of victims. If there had not been easy access to a firearm, these deaths may simply have been injuries, or not have occurred at all. Efforts should be made to restrict access to firearms where there is an increased risk of murder-suicide, for example where an individual has a history of domestic violence and/or has threatened suicide.

Well, good luck with that, too. We'll instead peddle our favorite remedy, a national campaign to alert the public to the problems of gun violence. Let's remind everyone that rage and guns are a lethal combination and that early intervention by friends, family members and mental health professionals is the best preventive.

Friends may not be able to keep angry friends from owning guns, but they can surely do *something*. In our gun-crazed culture there is really no alternative.

Posted 4/4/21

## TWO WEEKS, FOUR MASSACRES

*A troubled Colorado man buys a “pistol.”  
Six days later ten innocents lie dead.*



For *Police Issues* by Julius (Jay) Wachtel. “[No family should ever have to go through this again in the United States.](#)” Imagine waiting with your adult son and two granddaughters in a Covid vaccination line when a shooter in a tactical vest bursts in and unleashes a fusillade, gunning down a patron only steps away. By the time that 21-year old gunman Ahmad Al Aliwi Alissa surrendered, [ten lay dead](#) in and around a Boulder, Colorado supermarket. Among them was police officer Eric Talley. A father of seven, the fifty-one year old officer [was first to arrive on scene](#), and as he burst in to save lives he suffered a gunshot wound to the head.

And no, that’s not too much information. Officers and ordinary citizens are often imperiled by [inordinately lethal projectiles](#) discharged by weapons thoughtlessly marketed for civilian consumption. According to police, Alissa had been armed with two weapons: a 9mm. handgun he apparently didn’t fire and the Ruger AR-556 “pistol” (see image above) [he discharged during the assault](#). Purposely configured by its manufacturer to skirt bans on assault weapons and such, the AR-556 is essentially a short-barreled AR-15 [with a brace instead of a stock](#). Chambering the same powerful 5.56/.223 cartridges as the weapon it mimics, it fires a bullet whose mass and extreme velocity enables it to penetrate walls and doors as if they didn’t exist. [Ditto the protective vests](#) typically worn by cops on patrol. Here’s an outtake from our [2019 op-ed](#) in the *Washington Post*:

California, six other states and the District “ban” assault weapons. But these laws skirt around caliber. Instead, they focus on a weapon’s physical attributes. For example, California requires that semiautomatic firearms with external baubles such as handgrips have non-detachable magazines and limits ammunition capacity to 10 rounds.

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As we argued, those characteristics aren't the real reason why assault-style weapons are so dangerous. That's fundamentally a matter of ballistics. High-energy, high-velocity .223-, 5.56- and 7.62-caliber projectiles have unbelievable penetrating power. And should these bullets strike flesh, they produce massive wound cavities, pulverizing blood vessels and destroying nearby organs. Rifles can deliver the mayhem from a distance. That's what happened in 2017 [when an ostensibly law-abiding gambler](#) opened fire with AR-15-type rifles from his Las Vegas hotel room, *killing 58 and wounding more than four-hundred*.

We're not just concerned about rifles. The muzzle energy of ammunition fired by today's 9mm. pistols can be twice or more that of the .38's and .380's that were popular when your writer carried a badge. While ordinary police vests are able to defeat most 9mm. rounds, should they strike an unprotected area their wounding capacity makes their old-fashioned counterparts seem like toys.

Alissa's brother [worried that his sibling was mentally ill](#). He complained about being followed and ranted online that his phone had been hacked. Alissa frequently displayed an aggressive side. His high school wrestling career ended the day he lost a match. Exploding in fury, [he threatened to kill his teammates](#) and stormed out. His only known criminal conviction stemmed from a classroom incident in which he "cold-cocked" a student who had supposedly "made fun of him and called him racial names." Alissa was convicted; he drew community service and a year's probation.

Unfortunately, that was only a misdemeanor. As in [Federal law](#), prohibitions on gun purchase and possession in Colorado only extend to those [convicted of felonies and misdemeanor crimes of domestic violence](#). Bottom line: Alissa was legally entitled to buy that so-called "pistol." And just like Georgia, where [mass killer Long](#) resided, Colorado [doesn't impose a waiting period](#). So once Alissa cleared the background check he was free to take his treasure with. And promptly did.

In Part I we mentioned that Georgia [got an "F" from Giffords](#). In contrast, [Colorado was awarded a "C+"](#). The Mountain State does offer a few more safeguards. While Georgia relies solely on the FBI background check, Colorado also runs a State check. Colorado police and family members [can also petition courts to disarm potentially dangerous gun owners](#). Alissa, though, wasn't a felon. Neither was he ever formally accused of presenting an armed threat. And as far as that AR-556 goes, Colorado law [doesn't address assault weapons](#).

Admittedly, it would take a highly restrictive statute to ban the AR-556. Even California, whose gun law strength is rated by Giffords as [number one in the U.S.](#), allows versions of the AR-556 with longer barrels and fixed magazines (click [here](#) for an



example.) But [the 2018 massacre at Florida's Parkland High School](#) led the City of Boulder [to virtually ban such weapons](#) altogether. In a bizarre coincidence, [that law was nullified](#) this March 12 by a Boulder County judge who agreed with pro-gun advocates that when it comes to guns, state laws rule. In any event, Alissa purchased the AR-556 [at a store in Arvada](#), the Denver suburb where he and his parents reside.

As we carped in [our op-ed](#) and in “[Going Ballistic](#),” <GC19 Going Ballistic> firearms lethality is, first and foremost, about ballistics. And those of the AR-556 are truly formidable. Yet not even California, which Giffords [ranks #1 in law strength](#), pays any



attention to this pressing issue. And while the Golden State has enacted much of what Giffords calls for (its full wish list is [here](#)), California citizens are still getting gunned down. On March 31st., just as we were trying to put the wraps to this essay, a middle-aged Southern California man burst into a local shop with whom he had a “business and personal relationship” and opened fire with a

9mm. pistol, [killing four and critically injuring one](#). Among the dead was a nine-year old boy. His killer, Aminadab Gaxiola Gonzalez, 44 had locked the gates of the complex when he went in to carry out the massacre. He was seriously wounded by police.

Unlike Georgia's Robert Long or Colorado's Ahmad Al Aliwi Alissa, Gonzalez had a criminal record. In 2015 [he was charged by Orange County, Calif. authorities](#) with multiple counts including cruelty to a child. He ultimately pled guilty to misdemeanor battery and served one day in jail. Our court record search confirmed that two criminal cases were filed against Gonzalez within a two-day span in April 2015: one was an “infraction,” the other a misdemeanor. According to authorities, his conviction for the latter was expunged in 2017 after he successfully completed probation. Alas, even tough ol' California doesn't prohibit persons with expunged records from having a gun. So by all appearances, Mr. Gonzalez was free to gunsling to his heart's delight.

Where does this leave us peace-loving folks? Would we be safer if background checks were required for private party transfers? If waiting periods were the rule? If cops and family members could petition for gun seizures? If rifles couldn't have removable magazines? If there were strict limits on ammunition capacity? If manufacturers couldn't use nonsensical tweaks to magically transform assault rifles into handguns? Gun-control advocates say yes, absolutely. Stronger gun laws, they're convinced, reduce gun violence. And they insist that the data bears them out.

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Is that true? We'll have a look at the numbers next time in, alas, Part III.

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## WHEN A “DOPE” CAN’T BE “ROPED”

*Can social media identify killers before they strike?*



*For Police Issues by Julius (Jay) Wachtel.* As we write, “the safest big city in America” – New York City, according to former three-term Mayor Michael Bloomberg – reels from an [April 12 mass shooting](#) that wounded ten subway riders, five critically, during the morning commute. Clad in a construction gear and a mask, the gunman entered a subway car, discharged two smoke grenades, then pulled a 9mm. pistol and unleashed a thirty-three shot fusillade.

One day later the sixty-two year old gunman, Frank R. James, called the cops and was promptly arrested.

A maintenance worker and factory hand, James was born in New York City, but as an adult he became estranged from his family and [wound up drifting between jobs](#) in Chicago, Newark, Milwaukee and, most recently, Philadelphia. James had few if any friends, and former neighbors described him as “gruff, standoffish and prone to losing his temper.” Along the way he amassed a long string of arrests for offenses including possession of burglary tools, disorderly conduct, “criminal sex act,” trespassing and larceny. New Jersey authorities once charged him with “making terroristic threats.” But in the end he pled guilty to harassment, wound up on probation and – not for the first time – was ordered into counseling. Throughout, James avoided either a felony conviction or a mental commitment, so he remained legally qualified to buy guns. As he did a decade ago at the Ohio pawn shop where he bought the pistol he would use – then leave behind – in the subway.

James, aka “prophet of truth 88,” was a prolific YouTuber and frequently posted long-winded, expletive-laden monologues about politics, race and crime. Although his

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channel has been taken down, “[VideoMattPresents](#)” preserved a couple dozen of his videos. (Click [here](#) for one of the milder examples.) James’ rants were replete with homophobia and misogyny, and his chronic invective [cut across both race and ethnicity](#). Obsessed with issues of race, crime, homelessness and other intractable human problems (he even ranted about the invasion of Ukraine), James seemed convinced that they could only be resolved by driving those who might disagree with his answers to their knees.

Did the subway attack represent a lashing out? James openly conceded that he had long suffered from mental problems (he complained, though, that “treatment” only made things worse.) But as of late, his head trips may have turned worse. Here’s an outtake from a March 20 video that he posted while driving to Philadelphia:

...just thinking ‘cause I’m heading back into the danger zone, so to speak, you know, and it’s triggering a lot of negative thoughts, of course, because I do suffer...have a bad, severe case of post-traumatic stress after the s---t I’ve been through all the f-----g years...



More ominously, in his most recent video, posted one day before the rampage, James announced that he once harbored thoughts of killing but had put them aside because of the likely consequences:

And so, this is why it’s important to think about what you’re going to do before you do it. Let’s not be...I’ve been through a lot of s---t. What I can say ‘I want to kill people, I want to watch you die right in front of my f-----g face immediately.’ But I thought about the fact, hey, man, I don’t want to go to no f----g prison....

These comments, and more, [have been mentioned](#) in the print media. They were extracted verbatim from videos preserved by the YouTube channel mentioned above. **Click on James’ image for our compilation.**

James isn’t the only social media addict to act on his worst impulses. “[Preventing Mass Murder](#)” focused on three once-nobodies who left their despicable marks in 2018:



Bowers



Sayoc



Beierle

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- Robert Bowers, a middle-aged recluse, used an AR-15 rifle and three pistols to kill eleven and wound six, including four police officers, at Pittsburgh's "Tree of Life" synagogue. An "[isolated, awkward man who lived alone and struggled with basic human interactions](#)," Bowers frequently posted comments disparaging Jewish persons on [Gab](#), an alternative online platform that reportedly [remains popular with extremists](#).
- Cesar Sayoc, a middle-aged bodybuilder with an extensive criminal record for property and violent crime, mailed thirteen explosives-laden packages to politicians and past and present Government officials. With his personal life long in the dumps, Sayoc apparently felt he had nothing to lose, and [he used Facebook and Twitter](#) to rant at his intended victims. California Congresswoman Maxine Waters got a tweet that read "see you soon." Former Attorney General Eric Holder, Jr. received a similar message, appended with "tick tock."
- But the third middle-aged guy, Scott Beierle, was different. (We say "was" because he killed himself.) His "thing," though, wasn't politics – it was that women paid him no heed. His YouTube posts glorified "[Incel](#)" (involuntary celibacy) and praised the movement's former head, sometime [Santa Barbara college student Elliot Rodger](#). We say "former" because Rodger, who knifed and shot six students dead and injured a dozen others during his vengeful spree in 2014, also killed himself. At the ripe old age of twenty-two.

And the carnage continued. In April 2019 [John Earnest](#), 19, posted a vitriolic, anti-Semitic rant on "8chan" (now "8kun"), a message board described as a "[megaphone for mass shooters](#)." He then stormed into a San Diego-area synagogue and opened fire, killing one and wounding three. Four months later [Patrick Crusius](#), a 21-year old Texas man, posted a hateful anti-Mexican, anti-immigrant diatribe on 8chan. Wielding an AK-style rifle, he went on a shooting spree at an El Paso Walmart, killing twenty-three and wounding an equal number. It's thought that Crusius, who "[spent countless hours on the Internet](#)" following white supremacy, essentially learned to hate online.

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Alas, despite gun laws and physical security measures (the Poway massacre led President Trump to suggest posting armed guards at religious services) mass killings persist. But is it possible to act before twisted killers strike? Absolutely, says the FBI. Consider, for example, the case of [Robert Hester](#), whose online posts glorifying ISIS and justifying violence drew the attention of undercover agents. Ultimately roped in to an

FBI-fabricated scheme to stage “a mass casualty attack,” Hester pled guilty in 2019 to attempting to provide material support to a terrorist organization. He got twenty years.



There have been dozens of such cases. Yet our posts (see, for example, “[Written, Produced and Directed](#)”) have persistently voiced skepticism about the viability of the threats. Lacking an undercover agent’s friendly “guidance,” many wannabees seemed unlikely to act on their own. Prediction, though, is a tricky business (see, for example, “[Missed Signals](#)”). Consider the flack the FBI got for supposedly overlooking the many social media posts [that warned about a forthcoming Capitol assault](#). As we mentioned in “[Chaos in D.C.](#)”, the phrase “storm the Capitol” supposedly came up online 100,000 times during the preceding month.

According to *NBC News*, part of the FBI’s hesitancy to investigate the Capitol plotters may have been that a massive online “dig” for incriminating information could harken back to the scandalous “snooping” of the Hoover years. Another roadblock – the sheer mass of the content, and how to separate the wheat from the chaff – was mentioned by FBI Director Christopher Wray [during his testimony to the Homeland Security Committee](#) as it investigated the lack of preparedness for the assault:

And how to separate who’s being aspirational versus who’s being intentional, it won’t shock you to learn, and hopefully not other members of the committee, that the amount of angry, hateful, unspeakable, combative, violent, even rhetoric, on social media exceeds what anybody in their worst imagination is out there. And so trying to figure out who’s just saying, “You know what we ought to do is X.” Or, “Everybody ought to do X.” Versus the person who’s doing that, and actually getting traction, and then getting followers, and of course, that’s assuming that they’re not communicating through encrypted channels about all that stuff, is one of the hardest things there is to do in today’s world with the nature of the viral extremism threat we face.

As he agonized about making sense of the disjointed chatter, Director Wray was alluding to a key issue. Unlike the wannabe terrorists that his agents occasionally snared, the Capitol plotters didn’t clearly appropriate the language of crime. Protesting, after all, is a Constitutional right. Given the chaotic online scene, gathering compelling evidence that specific persons will seek regime change through lawbreaking is no simple task. These “dopes” didn’t set themselves up to be “roped.”



It's not just about the Capitol assault. Consider subway shooter Frank R. James. He ranted extensively, and over a long period. Yet as far as we know, his first allusion to shooting *anyone* came only one day before his attack. And even then, no specific targets were announced. Bowers, Sayoc and Beierle also posted profusely. But only Sayoc delivered individualized threats, and these came very late in the process. Similar obstacles would have beset anyone examining the online trails left by John Earnest and Patrick Crusius. To be sure, both seemed potentially dangerous. But building a criminal case takes a whole lot more.

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Set “criminal case” aside. Restraining orders are often granted after episodes of domestic violence. In some places their use has expanded to include persons whom family members and police deem untrustworthy with a gun (see “Red Flag” [I](#) and [II](#).) There are also many provisions for dealing with the mentally ill (see “[A Stitch in Time](#)”). But massacres are something new. The threat they pose to educational institutions has [led many school districts](#) to adopt the “[threat assessment](#)” approach. Developed in the nineties, it's a comprehensive process for identifying possible perpetrators, evaluating their risks, and moving them away from violence through counseling, social services and other supports (for a new book about the technique click [here](#).)

Threat assessment relies on referrals from police officers, family members and friends. Could it be expanded to encompass the online world? Perhaps. But [as FBI Director Wray testified](#), given the massive nature of online chatter, distinguishing between the “aspirational” and the “intentional” would require special tools and dedicated analysts:

So there's a data analytics piece, because the volume is so significant that we need to get better at being able to analyze the data that we have to do it in a timely way, to separate the wheat from the chaff. And that requires both tools, analytical tools, and we've had requests for those in the budgets the last couple of years, but also people, data analysts, who can devote their time to that who have the experience.

According to an article in the October 2018 NIJ Journal, “[Using Artificial Intelligence to Address Criminal Justice Needs](#),” A.I. could help. Although the emphasis is clearly on other things, a section about crime forecasting mentions that A.I. could



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scan media to “identify criminal enterprises” and “predict and reveal people at risk.”

We thought the approach intriguing. It seemed especially applicable to our three killers of note, Bowers, Sayoc and Beierle, as each had an expansive, long-standing online presence. Yet [as the Brennan Center recently cautioned](#), Government monitoring of social media platforms raises a host of civil liberties issues. Participants at [a 2019 NAS symposium on human rights](#) worried that AI’s use by the authorities could worsen bias and inequality. Such concerns likely drove Senator Ben Sasse to spill his drink on Director Wray’s great notion:

I would love to hear your big national pitch for these data analysts because we need more great human capital to serve their country in this way. But I also want to be sure that our training for these data analysts have First Amendment sensibilities about what they’re there to do. They’re looking for violence, they’re not looking there to be the national speech police.

Actually, the good Senator need not worry. At present, the “craft of policing” isn’t about trolling for lunatics, online or otherwise. As your writer can personally attest, law enforcement agencies – including the FBI – have always focused on crimes, investigations and arrests. That’s what their budgets are built on. It’s how their employees earn promotions and advance through the ranks. So while our epidemic of mass shootings and the Capitol assault may have caused some reconsideration, America’s law enforcement agencies remain firmly planted in the offline world. As long as wackos and killers don’t accidentally cozy up to an undercover Fed, they can likely keep using the Internet to their twisted hearts’ delight.