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Concealed Carry on College Campuses

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ABSTRACT

The 2nd Amendment (U.S. Const., 2nd amend.) will continue to be challenged by gun right activists in that they believe concealed carry of weapons should be allowed on college campuses across the nation. There are several reasons why guns should not be allowed on campus concealed. Research has shown that college is very stressful especially during the freshman year. Mental health issues are on the rise in college and placing guns in the hands of unbalanced students is not a wise idea (Nauert, 2010). Having easy access to weapons puts the student in danger and everyone else on campus as well.

There are other factors, as well, including police response to a shooting situation. Research has shown that there are important factors like auditory blunting and tunnel vision that set in when police respond to high stress situation (Klinger & Brunson, 2009). If there is a student in civilian clothes displaying a weapon while police respond to dangerous situations such as an active shooter, the chances of them getting shot will greatly increase causing innocent deaths. Research has also shown that incidents have escalated to people getting shot when they are armed with a weapon more than without a weapon (Branas, Richmond, Culhane, Ten Have, & Weibe, 2009).

The training that it takes for a person to get a concealed handgun license (CHL) is not nearly enough to prepare CHL holders for situations where police are responding as well. The current CHL course does not prepare the CHL carriers for interaction with the police unless it's a traffic stop or their weapon is concealed when confronted by police officers. The only way police can identify a CHL holder if his weapon is out is by voice, as stated above auditory blunting is affected during a high stress situation.

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INTRODUCTION

The Texas Penal Code Section 46.03 states “it is against the law for a licensed handgun carrier to carry a firearm onto the physical premises of a school or educational institution in the state of Texas” (Tex. Pen. Code, sec 46.03, 2013). Gun activists and the senate repeatedly attempt to pass senate bills to change laws that permit states to determine who can carry guns into an education institution. Texas House Bill 972, which passed (102-41) on May 6, 2013 is one step closer to making guns on campus a reality.

Educational institutions, especially colleges, are a very stressful environment and mental health concerns are on the rise (Nauert, 2010). The mental health field is behind the times on ways relevant information is shared with campus law enforcement. Most of the active shooter events (ASE) are carried out by suspects that have some form of Mental Illness and were being monitored by a mental health professional (Corsi, 2012). The proper communication with Police involvement could have prevented these tragedies.

Having concealed carry permit holders armed and in regular clothes presents a challenge for responding police officers. Police officers, when placed in a high stress situation of shooting incidents, had a higher rate of error (Honig & Lewinski, 2013). This could lead to innocent concealed carry permit holders losing their lives. Having more weapons on campus by students, faculty and staff increase the amount of confusion by all when responding to an ASE. Concealed carry permit holders should not be allowed to carry guns on college campuses in today’s stressful college environment.

POSITION

Since the Columbine High School attack in 1999, ASE has captured law enforcement's attention as well as the public's. While this attention comes and goes, the Sandy Hook Elementary School in Newtown, CT, has brought ASE back to the forefront of Police, Public and Gun Right Activists. Advanced Law Enforcement Rapid Response Training (ALERRT) performed research on ASE events between years of 2000 to 2010. During this time period, 84 ASE events occurred and rose to 21 in 2010. Business locations were attacked the most at 37%, followed by Schools, at 34%, with public and outdoor venues at 17% (Blair, 2013). Placing guns on campus with the high stress levels that students already face add to the confusion and chance that something will go wrong; from either the mental health issues or a shooting event where Police won't recognize plain clothes permit holders in time.

Over a 12 year period between September 1997 and August 2009, Dr. John Guthman, PhD, of Hofstra University in Hempstead, N.Y. and his colleagues conducted a study at a private university (Rettner, 2010). The participants were administered two tests and participated in interviews which assessed their anxiety and depression levels. The participants were examined on their thoughts of injuring themselves, injuring others, or thoughts of suicide. During the years between 1997 and 2009, 93% of students that came in for counseling who were diagnosed with one mental disorder rose by 3% from 93% to 96%. During that same time period the number of students who said they tried to injure themselves rose by 4% from 4% to 8% (Rettner, 2010). Depression also saw an increase from 34% to 41%. Students with the greatest increase were those who

were diagnosed with more than one mental disorder which rose from 3% to 40% (Rettner, 2010).

The New England Journal of Medicine published an article Guns and Suicide in the United States (Miller & Hemenway, 2008) where researched showed suicide rates in the United States are on the rise if firearms were readily available. The research conducted in 2005 showed an average of 46% of Americans committed suicide with a firearm, accounting for 53% of all suicides. Suicide was the second leading cause of death among Americans age 40 years or younger. Gun suicide was 40% greater than gun homicides. Among all the suicidal attempts, 70% took less than one hour, 24% took less than five minutes between the decision to kill themselves and the actual attempt. Second, many suicides are often caused by crises like an immediate stressor, such as run in with the police, loss of job or breakup of a romantic relationship. As the acute phase of the crisis passes, so does the urge to attempt suicide.

The aspect that really concerns police officers from all over the nation is shooting innocent permit holders accidentally when in a high stressful shooting situation. Researchers have identified memory distortions; perceptual distortions and reaction time are reasonable distortions that occur during traumatic events. These include tunnel vision, auditory blunting and time dilation (Klinger & Brunson, 2009). Klinger and Brunson (2009) studied 80 officers deceptions of 113 shooting incidents in which most officers experienced at least two perceptual distortions. The study showed 52% of officers experienced tunnel vision and 82% of officers experienced auditory blunting. An example of a high stress shooting scenario; Police are dispatched to a shooting in a building that holds classes all day long. They activate their emergency notification

system which all students receive, this building has multiple entrances. Police respond as well as licensed permit holders. Police arrive and shoot the first person with a gun eliminating the threat. They see another gunman and eliminate that threat as well. One of these gunmen is a licensed permit holder who may have identified himself by voice, but tunnel vision and auditory blunting set in with the responding officers responding causing him to lose his life innocently.

Through efforts by various gun lobbying groups to have firearms more accessible to college students there is the potential for more firearm related deaths. Firearms are used in the majority of college suicides and homicides. Campus Police Chiefs have the responsibility for ensuring student safety campus wide as well as assessing any imminent threats to the campus community. Luckily the majority of college campuses have policies in place that disallow firearms on campus and most campus police chiefs recognize that allowing concealed carry on college campuses will not prevent firearm violence (Thompson, 2009).

There was a study by Thompson (2009) that assessed police chief's perception and practices concerning certain issues on firearm violence on college campuses. Out of 600 questionnaires mailed out, there were 417 finished and returned. Universities that responded averaged 10,764 students per campus and employed an average of 21 police officers per campus. They were asked if they had a firearm incident on campus in the last year and 25% replied affirmatively. The same question asked within the last five years and 35% responded affirmatively to having a firearm incident. In the previous five years the average number of police officers on campus was 27. Earlier studies done on firearm possession on college campuses revealed that 6.4% of male

students and 1.5% of female students had a working firearm at college. In a larger study conducted later of four year universities revealed that 4.3% had a working firearm on campus and 1.6% revealed they had been threatened with a firearm on campus. If the numbers above represent firearm possession on campus then these numbers will equate to 752,000 firearms on college campuses. Students who have been threatened with a firearm would equate to 280,000 college students. Most college campuses have policies in place that prohibit firearms on campus. Police chiefs across the nation acknowledge that having firearms on campus will not decrease violence on college campuses. The police chiefs are responsible for college student's safety on campus; and have been in Law Enforcement field for quite some time which average experience was about 21 years. The public should listen to experts in the field.

COUNTER POSITION

Gun right activists have been arguing for years on the right to bear arms for self-protection and crime deterrence. Validating the right to protect oneself and one's family is a hard position to contradict. Ronald Reagan, a member of the National Rifle Association (NRA) was a big supporter of the second amendment right to keep and bear arms. Gun right activists have been using the second amendment which was ratified on December 17th, 1791 along with other amendments which make up the Bill of Rights. The second amendment states "A well-regulated Militia, being necessary to the security of a Free State, the right of the people to keep and bear Arms, shall not be infringed" (U.S. Const., 2nd amend.). The 7th Circuit Court of Appeals in the December 11, 2012 case *Moore vs Madigan*, struck down a 1962 Illinois state law that prohibited carrying a concealed gun in public. Judge Richard Posner, speaking for the majority,

stated “the second amendment’s right must be interpreted to include a right to have a concealed gun in public; to have it ready for use and to have it for self-defense” (*Moore v. Madigan*, 2012).

The Supreme Court’s 5-4 majority decision in *District of Columbia v. Heller*, reasoned that bans on concealed carry have been legal. Justice Antonin Scalia wrote in the majority opinion: “Like most rights, the right secured by the second amendment is not unlimited, commentators and courts routinely explained that the right was not a right to keep and carry any weapon whatsoever in manner whatsoever and for whatever purpose” (*District of Columbia v. Heller*, 2008). The 19th century courts considered the question and it held that bans on carrying concealed weapons were lawful under the second amendment or state analogues (*District of Columbia v. Heller*, 2008).

Everyone would agree that criminals should be disarmed, but disagree on the best way to accomplish this task. Colleges, instead of controlling access to campus rely on those intriguing “no gun” signs, thinking the active shooters will comply with the signs. Such signs leave lawful citizens defenseless while allowing criminals to prey on them. (Just think if airports replaced checkpoints with signs).

Some called armed self-defense an extreme response, but, in reality, allowing concealed carry permit holders to carry would only allow them to protect themselves just as they do off campus. Society will never know if one armed responsible citizen would have been able to prevent the Virginia Tech Shooting because armed self-defense is the one outcome colleges specifically prevent. An opposing view article in the USA today written by Burnett (2012) stated “Campus carry is not untested. More than 200 colleges in six states have allowed it for years without incident. Some colleges even

see crime decline, indicating criminals fear the armed concealed carry over the threat of suspension" (Burnett, 2012, para. 5). The same article also stated "About 4,500 robberies and 5,000 assaults occur every year on college campuses. Colleges only maintain status quo, and encourage victims to comply or play dead" (Burnett, 2012, para. 6).

Existing evidence does not point to a potential influx of guns on campus. College aged kids 18-29 constitute only about one out of every nine CHL applicants in Texas. The dominant college age group 18-24 constitutes less than five percent. This is about 7,000 in raw numbers out of the total applicant pool in the state of Texas. Thus the notion that somehow universities will be flooded with guns by law abiding citizens with CHL to exercise their right to self-defense is a mere illusion (Zeng, 2013).

To obtain a concealed handgun license in the state of Texas, a person has to complete 10 hours of training on gun laws, proficiency, storage and non-violent dispute resolution taught by a Texas Department of Public Safety (TDPS)-Certified CHL Trainer. There are eligibility requirements that require a background check of criminal history and psychiatric disorders. The process ensures that only law abiding citizens are allowed to qualify for conceal carry licenses. TDPS reports that out of all criminal convictions in 2011, only 120 out of 63,679 or about 0.2 percent of total criminal convictions were CHL holders. This strongly suggests that CHL holders are largely law abiding citizens who just want to have a mean for self-defense (Zeng, 2013). This is not nearly enough training to give someone a gun and let them carry it for five years and expect nothing to go wrong. Law enforcement and military go through extensive firearms training in order to lawfully carry a firearm to protect the lives of others.

A study investigating the link between gun possession and gun assault conducted from 2003 to 2006 showed the possible relationship between possessing a gun and participants who were shot in an assault with a gun. They enrolled 677 case participants that had been shot in an assault within Philadelphia, PA, from 2003 to 2006 (Branas et al., 2009). Odds ratio were adjusted for confounding variables. After adjustment, individuals in possession of a gun were 4.46 times more likely to be shot in an assault than those not in possession of a gun (Branas et al., 2009). Among gun assaults where the victim had some chance to resist, this adjusted the odds ratio increase to 5.45. On average, guns did not protect those who possessed them from being shot in an assault. Successful defensive gun uses occur each year but the probability is probably lower for civilian gun users in urban areas (Branas et al., 2009).

RECOMMENDATION

Concealed carry should not be allowed on college campuses, concealed carry in public is not the issue just on college campuses. Dr. John Guthman's (Hofstra University) study between 1997 and 2009 has shown an increase in mental health issues on the rise on college campuses. Suicide rates increase when weapons are put in the hands of those who have thoughts of taking their own life. Having a weapon readily available makes these thoughts come to reality much quicker than if one is not available (Rettner, 2010). Students can still pass a CHL background check if they never were diagnosed with a mental health disorder or have a criminal record.

In addition to the rising in mental health issues (Nauert, 2010), law enforcement is equally concerned with the ability to tell a concealed carry permit holder on campus when

responding to an ASE. Perceptual disorders occur when responding to high stress police situations increasing the odds for accidental deaths.

The 2nd amendment gives the right to bear arms in public for self-protection and crime deterrence. There have been two case law documents that have said the concealed carry doesn't apply to the second amendment (*Moore v. Madigan*, 2012) (*District of Columbia v. Heller*, 2008). The public generally perceives if there are more guns in public they will generally be safer. *District of Columbia V. Heller* (2008) ruled that the 2nd amendment rights have limits and can ban concealed carry.

Branas et al. (2009) proved that having a weapon in hand increased the chances of being shot by 4.46. During gun assaults where the victim had at least one chance to resist the odds ratio increased to 5.45. On average, during gun assaults, those who had guns were not protected from being shot in an assault (Branas et al., 2009).

Training to obtain a CHL is not even close to that of a police officer's or military who are given the right to protect citizens from danger. The current training of ten hours and shooting qualification every five years is very minimal. The topic is very important to the law enforcement community because of all the things that can go wrong when citizens are armed in college. Placing more weapons in a college environment where the stress level is already high and mental health disorders are on the rise (Rettner, 2010) is not a good idea.

If HB 972 passes and concealed carry is allowed on our university campuses, then there needs to be more training for CHL holders. As stated previously the minimal training for CHL holders is just not enough to prevent firearm accidents from happening. Law Enforcement and CHL holders should know exactly what to expect from each other

in high stress situations. CHL carriers should be required to go through the 16 hour basic active shooter course in order to prepare them for law enforcement response during a high stress situation. CHL holders should also be required to take a firearms refresher course and qualification at least once a year. There are many qualified police firearms instructors out there who could create a course with the CHL requirements that would prepare CHL holders for a police response possibly preventing innocent deaths.

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