

**The Bill Blackwood
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**Gun Law Enforcement and Training:
Emphasis on Crime Prevention**

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ABSTRACT

The political debate over the Second Amendment has raged in the United States for the last 50 years. Europe has moved increasingly toward gun control laws, an example of just how the political debate can have a lasting consequence to the officers in the field ("Germany 2013," n.d.). To this end, it is imperative that law enforcement not only promote proper gun training programs but also not be overburdened with a society of victims. If civilians were left only to rely on law enforcement for all forms of protection, then all types of extraneous burdens would be placed on the officer. This has the potential to skyrocket the already exaggerated demands on the police force, thus leaving society more susceptible to crime and criminals.

Placing a greater emphasis on training programs for the law-abiding citizens allows them to properly and safely use their firearms. They become trained on the protocol of informing officers of guns and how to not be a threat to the officers themselves. This serves as a way to protect the citizen and the officer. However, more importantly, an armed civilian class is a strong deterrent to the criminal class.

The continued political argument related to gun control laws within the United States has served no real purpose other than to divide the populace. Gun control has become a litmus test for political candidates instead of a law enforcement issue. Therefore, it is now imperative that the law enforcement community refocus back to the original intent of the Second Amendment. With the preponderance of evidences provided, the argument no longer focuses on the political but what is best for law enforcement communities and general populace.

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INTRODUCTION

The Second Amendment to the Constitution of the United States includes the public's right to bear arms. This right has been a political hot button issue since Lyndon B. Johnson passed the first gun laws in 1968 (1968). As Johnson himself stated, "Today we begin to disarm the criminal and the careless and the insane. All of our people who are deeply concerned in this country about law and order should hail this day. In our democracy, crime control is a community problem" (American Presidency Project, 1968, para. 10). As a result, the debate has focused on the role of guns in society. Essentially the question is whether an armed civilian populace is a crime prevention method or whether the ease of gun access allows the criminal element to arm themselves (Vizzard, n.d.).

Both of these claims have some merit to them; however, when given the evidentiary case studies, a particular method can be concluded as superior. The majority of the countries of Europe have strict gun control laws. It is very rare for open access to fire arms to take place in Germany, France, or Italy. The German system of gun control is among the most demanding in all of Europe. Not only does it restrict the acquisition, possession, and carrying of firearms, but it also mandates a creditable need for that weapon. There is a total ban on fully automatic weapons. It also severely restricts the acquisition of all other types. Compulsory liability insurance is required for anyone who owns firearms. These measures have not stopped; German gun-control law continues to toughen with each year ("Firearms-Control Legislation," 2015). As a result, their violent crime rates will show how effective that method is ("Germany 2013," n.d.). Furthermore, cities such as Chicago, have also taken a firm gun control stance

and will give more tangible evidence to how this method works inside the United States. Conversely, the violent crime rates in such states, as Texas, will be observed, allowing for a direct comparison of the two approaches (United States Census Bureau, n.d.).

The history and reality of guns in America cannot be denied (Braham & Kahan, 2003). They are as much a part of the fabric of America as anything else, particularly in the South. To some, there is an instant hate for guns of all types. To others, the right to possess firearms is a long and well-established tradition that ensures civilian safety. Therefore, firearms serve a role in society of protecting those who would harm the innocent and maintain order by preventing and de-incentivizing crime.

Furthermore, based on these studies, the conclusion can be drawn that the best way to prevent crime is to educate the civilian populace to the safety procedures with firearms and the proper handling of them (Bugg, 2007). This should include but not be limited to: how to inform police of a firearm during a routine traffic stop, proper knowledge of self-defense, the rules of concealed handgun licensing, and standard gun safety. Police departments are already faced with the burden of protecting and serving an increasingly large public with decreasing amounts of funding. As a consequence of this, "The economic downturn of the past several years has devastated local economies and their local law enforcement agencies. Sworn to protect and serve the public, law enforcement faces a bleak outlook" ("Impact," n.d., para. 2). When also asked to enforce gun laws, it puts an overwhelming burden on the already strained department. With the limited resources, the focus of any department should be on crime prevention as a means to decrease the burden. Therefore, law enforcement agencies should promote proper gun training programs as a means to increase crime prevention.

POSITION

The debate over gun control has often been centered upon an individual's right to a firearm. However, from a law enforcement perspective, the primary tenant of this debate should refocus on preventing crime. An unarmed, uneducated civilian populace places a burden on law enforcement. As criminal elements are not opposed to committing crimes, by definition, then stronger gun laws would not prevent them from breaking the law.

For example, strong gun control laws have been prevalent in Europe for decades. As a result, violent crime rates have skyrocketed, as well as thefts, drugs and kidnapping. Germany alone has seen its crime rates spiral out of control over the last 25 years ("Germany 2013," n.d.). As of 2010, office reports indicated that there were 147 gunshot homicides and 170 in 2009. Even more were threatened with a gun during this same time period ("Firearms-Control Legislation," 2015). The German population is approximately 81.7 million ("Firearms-Control Legislation," 2015). Newer and stricter gun laws are being passed each year throughout Europe as a result of emotional reaction to school shootings. Germany has suffered several school shootings in the last decade, the most egregious of which occurred in 2002, 2006, and 2009. In 2002, a 19-year-old, who had been expelled from his high school in Erfurt, entered the school armed with a semiautomatic pistol, shot and killed 16 persons, most of them teachers, and then shot himself. In 2006, an 18 year-old entered his former school and shot and wounded five persons before killing himself. The incident led to increased statutory restrictions of the online distribution of violent computer games to juveniles ("Firearms-Control Legislation," 2015). However, these laws have not had the intended effects. In

fact, these efforts to make guns harder to obtain has led to an increase of 1% of violent/gun related crimes within the last two years (“Germany 2013,” n.d.). At first, that number does not appear to be significant until it is realized that it equates to thousands of new crimes each year. There is a direct link between the availability of firearms and the increase in violent crimes (“Germany 2013,” n.d.). When the criminal element has no anxiety about running over the populace, and they are very aware that the police are overburdened, then they have no deterrence to commit crime.

Deterrence, as a principle, takes on two forms: general and specific. It has been debated which is more appropriate for the United States justice system. General deterrence attempts to be proactive in that it attempts to prevent crime through legislation and the work of police officers (O’Shea, 2008). Specific deterrence is reactive in that it creates laws to specific instances, hoping to prevent them from happening again, such as school shootings. The specific deterrence lacks an overall objective and thus should not be the driving force behind policy-making, but instead an addition to previous more general policies. The debate then centers on which is of greater quality (O’Shea, 2008).

States such as Texas that have adopted lower restrictions on gun control enforcement have illustrated a greater reduction in serious crime than states that have adopted the counter position (Lott, 1997). In fact, some early studies comparing crime statistics across the United States have shown that murder and rape rates have fallen to much lower rates than those elsewhere (Lott, 1997). Based on these evidences, it become apparent that the best way to prevent crime is to educate the civilian populace to the safety procedures with firearms and the proper handling of them (Bugg, 2007).

This should include but not be limited to: how to inform police of a firearm during a routine traffic stop, proper knowledge of self-defense, the rules of concealed handgun licensing, and standard gun safety.

The best crime is the one that was prevented from ever occurring, thus reducing costs of investigation and prosecution and freeing more officers to work streets and solve the crimes that do occur. An armed populace is an integral part of this process. Police departments are already faced with the burden of protecting and serving an increasingly large public with decreasing amounts of funding. Consequently, “the economic downturn of the past several years has devastated local economies and their local law enforcement agencies. Sworn to protect and serve the public, law enforcement faces a bleak outlook” (“Impact,” n.d., para. 2). When also asked to enforce gun laws, it puts an overwhelming burden on the already strained department. With the limited resources, the focus of any department should be on crime prevention as a means to decrease the burden. Therefore, law enforcement agencies should promote proper gun training programs as a means to increase crime prevention.

The National Institute of Justice surveyed felony prisoners across the US if potentially armed citizens would have deterred them from someone they targeted (as cited in Wright & Rossi, 1985). Near 60% of the felons admitted that they would not attack, rob, or burglarize anyone they believed was armed (Wright & Rossi, 1985). A 2002 survey showed that more than 70% of law enforcement officers who took the survey agree that relieving gun laws will reduce violent crime rates (Gun Owners Foundation, 2008). Consequently, it can be unequivocally stated that an armed civilian is no longer a victim and part of the solution of crime in America.

COUNTER POSITION

As with the case of Germany, school shootings in the United States have given rise to specific deterrent mechanisms. These are most prominent in the role that President Obama has taken following the Sandyhook Elementary School shooting. In January of 2014, President Obama took extraordinary measures by signing two new executive actions that pushed his gun control agenda forward. These measures make it easier for states to check information about people with mental illness to the federal background check system; it is thought that this will limit the availability of weapons to those who are more likely to commit crimes (Parker, 2014). This federal background check system would serve as a registry for those with mental illness and criminal records, thus prohibiting gun ownership by a group of American citizens. This type of specific deterrence has worked in other parts of the world; however, it has not been effective in the general populace.

As evidenced with Germany, specific deterrence only works for specific incidences. It cannot and should not be the required generalist policy. Thus, specific deterrence must be an addendum to the standard policy. An armed civilian has the opportunity to fight back against a gunman, to take a stand and save lives instead of being helpless and a victim. This may seem counter-intuitive to more liberal mindset of non-violence; however, defending oneself is standard for nature and how man has managed to survive throughout history. Society must not reject the principles that have sustained generations just because "self-defense" offends modern sensibilities. Among 1,508 gun owners, nearly half of them (48%) volunteer that the primary reason they own a gun is for protection ("Security Surpasses," 2013).

With the proliferation of guns comes a certain element of potential gun violence. As gun laws, particularly the concealed handgun law (CHL), continue to increase in Texas, gun violations have increased also. Although these numbers have been used misleadingly by certain political causes, the fact remains that understanding the laws are important. The Violence Policy Center (VPC), a political group, examined statistics related to the 1995 start of the Texas CHL laws. The VPC claimed that in the first five and a half years that the Texas law was in effect, Texas CHL holders were arrested at a rate of two per day (“VPC Releases License to Kill III,” 2000).

There is a distinct difference between potential gun violence and actual gun violence. Every thunderstorm has potential to produce tornados, however few do and even fewer cause damage. Thus, potentiality should never be the reason why an important issue is neglected. As the VPC illustrated, those with guns were more likely to be arrested; however, they neglected to state whether they were indicted, which they were not. Also, the VPC is a political group that is focused on disarming the American populace, thus their credibility must be called into question. This is clearly illustrated: “The Violence Policy Center (VPC) works to stop gun death and injury through research, education, advocacy, and collaboration” (n.d., para. 1). Just because a statistic exists does not mean that it is meaningful. Also, when a website claims itself as an advocacy group, the statistics must further be questioned. Consequently, the official records of the state department should be preferred to the VPC, thus siding with the affirmative of the position.

Furthermore, there is a belief that gun laws should prevent the mentally disturbed from acquiring guns. This is a pipe dream at best. If someone wants to acquire a

weapon, they will find a way to do so. Also, there is no way to determine if the mentally ill have not sought out treatment and support regarding the issue. Thus, arming civilians would be a safer and more cost effective option than attempting to violate Family Education Rights and Privacy Act (FERPA) laws by creating a database of mentally ill (US Department of Education, 2015).

RECOMMENDATION

The continued political argument related to gun control laws within the United States has become alarming. No longer is gun control a law enforcement issue but now a political hot button used to acquire votes. However, when the conversation is refocused back to the original intent, then society is left with the evidences of what is best for law enforcement.

Police departments are faced with the growing burden of a victim populace that is unarmed and untrained in the face of an increasingly armed criminal element. Without education programs and training, police departments are setting up civilians for crime and persecution. Therefore, departments should increase focus on crime prevention through promoting gun-training programs.

Many will say that guns themselves are the cause of individual crime, such as school shootings. However, these points are invalid in that no one can stop a mentally ill patient from completing an action. Furthermore, specific deterrence only works on a very limited range, while general deterrence is much better for overall populace prevention. One crime prevented because of a residence owning a gun, is one less crime to solve and prosecute. This saves time, money, and manpower, all three of which are in critical need in stretched police forces.

Databases of mentally ill and fears of outdated Old West scenarios will not work to curb the increase in gun violence. These misconceptions only serve to further political stereotypes. With modern FERPA laws, a database concerning the mentally ill is already illegal federally. And the outrageous “gun fight” scenarios are misconceptions, since these were often a result in officers attempting to protect an unarmed populace against a criminal that disrespected the gun laws. These arguments are flawed and thus turn to the affirmative position.

Something to also consider is that since gun policy has become such a hot button issue that society can no longer trust sources of information concerning gun violence, hence why the government sources should be preferred. Institutions such as the Violence Policy Center are only concerned with manipulating the data to achieve a certain political end. This is ethically obtuse and should cause pause in any reasonable researcher on the subject.

The recommended plan of action is that every police department in Texas should undertake a mandatory training program of gun safety and laws for its citizens. These should be focused on previously instituted programs such as those in Prince William County Virginia. This program was begun in the late 1990's and continues today as a way for the department to meet the need of gun education. It offers classes to adults, but also children aged 13 to 17, when accompanied by an adult, so that citizens can learn how to properly operate a gun, handle a gun, gun safety and locks, and how to inform police of gun presence (Sorby & Wheeler, 2002). These programs would not only inform the populace but also deter criminal activity since the criminal would understand that the police were involved in how to use a firearm. Not only that, but this would also

improve the image of the police force in the town, as the emphasis shifts to serving a need, instead of always focusing on protecting. These policies bring balance and community harmony to the work of the police force.

Programs such as these not only ingratiate the police to the community but also build the strategic deterrence that is needed for long-term safety and success. If gun laws are not restrictive, then there must be gun education. This action should be done immediately to ensure safety and fighting crime in the most effective way, preventing it. Now is the time for action and success.

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