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Weapons On Campus

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ABSTRACT

Many states have in the past, and are attempting again, to enact or change law laws and statutes that affect the carrying of concealed handguns on college and university campuses. If these laws are changed or enacted, this would affect the way police officers respond to even the simplest of calls and have an even larger affect on the way police officers respond to emergency situations. The ability to carry concealed handguns in a closed and sometimes high stress community, such as a college or university campus setting, could lead to lethal resolutions to differences and problems and will change the way police officers interact with the college and university communities.

There are numerous books and publications concerning violence on campus in both public schools and higher education in most libraries. The events covered in these books is what brought on the subject of this paper. To date, there have many been books published concerning this specific subject, and the research is based on information and opinions collected from newspaper articles, current and proposed state laws, and police training curriculum.

The passing or changing of these laws would endanger the lives of many on a campus setting. A simple dispute between students, faculty, or staff could turn lethal just by the drawing of the immediately available weapon. Also police officers responding to calls for armed individuals or shootings could unintentionally shoot the scared and not trained person attempting to defend himself and not knowing how to react to the armed police officer suddenly appearing in front of him.

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INTRODUCTION

Under current Texas law (Texas Penal Code Section 46.03, Places Weapons Prohibited), it is illegal for a licensed handgun carrier to carry a firearm onto the physical premises of a school or educational institute. In the latter part of 2008 and early 2009, two bills were presented to both the Texas House of Representatives (HB 1893) and the Texas Senate (SB 1164) that would change the laws allowing licensed handgun carriers to carry firearms onto the campuses of Texas colleges and universities. These two bills stalled in process and were never passed. Early in 2011, two new bills were introduced (SB 354, HB 86) and are currently being considered. The stated need for these changes is due to the shootings that have taken place in the past ten years and would give the students, faculty, and staff of colleges and universities the ability to defend themselves in the event of a shooting on their campuses.

The proposed bills would allow the licensed handgun carrier to carry firearms onto the campus of any college or university and prohibits any state or federally funded institution from enacting policies that would prohibit the licensed handgun carriers from carrying firearms onto campuses. The proposed bills also neglected to make any changes to the current training requirements necessary to receive a concealed handgun license. Under Texas law (Texas Government Code, 2012), the only training required for a license to carry a concealed handgun is ten to fifteen hours of handgun use, proficiency, safety, the laws pertaining to weapons and deadly force, non-violent dispute resolution, and the storage and minor maintenance of weapons. There are no provisions in the proposed bills to extend this training to expand the license carrier's ability to determine when to shoot or how to protect themselves in a shooting situation.

The proposed bills should not be passed into law. If the proposed bills are passed into law, there would be an unknown amount of weapons on many campuses across Texas in the hands of both students and faculty and staff members. In these circumstances, law enforcement officers responding to a shooting event may not be able to tell the difference between the actual shooter and licensed handgun carriers defending themselves. Other possible situations can be student/teacher conferences quickly turning extremely violent or deadly if one or even both participants of the conference is a licensed concealed handgun carrier.

POSITION

In April 2007, Seung Hoi Cho went on a shooting spree at the campus of Virginia Polytechnic Institute and State University in Blacksburg, Virginia, shooting and killing 32 college students and faculty and then himself (Wentworth, 2011). In February 2008, Steven Kazmierczak shot and killed 5 and injured 21 students and faculty before killing himself in a shooting on the campus of Northern Illinois University (NIU.) in DeKalb, Illinois. In response to these shootings, many groups and legislators in Texas and around the nation began fighting to enact or change the laws in place to allow concealed handgun license holders to carry their guns on campus. This is currently not permitted by law in Texas and many other states. The proponents of these laws use the reasoning of giving the students, faculty, and staff an opportunity to protect themselves and others in a shooting incident. As quoted in his own column, "I want to put an element of doubt in a potential shooters mind. And, if some deranged person does open fire in a Texas college classroom or dormitory, I want to give faculty, staff, and students the ability to defend themselves" (Wentworth, 2011, para. 3).

One thing they all seem to fail to mention or consider is the fact that both of these shooters were either former or current students at the respective colleges. Also they fail to mention that both Cho (Siebel, 2008) and Kazmierczak (Boudreau & Zamost, 2009) had histories of mental illness and were still able to legally purchase the weapons they used in the shootings. There have been numerous studies completed involving college students, the stress they face as students and other studies concerning the number of students suffering from mental illnesses (Lewin, 2011; as cited in Nauert, 2010). The students either were already diagnosed prior to becoming students or were later diagnosed due to the stress and fatigue of being a college student.

One study conducted by Dr. John Guthman, PhD, of Hofstra University in Hempstead, N.Y. concluded that mental illnesses among students have increased over the last ten years (as cited in Nauert, 2010). The study conducted from September 1997 to August 2009 used the records of 3,256 students who contacted counseling support services at a mid-sized private university. According to Dr. Guthman, 93% of the students seeking assistance were diagnosed with at least one mental disorder. The number of students who were diagnosed with at least one mental illness rose to 96% in 2009. Several forms of screening and tools were used to diagnose the students. These included clinical evaluations, structured interviews, and the Beck Depression Inventory and Beck Anxiety Inventory. Both are widely used methods to test mood. Other results of this study included that the number of students who suffered from moderate to severe depression rose from 41% to 43%, the percentage of students on psychiatric medications for anxiety, depression, or ADHD rose from 11% to 24% and students who suffered from self injurious behavior rose from 4% to 8% (as cited in Nauert, 2010).

Another factor found to cause mental illness among college students is the stress they are under in their education, especially among freshman. A survey conducted by the Higher Education Research Institute (HERI), at the University of California, Los Angeles that studied the number of first year students who self reported their emotional health over a 25 year period beginning in 1985 (Driscoll, 2011). The survey showed the students who self-reported their emotional health to be in the highest 10%, or above average, as compared to their peers, dropped 3.4% from 1985 to 2009. The percentage of this in 1985 was reported to have been 55.3% and dropped to 51.9% in 2009. Another section of the survey reported that the number of students who reported to be overwhelmed by 'all I had to do as a high school student' moved up 2 percentage points from 27.1% in 1985 to 29.1 in 2009.

Another factor in the stress on students is the economic downturn over the past few years. According to the HERI survey, the number of students who needed to use loans for all or a portion of their tuition was at an all time high of 53.1% in 2010. Also due the economy, students needing to use scholarships or grants to assist with their tuition rose from 70.0% in 2009 to 73.4% in 2010 (Driscoll, 2011). According the Cooperative Institutional Research Program (CIRP), this was a significant increase and is at the highest level since 2001 (Driscoll, 2011). The Life Enhancement Office at Morehead State University in Kentucky placed a self help survey on the college website to allow students to judge for themselves as to the amount of stress they were suffering from (Morehead State University, 2011). The survey involved rating 31 questions, and corresponded to the events in their lives over the previous 12 months. Each question has a pre-designated score that represented the adjustment required by that student

due to the event or circumstance the questions related. The scores ranged from a score as low as 20 and as high as 100. To rate themselves, the student was to take the score of each question that pertained to their life circumstances over the past 12 months and then add them all together. If their score was 300 or higher, they were at high risk for developing a health problem. A score of 150 to 300 meant they had a serious chance of developing a health problem within two years, and a score of below 150 meant the student had a one in three chance of a serious health change. The questionnaire did go on to explain ways for the students to lower these responses and where to contact for help with the matters involving them.

All of these surveys and studies account only for the students who have reported to have or have been diagnosed as having a mental illness. They do not take into account the number of students who are either undiagnosed or who just simply do not know or believe they have a mental illness. According to the Texas Department of Public Safety, Regulatory Services Division, there were 461,724 concealed handgun license (CHL) issued as of December 31, 2010 (TXDPS, 2012). Approximately 7% of the applicants were between the ages of 21 to 26 and approximately 20% were under the age of 30. This does not include all CHL permits prior to January 2010 and since the law took effect in 1995. If the CHL applicant did not have any serious reported illness prior to the application, then there would be no record of the mental illness and the same circumstances involved with Seung Hoi Cho and Steven Kazmierczak are still very probable, and the passing of the suggested laws would simply make it easier for any individual, mentally ill or otherwise, to carry a concealed handgun on campus and

would, in effect, make it easier for the shootings at Virginia Tech and NIU to happen again in the future.

COUNTER POSITION

In the state of Texas, it is legal for any citizen to carry a concealed handgun if they complete a course that is state approved and successfully qualify with a handgun during the course. To qualify for a concealed handgun license (CHL), an applicant must meet the following qualifications: a legal resident of Texas for at least 6 months prior to the date of application, at least 21 years of age on the date of the application (anyone under the age of 21 may apply if they meet certain qualifications), has not been convicted of a felony, is not currently under charges involving the commission of a felony, Class A or B misdemeanor or equivalent or an offense under Texas Penal Code Section 42.01, Disorderly Conduct (Texas Penal Code, 2011), is not a fugitive from justice for a felony or Class A or B misdemeanor, is not considered chemically dependent which is defined as a person with 2 convictions within the past ten years from the date of application for offenses Class B or higher involving the use of alcohol or a controlled substance. The applicant must also be capable of sound judgment on the proper use and storage of a handgun, has not been convicted of a Class A or B misdemeanor or an offense under Texas Penal Code Section 42.01, Disorderly Conduct, within five years from the date of application, is qualified under state and federal laws to purchase a handgun, and has not been determined to be delinquent in child support payments, taxes or other required payments from a state or federal agency. If these qualifications are met then the applicant can be approved to attend a

state approved training class and upon successful completion of the class be qualified for a CHL.

The CHL applicant must then attend a state approved CHL instruction course. According to the Texas Department of Public Safety, the course must be between ten to fifteen hours in total training and is generally divided into two portions. The first portion is in a classroom setting and must include firearm handling, basic firearm maintenance and cleaning, ammunition, basic shooting principles, non-violent dispute resolution, and Texas laws pertaining to CHL carriers. This instruction includes how (and how not) to handle or carry a firearm, how to do basic maintenance on a firearm, and how to break down and clean a firearm. The instruction also includes the differences in ammunition types and hands off training on the basic techniques to fire a firearm. The remaining portion of the training is the actual firearms use and qualification. In this portion of the instruction, the applicants are taken to a state approved firing range, where they are then given training on range rules and regulations and hands on training on basic firearm use. Once this training is completed, the applicant then must qualify with their firearm. The applicant will shoot from distances of three, seven, and fifteen yards following a firing sequence as prescribed by DPS. The applicant will shoot a total of 50 rounds and must score a minimum of 70% (TAC, 2008). The target they are firing at is a black and white silhouette of a human torso with nine rings or circles starting as a small circle in the center of the target ranging outwards, getting larger as it spreads out. Any shots outside of the outer most circle are not counted so to get a minimum score of 70%, the shooter must get at least 35 shots in the prescribed area. Unless otherwise denied, the applicant will receive their CHL (TAC,

2008). The only time the licensee will need to anything else to retain their license is to qualify again upon the expiration date of their CHL, no further training is required.

At no time during the training is a CHL carrier taught when to shoot. Depending on the mentality or mood of the licensee, a simple argument could result in the shooting of either person involved in the argument. If the licensee ends up going with the fight portion of the fight or flight syndrome, a gun battle could erupt anywhere opening up the licensee and any innocent bystanders to getting hurt or killed in the aftermath. They are also not taught any type of tactics that could save their lives or anyone else's if they end up in a shooting situation. If the licensee panics during the incident, this could put all involved and anybody around them to get seriously injured or even killed.

The main reasoning CHL carriers are using to be allowed to carry their guns on campus, or anywhere for that matter, is personal safety. They feel that if they are armed, they will be better able to protect themselves and others in a shooting situation. The argument has been made by many that if there were armed students, faculty, or staff at the Virginia Tech or other school shootings then there would have been fewer people hurt or killed. There have been many "empty holster" demonstrations on campuses throughout the U.S. to show support for allowing licensee's to be able to carry on college campuses. Licensees are using the argument that if they are allowed to carry concealed to the grocery store or other public locations, then there is no reason why they should not be allowed to carry to school (TTU, 2011).

Up to, and including the time of, the shooting at Columbine High School in April 1999, the tactical training for police officers involved the setting up of a perimeter and the coordinating and responding en masse to shootings of that type. After the criticism

of the response of officers to that shooting, people started looking for ways to change the way police officers respond to mass shootings and hostage type situations. One of the outcomes of that was the Advanced Law Enforcement Rapid Response Training or ALERRT. The goal of ALERRT is to train police officers to properly and safely respond to, address, and stop an active shooter. Police officers are no longer trained to set up a perimeter and wait for assistance. They are taught tactics that would enable them to respond alone or in small groups to the scene of an active shooting and stop the shooter as rapidly as possible in an effort to cut down on the number of injured and killed. The training is conducted in actual settings that are particular to the agency requesting the training and in locations that the officers may respond to. Since ALERRT is both state and federally funded there is no or little cost to police agencies, making the training more attainable and widely used throughout Texas and U.S (ALERRT, 2011).

Another form of training made available to police officers is the Active Shooter or Shots Fired training. This training, put together by the Center for Personal Protection and Safety, is used to show students how to react in both active shooter and hostage situations. This training is generally sponsored and taught by police officers from local police agencies and held at locations where it could be most useful. The training teaches people how to tell the difference between an active shooting and a hostage situation. It also teaches them how to assist responding officers in gathering the information to resolve the current incident as safely as possible. The program teaches people how to react to an active shooter or hostage, what actions they should take to protect themselves and others, and how to respond to police officers as they respond to the incident. It also teaches them what to expect from police officers as they respond to

the incident and how to respond to orders or instruction from the responding police officers (CPPS, 2011).

These training programs assist both responding officers and those affected by the incident in properly responding to a shooting or hostage situation. The ALERRT training program teaches police to make split seconds decisions depending on what the officer see's or hears (ALERRT, 2011). A CHL carrier may be acting in good faith with good intentions to save someone or himself but may not be able to respond properly to the orders or instructions of the officers and may end up receiving or causing severe injury or death to themselves or others including officers. An officer responding to an active shooter and suddenly coming up on a CHL carrier who either fails or does not respond fast enough to the officers' orders or instructions could end in tragic results for all involved.

CONCLUSION

Every person has the the need to protect themselves. By the laws of this state and country, they also have that right. In a majority of cases, they do not have the training. The duty and responsibility of a police officer is to protect and serve those who are in danger. Since the shooting at Columbine High School, there have been new techniques and programs developed to train police officers to better respond to those types of situations. ALERRT is one of those programs (ALERRT, 2011; CPPS, 2011). It is used to train police officers to respond to a shooting or hostage situation immediately to stop the offender(s) and to save as many lives, including the offender(s), as possible. In some cases, these trainings can lead to hundreds of training hours for police officers to respond to the situations. Police officers are also required to qualify a

minimum of at least once a year with their weapons (TCLEOSE, 2010). As compared to a CHL carrier who has two to four hours of training just to get their license and do not have to qualify again until they are required to renew their license four to five years later. Also available to police officers is a program developed by the Center for Personal Protection and Safety called Active Shooter response (CPPS, 2011). This is a program developed to be used by police officer and other first responders to teach the public how to act in a shooter or hostage event. It instructs the general public on what actions they should take in response to an emergency event such as these. It also instructs them on how to react when police officers arrive on the scene and what information they can give to the officers to better resolve the situation and save as many lives as possible.

Also, just by the nature of their situation, students, faculty, and staff of colleges and universities are under some amount of stress at any given time. Even for people who suffer from even mild forms of mental illness or conditions, these stressors could result in a breakdown or reaction of some type. There are numerous amounts of people on any campus at any time who are diagnosed, whether on treatment or not, with mental illnesses (NAMI, 2004; Lewin, 2011). These are the ones diagnosed. There are no records of how many undiagnosed people on these campuses (Lewin, 2011).

The average citizen is not trained on how to respond to an active shooter or hostage. Police officers are. Police officers have the training, the equipment, and manpower to resolve the situation as quickly and safely as possible.

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