

Strategies for Reducing Gun Violence in the Commonwealth of Massachusetts

A Report to Speaker of the House of Representatives
Robert DeLeo

By
Committee to Reduce Firearm Violence

Introduction

Charge by The Honorable Robert A. DeLeo, Speaker of the House of Representatives, Commonwealth of Massachusetts

On March 28, 2013 the Advisory Committee met with Speaker DeLeo and his staff to receive his charge to the committee. The Speaker asked that the committee review the various pieces of legislation that had been filed by the Governor, Representatives Linsky, Naughton, Peterson and others. The Speaker told the committee that it was his opinion that the Commonwealth currently had strong laws to reduce gun violence, but he wanted the committee to look for ways proposed legislation or policies in the Commonwealth could be improved. The Speaker told the committee that nothing was “off the table” and the committee could look into any proposals that might decrease gun violence, including proposals that might call for additional revenue.

Committee Members and Process

The Speaker appointed a group of distinguished individuals to the Committee. Brief biographies for each member are included in the Appendix to this report. The members of the committee represent a broad range of expertise. The committee included licensed gun owners and non-gun owners, individuals with significant expertise working with the legislature including drafting legislation, individuals with extensive expertise with the Commonwealth’s mental health system including issues of privacy and confidentiality, individuals with extensive experience in gun safety and gun licensing in the Commonwealth, leaders with substantial experience in school administration and school violence, as well as individuals with extensive experience in law enforcement as police chiefs, prosecutors and defense attorneys.

The committee met more than 15 times over the 9 month period between March 28, 2013 and the end of December 2013. We spoke with representatives of 10 different groups (see appendix for listing of representative groups), and individual committee members attended other events, researched other state laws and regulations, reviewed academic literature and mass media articles, and conducted individual interviews to learn more about ways to reduce gun violence in the Commonwealth.

No member of this committee received any compensation for serving. Although the committee members reflect many different views on gun violence, the process served as a model for how conversation about this difficult topic can be conducted in a thoughtful and respectful manner. Each committee member respected the perspectives of other members; this report is the very positive outcome of this process.

In deciding on this final set of recommendations the committee strove for unanimity. Our practice was that if any member could not support a particular recommendation, we would not put that recommendation forward. In this way we believe we are putting forth a strong report that is fully supported by each member of the committee

Strength of Gun Laws:

Massachusetts already has some of the strongest gun laws in the nation. For example, over the last few years the Brady Center ranked Massachusetts 3rd among US states in terms of strength of our gun laws. In December 2013, a year after Newtown, with other states passing new laws, the Brady Center ranked Massachusetts 6th.

Rate of Household Gun Ownership:

Massachusetts also has among the lowest rates of household firearm ownership. Typically some 13% of Massachusetts households report having a gun, compared to about 1/3 nationally. We are usually 3rd lowest among states, with only Hawaii and sometimes New Jersey having lower percentages of households containing guns.

Rate of Overall Gun Death in the Commonwealth:

Massachusetts has very low relative rates of gun death. From 2001-2010, for example, we had the 2nd lowest rate among the 50 US states (Table 1). Only Hawaii had a lower rate. In that first decade of the 21st century, over 306,000 Americans died from gunshot wounds—more than the total number of American combat deaths during World War II—a rate of 10.3/100,000. In Massachusetts, 2,179 people died from gunshot wounds, a rate of 3.4/100,000. In other words, the rest of America has over three times the gun death rate as do people in Massachusetts. Still, over two thousand people in Massachusetts died as the result of gunfire during the most recent decade.

Suicide

In the United States, there are far more suicides than homicides; there are also more gun suicides than gun homicides. Most suicides are gun suicides and an even higher percentage of homicides are committed with guns. The scientific evidence is overwhelming that a gun in the home substantially increases the risk that someone in the home will die of suicide. The large majority of those dying from gun suicides are legal gun owners and their families. Massachusetts, with few guns, has the lowest rate of firearm suicide in the nation and a very average rate of non-firearm suicide. We have the third lowest state rate of overall suicide (New Jersey and New York are lower).

Homicide

Massachusetts has very low rates of gun homicide compared to other urban states. The rest of the United States has 2.5 times the gun homicide rate as Massachusetts.

However, since crime in the US is largely an urban issue, rural states, including Maine, Vermont and New Hampshire, consistently have lower rates of homicide and gun homicide than Massachusetts. A major problem for Massachusetts is that unlike guns used in suicide or accidents, which are guns obtained and owned legally, crime guns move from states with weak gun laws (e.g., New Hampshire) to states like Massachusetts, with strong laws. For example, some 60% of crime guns used in Boston were originally purchased outside of Massachusetts. New Hampshire is a prime source of gun trafficking into Boston.

Accidents

Over six thousand Americans were unintentionally killed with firearms from 2001-2010. Massachusetts has one of the lowest rates of unintentional firearm death in the nation (only Hawaii and Rhode Island may be lower); 24 people in Massachusetts were unintentionally killed with a firearm in that decade.

Non-fatal Gun Injuries

Massachusetts also has lower rates of non-fatal firearm injuries than is average for the rest of the United States. Hospital discharge data for 2010, for example, indicate that Massachusetts residents are half as likely as residents of other states to be wounded (Table 2).

Other Effects:

The costs of gun violence are enormous. They include not only the pain, suffering, disability and possible death to the victim, but affect the victim's family and friends. The short and long-term medical costs can be large, particularly for spinal cord and traumatic brain injuries. For assaults, the shooter and his family may be affected, especially if the shooter is incarcerated. Society bears all the costs of criminal law enforcement, including police, district attorneys, judges, parole officers and prisons. Most importantly, the community can be affected by gun assaults as residents are afraid to go out, businesses do not want to move in, and many witnesses to gun violence become traumatized.

Massachusetts is doing well compared to other US states in terms of gun deaths and injuries. We could do better—one reason we know this is that most other first-world countries have stronger gun laws, fewer guns per capita, and fewer gun deaths per capita than Massachusetts. For example, in 2004, the total gun death rate for the other two-dozen high-income countries was 1.4/100,000. The Massachusetts rate was 3.2.

Table 1 Violent Death in the United States 2001-2010

| 2001-2010 | Massachusetts | | United States | | Rate Ratio (US/MA) |
|---------------------|---------------|--------------|----------------|--------------|--------------------|
| | Number | Rate/100,000 | Number | Rate/100,000 | |
| Gun Suicide | 1,094 | 1.7 | 175,221 | 5.9 | 3.5 |
| Non-Gun Suicide | 3,709 | 5.8 | 162,822 | 5.5 | 0.9 |
| All Suicide | 4,803 | 7.5 | 338,043 | 11.4 | 1.5 |
| Gun Homicide | 1,020 | 1.6 | 119,246 | 4.0 | 2.5 |
| Non-Gun Homicide | 822 | 1.3 | 59,731 | 2.0 | 1.5 |
| All Homicide | 1,842 | 2.9 | 178,977 | 6.0 | 2.1 |
| Unintention | 24 | 0.04 | 6,739 | 0.23 | 5.8 |

| | | | | | |
|------------------------|--------------|------------|----------------|-------------|------------|
| al Gun Death | | | | | |
| Total Gun Death | 2,179 | 3.4 | 306,946 | 10.3 | 3.0 |

Source: CDC WISQARS http://www.cdc.gov/injury/wisqars/fatal_injury_reports.html.

Table 2 Hospital Discharges for Firearm Injuries in the United States 2010

| 2010 | Massachusetts | | United States | | Rate Ratio (US/MA) |
|-----------------------|---------------|--------------|---------------|--------------|--------------------|
| | Number | Rate/100,000 | Number | Rate/100,000 | |
| Self-Inflicted | 28 | 0.4 | 3,590 | 1.2 | 2.7 |
| Assault | 316 | 4.8 | 25,730 | 8.3 | 1.7 |
| Accidents | 44 | 0.7 | 8,619 | 2.8 | 4.2 |
| Undetermined | 9 | 0.14 | 1,876 | 0.6 | 4.4 |
| Total | 397 | 6.1 | 39,815 | 12.9 | 2.1 |

Source: HUCP-Net <http://hcupnet.ahrq.gov/>.

Prevent Unsuitable Persons from Acquiring Firearms.

Current Massachusetts law does much to prohibit unsuitable persons from acquiring firearms, but the Committee believes that the current system could be improved. The current process allows local law enforcement officials some discretion to determine if an individual is suitable to be granted a license to carry. In Massachusetts the current licensing system is confusing to many and causes local police officials to spend extra effort deciding on the type of license that is appropriate. The committee recognizes that there have been many complaints that the lack of specific suitability standards has made the application process inconsistent throughout the municipalities in Massachusetts. The committee also believes that placing a definition of suitability in statute will not provide the necessary flexibility and discretion needed in allowing the licensing authority to make a reasoned decision.

- The Committee recommends that the Massachusetts Chiefs of Police Association in conjunction with the Massachusetts Gun Control Advisory Board specify a set of factors which defines what constitutes a suitable person for gun ownership and obtaining a gun license.
- The Committee recommends that the Massachusetts Chiefs of Police Association develop and circulate a set of guidelines for suitability among the Chiefs of Police within the Commonwealth and present their final recommendations to the Massachusetts Gun Control Advisory Board. Upon deliberation the Massachusetts Gun Control Advisory Board shall recommend their findings to the Executive Office of Public Safety to be adopted as administrative guidelines.

Elimination of the Class B License.

Current Massachusetts law provides for both a Class A and a Class B license. The Class B license allows the licensee to carry a non-large capacity firearm, and that firearm may not be concealed, while a Class A License allows the licensee to carry a concealed firearm for protection. Massachusetts is not a state where licensees routinely carry their firearms on their hip in the open. As a result, only a small number of Class B licenses are issued in any given year. The Class B license serves no practical purpose and should be eliminated.

- The Committee recommends the elimination of the Class B license.

Firearms Identification Cards included in the definition of suitability.

Current Massachusetts law sets parameters for those who wish to carry a handgun or possess a rifle or shotgun. Beyond those parameters, however, a Chief of Police may deny a license to carry to someone that he finds “unsuitable”. No such allowance exists for a firearms identification card. As a result, a person who may have been arrested numerous times without having been convicted must be granted a firearms identification card. Along with the recommendation of clearer suitability standards elaborated above,

- The Committee recommends the inclusion of the same suitability standards as a license to carry for firearm identification cards.

No further restrictions on magazine capacity.

The Committee recommends that no further restriction be placed upon firearm magazine capacity. Current Massachusetts law restricts large capacity magazines to 10 rounds. The Committee believes the current restriction strikes a reasonable balance between public safety and personal liberty.

The ninety (90) day license renewal process.

The committee was informed about an administrative bottleneck that has developed in the processing of firearm license renewals. The municipalities and the Commonwealth experience difficulty in processing license renewals within the 90 day expiration period. One consistent concern of gun owners, who spoke to the committee, was that the process for renewing existing licenses is excessively delayed. The committee heard of many cases, where responsible gun owners initiated the renewal process months before their license was to renew, but the Commonwealth failed to issue a renewal before their license expired. The Committee spoke to officials from the Executive Office of Public Safety, who explained that this was a somewhat unique situation, due in part to the fact that so many license renewals come due in the same month. These officials assured the committee that the Executive Office of Public Safety was aware of the problem, and were working on ways to reduce these excessive delays.

- The Committee recommends a simple change in the law that will keep the license valid until the application is re-approved or denied by the Commonwealth. A simple rewording of the law to read in the appropriate sections that “a firearm identification card or a license to carry a firearm shall be valid, unless revoked or suspended, for a period of not more than 6 years from the date of issue, except that if the cardholder or license holder applied for renewal before the card or license expired, the card or license shall remain valid after the expiration date on the card or license, until the application for renewal is approved or denied.” By eliminating the 90 day period the onus is put back on the government to perform its bureaucratic duty. The Committee also recommends that more must be done to expedite the process of gun license renewal and

that the Executive Office of Public Safety should assign additional staff to handle the existing backlog in license renewals. This should include the upgrade of law enforcement computer systems so they have access to latest technology.

- The Committee endorses a proposal by the Massachusetts Chiefs of Police for a change in the law that provides for a workable civil penalty for an expired license or an expired firearm identification card.

Improved and consistent firearm safety and training required to obtain a license.

In testimony provided to the committee, the committee members heard that there is a wide variation in the quality of firearms training courses. Some courses stress firearm safety, and include a required live shooting component, while others require no live fire training, and spend much less time on gun safety issues.

- The Committee recommends the development and implementation of firearms training consistent with existing licensing standards, and new suitability guidelines developed by the Massachusetts Chiefs of Police Association and the Massachusetts Gun Control Advisory Board. This training should require applicants to complete a firearm safety course that contains an extensive live fire component. Current safety classes are not required to include live fire.
- The Committee also recommends that this firearm safety course be standardized and accredited, while requiring a number of components. These components should include safe handling of firearms, live fire, safe storage of firearms, and a clear understanding of Massachusetts firearms law. We also recommend that the firearm safety course include a module on suicide. The Committee recommends that this course should be designed, based upon the recommendations of the Massachusetts Chiefs of Police Association and the Massachusetts Gun Control Advisory Board. The Committee recommends that the Massachusetts Gun Control Advisory Board recommend the appropriate regulations establishing this procedure to the Executive Office of Public Safety.

Establish consistency with Federal and among State Laws.

Some Massachusetts firearms laws run contrary to Federal Law and some state regulations. These inconsistencies are confusing to lawful gun owners and police officers. These inconsistencies must be eliminated. For example some Massachusetts residents can have their right to possess a firearm identification card restored, if five years have passed following a felony conviction. This provision runs contrary to federal law, which prohibits a convicted felon from possessing a firearm.

- The Committee recommends that the law should be changed to prevent a convicted felon from receiving a firearms identification card.
- Massachusetts licensing authority should deny any federally prohibited person from acquiring any firearm.
- There are currently two separate lists of approved firearms in Massachusetts. The Executive Office of Public Safety's approved weapons roster established by law and the Attorney General's consumer protection regulations established under administrative rules and regulations. This is confusing to police chiefs, officers, gun dealers, and the gun owner. The Committee recommends that the Attorney General's list and the Executive Office of Public Safety list be made consistent.

Legal Gun Owners

Most gun owners buy their guns legally, keep guns properly secured in their homes and notify officials when their gun is lost stolen or sold. These gun owners do this, not only because it is the law, but because they believe it is how responsible gun owner should behave. It became clear to the committee that many of these responsible gun owners feel they are being unfairly labeled as contributing to gun violence as the debate about legislative changes to our states gun laws become increasingly polarized.

Unfortunately some gun owners do not act in responsible ways. They do not secure their guns in their homes and do not report to authorities when their guns are lost, stolen or sold. It is from these owners that guns get into the illegal hands. Our recommendations are intended to tighten the already strong gun legislation in Massachusetts, and are directed toward those irresponsible gun owners, who do not follow the Commonwealth laws and regulations.

Reducing Gun Trafficking

The Committee was informed that while Massachusetts law currently requires all private firearm transactions to be reported to the State through the Executive Office of Public Safety and Security, some number of transactions are never reported. Guns transferred in private unreported transactions have been implicated in a series of gun crimes through ATF tracing records. The committee was also told of cases where guns used in a crime were traced back to

an owner who had never noticed that their gun was missing. The committee believes that Massachusetts can do more to improve documentation of guns transferred in the secondary market.

- The Committee recommends that the law should be changed to require background checks for all secondary private firearms sales and that these sales and checks should be completed through a licensed firearm dealer. The committee recognizes that exemptions may be necessary to this legislation (e.g. guns purchased before 1999)
- The Committee recommends an increase in civil penalties for failure to report a lost or stolen firearm and the addition of criminal penalties for third or subsequent offenses.
- The Committee recommends the requirement that records of firearm sales from defunct firearm dealers be transmitted to the Executive Office of Public Safety as well as to ATF.
- The Committee recommends that upon license renewal each gun owner in the Commonwealth verify and sign an affidavit that he or she still owns all the guns legally registered to them.
- The Committee recommends that all employees of firearm dealers pass a background check
- Since many crime guns are trafficked into Massachusetts and within Massachusetts, the Committee recommends that all crime guns be routinely traced, and that the data from these traces be shared with criminology, public policy and public health researchers and with other law enforcement agencies.

Mandatory storage of firearms.

Massachusetts law is clear on the safe storage of firearms. The Committee wholeheartedly endorses safe storage. Virtually every gun begins as a legal gun, in the hands of someone who passed a background check. A major way guns get into illegal hands is through gun theft. To help prevent criminals from obtaining firearms, as well as to reduce gun accidents and suicide, Massachusetts law currently requires the safe storage of handguns, and already provides a tax incentive (e.g., no sales tax on gun safes) to secure guns safely.

- The committee recommends an additional financial incentive be considered, such as a tax credit for the purchase of a gun safe. Massachusetts gun owners should have no reason not to obey the Massachusetts state's safe storage law.
- The committee does not support legislation that firearms only be stored at gun ranges as many ranges are not equipped to store weapons

Measures to improve school safety

Massachusetts schools are generally safe, as are schools throughout our nation. But given the fact that violence does occur on an extraordinarily rare basis, the degree to which such violence causes anxiety in our communities, among parents of school children and students themselves, calls for the development of programs that enhance school safety and mitigate anxiety..

Schools are required to have safety plans; however, such plans should be more comprehensive and developed in collaboration with school officials, police, parents; community agencies; and local fire departments. Effective plans embrace best practices that meet defined standards. The Secretary of Education, along with the Commissioners of Early Learning, Elementary and Secondary Education, and Higher Education, should be called upon, with members of their learning communities, to develop protocols for reviewing School Safety Plans, thus assuring the general public that every School Safety Plan throughout the Commonwealth has been reviewed and meets established standards.

Standards:

Effective plans have strong communication between schools and emergency personnel. At the forefront of any effective plan should be guarantees that the lines of communication are open between school officials and local police and fire departments. In addition to their joint development of a collaborative safety plan, plans should embrace mechanisms to keep lines of communication open in cases of any emergency need. School personnel should have immediate access to police or fire. One option might be the purchase of school radios with a frequency for two-way communication to police and fire. Used only in case of an emergency, the communication channel will allow for up-to-date information about any incident with ongoing communication between school officials and emergency personnel throughout any emergency situation.

Effective plans include robust mental health services and supports. Mental health services need to be expanded in our schools. There is a need for more school social workers and mental health professionals working in collaboration with our schools. There should also be more opportunity for troubled youth to receive timely help and assistance for their concerns-- to prevent an individual's problem from becoming a major societal problem

Effective plans have embraced Community Policing strategies. At the school level, use of School Resource Officers (SROs) is an option that can bridge the needs of the schools and community with general conditions of safety and order. Any SRO should be appointed jointly between the Chief of Police and the Superintendent of Schools. To be effective, SROs become part of the school culture and participate in school professional development activities and other relevant educational trainings. SROs should follow the directive of the Superintendent or designee relative to issues of school discipline, and the law relative to any felonious matters. It's essential that the SRO is accepted as a member of the school community, and embraces the concept that schools are learning communities where mistakes are made and behaviors are modified with

the understanding that the degree to which traditional policing powers are applied is done so in consultation with the Superintendent or designee. Not all police officers can be successful SROs, the selection and training of these officers is crucial. The performance of all SROs should be reviewed annually.

Effective Plans have staff education programs in place. All staff should be apprised of emergency procedures in any school safety plan. Time should be taken at administrative meetings throughout the year to review emergency and safety procedures. Proactive programs such as Advisor/Advisee and Open Circle should be explored for adoption, thus increasing all staff members' ability to assist students with problems when they begin and before they grow. In addition to standard fire drills, evacuation drills should be conducted that re-route students from traditional exit routes, thus emulating more need to be thinking when exiting while staying safe from a problem that may exist along a standard evacuation route.

- The Committee recommends that Secretary of Education convene a working committee to develop standardized protocols for School Safety Plans for elementary, secondary and post secondary schools in the Commonwealth. The protocols will include a process of establishing school system baseline, process for review and annual assessment
- The Committee recommends that these protocols include procedures for communication with first responders; emergency drills; and strong engagement with providers of mental health/substance abuse services.
- The Committee recommends that school's systems should have School Resource Officers (SROs). SROs must be jointly appointed by the School Superintendent and Police Chief. Appointment cannot be made solely on seniority. These positions are unique and require a special skill of a police officer working in a learning/educational community. The State should consider providing partial funding for SROs.
- The Committee recommends that schools must develop a comprehensive mental health support plan as part of their core safety plan. A mental health support plans is not just for emergencies, but to provide support and assistance to students, teachers, administrators and families The committee does not endorse one specific model; there are several evidence based and promising practices including but not limited to Mental Health First Aid, Trauma Sensitive Schools and others.
- The Committee recommends that each school should have access to two way communication to municipal police on the City/towns frequency only for use in emergency situations
- The Committee recommends that grant programs for initial training should be developed for the expansion of advisor/advisee programs in schools
- The Committee recommends doubling the penalty for possessing an unauthorized firearm on school grounds from one to two years and making this offense a statutory right of arrest.

Violence, Mental Illness and Substance Abuse

The committee urges that any legislative changes not further stigmatize individuals with mental disorders nor ostracize individuals from seeking treatment and services. Mental disorders, of which depression is the most common, affects nearly 1 in 10 American adults. Between 3 – 5% of violent acts committed in the US are attributed to individuals with serious mental illness; most of these acts do not include guns. Despite the public perception of mental illness, individuals with mental disorders are 11 times more at risk of being victims rather than perpetrators of violence. Evidence based research points to the following groups of individuals are at heightened risk of future violence: individuals convicted of a violent misdemeanor; individuals subject to a temporary domestic violence restraining order; individuals convicted of two or more DWI/DUIs in a period of five years; and individuals convicted of two or more misdemeanor crimes involving a controlled substance in a period of five years.

However, the National Instant Background Check Systems Improvement Act of 2007 requires states to transmit to the National Instant Background Check System (NICS) records with respect to (i) persons who are unlawful users of or are addicted to a controlled substance as demonstrated by arrests, convictions and adjudications and (ii) persons who have been adjudicated as a “mental defective” or committed to a mental institution. Massachusetts is not in compliance with current federal reporting requirements. The Committee believes that only individuals who are drug dependent, substance abusers or have mental illness based upon a judicial finding of either substance abuse or mental illness and a likelihood of serious harm should be reported to NCIS. Individuals who seek voluntary treatment or are involuntarily hospitalized for assessment and evaluation should not be reported. Adjudications are to be reported by the Trial Court to CHSB for transmission of the information to NICS.

- The Committee Recommends (See Appendix C for a summary of Massachusetts statutory commitment provisions) :
- Bring Massachusetts into compliance with the NICS Improvement Act, a data base of factors which disqualify a person from owning a gun .
- MGL ch 123 s 36(b) should be amended to permit transmission of adjudications under Chapter 123 to be report to CHSB for transmission to NICS
- Individuals adjudicated for substance abuse under MGL ch. 123 s. 35 should be reported to CHSB for transmission to NCIS.
- Involuntary commitments under MGL ch 123 sections 7&8, 16(b), 16(c) and 18 should be reported to CHSB for transmission to NICS.
- MGL sections 12(b) and 12(e) should be amended to clarify that these admissions are for evaluation, notwithstanding the fact that the individual may accept treatment.
- CHSB’s statute should be reviewed and amended if necessary to authorize it to transmit data to NICS and to provide the mental health and substance abuse records report to it by the Trial Court are not public records subject to disclosure.

- Often the people who are the most likely to identify a person who is a danger to themselves or others are family members who regularly interact with the individual. The Committee recommends that the state consider a public service campaign that encourages family members to get help obtain serves for and remove firearms from the homes of individuals who may hurt themselves or others due to a personal crises such as a divorce, loss of employment or other personal crises.

Mental Health Services and School Supports

The Commonwealth's public mental health system has eroded over the past ten years; on a relative basis, there was more funding for public mental health services in 2003 than in 2013. A continuum of community based services for youth and adults, including intensive outpatient programs, residential, inpatient, and intermediate care and evidenced based programs such as Programs for Assertive Community Treatment, mobile Crisis Intervention Teams, and peer support services are lacking.

For the first time in thirty years, mental, emotional and behavioral health conditions have displaced physical illnesses, including asthma, as the top five disabling health conditions affecting 8% of children and youth in the United States. These numbers suggest that there must be a different approach for early identification of children and youth, supporting them and their families in receiving timely assessment and treatment that facilitate school success, and not school failure.

Understanding the importance of supporting children with social, emotional and behavioral disorders, the Legislature passed Chapter 321 of the Acts of 2008: An Act Relative to Children's Mental Health. One of the provisions was to bridge the mental health and educational systems to support youth in their social and emotional development, in addition to educational success. This provision has yet to be realized

- The Committee recommends that the Legislature revisit and revise Chapter 321 of the Acts of 2008 to strengthen the provisions of school based mental health services for children and youth.
- The Committee recommends increased funding for school based, comprehensive mental health services to promote early identification , assessment and support for children and youth with social, emotional and behavioral disorders to be successful in educational settings.

Urban Violence

While school shootings have received much attention, particularly since the Newtown shooting the committee notes that more youth, particularly youth of color are killed in urban areas than are ever killed in schools. The committee was told by urban law enforcement officials that urban gun violence was often the result of gang or drug activity. The committee met with law enforcement leaders from a number of cities in the Commonwealth and was told that to combat urban gun violence a comprehensive approach was necessary. The committee was told that increasing penalties for gun violence was not the answer, but that programs had to be put in place or expanded to offer services to at risk youth in our cities. The committee was also told that addressing only the youth at risk for violence was less effective than programs that offer services to the youth and his or her family. The committee was told of programs such as PACT and SSYI that are excellent examples of comprehensive approaches to reduce gun violence by youth. Law enforcement leaders felt that they had tools to deal with the violence that was occurring but they were looking for ways to prevent this violence from occurring at all.

The Committee Recommends consideration of investments in the following areas

- Increase funding for mental health and substance use disorders resources in urban areas, and work with health plans and health insurance companies to increase coverage of mental health services for children, youth and adults.
- Increase funding for neighborhood outreach workers, who provide services directly to at risk youth to decrease gun violence in urban areas.
- Expand the statewide gun violence programs that works with entire families to reduce gun violence
- Increase funding for/expanded job programs for teens in urban areas.
- Increase funding/expand diversion programs for juvenile offenders.
- Increase funding /expand or create more family intervention programs for delinquent teens/juveniles at risk.
- Increase funding for early intervention/violence prevention programs but at earlier ages – 9 or 10 years old
- Increase funding for data collection and research

Conclusion

Overall Massachusetts continues to be a leader nationally in efforts to reduce gun violence. The Committee believes that even more can be done. The committee conducted its own research and conducted conversations with individuals who hold a wide variety of opinions on strategies the Commonwealth should adopt. At the end of this process, this report presents 44 specific

recommendations for ways to further reduce gun violence in the Commonwealth. The Committee recognizes that changes such as those proposed in this report may be challenging, but if adopted, provides a pathway to further reduce gun violence in the Commonwealth.

Appendix A

PROFESSIONAL BACKGROUNDS OF COMMITTEE

The individuals appointed to this committee have a great deal of expertise in their professional fields.

Chairman Dr. Jack McDevitt is the Associate Dean for Research for the College of Social Sciences and Humanities at Northeastern University. Jack also directs the Institute on Race and Justice and the Center for Criminal Justice Policy Research. Jack is the co author of three books *Hate Crimes: The Rising Tide of Bigotry and Bloodshed*, *Hate Crime Revisited: American War on Those Who Are Different* (both with Jack Levin) and *Victimology* (with Judy Sgarzy). He has also co-authored a number of reports on hate crime, racial profiling and human trafficking including a monograph for the US Department of Justice on local law enforcement experiences with cases of human trafficking. He was part of a group who conducted a security audit for the salt Lake City Olympics, the first post 9/11 Olympics. He was recently appointed by the Speaker of the Massachusetts House of Representatives to Chair a Gun Violence Commission to make recommendations on ways to reduce gun violence in the Commonwealth. Over this period he has published numerous articles on a wide variety topics in criminal justice. He has spoken on hate crime, racial profiling human trafficking and security both nationally and internationally and has testified as an expert witness before the Judiciary Committees of The US House of Representatives and as invited expert at the White House.

Robert Cerasoli has a 42-year record of outstanding public service. He has provided major contributions to responsible professional ethical conduct in the Commonwealth of Massachusetts, the City of New Orleans, Louisiana, the national Inspectors General community, and in nine foreign nations.

Cerasoli, a native of Quincy, Massachusetts, received his Bachelor of Arts in Government and Public Administration in 1969 from The American University. In 1988, Cerasoli received a Master of Public Administration from Harvard University. He is a Certified Inspector General (CIG), Certified Inspector General Investigator (CIGI), Certified Inspector General Auditor (CIGA), Certified Fraud Examiner (CFE), and Certified Government Financial Manager (CGFM).

Cerasoli possesses three decades of teaching experience in ethics, auditing, oversight, financial management, and anti-corruption practices. He has taught courses at Bridgewater State University, Eastern Nazarene College, Newbury College, Quincy College, New Hampshire Community Technical College, and for the Association of

Inspectors General at American University in Washington, D. C., and John Jay College of Criminal Justice in New York City.

Cerasoli combines teaching experience with decades of practical experience in the field. He served as a Representative in the Massachusetts House of Representatives from 1975 to 1991. He served as the second Inspector General for the State of Massachusetts for two five-year terms, the maximum allowed by law, from 1991 to 2001. The Massachusetts Inspector General was the first statewide Inspector General position created in the U.S. and the first Inspector General position created outside of the federal system. He also served as the first Inspector General of New Orleans, Louisiana from 2007 to 2009, where he set up the office from the ground up after Hurricane Katrina. As one of the original founders and charter members of the Association of Inspectors General (AIG), Cerasoli literally wrote the book—he proposed, developed, and co-authored the Certified Inspector General (CIG) concept and the creation of the Principles and Standards for Offices of Inspectors General, called the Green Book. This book was used as a basis for the creation of the Inspector General office in New Orleans.

Dr. Paul Dakin began his career as a private school teacher and administrator. In 1993, after nineteen years in private schools, he began working in public schools and is currently in his twelfth year as Superintendent of the Revere Public Schools (RPS) in Revere, MA. Dr. Dakin has chaired the Board of Directors for the North Shore Consortium for Staff Development and co-facilitated the Massachusetts Urban Superintendents' Network. He is also Past President of the Massachusetts Association of School Superintendents. Throughout his tenure he has presented at numerous seminars and state conferences for the Massachusetts Association of School Superintendents (MASS), Mass Association of School Committees (MASC), the Association of School Business Officials (ASBO), Mass Insight, Mass 2020, and most recently at USDOE's spring conference on "Collaborating to Transform the Teaching Profession" in Cincinnati, OH.

Dr. David Hemenway is an economist and Professor at Harvard School of Public Health, where he has received ten Harvard teaching awards, and a former James Marsh Visiting Professor at Large at the University of Vermont. He is Director of the Harvard Injury Control Research Center and the Harvard Youth Violence Prevention Center. He has received the Excellence in Science award from the injury and violence section of the American Public Health Association and fellowships from the Pew, Soros and Robert Wood Johnson foundations. In 2012 Hemenway was recognized by the Centers for Disease Control and Prevention as one of the twenty most influential injury and violence professionals over the past 20 years. Dr. Hemenway has written 175 journal articles and is sole author of five books, including Private Guns Public Health.

Dr. John Herman is Associate Chief in the Department of Psychiatry at MGH. He also serves as Medical Director for Partners HealthCare Employee Assistance Program serving more than 80,000 Partners employees and their dependents. In 2002, Dr. Herman was appointed to the Commonwealth's Board of Registration in Medicine where he served as its Chairman from 2007- 2009, and was also chairman of the Medical Board's Patient Quality and to Safety Committee. Dr. Herman is past-President of the American Association of Directors of Psychiatry Residency Training, and is a Distinguished Fellow of the American Psychiatric Association. Herman is active in addressing the challenge of limited access to mental health services, particularly the gap between the quality of mental health care delivery in the community and rapidly accelerating advances in psychiatric practice.

Chief James Hicks has been the Chief of Police for the Town of Natick since 2011, and the President of the Massachusetts Chiefs of Police Association since 2012. He also serves as Chairman of the Municipal Police Training Committee. He began his career in law enforcement in 1984, serving on the Brandeis Campus Police Department. Prior to his service in the Natick Police Department, Chief Hicks was a member of the Waltham Police Department from 1995 to 2001, and Chief of Police in Bedford from 2001 to 2011. During his career he was worked on several working groups and committees throughout the Commonwealth of Massachusetts, including serving as the Secretary of Public Safety's Working Group on Racial Profiling. He has also trained police cadets and has taught courses on Cultural Diversity, Hate Crimes, Report Writing and Courtesy to the Public for the Massachusetts Criminal Justice Training Council.

Marylou Sudders is Associate Professor and chair of the Mental Health & Health Program at Boston College's Graduate School of Social Work, and also serves as a mental health expert for the U.S. Department of Justice. In 2012 she was appointed to the Commonwealth's Health Policy Commission, and also served as the Commonwealth's Commissioner of Mental Health for seven years. She has testified before Congress on the issue of mental illness and criminal justice. She is a founding member of the Children's Mental Health Campaign. The recipient of many awards, Sudders was honored with the National Association of Social Workers highest national award for mental health policy and as social worker of the year by its Massachusetts chapter.

Raffi Yessayan is a criminal defense attorney with offices in New Bedford and Quincy, MA. He also serves as one of the supervising attorneys for the Norfolk County Bar Advocate program, representing the indigent in criminal proceedings. Prior to opening his practice, Yessayan served as chief of the Gang Unit in the Suffolk County District Attorney's Office. In that position he worked closely with law enforcement

agencies in identifying and prosecuting violent, repeat offenders and lectured nationally on the issues of gangs, guns and crime prevention strategies. He is also the co-creator of the Understanding Violence film and curriculum, a prevention initiative designed to keep young people from getting involved with guns, drugs and gangs.

Lyndsay Thompson serves as Research Assistant to the Gun Violence Advisory Committee, as part of the Center for Criminal Justice Policy Research at Northeastern University. She is a graduate student at Northeastern University and will receive a Masters of Science in Criminology and Criminal Justice in May 2014. Ms. Thompson has prior professional experience working in government and public affairs, legal services, advertising, and nonprofit fundraising.

Appendix B
TIMELINE

| DATE | GROUPS | TOPICS DISCUSSED |
|--------------------|-------------------------|--|
| May 29, 2013 | Democrat legislators | Urban gun violence, more mental health services, waiver of mental health records, liability insurance, increasing penalties for firearm possession, safe storage, increase sales tax on guns |
| June 18, 2013 | Small town police | Balancing standardization of suitability with police discretion; training on license process; quality of firearms training courses and certification of instructors; eliminate class B license; elevating suitability standards for FID cards, access to MH records at private facilities; current length of license renewal process |
| July 2, 2013 | Republican legislator | Relative rarity of school shootings versus urban gun violence; Increase penalty for illegal firearms possession; standardization of guidelines for police chiefs; educational and gun safety programs; simplification of licensing process; would not oppose live fire requirement for training courses |
| July 9, 2013 | Mental health advocates | Don't stigmatize the mentally ill; mentally ill more likely to be victims than perpetrators of violence; substance abusers at risk for violence more often than mentally ill; mental health records and privacy concerns; firearms and suicide prevention |
| July 30, 2013 | School superintendents | Collaboration between police and school administrators in school safety planning; best practice standards to work off of in creating safety plans; no unfunded mandates; mental health resources for children in schools; school resource officers. |
| September 12, 2013 | Gun owner groups | Unfair targeting of responsible gun owners; live fire training on ranges; gun safety awareness with children and families; increase penalties for illegal users; proper response to active shooter situations; ALICE program; private sales of firearms and background checks; slow license renewal process which puts licenses at risk of violating the law in the interim. |
| September 19, 2013 | Gun control advocates | Participation in NICS background check system; background checks for private secondary sales; inclusion of a statute for trafficking beyond illegal sale; one gun a month provision; increase mand. minimums; bring gun manufacturers and dealers into discussion, hold manufacturers in the state more accountable; expand suitability to include long guns; increase penalties for failure to report lost/stolen gun. |
| September 27, 2013 | Urban law enforcement | Illegal guns in Boston never more accessible to youth than now; penalty for unlawful discharge should be a felony; more deterrence for bringing gun on school grounds; change in culture that promotes gun violence as the answer to conflict; educate straw purchasers on consequences; harsher penalties for failure to report lost/stolen guns; better computer systems to speed up fingerprint and licensing process, and enable utilization of better gun tracing technology and biometrics; funding for more staff to handle increase in license applications; divert dealer records to state public safety agency; more wraparound services to families of at-risk youth; earlier intervention with at-risk youth and their families; job programs for at-risk youth fundamental to keeping them out of gangs and away from violence; focused deterrence with |

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| | | high-risk offenders; more ex-offender re-entry services. |
| December 13, 2013 | Parents of Children with Mental Illness | The need to deal with entire families not just youth; need to avoid further negative focus on those with mental illness, victimization and harassment of youth with mental illness, need for additional services to youth with mental illness |
| December 13, 2013 | Firearm Retailers | Review of identification policies for all firearms sold in Mass; training needed for sales staff including background checks and red flags; average purchasing practices of firearm buyers |

Appendix C

The following chart summarizes the commitment sections contained within MGL Chapter 123.:

| Section | Provision |
|--------------------|--|
| §12(b) | Admission for up to 3 days upon determination by examining physician that failure to hospitalize individual would create a risk of serious harm by reason of mental illness. Individual has right to apply for voluntary admission. Individual must be discharged at the end of 3 days unless facility has petitioned for commitment. Admissions under §12(b) do not require court involvement. |
| §12(e) | Order of commitment for up to 3 days upon the determination by examining physician or psychologist that failure to hospitalize individual would create a risk of serious harm by reason of mental illness. Individual has right to apply for voluntary admission. Individual must be discharged at the end of 3 days unless facility has petitioned for commitment. |
| §7&8 | Commitment for treatment for an initial period of up to 6 months (and annually thereafter) upon a judicial finding that the individual has a mental illness and that discharge of the individual would create a likelihood of serious harm. |
| §16(b) and (c) | Commitment for treatment for an initial period of up to 6 months (16(b)) and annually thereafter (16(c)) of a defendant who has been found incompetent to stand trial or lacking criminal responsibility upon a judicial finding that the defendant has a mental illness and that discharge of the defendant would create a likelihood a serious harm. |
| §18 for evaluation | Commitment of a prisoner for observation and examination to determine whether the prisoner meets criteria for commitment under §§7&8. |
| §18 for treatment | Commitment of a prisoner upon a judicial findings required for commitment under §§7&8. |
| §35 | Commitment of an individual for the treatment of alcoholism or substance abuse for an initial period of thirty days based upon a judicial finding that the individual is a substance abuser or alcoholic and that release of the individual would create a likelihood of serious harm. |
| §36(b) | Duty to warn. A licensed mental health professional believes that a client has communicated to the licensed mental health professional an explicit threat to kill or inflict serious bodily injury upon a reasonably identified victim or victims and the client has the apparent intent and ability to carry out the threat or (b) the patient has a history of physical violence which is known to the licensed mental health professional and the licensed mental health professional has a reasonable basis to believe that there is a clear and present danger that the patient will attempt to kill or inflict serious bodily injury against a reasonably identified victim or victims |