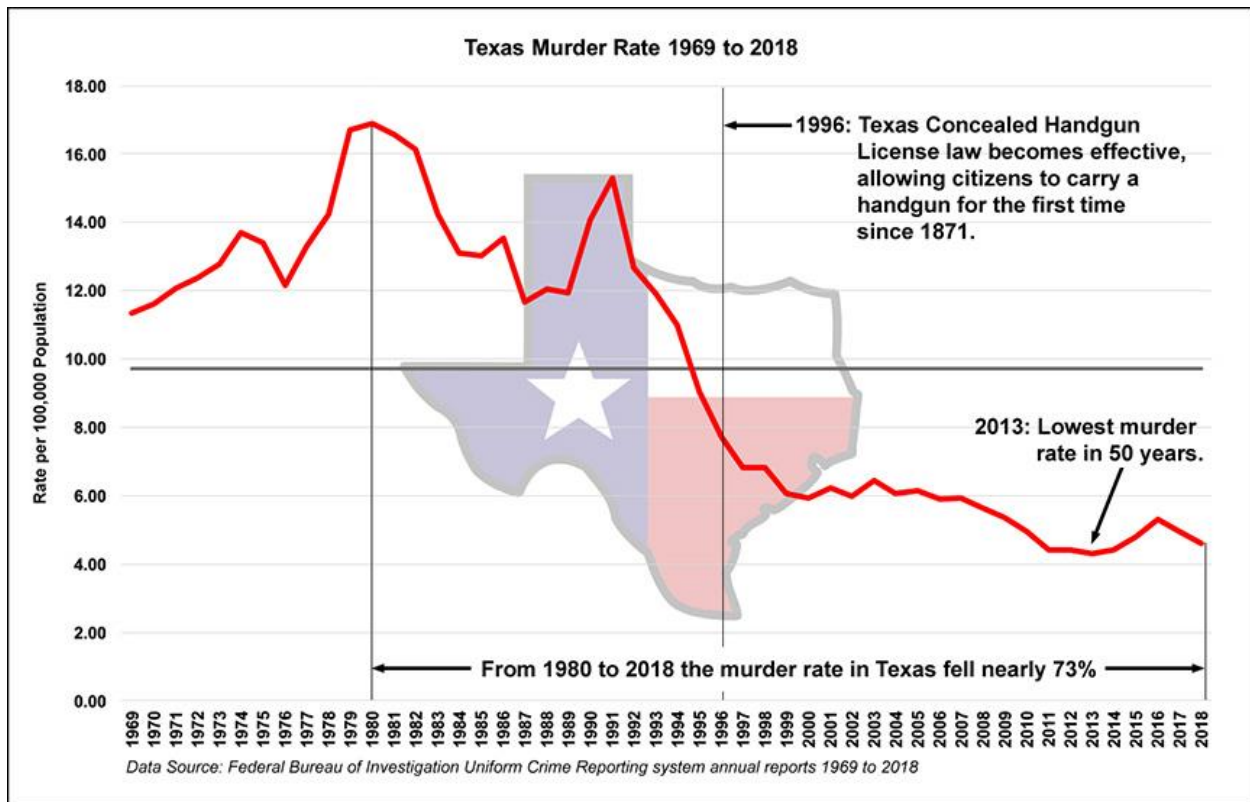


Comments in response to solicitation from the House of Representatives Select Committee on Mass Violence Prevention and Community Safety

The legislative consideration of possible actions regarding mass violence prevention and community safety must begin with a serious, fact-based, discussion of the issues. More importantly, it must begin with an understanding of the issues in relationship to the state of Texas.

Perhaps the most important starting point is to dispel a popular belief. There has been no “surge” in gun violence. This myth is the result a deliberate effort to mislead the public promulgated by individuals and groups hoping to advance agendas, win political favor, and generate readership.

This is not only true in the United States, it is actually even more true in Texas, which has had a lower rate of murders than the United States as a whole for eight of the past ten years.



While increases were reported in 2015 and 2016, followed by decreases in 2017

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and 2018, what gets lost in the shuffle is that those figures are being compared to 2013, which had the lowest murder rate since 1960.

At this point, it is important to note the differences between the data reported by the Centers for Disease Control and Prevention (CDC) and those reported by the Texas Department of Public Safety (DPS) and the Federal Bureau of Investigation (FBI).

The CDC reports all homicides as homicides, regardless of the circumstances. The only exclusions are for suicides, justifiable homicides by law enforcement officers and those specifically designated as accidents by a coroner, medical examiner, or justice of the peace.

The FBI's figures include only those homicides that are the result of criminal action and are limited to murder and non-negligent manslaughter, both of which are defined as the willful killing of one person by another. They exclude suicide, negligent manslaughter, and justifiable homicide by a citizen acting in self-defense.

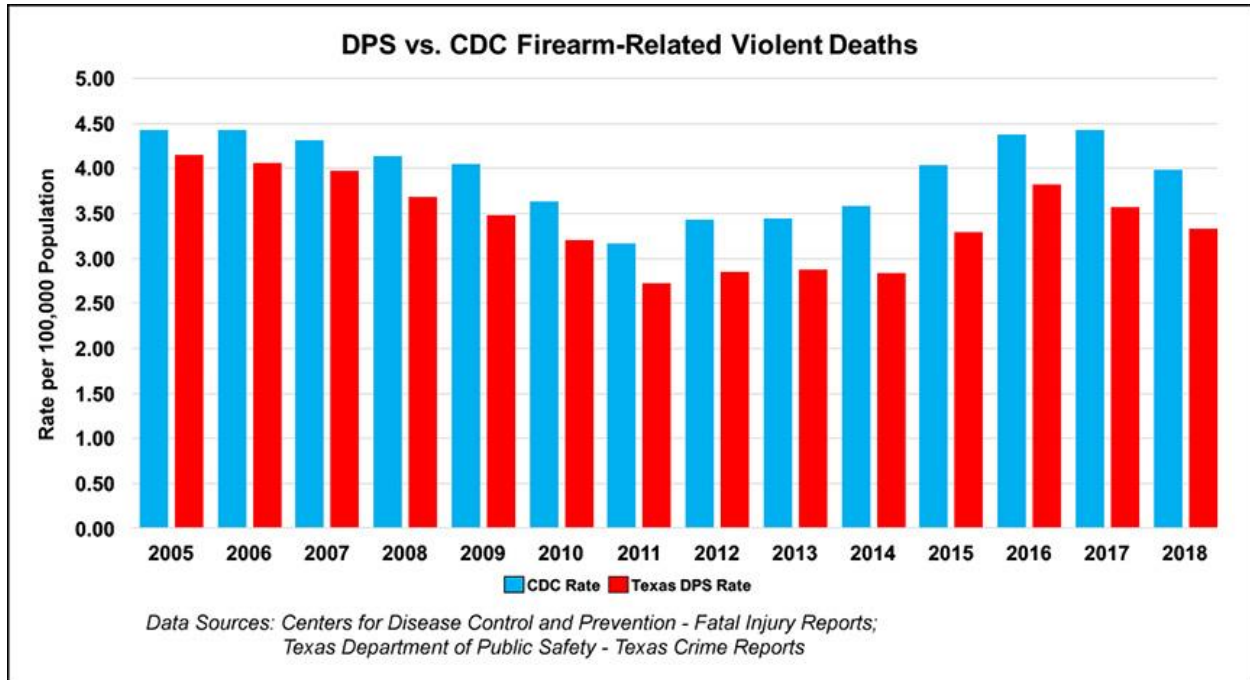
The DPS has an excellent record of providing detailed data on crime in the Lone Star state. In the past ten years, the DPS has reported nearly 2,000 fewer gun-related murders than the CDC's count of homicides. As a result, the gun murder rate in Texas was actually 3.33 per 100,000 population instead of the 3.99 claimed by the CDC. (*See chart next page*)

The inclusion of suicides in "gun violence" can only be a ploy by advocates of regulation to "pump up the numbers" to promote an agenda. There is no rational reason to lump two completely dissimilar acts under a manufactured heading intended only to provoke fear.

In fact, the inclusion of suicide with murder, simply because a particular instrument might be used in both, is detrimental to efforts to address the very serious health problem posed by the alarming increase in the number of Americans ending their own lives each year.

Over the past 20 years, the suicide rate in the United States has risen nearly 66% but the percentage of suicides committed using a firearm has declined slightly more than eleven percent. Over the same period of time, the percentage of suicides

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committed by suffocation soared 54%, a percentage that was even higher among women.

According to the CDC, looking only at suicides committed with a firearm neglects about 68% of suicides among women 18 and older.

Focusing on actual violent acts, there is no reason to believe that any of the heavily promoted gun control laws would have any effect.

In 1991, both California and Texas had gun-related homicide rates well above the national average. That was the year that California enacted a universal background check law, exempting only family members from the requirement to process all firearm transfers through a licensed dealer. At the time, the citizens of Texas were still barred from legally carrying a handgun by a Jim Crow-era law dating back to April 1871.

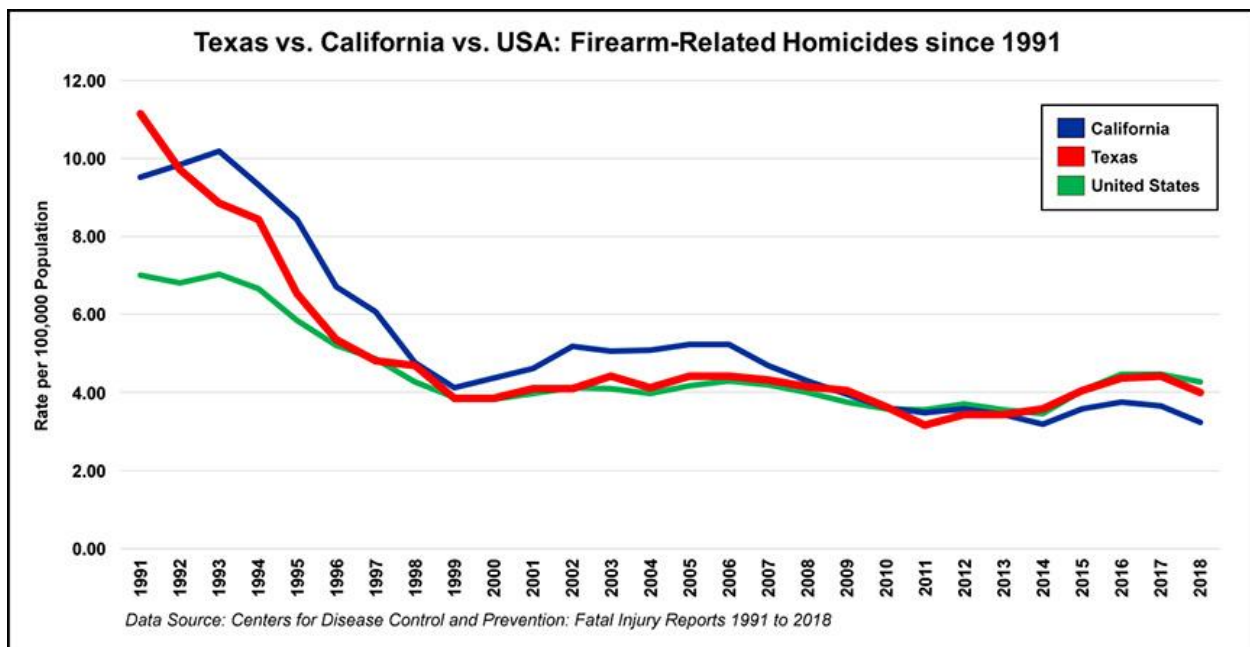
Over the years since that time, California has enacted a smorgasbord of gun control laws that basically cover all of the current advocate agenda as well as some that weren't on the list at the time.

Texas, on the other hand, has enacted none of those laws. Instead, Texas finally made it legal for a Texan to obtain a license to carry a concealed handgun; adopted

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Castle Doctrine and Stand Your Ground laws; made it legal to have a concealed handgun in a motor vehicle or watercraft without a permit; allowed churches to have armed security teams made up of church members; enacted a strict preemption law forbidding counties and municipalities from adopting regulations more stringent than the state statutes; and allowed citizens to openly carry a handgun with a state-issued permit.

From 1991 to 2018, the rate of firearm-related homicides went down slightly more than 66% in California. In Texas, the rate dropped just over 64%. In 2018, both states had rates below the national rate.



The main thrust of Duty 4 deals with mass violence and community safety and areas where resources might be best allocated.

Out of 585 Texas towns and cities that reported crime data to the FBI in 2018, the 39 cities with populations of 100,000 or more accounted for 80% of the violent crime and nearly 82% of the murders. 76% of Texas municipalities reported no murders in 2018. So it makes sense to devote the lion's share of attention and resources to the larger cities.

While there is a popular movement to cut police spending, most of the schemes I have seen proposed or enacted in various cities are recipes for disaster. Most of them are politically expedient programs that will reduce the level of police service

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to the entire population without providing a concomitant benefit to the general public.

There is a case for diverting some funding in combination with the shifting of some types of calls to another responding service. This might be especially beneficial in calls involving mental health issues, the homeless, wellness checks and similar activities.

Some of these calls would be far better handled by people with training and experience in mental health issues or social workers.

This is not to be construed as criticism of law enforcement officers. But we ask very few other professions to don as many hats as we have given to our police.

By reassigning certain types of calls to other services, the police are free to handle their primary duties of protecting the community and enforcing the law.

The role of the Texas Legislature would be to ensure that these new responders have the resources they would need. These might include specialized facilities to observe, diagnose, and treat people exhibiting signs of mental distress or posing a potential threat to themselves or others. This could also mean having the ability to transport homeless people to a shelter rather than a jail cell or holding tank.

In the 53 years between the University of Texas Tower shooting and last August's murderous spree from Midland to Odessa, Texas has experienced 21 mass shooting and spree killing incidents.¹ 191 people have been killed and 214 have been wounded by killers driven by a range of influences from terrorism and assassination of peace officers to rage over intimate relations. There have also been cases where the shooter had been diagnosed with a mental disorder but either was not responding to treatment or had failed to maintain the treatment regimen.

There are various proposals that have been advanced to prevent mass killings but they generally fall short simply because they don't address the issue.

It's worth remembering what Mark Glaze, who had recently stepped down as the executive director of Everytown for Gun Safety and Mayors Against Illegal Guns, told the *Wall Street Journal* in 2014. Glaze was lamenting the problems being encountered with attracting support for the measures championed by the groups.

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“Is it a messaging problem when there’s a mass shooting and nothing that we have to offer would have stopped that mass shooting? Sure, it’s a problem in this issue.”²

As far as anyone has been able to demonstrate, the most effective strategy in preventing mass shooting incidents is awareness and action on the part of the public. The U.S. Department of Homeland Security’s “If you see something, say something” campaign can be an invaluable resource. Of course, this requires action on the part of authorities. The Florida commission created to investigate the shooting at Marjory Stoneman Douglas High School said the incident was the most preventable mass shooting in history and faulted school officials, the Broward County Sheriff’s Office and the FBI for allowing the tragedy to occur. It goes without saying that protocols for handling such information must be created to prevent malefactors from “swatting” innocent people, but maintaining open channels of communication is critical to developing solid intelligence.

Looking briefly at school shootings, the Center for Homeland Defense and Security’s database includes 143 firearm-related incidents in Texas over that past 49 years. The shooting at Santa Fe High School in May 2018 is the only mass shooting in a public K-12 school. A total of 47 students have been killed in these incidents but the largest percentage of those deaths (46%) were suicides. Another 23% were gang-related or escalation of disputes.

Since the majority of the shooters were too young to legally purchase firearms, one of the primary opportunities for intervention is simply to educate adults that own firearms about the importance of securing them. The state could promote Project ChildSafe³, a non-profit created by the National Shooting Sports Foundation, which has been promoting firearm safety and distributing kits that include a gun lock since 1999. The group has already distributed more than 38 million kits through law enforcement agencies nationwide.

Education and intelligent planning of strategies and allocation of resources can probably do more than any particular legislative agenda.

¹ This count includes incidents where there were three or more fatalities, not including the shooter.

² *Wall Street Journal* June 16, 2014

³ www.projectchildsafe.org