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Legislative Testimony

The Kids Are Not Alright—But Not For The Reasons You Think

“Protecting America’s Children From Gun Violence”
Hearing before the U.S. Senate Judiciary Committee
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Chairman Durbin, Ranking Member Grassley, and Distinguished Members of Congress,

My name is Amy Swearer, and I am a Legal Fellow in the Edwin Meese III Center for Legal and Judicial Studies at the Heritage Foundation.¹ My areas of scholarship and study include, among other things, the Second Amendment, school safety, and the intersection of gun violence and mental health. I help run the Heritage Foundation’s Defensive Gun Use Database and am heavily involved in the organization’s School Safety Initiative, which was developed after the tragic 2018 school shooting in Parkland, Florida, to ensure that conservative voices played a prominent role in national conversations on gun control and student safety. I have testified on firearms policy at both the state and federal level, including before the House Judiciary Committee in 2019 on a bill to ban so-called “assault weapons,” the Virginia State Crime Commission on the heels of the 2019 Virginia Beach mass shooting, and the Texas House Committee on Mass Violence and Community Safety following the 2019 mass shooting in an El Paso Walmart. I have more recently testified before the Senate Judiciary Committee and the House Judiciary Committee on an array of proposed gun control measures, and on the recent nationwide spikes in violent crime.

We are holding a hearing today on juvenile gun violence for one simple reason:

The kids are not alright.

This is not because the nation’s students are in some sort of perpetual danger from mass carnage at schools. It is not because millions of law-abiding Americans own semi-automatic firearms with pistol grips or barrel shrouds. It is not even because of broad measures of gun ownership in this country.

The diagnosis is simple, but the causes of the problem and the ways in which we must address that reality are far more complex than our current national dialogue admits. Our kids are suffering from a decades-long downward spiral of mental and emotional unwellness, that is leading them to take their own lives at increasing rates. Our kids, while very safe at schools, nonetheless feel very unsafe. Our kids are, in the last two years especially, increasingly engaging in criminal behaviors that directly increase the odds of them becoming victims of gun violence themselves.

We have a problem. It is not the worst this problem of juvenile gun violence has ever been. But we have a problem, and we must act now to stem the tide of juvenile deaths—and to reverse it. To do this, we must first have an accurate and comprehensive understanding of the causes of this problem.

¹ The title and affiliation are for identification purposes. Members of The Heritage Foundation staff testify as individuals discussing their own independent research. The views expressed here are my own and do not reflect an institutional position for The Heritage Foundation or its board of trustees. The Heritage Foundation is a public policy, research, and educational organization recognized as exempt under section 501(c)(3) of the Internal Revenue Code. It is privately supported and receives no funds from any government at any level, nor does it perform any government or other contract work. The Heritage Foundation is the most broadly supported think tank in the United States. The Heritage Foundation’s books are audited annually by the national accounting firm of RSM US, LLP.

I. Schools Are Statistically Very Safe Places For Students

One of the more concerning trends in research on school-related gun violence has been the proliferation of so-called “school shooting” or “school gunfire” databases. Many of these databases make no effort to distinguish between acts of gun violence that target students or staff members during the school day, and those that never placed students or staff in danger.² Such broad definitions of “school shooting” tell us very little about the likelihood that any particular student will die of or be injured by gun-related violence while at school and make it much harder to develop appropriate policy solutions.³ Worse, because many average Americans associate the term “school shooting” with “Parkland-style mass indiscriminate shooting of students,” the use of these broad parameters instill in the nation’s consciousness a very real but factually errant fear that students and educators are in perpetual danger.⁴

Despite these (perhaps intentionally fostered) fears, the nation’s children are incredibly safe from the risk of violent death at school. While homicide is the second-leading cause of death for school-aged youths, only about 2-3 percent of these homicides are “school-associated,” meaning that they occurred on a K-12 campus while the victim was at school or a school event, or on the way to or from school or a school event.⁵ Moreover, in terms of school-associated violent deaths, students are far safer today than they have been since the early 1990s, when these deaths first

² For example, one common set of parameters is to include “any time a gun is brandished, is fired, or a bullet hits school property for any reason, regardless of the number of victims, time, day of the week, or reason.” David Riedman and Desmond O’Neill, *K-12 School Shooting Database: Research Methodology*, NAVAL POSTGRADUATE SCHOOL’S CENTER FOR HOMELAND DEFENSE AND SECURITY (September 2020), <https://www.chds.us/ssdb/methods/#defining>; *Gunfire on School Grounds in the United States*, EVERYTOWN FOR GUN SAFETY (Updated June 3, 2022), <https://everytownresearch.org/maps/gunfire-on-school-grounds/>.

³ Some of these cases are quite literally taken from media sources where law enforcement officials state that students and staff members were not in any way endangered by or at risk from the incident. Moreover, consider the practical problems, from a policy perspective, of analyzing a dataset that includes “third-party commits suicide in car parked near school overnight,” “two men are robbed in a school parking lot at midnight during a private vehicle sale,” and “man found dead behind elementary school in July” in the same category as “student opens fire on classmates with father’s gun.” The latter is fundamentally different than the first three in terms of underlying causes, inherent risk to students and staff, and potential solutions for prevent. Even more restrictive parameters like the one used by EdWeek, while better, are problematic, as they do not take into account whether students or staff members were the intended targets, and includes shootings that merely took place at school-related events but do not fit the common understanding of the phrase “school shooting.” *School Shootings This Year: How Many and Where*, EDUCATION WEEK (Updated June 8, 2022), <https://www.edweek.org/leadership/school-shootings-this-year-how-many-and-where/2022/01>.

⁴ See, e.g., *One-Third of U.S. Adults Say Fear of Mass Shootings Prevents Them From Going to Certain Places or Events*, AMERICAN PSYCHOLOGICAL ASS’N (Aug. 15, 2019), <https://www.apa.org/news/press/releases/2019/08/fear-mass-shooting>.

⁵ *School-Associated Violent Death Study*, CENTERS FOR DISEASE CONTROL AND PREVENTION (Updated September 2, 2021), <https://www.cdc.gov/violenceprevention/youthviolence/schoolviolence/SAVD.html>; Nadine Frederique, *What Do the Data Reveal About Violence in Schools?*, NATIONAL INSTITUTE OF JUSTICE (November 13, 2020), <https://nij.ojp.gov/topics/articles/what-do-data-reveal-about-violence-schools>.

started being tracked on a meaningful level.⁶ On average, only ten students are killed each year by gunfire on K-12 school property during school hours.⁷

This is not to downplay the problem. Everybody agrees that ten student gun deaths are ten too many. The number should be zero. The effects of school shootings—including mass school shootings—are incredibly devastating both to individuals and to entire communities, and they should be framed as the traumatic events they are. But for context, about 400 children drown in swimming pools every year.⁸ Hundreds of individuals aged 18 and younger die of accidental drug overdoses.⁹ Context matters, especially when talking about proposed public policy solutions that often implicate fundamental rights and threaten to impose sweeping regulatory burdens on millions of peaceable citizens. Moreover, just as different types of physical illness require fundamentally different treatments and should be properly diagnosed, the reality is that different types of violence often have different underlying causes and therefore require fundamentally different policy approaches.

Many of these student gun deaths are not the result of “Parkland-style” mass shootings or mass shooting attempts, nor do they involve the legal possession of firearms by 18-to-20-year-olds.¹⁰ Some are suicides or the results of legal interventions by law enforcement officials. Many are the result of interpersonal disputes and involve the limited targeting of a specific victim.¹¹ Most involve handguns either stolen from parents or illegally possessed by juveniles too young to lawfully purchase any type of firearm.¹² We must first have a comprehensive and accurate understanding of violence and its different subsets—including the different aspects of school-related gun violence—to have the best understanding of how to approach each specific problem.

⁶ Allie Nicodemo and Lia Petronio, *Schools Are Safer Than They Were in the 90s, and School Shootings Are Not More Common Than They Used To Be, Researchers Say*, NEWS@NORTHEASTERN (February 26, 2018), <https://news.northeastern.edu/2018/02/26/schools-are-still-one-of-the-safest-places-for-children-researcher-says/>.

⁷ James Alan Fox, *Responses to School Shootings Should be Based on the Level of Risk, Not the Level of Fear*, NORTHEASTERN U. SCHOOL OF CRIMINOLOGY & CRIM. JUST. (May 31, 2022), <https://cssh.northeastern.edu/sccj/2022/05/31/responses-to-school-shootings-should-be-based-on-the-level-of-risk-not-the-level-of-fear/>; Daniel J. Flattery et al., *Guns, School Shooters, and School Safety: What We Know and Directions for Change*, 50 SCHOOL PSYCH. REV. 237, Fig. 1 (Mar. 5, 2021), <https://www.tandfonline.com/doi/full/10.1080/2372966X.2020.1846458>.

⁸ Robert Preidt, *Child Drownings in U.S. Pools, Spas Are on the Rise*, U.S. NEWS AND WORLD REPORT (June 9, 2021), <https://www.usnews.com/news/health-news/articles/2021-06-09/child-drownings-in-us-pools-spas-are-on-the-rise>.

⁹ Andrew Joseph, *Driven By Fentanyl, Rates of Fatal Teen Overdoses Doubled in 2020*, STAT (April 12, 2022), <https://www.statnews.com/2022/04/12/driven-by-fentanyl-rates-of-fatal-teen-overdoses-doubled-in-2020/>.

¹⁰ According to a recent analysis, the median age of school shooters (whether interpersonal- or mass-shooter) is actually 16, and more than 70 percent are under the age of 18. In 85 percent of cases where the source of the shooter’s firearm could be obtained, the gun or guns came from the shooter’s home, or from friends or relatives. John Woodrow Cox et al., *311,000 Students Have Experienced Gun Violence At School Since Columbine*, WASH. POST (Updated May 27, 2022), <https://www.washingtonpost.com/graphics/2018/local/school-shootings-database/>.

¹¹ K-12 School Shooting Database, *Situation*, CENTER FOR HOMELAND DEFENSE AND NATIONAL SECURITY (last visited June 13, 2022), <https://www.chds.us/ssdb/view-chart/?chartid=7>.

¹² This is true not just of all school shootings, but of mass school shootings. Compare datasets for all indiscriminate shootings with handguns with all indiscriminate shootings with rifles at *id.*, <https://www.chds.us/ssdb/data-map/>.

II. Most Juvenile Gun Deaths Are Suicides And Out-Of-School Homicides

If most juvenile gun deaths are not occurring at school as a result of school shootings, where are they occurring and what are their causes? The overwhelming majority of juvenile gun deaths are out-of-school suicides and homicides. And while juvenile gun deaths have been trending downward for decades, recent spikes in these deaths are nonetheless alarming and should be taken seriously.

A. Rise In Juvenile Suicides

Every year, about 1,000 high school-aged teens kill themselves with firearms. Youth suicide rates and suicidality began noticeably climbing nearly a decade before the COVID-19 pandemic.¹³ The pandemic nevertheless seems to have greatly exacerbated the problem of adolescent suicidality.¹⁴ The rise in teenage suicides is occurring regardless of lethal means used, though the rate of firearm suicides does appear to be rising at a faster rate than non-firearm suicides.¹⁵ However, only half of teenage males who commit suicide do so with a firearm, while only 1-in-4 teenage females who commit suicide use a firearm.¹⁶

B. Rise In Juvenile Gun Crime

After two decades of a downward trend in gun homicides, the nation experienced an acute spike in such deaths beginning in mid-2020, including the most significant one-year increase in gun homicides in recorded history.¹⁷ This trend of increased gun deaths held true among children and adolescents, who experienced a 29.5 percent relative increase in all gun deaths between 2019 and 2020.¹⁸ Much of that relative increase was driven by an increase in juvenile gun homicides, specifically.¹⁹

¹³ Sara Hottman, *OHSU Researchers Find Startling Increase in Suicide Attempts By Pre-Teen Children Nationwide*, OREGON HEALTH & SCIENCE UNIVERSITY (March 15, 2022), <https://news.ohsu.edu/2022/03/16/ohsu-researchers-find-startling-increase-in-suicide-attempts-by-pre-teen-children-nationwide>.

¹⁴ Ellen Yard, et al., *Emergency Department Visits for Suspected Suicide Attempts Among Persons Aged 12–25 Years Before and During the COVID-19 Pandemic — United States, January 2019–May 2021*, CENTER FOR DISEASE CONTROL AND PREVENTION (June 18, 2021), https://www.cdc.gov/mmwr/volumes/70/wr/mm7024e1.htm?s_cid=mm7024e1_w; Rhitu Chatterjee, *Child Psychiatrists Warn That The Pandemic May Be Driving Up Kids' Suicide Risk*, NPR (February 2, 2021), <https://www.npr.org/sections/health-shots/2021/02/02/962060105/child-psychiatrists-warn-that-the-pandemic-may-be-driving-up-kids-suicide-risk>.

¹⁵ Eric W. Fleegler, *Our Limited Knowledge of Youth Suicide Risk and Firearm Access*, JAMA NETWORK (October 8, 2021), <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2784797>.

¹⁶ *Id.*

¹⁷ Press Release, Federal Bureau of Investigation, *FBI Releases 2020 Crime Statistics* (Sept. 27, 2021), <https://www.fbi.gov/news/press-releases/press-releases/fbi-releases-2020-crime-statistics>.

¹⁸ Jason E. Goldstick et al., *Current Causes of Death in Children and Adolescents in the United States*, NEW ENGLAND JOURNAL OF MEDICINE (May 19, 2022), <https://www.nejm.org/doi/full/10.1056/NEJMc2201761>.

¹⁹ *Id.*, at Supplementary Appendix.

There is substantial evidence that, over the last two years in particular, juveniles have begun increasingly engaging in serious criminal activity at an alarming rate.²⁰ Juveniles who engaged in serious criminal activity are far more likely to become victims of gun violence, either from targeted retaliatory response or from legal interventions by law enforcement officers or armed civilians.²¹ In fact, it appears that during the 2021-2022 school year, fewer teenagers were shot at school during the school day than were shot by armed victims during the commission of a serious criminal offense.²²

²⁰ Hannah Metzger, *Colorado Juvenile Homicides on the Rise: 'We're At a Crisis'*, THE GAZETTE (updated May 5, 2022), https://gazette.com/premium/colorado-juvenile-homicides-on-the-rise-were-at-a-crisis/article_91a34860-c0c8-11ec-9b66-43de750efb86.html; Daniel Pierce, *Jobs for Youth, Law Enforcement Strategies: Winston-Salem Gun Violence Forum Offers Solutions to the Community*, FOX 8 (Updated May 26, 2022), <https://myfox8.com/news/north-carolina/winston-salem/jobs-for-youth-law-enforcement-strategies-winston-salem-gun-violence-forum-offers-solutions-to-the-community/>; Rick Sobey, *Boston Police Officers Recover 15 Guns in the Last Week: 'Troubling Theme' of Juveniles Carrying Firearms*, BOSTON HERALD (Updated May 22, 2022) <https://www.bostonherald.com/2022/05/22/boston-police-officers-recover-15-guns-in-the-last-week-troubling-theme-of-juveniles-carrying-firearms/>; Campbell Robertson, *'I Honestly Believe It's a Game': Why Carjacking Is on the Rise Among Teens*, THE NEW YORK TIMES (March 1, 2022), <https://www.nytimes.com/2022/03/01/us/car-theft-teens-pandemic.html>; Kayla Gaskins, *Curfews Return to Chicago as Cases of Juveniles Involved in Violent Crime Rise*, KATV ABC 7 (May 17, 2022), <https://katv.com/news/nation-world/curfews-return-to-chicago-as-cases-of-juveniles-involved-in-violent-crime-rise-city-leaders-concerned-over-crime-rates-increasing-nationwide-teens-kids-young-adults-violence-shootings-deadly-shooting>.

²¹ *The Victim-Offender Overlap: One Class of Crime Victim Rarely Seeks or Receives Available Services*, NATIONAL INSTITUTE OF JUSTICE (March 11, 2021), <https://nij.ojp.gov/topics/articles/victim-offender-overlap-one-class-crime-victim-rarely-seeks-or-receives-available>; Katrina A. Rufino, Kathleen A. Fox, and Glen A. Kerche, *Characteristics of Gang Membership and Victimization*, CRIME VICTIMS' INSTITUTE (March 2011), http://dev.cjcenter.org/files/cvi/Characteristics%2003_31_11.pdf.

²² KENS 5 Staff, *Police: Home Invasion May Have Led to Teen Being Shot and Killed*, KENS 5 (Updated June 1, 2022), <https://www.kens5.com/article/news/local/teenager-shot-killed-inside-north-san-antonio-texas-home/273-44648913-7d66-4fbb-bc27-c4dd20e75d58>; Mariya Murrow, *Teen Allegedly Caught Breaking Into Cars Shot to Death in Southeast Atlanta*, CBS 46 NEWS (May 10, 2022), <https://www.cbs46.com/2022/05/10/teen-allegedly-caught-breaking-into-cars-shot-death-southeast-atlanta/>; Staff and Wire Reports, *Police: Off-Duty Cleveland Officer Fatally Shoots Teenager in Milwaukee in Self-Defense*, CLEVELAND.COM (May 16, 2022), <https://www.cleveland.com/crime/2022/05/police-off-duty-cleveland-officer-fatally-shoots-teenager-in-milwaukee.html>; Sarah Lawrence, *Mugging Victim Shoots Armed Robber; Teenage Suspect and Mother Arrested*, WBRZ NEWS 2 (May 25, 2022), <https://www.wbrz.com/news/mugging-victim-shoots-armed-robber-teenage-suspect-and-mother-arrested/>; *Teen Robbery Suspect Expected to be OK After Being Shot Trying to Commit Crime, Houston Police Say*, ABC 13 (May 1, 2022), <https://abc13.com/teenager-shot-teen-robbery-suspects-shooting-on-bellaire-man-shoots-suspect/11808662/>; Valerie Boey, *Mother Says Son Shot 2 Teens in Self-Defense in Orlando Neighborhood*, FOX 35 ORLANDO (April 28, 2022), <https://www.fox35orlando.com/news/mother-says-son-shot-2-teens-in-self-defense>; Summer Harrell, *Shooting of Teen During Birmingham Robbery Ruled 'Justifiable', Second Teen Arrested*, ABC 33/40 (February 11, 2022), <https://abc3340.com/news/local/shooting-of-teen-during-birmingham-robbery-ruled-justifiable-second-teen-arrested-gun-violence-armed-robbery-teen-shot-killed-alabama-jefferson-count-birmingham-police-department>; David Chang, *Man Shoots, Kills 2 Teens Who Tried to Rob Him, Officials Say*, NBC10 PHILADELPHIA (Updated May 1, 2022), <https://www.nbcphiladelphia.com/news/local/man-shoots-kills-2-teens-who-tried-to-rob-him-officials-say/3224640/>; Jim Mackinnon, *Homeowner, 74, Shoots Suspected Teen Burglar Inside Akron Home Tuesday Morning*, RECORD-COURIER (Updated March 30, 2022), <https://www.record-courier.com/story/news/2022/03/29/suspected-burglar-shot-homeowner-inside-akron-home-tuesday-morning-johnston-street/7201849001/>; Glynis Kazanjian, *Armed Robbery Victim Takes Matters Into His Own Hands, Shooting Attacker in Maryland*, WJLA (February 9, 2022), <https://wjla.com/news/local/armed-robbery-victim-shoots-attacker-maryland-bowie-police-prince-georges-county-health-center-drive>; WSBTV.com News Staff, *Teen Killed in Self-Defense in Double Shooting in Lithonia, Police Say*, WSB-TV (March 8, 2022),

Why this sudden spike in juveniles committing serious crimes?

Conclusions are hard to draw from the available data. One answer is that juvenile delinquency goes hand-in-hand with truancy, and tens of thousands of students—including many of those already most at-risk—simply haven't been going back to school since in-person classes resumed. Longstanding evidence supports a strong connection between truancy and criminality.²³ Moreover, the spike in violent crimes committed by juveniles appears to directly coincide with spikes in chronic absenteeism. As one non-profit leader recently noted, during the COVID-shutdowns, “We just plain lost some kids.”²⁴ On top of this, it appears that these truant juveniles know that in many places, they simply will not face serious consequences for their actions.²⁵ They also may be doing it because of some combination of social influence and boredom—to some, engaging in criminal behavior is simply more entertaining than available alternatives.²⁶

III. Federal Role In Preventing Juvenile Gun Deaths

Given this important background on juvenile gun violence, how do we go about formulating plans that will successfully target the underlying causes? What doesn't work? What policies are

<https://www.wsbtv.com/news/local/dekalb-county/teen-killed-self-defense-double-shooting-lithonia-police-say/IZXUHW7A4FBGFCDY4AGKSLYMY4/>; KAUZ Digital Media Team, *WF Teen Shot During Alleged Car Burglary*, NEWSCHANNEL 6 NOW (February 25, 2022), <https://www.newschannel6now.com/2022/02/25/wf-teen-shot-during-alleged-car-burglary/>; NBC 6, *Reports Detail Miramar Robbery That Led to Fatal Shooting of Teen Suspect*, NBC 6 SOUTH FLORIDA (February 22, 2022), <https://www.nbcmiami.com/news/local/reports-detail-miramar-robbery-that-led-to-fatal-shooting-of-teen-suspect/2697052/>; Carol Robinson, *Alleged Accomplice Charged in Death of Teen Robbery Suspect Fatally Shot By Parking Lot Attendant Near Birmingham's BJCC*, AL.COM (Updated February 11, 2022), <https://www.al.com/news/birmingham/2022/02/alleged-accomplice-charged-in-death-of-teen-robbery-suspect-who-was-fatally-shot-by-parking-lot-attendant-near-birmingham-bjcc.html>; Courtney Spinelli, *Lawrence Police: Teen Shot While Trying to Rob Pawn Shop Employee, Search Continues For 2 Others*, FOX 59 (Updated December 15, 2021), <https://fox59.com/news/indycrime/teen-shot-in-lawrence-outside-indy-pawn-while-trying-to-rob-employee/>; DMPD: *Evidence Shows Teen Killed in Shooting Was Involved in Armed Robbery*, KCCI 8 NEWS (Updated November 11, 2021), <https://www.kcci.com/article/des-moines-police-teen-killed-in-shooting-was-involved-in-armed-robbery/38224014#>; Rob Low, *Man Who Shot Teen on RTD Bus Says It Was in Self Defense*, FOX31 KDVR (September 8, 2021), <https://kdvr.com/news/problem-solvers/man-who-shot-teen-on-rtd-bus-says-it-was-in-self-defense/>. This does not even begin to capture the full breadth of teens killed during their participation in criminal activity, including those killed by law enforcement officers. See, e.g., McKenzie Gladney, Tulsa Police Release

²³ Lorraine Mazerolle, et al, *Disrupting the Pathway from Truancy to Delinquency: A Randomized Field Trial Test of the Longitudinal Impact of a School Engagement Program*, JOURNAL OF QUANTITATIVE CRIMINOLOGY (November 8, 2018), <https://link.springer.com/article/10.1007/s10940-018-9395-8>; Ryan W. Inman, *The Relationship Between Truancy and Juvenile Crime in Wayne County, Tennessee*, ETD COLLECTION FOR TENNESSEE STATE UNIVERSITY (August 2005), <https://digitalscholarship.tnstate.edu/dissertations/AAI3187593/>.

²⁴ Campbell Robertson, *'I Honestly Believe It's a Game': Why Carjacking Is on the Rise Among Teens*, NY TIMES (March 1, 2022), <https://www.nytimes.com/2022/03/01/us/car-theft-teens-pandemic.html>.

²⁵ Audrey Conklin, *Nation's Capital Grapples With Violence, Juvenile Crime as DC Leaders Look For Answers*, FOX NEWS (May 4, 2022), <https://www.foxnews.com/us/continued-rise-dc-crime-leaders-answers>.

²⁶ Campbell Robertson, *'I Honestly Believe It's a Game': Why Carjacking Is on the Rise Among Teens*, THE NEW YORK TIMES (March 1, 2022), <https://www.nytimes.com/2022/03/01/us/car-theft-teens-pandemic.html>.

respectable in theory but poorly implemented in practice? And, more importantly, how do we actually save lives?

A. What Doesn't Work

After every high-profile mass shooting come the same calls for the same gun control policies that suffer from the same constitutional and practical flaws. The same flaws exist even just for combatting the narrower scope of juvenile-related gun violence. The reflexive defaulting to these unserious policies would be comical if the problems weren't so deadly serious.

(1) Banning Commonly Owned Semi-Automatic Firearms

On the heels of high-profile mass public shootings, almost without fail come calls to ban the civilian purchase or possession of certain semi-automatic firearms (mostly rifles) inappropriately mislabeled as “assault weapons.” These firearms are not—despite intentional attempts to frame them as such—fully automatic machine guns or “assault rifles” with select-fire capabilities, both of which are heavily regulated under the National Firearms Act. The features that separate “assault weapons” from “non-assault weapons” are not functional, and do not affect any meaningful measure of lethality, such as rate of fire, caliber, or muzzle velocity. No, the differences between semi-automatic “assault weapons” and semi-automatic “non-assault weapons” essentially boil down to cosmetic features like pistol grips, collapsing stocks, or barrel shrouds.

Any ban on these firearms would suffer from a host of constitutional and practical problems. Semi-automatic rifles, with or without these cosmetic features, are the exact type of bearable small arm whose civilian possession is protected by the Second Amendment. They are the type of firearm least often used to perpetuate gun-related violence in the United States. In fact, they play such a minimal role in gun-related violence that, even if their prohibition could be immediately implemented with 100 percent effectiveness and no other firearms were ever substituted in their place, the law would fail to have a meaningful impact on overall rates of gun violence.²⁷

From a practical perspective, these bans are also fraught with challenges, especially with respect to addressing youth-related gun violence. As with the general population, many juvenile gun deaths are suicides, which bear little relevance to the type of firearm used. Because most juveniles who harm themselves or others are too young to lawfully purchase firearms themselves, they rely primarily on firearms obtained from family members or through illicit channels. And, as with the general population, juvenile “assault weapon” use plays a minimal role in gun-violence. This includes for would-be school shooters, who—like all mass shooters—are more likely to use handguns or a combination of firearms rather than an “assault style”

²⁷ See generally, Amy Swearer, *Protecting America From Assault Weapons*, HERITAGE FOUNDATION (Sept. 28, 2019), <https://www.heritage.org/testimony/protecting-america-assault-weapons>.

weapon.²⁸ The reality is that, even if all would-be mass school shooters were successfully diverted to the use of “non-assault weapons,” it would likely have no meaningful impact on their ability to kill large numbers of unarmed civilians.

Some proposals try to find a compromise by suggesting that perhaps we could just ban semi-automatic firearms—or some types of semi-automatic firearms—for those under 21. This proposal is a quintessential “half-built bridge” compromise that suffers from the same constitutional problems while failing to an even greater degree to address the very specific problem of mass school shooters. Again, most of these shooters are under the age of 18 and are already obtaining their firearms from family members or illicit means. Among those who are 18 and dangerous, the type of firearm is hardly relevant. Consider the amount of carnage caused at Santa Fe High School in Texas by a gunman armed with nothing more than a pump-action 12-gauge shotgun.²⁹ The same would be possible with lever-action rifles, which are often chambered for far more powerful calibers than a standard AR-15 platform.

(2) Banning Commonly Owned Standard Capacity Magazines

A second commonly proposed gun control measure in the wake of many high-profile mass shootings is the implementation of bans on so-called “high capacity magazines,” or magazines capable of holding more than 10 rounds. As with bans on so-called “assault weapons,” any bans would suffer from serious constitutional and practical problems.

Magazines capable of holding more than 10 rounds are not “high capacity” in any meaningful sense. They are, rather, factory-standard components for the majority of firearms manufactured and sold in this country, and their common use by American civilians predates the ratification of the 14th Amendment.³⁰ Like the semi-automatic rifles and handguns with which they are designed to work, these magazines are commonly possessed by law-abiding citizens for lawful purposes.

Banning these magazines—either by prohibiting future purchases or retroactively banning their possession—has no effect on suicides, whether by adults or juveniles. As for the impact of these bans on overall rates of violent crime or gun homicide rates, few methodologically sound studies exist, and a recent review of that literature by RAND found that the evidence is, at best,

²⁸ See *id.*, Section C.

²⁹ The shooter at Santa Fe High School killed 10 and wounded 13 in just under four minutes with only a pump-action shotgun and revolver, making the rate of death roughly equivalent to that seen in Parkland, Florida, where the shooter killed 17 and wounded an additional 17 with a semi-automatic firearm. The difference in casualties is due almost exclusively to the fact that, in Santa Fe, armed school resource officers intervened within four minutes to draw the shooter’s fire to themselves, effectively ending the direct threat to students three minutes sooner than in Parkland.

³⁰ See, e.g., Brief for the Center For Constitutional Jurisprudence and Gun Owners of California in Support of Plaintiffs-Appellants, *Fyock v. City of Sunnyvale*, 779 F.3d 991 (9th Cir. 2015), <http://michellawyers.com/wp-content/uploads/2013/12/Fyock-v.-Sunnyvale-Amici-Curiae-Brief-for-the-Center-for-Constitutional-Jurisprudence-and-Gun-Owners-of-California.pdf>.

inconclusive as to whether the bans have any effect whatsoever.³¹ Additionally, if the concern is student safety from school shootings, again, most school shootings are not attempted mass shootings. Even in those rare cases of mass school shootings, shooters can (and routinely do) side-step these laws by bringing several firearms and extra loaded magazines, easily replacing expended magazines within seconds. At least one study has shown that mass public shooters typically do not fire at a fast enough rate for casualty counts to be attributed to magazine capacity.³² This conclusion is supported by the findings of various panels analyzing the effect of magazine capacity for individual mass shootings, as well as by the reality that high casualty counts have occurred during shootings where only “limited-capacity” magazines were used.³³

(3) *Raising the Minimum Age of Gun Purchase or Possession to 21*

Individuals between the ages of 18 and 20 are legal adults who, in all other respects, are considered full-fledged members of the American public, endowed with all of the rights and duties of citizenship.³⁴ They can vote, serve on juries, sign legally binding contracts, and marry without permission. They may be drafted into the armed forces or called upon for state militia service. They are held fully accountable before the law for criminal actions, up to and including execution. There is, quite simply, little constitutional basis for divesting all law-abiding young adults of a fundamental constitutional right (or even for limiting their exercise of that right), solely because a small minority of their peers might commit crimes with those firearms.

Moreover, from a practical perspective, while young adults are statistically more likely than older adults to engage in criminal behaviors, they are also more likely to be victims of violent crime.³⁵ To the extent that such laws limit the ability of young adults to engage in criminal behavior, they also limit the ability of the most vulnerable population of adults to engage in the

³¹ RAND Corporation, *Effects of Assault Weapon and High-Capacity Magazine Bans on Violent Crime* (Updated April 22, 2020), <https://www.rand.org/research/gun-policy/analysis/ban-assault-weapons/violent-crime.html>.

³² Gary Kleck, *Large-Capacity Magazines and the Casualty Counts in Mass Shootings: The Plausibility of Linkages*, 17 JUSTICE RESEARCH & POL’Y 28 (June 1, 2016).

³³ See, e.g., VIRGINIA TECH SHOOTING REVIEW PANEL, MASS SHOOTINGS AT VIRGINIA TECH: ADDENDUM TO THE REPORT OF THE REVIEW PANEL 74 (Nov. 2009), <https://scholar.lib.vt.edu/prevail/docs/April16ReportRev20091204.pdf>, (detailing the extra numbers of loaded magazines utilized by the Virginia Tech shooter and reporting that “the panel concluded that 10-round magazines that were legal [under the federal Assault Weapons Act of 1994] would not have made much difference in the incident.”); Nicholas Nehamas & David Smiley, *Florida School Shooter’s AR-15 May Have Jammed, Saving Lives, Report Says*, MIAMI HERALD <https://www.miamiherald.com/news/local/community/broward/article-202486304.html> (updated Feb. 27, 2018) (reporting that Nikolas Cruz used only 10-round magazines during his mass shooting at a Parkland, Florida high school in 2018, yet still managed to kill 17 people before his gun jammed and he simply tossed it aside).

³⁴ A common retort here is that young adults under the age of 21 may not legally purchase or consume alcohol in public. Alcohol consumption, unlike jury service, voting, and militia service, has never been considered a fundamental right or duty of citizenship. It is certainly not an enumerated individual right explicitly protected by constitutional amendment.

³⁵ See, e.g., FBI Crime Data Explorer, All Violent Crime Offender v. Victim Demographics (last accessed June 6, 2022), <https://crime-data-explorer.app.cloud.gov/pages/explorer/crime/crime-trend>.

core exercise of the Second Amendment—self-defense.³⁶ And it seems far from likely that young adults bent on crime would be meaningfully prevented from accessing firearms, given the prevalence of handgun-related homicides committed by young offenders despite federal prohibitions on handgun sales to those under 21. With respect to school-related shootings and juvenile suicides in particular, most school shooters (whether engaging in targeted interpersonal violence or acts of mass violence) and any suicidal individuals under 18 are not old enough to legally purchase their own firearms. They typically obtain their firearms from family members. Raising the age for legal purchase or possession therefore does not even begin to put a dent in the reality of youth gun-violence, because it is not designed to address the primary ways in which dangerous or suicidal juveniles actually get their guns.

(4) Imposing “Universal Background Checks”

The imposition of so-called universal background checks is a low-reward endeavor that, even when talking about gun violence prevention broadly, is fraught with practical peril.³⁷ However, as with raising the minimum age for gun purchase and possession, universal background checks are effectively useless at combating juvenile gun deaths because they are not designed to address the ways in which dangerous or suicidal youths primarily obtain their firearms.

B. Promising In Theory, Problematic in Practice

(1) Federal Red Flag Laws

Red flag laws—also known as extreme risk protection orders—have come into the national spotlight over the last four years as a potential method of addressing a real and serious concern with respect to mass public shooters, including potential mass school shooters. With perhaps one notable exception, every mass public shooter in recent history passed a background check and legally procured firearms, often despite showing very alarming signs of being a danger to self or others.³⁸ This is also unfortunately the case for many people who commit suicide with a firearm, which accounts for nearly 6-in-10 gun deaths every year. However, it should be noted that, with respect to mass school shooters, in particular, many are under the age of 18, cannot legally

³⁶ See Craig A. Perkins, *Age Patterns of Victims in Serious Violent Crime*, BUREAU OF JUSTICE STATISTICS SPECIAL REPORT NCJ-162031 (July 1997), <https://www.bjs.gov/content/pub/pdf/apvsvc.pdf>; Sofi Sinozich & Lynn Langton, *Rape and Sexual Assault Victimization Among College-Age Females, 1995–2013*, BUREAU OF JUSTICE STATISTICS SPECIAL REPORT NCJ 248471 (Dec. 2014), <https://www.bjs.gov/content/pub/pdf/rsavcaf9513.pdf>.

³⁷ See Amy Swearer, *Constitutional and Commonsense Steps to Reduce Gun Violence*, HERITAGE FOUNDATION (Mar. 31, 2022), <https://www.heritage.org/testimony/constitutional-and-commonsense-steps-reduce-gun-violence>.

³⁸ The one possible exception is the individual who fatally shot seven people and wounded two dozen others during a shooting spree in Odessa, Texas, in August of 2019. That individual had, in fact, previously failed a background check and utilized an intrastate private sale to acquire his weapon. Dan Frosch & Sadie Gurman, *Texas Shooter Had Been Banned From Buying Firearms Because He Was Mentally Unfit*, WALL ST. J. (Sept. 4, 2019). Of note, however, is the fact that the private seller from which he purchased the gun later pled guilty to violating federal law, and should have been required under the circumstances to obtain a Federal Firearms License and conduct a background check on prospective purchasers. Associated Press, *Seller of Gun Used in 2019 Texas Mass Shooting Gets 2 Years* (Jan. 7, 2021), <https://apnews.com/article/seth-aaron-ator-shootings-lubbock-texas-odessa-c18dce36fe8a5df583bdf5505ee8509b>.

purchase firearms, and therefore take firearms belonging to their parents or other family members. Moreover, when considering the effect of red flag laws on youth suicides, individuals under 18 already cannot legally purchase firearms, and are, like school shooters, most often accessing firearms in other ways—including those “properly” secured in safes and locking devices.

Perpetrators of mass public violence in particular pass background checks largely because federal law provides only a limited number of ways in which individuals lose their Second Amendment rights, most commonly by conviction of a felony or domestic violence misdemeanor, or by involuntary commitment to an inpatient mental health facility. People who have their Second Amendment rights revoked in this manner face a real likelihood of never having them restored, and these are, therefore, severe measures requiring that very high legal thresholds be met. Involuntary commitment, in particular, is often reserved for only the most serious of mental health crises, a problem often compounded by a lack of adequate inpatient mental health infrastructure in many states.

There are, at least in theory, constitutional ways of temporarily restricting gun ownership for individuals who are clearly a danger to themselves or others, regardless of whether they suffer from a diagnosable mental illness or have yet to commit a disqualifying felony. That said, the right to keep and bear arms is a fundamental constitutional right, and any deprivation of that right—even temporarily and for compelling reasons—requires the highest standards of due process. The closest corollary to red flag laws is the civil mental health commitment process for individuals alleged to be mentally ill and dangerous. While red flag laws raise additional concerns and aren’t perfectly analogous, the civil commitment process provides at least a starting point for bare minimum due process standards—the right to an attorney, to cross-examine witnesses, and to testify on one’s own behalf; the burden of the state to continually prove its case by clear and convincing evidence; ex parte or emergency orders limited only to serious threats of imminent harm; and principles limiting deprivations to the least restrictive means necessary. There are also additional concerns about applying these laws to dangerous individuals (especially those under the age of 18) living with non-dangerous family members who lawfully possess firearms. Careful consideration must be given to ensuring that the Second Amendment rights of these family members are not infringed upon because of these of targeted interventions for another person.

Moreover, from the perspective of sound public policy, any red flag law should include comprehensive and detailed practical considerations, like specifying the methods for notifying defendants of the allegations and their rights, for storing seized firearms and returning them to their owners, for immediately remedying clear mistakes (such as cases of mistaken identity), and for promptly restoring a person’s Second Amendment rights after orders expire. Just as importantly, any palatable law should be fully integrated with existing mental health, domestic violence, and addiction treatment infrastructures, and otherwise ensure that the process adequately addresses the underlying problems that led a person to be dangerous in the first place.

It should never be about simply disarming people, but about restoring them to a point where they are no longer dangerous.

These are very important aspects of the theory behind red flag laws. Unfortunately, of the more than 20 red flag laws already on the books at the state level, not one adequately addresses all of the very real concerns that come with deprivations of a fundamental right. Some states have admittedly done a better job addressing these concerns than others—for example, Colorado’s law is far less objectionable than New Mexico’s—but all of them come up short in key areas, such as authorizing the use of low burdens of proof or failing to provide any mechanism for ensuring those deemed dangerous receive help.³⁹ In short, states have proven themselves either unable or unwilling to ensure that red flag laws pass constitutional muster in practice, undermining the theory as a whole.

Worse, as advocates push for these laws at a federal level, there are even greater concerns about the federal government’s role. There are two methods regularly floated by advocates of federal intervention on red flag laws: a “true” federal red flag law and a federal law that financially incentivizes states to adopt red flag laws that meet certain minimum standards outlined by Congress. Both ideas suffer from serious theoretical and practical problems.

Any “true” federal red flag law—one that enables red flag petitions to be filed through the federal court system—would likely suffer from a serious constitutional flaw. The federal government, unlike state governments, lacks general “police powers” and cannot broadly regulate the public safety, except in those limited scenarios specified by the Constitution. While courts have broadly construed the federal government’s ability to regulate “interstate commerce,” they have also drawn a line at comparable laws criminalizing gun possession on school grounds. This is part of the reason why similar restraining orders based on violent behavior are exclusively issued at a state level. Additionally, there is no widely available mental health or addiction treatment framework at a federal level, nor is there a true federal equivalent of a local police force authorized to enforce federal red flag orders. That creates substantial practical barriers that all but ensure a “true” federal red flag law falls short.

As for a federal bill that attaches federal funding to the adoption of state red flag laws, that raises its own concerns. It is very unlikely that any set of minimal federal standards would compel states to provide either adequate due process protections or the sort of comprehensive, detailed approach necessary to avoid objection. That is especially true if the Justice Department’s recently issued “model red flag law” is any indication of where federal advocates stand on this issue. The model law contains numerous nonstarters, including allowing a defendant’s rights to be revoked at one-sided, ex parte hearings based on nothing more than “reasonable” or “probable cause,” an incredibly low burden of proof when dealing with fundamental constitutional rights. Unfortunately, many of the bills currently being considered by Congress contain the same serious flaws.

³⁹ Dept. of Justice, *Commentary for Extreme Risk Protection Order Model Legislation* (June 7, 2021), <https://www.justice.gov/doj/reducing-gun-violence/commentary-extreme-risk-protection-order-model-legislation>.

The federal government shouldn't bribe states into adopting a bare-bones framework for red flag laws, especially when states thus far have a less-than-stellar track record of writing and implementing them on their own. There is, frankly, no reason to believe that states desiring this federal funding would go through the rigorous process of fleshing out the federal minimum standards with sufficient safeguards. Any red flag laws would have to be much better than they are in states that have already taken a swing at them. The federal government in all likelihood will not improve upon laws passed at the state level and has other constitutional restraints on its ability to legislate in this area.

(2) *Mandatory "Safe Storage" Requirements*

Another common proposal is that of mandatory "safe storage" requirements for gun owners with juveniles in their homes. At their core, these laws seek to address a common theme among juvenile gun deaths—juvenile access to family firearms. Importantly, a person does not become more or less suicidal, or more or less prone to violence, based on mere access to a firearm.⁴⁰ However, when individuals who are already suicidal or prone to violence have access to a firearm, it increases the likelihood they will be able to seriously harm themselves or others.⁴¹

From a fundamental level, the federal government does not have either the constitutional authority to pass such laws or the practical capacity to enforce safe storage requirements. As with "true" federal red flag laws, the federal government lacks the general police power reserved to the states under the 10th Amendment, as well as any general police force to ensure these laws are followed. Even at a state level, pre-emptive enforcement is a practical impossibility. Even in an absurd (and blatantly unconstitutional) scenario where law enforcement officers could go door-to-door conducting mass warrantless searches for violations, the negative criminal justice implications of having their parents arrested would far outweigh any potential benefit to at-risk children.

These laws also suffer from practical problems, namely, that they may not actually work nearly as well as proponents suggest. While "child access prevention laws are associated with lower fatality rates among younger children," they "may not alter the risk among older youth" who are far more likely to experience suicidality or engage in criminal behaviors.⁴² As the same time, many gun owners teach their children principles of marksmanship, gun safety, and responsible gun ownership from an early age, and those juveniles—especially older ones—routinely access

⁴⁰Eric W. Fleegler, *Our Limited Knowledge of Youth Suicide Risk and Firearm Access*, JAMA NETWORK (October 8, <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2784797>).

⁴¹*Id.*

⁴²*Id.*

family firearms to save lives.⁴³ Moreover, these laws can seriously delay the ability of lawful gun owners to access loaded firearms in an emergency, with devastating consequences.⁴⁴

C. Constitutional, Practical, and Federally Appropriate Methods of Combatting Gun Violence

(1) Allow Schools to Shift Unused COVID Funds to School Security

Students are already statistically very safe in schools when it comes to a risk of violent death, but we can make them safer. Congress allocated \$122 billion in COVID-19 relief to K-12 schools, and over 90 percent of it remains unused. Schools should be permitted to shift these remaining funds to cover investments in school security. Some of these investments can and should be in the physical infrastructure. Yes, this means “talking about locked doors,” but also about other

⁴³ *Shooting Death Rule Justifiable After Juvenile Shoots Back At Intruder*, WLXT NEWS 19 (Feb. 8, 2022), <https://www.wltx.com/article/news/local/shooting-death-ruled-justifiable-juvenile-shoots-back-intruder/101-555af968-f223-4860-826a-00c490af33b3>; *Video Shows 14-Year-Old Open Fire On Robbery Suspect in Family’s Philly Pizza Shop*, WPVI-TV ABC 6 (Dec. 16, 2021), <https://6abc.com/teenager-shoots-suspect-philadelphia-pizza-shop-robbery-spring-garden-street-bolds/11347225/>; *La Porte Juvenile Shoots Family Member To Death To Prevent Assault*, ABC 13 (Sept. 18, 2021), <https://abc13.com/juvenile-shoots-family-member-to-death-11000-block-of-deaf-smith-road-deadly-shooting-protects-from-assault/11029782/>; Kaelan Deese, *12-Year-Old Boy Defending Mother Fatally Shoots Armed Home Intruder*, YAHOO NEWS (July 9, 2021), <https://www.yahoo.com/video/12-old-boy-defending-mother-190300013.html>; Janelle Griffith, *12-Year-Old Boy Fatally Shoots Intruder Who Tried to Rob Grandmother, Family Says*, NBC NEWS (Feb. 15, 2021), <https://www.nbcnews.com/news/us-news/12-year-old-boy-fatally-shoots-intruder-who-tried-rob-n1257955>; Emma Colton, *Teenager Opens Fire On Three Armed Men After Attempted Burglary, Killing One*, WASHINGTON EXAMINER (March 24, 2020), <https://www.washingtonexaminer.com/news/teenager-opens-fire-on-three-armed-men-after-attempted-burglary-killing-one>; Laura Gutschke, *Brown County 13-Year-Old Shoots Man Assaulting Teen’s Grandmother*, ABILENE NEWS REPORTER (Jan. 27, 2020), <https://www.reporternews.com/story/news/crime/2020/01/27/brown-county-13-year-old-shoots-man-assaulting-teens-grandmother/4591841002/>; *With 12-Year-Old Daughter’s Help, Salina Man Fends Off Intruder*, KWCH 12 (Sept. 20, 2019), <https://www.kwch.com/content/news/With-12-year-old-daughters-help-Salina-man-fends-off-intruder-560936071.html>; John Lowe, *14-Year-Old Girl Fires Gun To Save Sisters From Intruder*, WSAZ 3 (Aug. 7, 2019), <https://www.wsaz.com/content/news/Teenager-saves-sisters-from-intruder-526277011.html>; Karma Allen, *California 16-Year-Old Fatally Shoots Father While Defending His Mother, Police Say*, ABC NEWS (Oct. 16, 2018), <https://abcnews.go.com/US/california-16-year-fatally-shoots-father-defending-mother/story?id=58525535>; *Teen Girl Fires Shot At Armed Intruder In Spanaway*, KOMO NEWS (Sept. 8, 2018), <https://komonews.com/news/local/teen-girl-fires-shot-at-armed-intruder-in-spanaway>; *Woman Being Choked By Boyfriend Is Saved When Son Gets Gun, Daughter Shoots, Kills Man*, WBTV 3 (Updated Aug. 10, 2018), <https://www.wbtv.com/story/38860970/woman-being-choked-by-boyfriend-is-saved-when-son-gets-gun-daughter-shoots-kills-man/>; *Alone With Younger Sister, Teen Fires Shotgun At Would-Be Intruder*, WRIC (July 1, 2018), <https://www.wric.com/news/alone-with-younger-sister-teen-fires-shotgun-at-would-be-intruder/>; Peter Holley, *Alabama 11-Year-Old Shoots Suspected Home Invader*, CHICAGO TRIBUNE (May 1, 2016), <https://www.chicagotribune.com/nation-world/ct-alabama-boy-shoots-intruder-20160501-story.html>.

⁴⁴ Stephen Willeford’s attempt to stop the Sutherland Springs church shooter in 2017 was hindered by the time it took him to unlock his safe and load several rounds into an empty magazine. When he did get up to confront the shooter, the first thing he did was ask his wife to load more ammo and bring it to him. Willeford’s ensuing confrontation with the shooter caused him to stop attacking those inside the church and ultimately led to him fleeing the area. Michael J. Mooney, *The Hero of Sutherland Springs Shooting Is Still Reckoning With What Happened That Day*, TEXAS MONTHLY (Nov. 2018), <https://www.texasmonthly.com/articles/stephen-willeford-sutherland-springs-mass-murder/>.

practical solutions like limiting public access points, installing shatter-resistant glass,⁴⁵ and utilizing basic security perimeters where practicable.

The funds could also be used to enhance the school’s ability to respond to violent threats, including by increasing the number of armed first responders, whether in the form of school resource officers or trained staff members. In recent years, armed school resource officers and other staff members have successfully protected students from serious threats of violence in a way that too few Americans fully appreciate.⁴⁶ This is not just about responses to mass shooters—though quick, armed responses certainly save lives in those scenarios.⁴⁷ It is also

⁴⁵ The carnage at Marjorie Stoneman Douglas High School in 2018 would likely have been much worse had the school not installed “hurricane-proof” glass, thwarting the shooter’s attempts to set up a “sniper’s nest.” The glass, while not “bullet resistant,” did not shatter despite the gunman firing 16 rounds into it. Peter Weber, *Hurricane-Proof Glass, Jammed Rifle Reportedly Hindered the Parkland Shooter’s Spree*, THE WEEK (Feb. 28, 2018), <https://theweek.com/speedreads/758051/hurricaneproof-glass-jammed-rifle-reportedly-hindered-parkland-shooters-spree>. Shatter-resistant glass is far cheaper than bullet-resistant glass and may serve dual purposes of protecting the physical building from storm damage (such as hurricanes, hail, or tornado debris), but also from preventing would-be gunmen from simply shooting through locked glass doors, as has happened in several attempted and successful mass school shootings.

⁴⁶ Just five weeks after Parkland, an armed SRO at Great Mills High School, in Maryland, immediately confronted an armed student who opened fire on classmates. His exchange of gunfire with the shooter resulted in the shooter quickly committing suicide, saving countless students who otherwise would have been at risk. Amy Rock, *SRO Praised for Stopping Great Mills High School Gunman*, CAMPUS SAFETY MAGAZINE (March 21, 2018), <https://www.campussafetymagazine.com/safety/shooting-great-mills-high-school/>; An armed SRO in Olathe, Kansas, was called into a meeting between a school administrator and a student over suspicions that the student had a gun. After the student began shooting, the SRO—though injured—returned fire and quickly subdued the student. Juan Cisneros et al., *School Resource Officer Injured in Olathe East School Shooting Identified*, FOX4 KANSAS CITY (Updated Mar. 7, 2022), <https://fox4kc.com/news/school-resource-officer-injured-in-olathe-east-school-shooting-identified/>; An armed school employee in Ogden, Utah, prevented a student from being kidnapped from a school playground. After the suspect tried to force his way inside the school building where other students were located, the employee held him at gunpoint until police arrived. *Police: Armed School Worker Stops Attempted Kidnap Suspect*, ABC News (May 27, 2021), <https://abcnews.go.com/US/wireStory/police-armed-school-worker-stops-attempted-kidnap-suspect-77944017>; An armed police officer working inside a Waukesha, Wisconsin, school responded to a report of a student suspected of possessing a firearm in a classroom. The SRO secured the room, allowed students to get to safety, and tried to deescalate the situation with the armed student. The student was eventually shot and injured by the SRO after making gestures as though he would open fire. Christopher Kuhagen & Bill Glauber, *Wisconsin Police Officer Shoots Student Who Pulled Gun, Refused to Drop It, Officials Say*, USA TODAY (Updated Dec. 2, 2019), <https://www.usatoday.com/story/news/nation/2019/12/02/waukesha-south-high-school-gunshots-exchanged-wisconsin/2586995001/>; Two months after Parkland, an armed SRO fatally shot a would-be mass shooter who opened fire on a high school graduation rehearsal in Dixon, Illinois. His actions prevent a single student from being injured. Aamer Madhani, *Police: ‘Heroic’ Officer Thwarts Mass Shooting at High School in Dixon, Illinois*, USA TODAY (Updated May 17, 2018), <https://www.usatoday.com/story/news/2018/05/16/dixon-illinois-school-resource-officer-thwarts-mass-shooting/615519002/>.

⁴⁷ Even where armed SROs cannot immediately intervene to stop a would-be shooter before he begins harming others, their responses undeniably save lives. This is true not just from the perspective of “stopping the shooting,” but from also from the perspective of applying emergency first aid. Consider the reality of law enforcement’s decision to wait 78 minutes before confronting the gunman in Uvalde, Texas. Trauma surgeons estimate that for every ten minutes of untreated bleeding, a victim’s chances of survival drop by 10 percent. Molly Hennessy-Fiske et al., *Police Delays May Have Deprived Texas Schoolchildren of Lifesaving Care, Experts Say*, L.A. TIMES (May 27, 2022), <https://www.ems1.com/valde-school-shooting/articles/police-delays-may-have-deprived-ualde-schoolchildren-of-lifesaving-care-experts-say-LQ3Ur0JivEqONfMb/>. Of the 21 fatalities in Uvalde, we already

about keeping students safe from the more “mundane” acts of violence that are far more prevalent but far less publicized. School resource officers also often serve as a vital link in the threat-reporting chain and have been instrumental in many successful threat interventions, including these far more common but less high-profile acts of violence.⁴⁸ Meanwhile, schools that allow teachers and trained staff members to carry firearms on campus are incredibly safe compared to their gun-free counterparts.⁴⁹

Beyond measures to increase a school’s physical security and emergency responses, the leftover funds could be used for the immediate hiring of licensed mental health professionals that are currently few and far between in many districts. Although schools have seen considerable increases in nonteaching staff over the past five decades, many schools either do not have a full-time nurse, psychologist, or counselor or share one with other schools. Too often, students with mental health concerns have difficulty accessing counseling or treatment because their school districts have not allocated adequate resources to provide mental health support. This is a problem for student flourishing in general, but also for violence intervention in schools. To be clear, the problem is not an overall lack of funding, but of decades of poorly allocating that funding.⁵⁰ The use of COVID funds to hire mental health professionals should be a short-term solution that gives schools the flexibility over the next few years to cut administrative bloat and prioritize long-term spending where it matters most.

(2) Authorize True Behavioral Threat Assessment Research and Training

Successful interventions to stop acts of targeted mass violations occur far more often than many people realize, largely because these successful interventions rarely make national headlines. We know that the difference between successful intervention and horrific violence is often a single breakdown in a chain of reporting: either someone did not recognize or report clear signs of a potential threat to those in a position to intervene, the report was not taken seriously or properly acted upon by those with the authority to intervene, or those in a position to intervene lacked an adequate legal mechanism to do so.

Congress can help communities prevent acts of targeted and mass public violence by better equipping state and local law enforcement, educators, school personnel, and others to assess and handle the threatening scenarios they already deal with on a regular basis. It can order a review how federal, state, and local agencies currently collaborate on potential and active threats and

know that four occurred after emergency personnel were able to attend to them. J. David Goodman, *Aware of Injuries Inside, Uvalde Police Waited to Confront Gunman*, NY TIMES (June 9, 2022), <https://www.nytimes.com/2022/06/09/us/ualde-shooting-police-response.html>.

⁴⁸ See, e.g., Appendix A, listing 10 years of thwarted imminent mass school shootings, in which just under 20% involved the reporting of a known threat directly to a school resource officer.

⁴⁹ John R. Lott, *Schools That Allow Teachers To Carry Guns Are Extremely Safe: Data On The Rate Of Shootings And Accidents In Schools That Allow Teachers to Carry* (April 25, 2019), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3377801.

⁵⁰ Lindsey M. Burke, *Washington Post Concedes That Government Spending on Education Has Increased, Not Decreased*, HERITAGE FOUNDATION (Dec. 19, 2019), <https://www.heritage.org/education/commentary/washington-post-concedes-government-spending-education-has-increased-not>.

develop best practices for enhancing that collaboration. We should take the strategies that we know work at a federal level to prevent targeted mass violence and retool them in a way that makes sense for state and local entities. In this way, Congress can facilitate behavioral threat assessment training in local communities, so that individuals know how to recognize warnings signs and feel empowered to report, so that those in a position to intervene better understand what actions to take under what circumstances, and have a plan in place to effectively intervene.

Unlike with red flag laws, this is truly a place for the federal government to act. Many federal agencies have become experts with behavioral threat assessment, and regularly use it for purposes of national security. For example, the Secret Service may use it to determine whether someone who posts a social media comment about killing the president is merely “joking” or instead poses a genuine threat. Similarly, the FBI may use it to assess whether someone researching pipe bombs is doing a science project, plotting an imminent terrorist attack, or has an unhealthy obsession with explosives that may become a serious threat to public safety at some point down the road.

While these federal agencies have decades of training and experience with behavioral threat assessment, very few state and local agencies have a coherent system for analyzing threats in their own communities. Moreover, most state and local law enforcement officers lack extensive training in threat assessment. That can present major problems when it comes to protecting our communities. Even though state and local police aren’t often on the front lines of the fight against domestic terrorism, they routinely interact with individuals who may or may not pose threats of other types of targeted violence, such as school shootings or nonideologically motivated mass public shootings.

The same is true for educators and school officials, who (for better or worse) have some of the most extensive and sustained personal interactions with American youths. Consider the following scenarios likely to be encountered by police and teachers across the country today:

- A concerned parent calls a school administrator because her teenage son told her his friend has begun committing acts of self-harm and shared rape fantasies involving his classmates.
- Over the past week, local cops have been called to the same office building several times to deal with an enraged former employee who will not stop walking into the reception area, demanding to speak to his former boss. Today, the former employee wore a very visible, but empty, handgun holster on his hip and warned that “they’d regret this.”
- A man accuses his MAGA hat-wearing neighbor of posing a direct threat to his life. When pressed, the man complains that the neighbor has a gun rack on his truck, supports candidates critical of illegal immigration, and his bumper sticker reads “If it’s tourist season, why can’t we shoot them?” He wants law enforcement to take the neighbor’s guns away.

- A student confides in a school resource officer that he overheard a classmate talking about a knife in his backpack. He knows this classmate has a longstanding interpersonal dispute with several other students that has recently come to a head.
- A parent reports to school officials that his child’s teenage classmate regularly posts videos on social media that show him firing semi-automatic rifles at a gun range. While this target practice takes place under the direct supervision of adults and in full compliance with state law and the parent does not personally know the classmate or his family, he believes this is dangerous behavior and the classmate is a “gun-crazed ticking time bomb.”

We should absolutely want law enforcement officers and educators in these scenarios to have the best idea possible of how to analyze these potential or alleged threats—and know what actions to take.

Perhaps just as importantly, training in behavioral threat assessment would help these individuals know which actions not to take. When law enforcement officers and school officials are properly able to distinguish true threats from nonthreats, they are less likely to pursue inappropriate interventions that wrongly infringe on the rights of people who aren’t dangerous. We should ensure that—regardless of whatever laws already exist at a state or local level—law enforcement officers and educators can make better decisions about potential threats to public safety.

(3) *Treat School Choice Like The Negative-Outcome Antidote It Is*

School choice promotes student safety by helping students escape communities where bullying, gang-related violence, and other forms of school violence is common. It also lowers the risk of students participating in the types of criminal behaviors that are most associated with violent outcomes, including gun-related deaths and injuries.⁵¹ The ability of parents to more easily remove their children from schools where they are bullied or face violent threats also helps alleviate the increased risks of suicide that come with those realities.⁵²

⁵¹ Corey DeAngelis & Patrick J. Wolf, *The School Choice Voucher: A “Get Out of Jail Free” Card?*, EDRE Working Paper 2016-03 (Mar. 8, 2016), <http://www.uaedreform.org/downloads/2016/03/the-school-choice-voucher-a-get-out-of-jail-card.pdf>; M. Danish Shakeel, *Can Private Schools Improve School Climate? Evidence From A Nationally Representative Sample*, 12 J. OF SCHOOL CHOICE 426 (Aug. 8, 2018), <https://www.tandfonline.com/doi/abs/10.1080/15582159.2018.1490383>; Andrew McEachin et al., *Social Returns to Private Choice? Effects of Charter Schools on Behavioral Outcomes, Arrests, and Civic Participation*, EDWORKING PAPER NO. 19-90 (2020), <https://www.edworkingpapers.com/ai19-90>.

⁵² Jonathan Butcher & Chloe Shoemaker, *Youth Mental Health Crisis Gives More Urgency To School Choice Movement*, HERITAGE FOUNDATION (Mar. 31, 2021), <https://www.heritage.org/education/commentary/youth-mental-health-crisis-gives-more-urgency-school-choice-movement>; Corey A. DeAngelis & Angela K. Dills, *The Effects of School Choice on Mental Health*, 32 SCHOOL EFFECTIVENESS & SCHOOL IMPROVEMENT 326 (Dec. 3, 2020), <https://www.tandfonline.com/doi/abs/10.1080/09243453.2020.1846569?journalCode=nse20>; Editorial Board, *School Choice: Better Than Prozac*, WSJ (Dec. 17, 2020), <https://www.wsj.com/articles/school-choice-better-than-prozac-11608248279>.

The bulk of school choice initiatives should be conducted at the state level.⁵³ That said, the federal government is not without means to act in support of this crucial aspect of combating violence. Congress can put the D.C. Opportunity Scholarship Program on a permanent and expanded footing, instead of perpetually trying to phase it out.⁵⁴ It can also expand school choice to military families and children attending Bureau of Indian Education Schools, the latter routinely being deemed some of the worst-performing schools in the nation.⁵⁵ Congress can also use its bully pulpit to promote these initiatives in a more high-profile manner, bringing attention to the positive impacts they have on the nation’s young people.

(4) Additional Avenues For Federal Intervention

- Expand access to alternative healthcare options and give low-income Americans a choice in their own healthcare—including their mental healthcare.⁵⁶ Refuse to underwrite anti-competitive state healthcare policies that raise the costs of healthcare—including mental healthcare—and reduce options for patients.⁵⁷
- Promote and encourage safe storage practices and responsible gun ownership without pre-emptively criminalizing gun owners for making reasonable decisions or inhibiting their ability to immediately respond to violent threats. Similar efforts to reduce unintentional gun deaths among children have proved incredibly successful.⁵⁸

⁵³ Lindsey Burke, *Why A Federal Tax-Credit Scholarship Program Will Not Advance School Choice In America*, HERITAGE FOUNDATION BACKGROUNDER NO. 3395 (Mar. 13, 2019), <https://www.heritage.org/education/report/why-federal-tax-credit-scholarship-program-will-not-advance-school-choice-america>.

⁵⁴ Jude Schwallbach, *D.C.’s Opportunity Scholarship Program Giving Students Access to In-Class Education*, HERITAGE FOUNDATION (Sept. 9, 2020), <https://www.heritage.org/education/commentary/dcs-opportunity-scholarship-program-giving-students-access-class-education>; Jude Schwallbach, *Military Families Deserve Flexible Education Options*, HERITAGE FOUNDATION (Apr. 14, 2021), <https://www.heritage.org/education/commentary/military-families-deserve-flexible-education-options>; Lindsey M. Burke, *School Choice for Military Families Will Save DOD Money*, HERITAGE FOUNDATION (Mar. 1, 2018), <https://www.heritage.org/education/commentary/school-choice-military-families-will-save-dod-money>.

⁵⁵ Native American youths are also at an elevated risk of violent victimization, and are overrepresented in the criminal justice system. Preventing delinquency and increasing educational outcomes is a vital component of lowering violent crime, violent victimization, and suicide rates for this often-overlooked population.

⁵⁶ Nina Owcharenko Schaeffer, *Health Care: Time to Go on Offense*, HERITAGE FOUNDATION ISSUE BRIEF NO. 5271 (May 31, 2022), <https://www.heritage.org/health-care-reform/report/health-care-time-go-offense>; Nina Owcharenko Schaeffer, *Medicaid at 55: Understanding the Design, Trends and Reforms Needed to Improve the Health Care Safety Net*, HERITAGE FOUNDATION BACKGROUNDER NO. 3604, (Apr. 14, 2021), https://www.heritage.org/sites/default/files/2021-04/BG3604_0.pdf.

⁵⁷ Robert E. Moffit, *State Certificate-of-Need Laws Deserve A Federal Response*, HERITAGE FOUNDATION (Jan. 12, 2022), <https://www.heritage.org/health-care-reform/commentary/state-certificate-need-laws-deserve-federal-response>.

⁵⁸ See, e.g., NATIONAL SHOOTING SPORTS FOUNDATION, PROJECT CHILDSAFE: 2019 REVIEW (2019), https://projectchildsafefoundation.org/wp-content/uploads/2020/05/PCS_2019AnnualReview_v9.pdf.

- Address and mitigate the detrimental effects of Big Tech and social media in the lives of American teenagers, while being aware of the shortcomings of some current efforts to accomplish this important goal.⁵⁹

Conclusion

It's clear that the kids are not alright.

They're increasingly suicidal. They're increasingly engaging in serious criminal behaviors. They're increasingly deciding that school just isn't worth it.

We are losing our kids.

Not to mass school violence, but to school absenteeism. Not to big firearms but to Big Tech—and bullying-induced woes. Not to AR-15s but to a desire for criminal joyriding without consequences.

And if we don't act soon—and act to stem these problems at the source—it won't just be the kids that we're losing.

We'll lost an entire generation of adults, too.

⁵⁹ Kara Frederick, *Social Media Is Hurting Kids, But A Fix May Be On Horizon*, HERITAGE FOUNDATION (June 1, 2022), <https://www.heritage.org/technology/commentary/social-media-hurting-kids-fix-may-be-horizon>; Jay W. Richards & Jared Eckert, *How Not To Keep Children Safe Online*, HERITAGE FOUNDATION (Mar. 21, 2022), <https://www.heritage.org/technology/commentary/how-not-keep-children-safe-online>.

Appendix A

Successful Interventions of Imminent Mass School Shootings, 2012–2022**

| Date | Location | Tip From | Tip To | Level of Preparation |
|------------------------------|-------------------|------------------------|--------------|---|
| June 2022 ⁶⁰ | Berkeley, CA | Students | Local Police | Actively recruiting others to join plot; possession of firearms and other weapons |
| May 2022 ⁶¹ | Donna, TX | Unclear | Local Police | Possession of firearms and a list of students to be targeted during the attack |
| December 2021 ⁶² | Daytona Beach, FL | Student | Local Police | Sold car to buy firearms; made thinly veiled social media posts threatening a shooting; revealed increasingly specific plans to other students |
| December 2021 ⁶³ | Johnston, PA | Unclear | Unclear | Apparent possession of or access to several firearms; apparent “walk-through” of school premises; previous threats to commit violent acts inside the school |
| September 2021 ⁶⁴ | Weber County, UT | FBI | Local Police | Requested firearms and ammunition online; developed plan |
| September 2021 ⁶⁵ | Fort Meyers, FL | Student | Teacher | Apparent access to family firearms; detailed plans; length research into school shootings |
| July 2020 ⁶⁶ | Rochester, IN | Confidential Informant | Local Police | Apparent access to family firearms; conveyed desire to conduct school shooting to confidential informant; obsession with high-profile mass shootings |

** “Imminent School Shooting” is defined here as a scenario in which an individual (1) evidences clear intent to commit a mass school shooting, (2) has begun forming a coherent and concrete plan to carry out that shooting, and (3) has apparent possession of, ready access to, viable plan of obtaining, or has made serious efforts to obtain the firearms necessary to carry it out.

⁶⁰ Terry McSweeney, *Teen Tried to Recruit Others for Mass Shooting, Bombing Plot at Berkeley High School: Police*, NBC BAY Area (Updated June 2, 2022), <https://www.nbcbayarea.com/news/local/teen-tried-to-recruit-others-for-mass-shooting-bombing-plot-at-berkeley-high-school-police/2907988/>.

⁶¹ Francisco E. Jimenez, *Source: Donna ISD Shuts Down Campuses After AK-47 Found Amid Credible Mass Shooting Threat*, MY RGV NEWS (May 25, 2022), <https://myrgv.com/free/2022/05/25/source-donna-isd-shuts-down-campuses-after-ak-47-found-amid-credible-mass-shooting-threat/>.

⁶² Claire Metz, *Embry-Riddle Student Accused of Plotting Mass Shooting Sent Pics of Gun, Police Say*, WESH 2 (Updated December 10, 2021), <https://www.wesh.com/article/embry-riddle-student-plotting-mass-shooting/38485363#>.

⁶³ Crispin Havener, *Teens Charged with Foiled Westmont Hilltop School Shooting Plot Will Head to Trial*, WJAC 6 (January 20, 2022), <https://wjactv.com/news/local/teens-charged-with-foiled-westmont-hilltop-shooting-plot-will-head-to-trial>; Patrick Buchnowski, *Father of Teen Suspect in Alleged Westmont Hilltop Shooting Plot Charged with Evidence Tampering*, THE TRIBUNE-DEMOCRAT (March 12, 2022), https://www.tribdem.com/news/father-of-teen-suspect-in-alleged-westmont-hilltop-shooting-plot-charged-with-evidence-tampering/article_cafalbb0-a157-11ec-887a-735de09a2581.html.

⁶⁴ Katherine Fung, *15-Year-Old Girl Was Planning Attack 'Like Columbine' at School: Police*, NEWSWEEK (October 20, 2021), <https://www.newsweek.com/15-year-old-girl-was-planning-attack-like-columbine-school-police-1640891>.

⁶⁵ Meredith Deliso, *2 Florida Middle Schoolers Arrested for Allegedly Plotting Mass School Shooting*, ABC NEWS (September 9, 2021), <https://abcnews.go.com/US/florida-middle-schoolers-arrested-allegedly-plotting-mass-school/story?id=79929661>.

⁶⁶ Jack Phillips, *Indiana Teens Charged With Plotting 'Columbine'-Like School Shooting*, NTD (August 9, 2020), https://www.ntd.com/indiana-teens-charged-with-plotting-columbine-like-school-shooting_494118.html.

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|-----------------------------|------------------|------------------------------------|-----------------------|--|
| November 2019 ⁶⁷ | Albany, NY | Other Students | Unclear | Apparent access to firearms and other dangerous materials; developed plan; shared “inappropriate and threatening” messages |
| November 2019 ⁶⁸ | Palmdale, CA | Social Media | Local Police | Apparent possession of firearms and ammunition; posted on social media threats and photos |
| November 2019 ⁶⁹ | Los Angeles, CA | Other Students | School Administrators | Apparent access to rifle and ammunition; identified targets; drawing of school’s layout |
| August 2019 ⁷⁰ | Las Vegas, NV | Manager at Work | Local Police | Possession of “explosive device”; of legal age to purchase firearms; detailed plan |
| October 2018 ⁷¹ | Lawrenceburg, KY | Woman Who Received Internet Threat | Local Police | Possession of rifle and ammunition; detailed plan |
| March 2018 ⁷² | Paw Paw, MI | Parents of Plotter | Local Police | Possession of firearms and bombs; targeted list; detailed plan |
| February 2018 ⁷³ | Everett, WA | Grandparent of Plotter | Local Police | Possession of rifle and homemade explosives; detailed plan |
| February 2018 ⁷⁴ | Fair Haven, VT | Friend of Plotter | Local Police | Possession of shotgun and ammunition; detailed plan; lengthy research into school shootings |

⁶⁷ Joseph Spector, *Police: Students Had Plot to ‘Kill and Injure’ at New York School Using Explosives, Guns*, USA TODAY (Updated November 11, 2019), <https://www.usatoday.com/story/news/education/2019/11/08/new-york-students-plot-to-kill-using-guns-at-school/2534619001/>.

⁶⁸ Mariel Padilla, *Police Say They Foiled 2 Potential School Shootings in California*, THE NEW YORK TIMES (Updated December 2, 2019), <https://www.nytimes.com/2019/11/23/us/los-angeles-school-shooting-threat.html>.

⁶⁹ Erik Ortiz, *2 Potential School Shooting Threats Thwarted in Los Angeles County*, NBC NEWS (Updated November 22, 2019) <https://www.nbcnews.com/news/us-news/school-shooting-threat-thwarted-los-angeles-county-after-ghost-gun-n1089711>; Jessica Campisi, *Los Angeles Authorities Thwart Two Potential School Shootings*, THE HILL (November 22, 2019), <https://thehill.com/blogs/blog-briefing-room/news/471730-los-angeles-authorities-thwart-two-potential-school-shootings/>.

⁷⁰ Rio Lacanlale, *18-Year-Old Arrested After Threat Against Las Vegas School*, LAS VEGAS REVIEW-JOURNAL (Updated August 21, 2019), <https://www.reviewjournal.com/local/education/18-year-old-arrested-after-threat-against-las-vegas-school-1831200/>.

⁷¹ Billy Kobin, *Police: Kentuckian Planned School Attack, Had Over 200 Rounds of Ammo*, COURIER JOURNAL (Updated October 20, 2018), <https://www.courier-journal.com/story/news/crime/2018/10/19/kentucky-school-districts-close-friday-after-credible-threat/1694149002/>; The United States Attorney’s Office Eastern District of Kentucky, *Lawrenceburg Man Sentenced to 120 Months for Crimes Related to Thwarted School Shooting Plot*, UNITED STATES DEPARTMENT OF JUSTICE (July 8, 2020), <https://www.justice.gov/usao-edky/pr/lawrenceburg-man-sentenced-120-months-crimes-related-thwarted-school-shooting-plot>.

⁷² Nicky Zizaza, *Testimony Reveals Details of Potential Threat Against Paw Paw Schools*, NEWS CHANNEL 3 (March 19, 2018), <https://wwmt.com/news/local/testimony-reveals-details-of-potential-threat-against-paw-paw-schools>.

⁷³ Eric Wilkinson, John Goff, and Liza Javier, *Everett 911 Call: He’s Planning on Having a Mass Shooting at One of the High Schools*, KING 5 (Updated February 16, 2018), <https://www.king5.com/article/news/crime/everett-911-call-hes-planning-on-having-a-mass-shooting-at-one-of-the-high-schools/281-518703506>; City of Everett Police, *Arrest Made After Plans Found for School Shooting*, CITY OF EVERETT WASHINGTON (Updated February 15, 2018), <https://www.everettwa.gov/DocumentCenter/View/13325/02-14-18-School-threat-against-ACES-HS-PDF?bidId=>.

⁷⁴ Nina Keck and Liam Elder-Connors, *This Teen Planned a School Shooting. But Did He Break The Law?*, NPR (May 28, 2019), <https://www.npr.org/2019/05/28/724347494/this-teen-planned-a-school-shooting-but-did-he-break-the-law>; Elizabeth Murray, *Fair Haven School Shooting Plot: What We Know Now*, BURLINGTON FREE PRESS (Updated April 25, 2018), <https://www.burlingtonfreepress.com/story/news/local/2018/04/25/fair-haven-school-shooting-plot-what-we-know-now/549728002/>; Alan J. Keays, *Student in Fair Haven Shooting Plot Ruled ‘Youthful Offender’; Heading to Out-of-State Treatment Facility*, VALLEY NEWS (Updated March 30, 2019), <https://www.vnews.com/Student-in-Fair-Haven-shooting-plot-ruled--youthful-offender--heading-to-out-of-state-treatment-facility-24506173>.

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|-----------------------------|-------------------|----------------------------------|---|--|
| October 2017 ⁷⁵ | Woodstock, GA | Anonymous Tip | Local Police | "Access to firearms" and possession of "flammable device"; targeted list; detailed plan |
| August 2017 ⁷⁶ | Locust Grove, OK | Administrator found FB Posts | Local Police | Actively asking others for access to guns; developed plan |
| May 2017 ⁷⁷ | Concord, NC | Unclear - tip to Canadian police | Local Police | Backpack full of knives and "dangerous contraband;" "hit list" |
| March 2017 ⁷⁸ | Thurmont, MD | Parents of Plotter | School Administrators | Actual access to firearms; materials for explosives |
| January 2017 ⁷⁹ | Sumter County, FL | Other Students | School Resource Officer | Apparent access to firearms and ammunition; detailed plan; length research into school shootings |
| December 2016 ⁸⁰ | Tonkawa, OK | Parent of Other Students | Local Police | Apparent access to firearms and ammunition; "hit list" |
| December 2016 ⁸¹ | Bountiful, UT | Parents of Plotter | Local Police [but parents single-handedly prevented loss of life] | Brought parents' guns at school with him |

⁷⁵ Alexis Stevens, *Sentencing Continues for Pair Who Plotted Attack at Etowah High School*, THE ATLANTA JOURNAL-CONSTITUTION (May 14, 2019), <https://www.ajc.com/news/crime--law/breaking-pair-pleads-guilty-plotting-attack-etowah-high-school/sUgOeToEZk2C0lZbzDUcPN/>; Gary Tanner and Shannon Ballew, *Teens Get 20 years in Prison in School Mass Murder Plot*, CHEROKEE TRIBUNE AND LEDGER-NEWS (May 14, 2019), https://www.tribuneledgernews.com/ledger/teens-get-20-years-in-prison-in-school-murder-plot/article_e08480f6-7680-11e9-825e-93452f861c58.html; Aaron Diamant, *Teens Who Planned School Attack Get 40 Years in Prison, Will Serve at Least 20*, WSB-TV CHANNEL 2 (May 14, 2019), <https://www.wsbtv.com/news/local/charlotte-county/day-2-of-sentencing-for-teens-who-planned-to-blow-up-high-school/949096176/>.

⁷⁶ *Locust Grove Investigates School Shooting Conspiracy*, FOX 23 NEWS (August 25, 2017), <https://www.fox23.com/news/locust-grove-investigates-school-shooting-conspiracy/598042483/>; Amy Slanchik, *Locust Grove Teens In Custody For Planning School Shooting*, NEWS ON 6 (August 25, 2017), <http://www.newson6.com/story/5e35f2972f69d76f62027f6e/locust-grove-teens-in-custody-for-planning-school-shooting>.

⁷⁷ Karma Allen and Julia Jacobo, *Authorities Arrest NC Student Armed With Weapons, 'Hit List'*, ABC NEWS (May 10, 2017), <https://abcnews.go.com/US/authorities-arrest-nc-student-armed-weapons-hit-list/story?id=47315845>.

⁷⁸ Jeremy Arias, *Catoctin High School Shooting Plot Uncovered After Explosives, Shotgun Seized From Student's Home*, THE FREDERICK NEWS-POST (Updated March 27, 2017), https://www.fredericknewspost.com/news/crime_and_justice/cops_and_crime/catoctin-high-school-shooting-plot-uncovered-after-explosives-shotgun-seized-from-students-home/article_9bcfb2df-7cd2-5189-b17a-27f4b44c9a5e.html; Kate Masters, *Ex-Student Sentenced for Plotting Attack at Catoctin High*, THE FREDERICK NEWS-POST (January 30, 2018), https://www.fredericknewspost.com/news/crime_and_justice/courts/ex-student-sentenced-for-plotting-attack-at-catoctin-high/article_7ab2bcfe-e923-594f-86de-142da4a7d686.html; Associated Press and NBC Washington Staff, *Maryland Teen Sentenced to 20 Years in Alleged School Bomb Plot*, NBC WASHINGTON 4 (Updated January 31, 2018), <https://www.nbcwashington.com/local/teen-sentenced-to-20-years-in-alleged-school-attack-plot/155016/>; *Police: Teen Planned Shooting, Bombing at Her Maryland High School*, NBC WASHINGTON 4 (Updated March 31, 2017), <https://www.nbcwashington.com/news/local/police-high-school-girl-planned-school-shooting-bombing-in-maryland/42271/>.

⁷⁹ Zach Brown, *Mass School Shooting Plot Uncovered in Fla., Firearms Recovered From Suspects' Homes*, WJHL NEWS CHANNEL 11 (Updated January 27, 2017), <https://www.wjhl.com/news/mass-school-shooting-plot-uncovered-in-fla-firearms-recovered-from-suspects-homes/871534671/>; Julia Jacobo, *'Far Too Much Planning' Went Into Mass Shooting Plot by 2 Teens on Florida Middle School, Police Say*, ABC NEWS (January 27, 2017), <https://abcnews.go.com/US/planning-mass-shooting-plot-teens-florida-middle-school/story?id=45098244>.

⁸⁰ Chelsea Washington, *Tonkawa Teenager Accused of Mass Shooting Plot Created a Hit List*, FOX 25 (December 14, 2016), <https://okcfox.com/news/local/tonkawa-teenager-accused-of-mass-shooting-plot-had-a-hit-list>; *Teen Arrested After School Shooting Plot Uncovered in Oklahoma*, WLKY (Updated December 14, 2016), <https://www.wlky.com/article/teen-arrested-after-school-shooting-plot-uncovered-in-oklahoma/8499346>.

⁸¹ Katie Mettler, *Fast-acting Utah Parents Disarmed Their Teen Son at School, Preventing a Possible Tragedy*, THE WASHINGTON POST (December 2, 2016), <https://www.washingtonpost.com/news/morning-mix/wp/2016/12/02/fast->

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|------------------------------|------------------------|---|-------------------------|--|
| October 2016 ⁸² | Coral Springs, FL | Other Students | School Resource Officer | Actual possession of gun at school; detailed plan |
| October 2016 ⁸³ | Las Vegas, NV | Other Students and Student Parent | Local Police | Detailed plan; "manifesto" |
| October 2016 ⁸⁴ | Hilliard, OH | Other Students | School Resource Officer | Length research into obtaining firearms; detailed plan |
| September 2016 ⁸⁵ | Hesperia, CA | Student Parent | Local Police | Apparent access to firearms; detailed plan; targeted list of "33 students and teachers" |
| March 2015 ⁸⁶ | Ocala, FL | Parent of Plotter | Unclear | AR-15 rifle and ammunition on individual |
| March 2015 ⁸⁷ | Newberg, OR | Other Students | School Administrators | "Substantial steps taken to obtain a gun"; detailed plan; |
| December 2015 ⁸⁸ | Castle Rock, CO | Anonymous Tip | Local Police | "Tried to get a weapon"; Practiced target shooting w/ BB gun; detailed plan; length research into school shootings |
| November 2015 ⁸⁹ | Argentine Township, MI | Threat "intercepted" by School Resource Officer | School Resource Officer | Plan to purchase weapons |

[acting-utah-parents-disarmed-their-teen-son-at-school-preventing-a-possible-tragedy/](#); Ashton Edwards and Rebecca Green, *Police Say Student, Teacher Jumped Into Action After Shot Fired at Bountiful School*, FOX 13 (Updated December 1, 2016), <https://www.fox13now.com/2016/12/01/student-with-gun-detained-at-mueller-park-jr-high-in-bountiful/>.

⁸² Sharon Aron Baron, *Coral Springs High Student Plotted Mass Shooting*, CORAL SPRINGS TALK (October 10, 2016), <https://coralsspringstalk.com/coral-springs-high-student-plotted-mass-shooting-15673>.

⁸³ Crimesider Staff, *Student, 15, Allegedly Plotted Shooting Attack at His Las Vegas High School*, CBS NEWS (October 31, 2016), <https://www.cbsnews.com/news/student-15-allegedly-plotted-shooting-attack-at-his-las-vegas-high-school/>.

⁸⁴ Lisa Rantala, *Case Against Student in Mass Shooting Plot at Hilliard School Heads Back to Juvenile Court*, ABC 6 NEWS (October 14, 2019), <https://abc6onyourside.com/on-your-side/scoring-our-schools/case-against-student-of-mass-shooting-plot-at-hilliard-school-heads-back-to-juvenile-court>.

⁸⁵ Veronica Rocha, *Teen Arrested After Naming 33 Students and Teachers in Detailed Shooting Plot at Hesperia School*, LOS ANGELES TIMES (September 22, 2016), <https://www.latimes.com/local/lanow/la-me-ln-hesperia-student-hit-list-20160922-snap-story.html>.

⁸⁶ *Alert Parent Prevents Ocala Student From Bringing Gun to School*, WFTV 9 (March 17, 2016), <https://www.wftv.com/news/local/alert-parent-prevents-ocala-student-from-bringing-gun-to-school/166747984/>; Austin Miller, *Grandfather Stops Grandson From Taking AR-15 to School*, OCALA STARBANNER (March 16, 2016), <https://www.ocala.com/story/news/2016/03/16/grandfather-stops-grandson-from-taking-ar-15-to-school/31970540007/>; Melodi Smith, *Officials Investigating Teen Who Attempted to Take AR-15 to School*, CLICK ORLANDO (March 16, 2016), <https://www.clickorlando.com/news/2016/03/16/officials-investigating-teen-who-attempted-to-take-ar-15-to-school/>.

⁸⁷ Pamplin Media Group, *Seventeen-Year-Old Student Charged in Plot to Stage Attack on High School*, THE NEWBERG GRAPHIC (March 16, 2016), <https://pamplinmedia.com/nbg/142-news/297849-175291-nhs-student-charged-in-plot-to-stage-attack>; KGW Staff, *Newberg Student Found Guilty of Planning Mass Shooting at School*, KGW8 (Updated May 2, 2016), <https://www.kgw.com/article/news/crime/newberg-student-found-guilty-of-planning-mass-shooting-at-school/283-83726963>; Whitney Woodworth, *Police: Teen Arrested in Suspected School Shooting Plot*, STATESMAN JOURNAL (Updated March 15, 2016), <https://www.statesmanjournal.com/story/news/crime/2016/03/15/police-teen-arrest-suspected-school-shooting-plot-newberg/81820734/>.

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|-----------------------------|-------------------------|----------------|-------------------------|---|
| November 2015 ⁹⁰ | Mariott-Slaterville, UT | Other Students | School Administrators | Current possession of firearm, ammunition, knives, and razor blades; developed plan |
| October 2015 ⁹¹ | Toulomne, CA | Other Students | School Administrators | "In the process of securing weapons; pretty darn close;" detailed plan; targeted list |
| October 2015 ⁹² | Spotsylvania, VA | Other Students | School Resource Officer | Access to firearms; detailed plan |
| December 2014 ⁹³ | Plain City, UT | Other Students | School Resource Officer | Possession of handgun and ammunition; targeted list, detailed plan |
| November 2014 ⁹⁴ | Baltimore, MD | Police Officer | Police Officer | Possession of Handgun & Explosives; stole gun from dad's workplace; detailed plan |
| August 2014 ⁹⁵ | Pasadena, CA | Other Students | School Administrators | Substantial steps taken in researching acquisition of firearms and explosives; talked about getting handgun from relative; targeted list; detailed plan |
| May 2014 ⁹⁶ | Waseca, MN | Stranger | Local Police | Possession of several firearms and explosive devices; targeted list; detailed plan |

⁹⁰ Daniel Woodruff, *Weber County Teen Credited With Foiling Potential School Shooting*, 2 KUTV (October 20, 2015), <https://kutv.com/news/local/weber-county-teen-credited-with-foiling-potential-school-shooting>; Pat Reavy, *2 Teens Charged in School Shooting Plot, But Investigators are Frustrated*, DESERET NEWS (November 3, 2015), <https://www.deseret.com/2015/11/3/20575843/2-teens-charged-in-school-shooting-plot-but-investigators-are-frustrated#file-charges-have-been-filed-in-juvenile-court-against-two-teens-allegedly-involved-in-a-school-shooting-plot>.

⁹¹ Tim Stelloh, *Four California Students Arrested in High School Shooting Plot*, NBC NEWS (Updated October 4, 2015), <https://www.nbcnews.com/news/us-news/four-california-students-arrested-high-school-shooting-plot-n438316>; Tracey Petersen, *Update: Summerville High Shooting Plot Suspects To Remain Behind Bars*, MYMOTHERLODE.COM (December 22, 2015), <https://www.mymotherlode.com/news/local/250417/summerville-high-shooting-plot-suspects-in-court.html>.

⁹² Grove Murrell, *Alleged School Shooting Plot Foiled in Virginia*, FOX 17 (October 25, 2015), <https://fox17.com/news/local/alleged-school-shooting-plot-foiled-in-virginia>; Sandy Hausman, *Riverbend High School Mass Shooting Plan Thwarted*, WVTF (October 26, 2017), <https://www.wvtf.org/news/2015-10-26/riverbend-high-school-mass-shooting-plan-thwarted#stream/0>.

⁹³ Sarah Goldstein, *Utah High Schooler Planned to Kill Girl, 'Open Fire' on Peers But Fellow Student Spotted Loaded Handgun in Waistband: Cops*, NEW YORK DAILY NEWS (December 2, 2014), <https://www.nydailynews.com/news/crime/student-spots-utah-teen-gun-prevents-massacre-cops-article-1.2030064>; Pat Reavy, *Teen Who Allegedly Took Gun to Fremont High Charged*, DESERET NEWS (December 29, 2014), <https://www.deseret.com/2014/12/29/20555589/teen-who-allegedly-took-gun-to-fremont-high-charged>; Associated Press, *Utah Teen Accused of School Shooting Plot Charged*, SANTA CRUZ SENTINEL (Updated September 14, 2018).

⁹⁴ Elliott C. McLaughlin, *Baltimore County Police Respond to Break-Ins, Uncover School Shooting Plot*, CNN (Updated November 3, 2014), <https://www.cnn.com/2014/11/03/us/baltimore-school-shooting-foiled/index.html>; *More Details Revealed In Md. School Shooting Plot*, CBS BALTIMORE (November 5, 2014), <https://baltimore.cbslocal.com/2014/11/05/more-details-revealed-in-md-school-shooting-plot/>; Katie Lange, *Police: School Shooting Plot Suspect Drunk, Possibly Bullied*, WBALTV 11 (Updated November 6, 2014), <https://www.wbaltv.com/article/police-school-shooting-plot-suspect-drunk-possibly-bullied/7090149#>.

⁹⁵ Miriam Hernandez, Q McCray and Carollyn Nguyen, *South Pasadena School Shooting Plot: 'Willing to Die'*, ABC 7 (August 19, 2014), <https://abc7.com/south-pasadena-high-school-shooting-arrested-plot-students/270957/>; *Police: Teens 'Willing To Die' In Foiled High School Attack*, CBS LOS ANGELES (August 19, 2014), <https://www.cbsnews.com/losangeles/news/south-pasadena-police-to-release-new-details-in-foiled-high-school-attack/>.

⁹⁶ *Waseca School Bomb Plot Foiled Thanks to Witness*, NBC NEWS (Updated May 1, 2014), <https://www.nbcnews.com/news/us-news/waseca-school-bomb-plot-foiled-thanks-witness-n95216>; Pat Pheifer, *Waseca Teen Accused in School Shooting Plot Had Been Planning for Months*, STAR TRIBUNE (May 2, 2014), <https://www.startribune.com/may-2-2014-police-stop-ladue-s-plan-for-deadly-attack-on-waseca-school/257505631/>; *Disturbing Interview With Teen Accused In Waseca Plot Released*, CBS MINNESOTA (June 24, 2014), <https://minnesota.cbslocal.com/2014/06/24/disturbing-interview-with-teen-accused-in-waseca-plot-released/>.

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| April 2014 ⁹⁷ | Litchfield, CT | Other Group Home Patients | Group Home Admins | Multiple active attempts to acquire firearms; lengthy research into school shootings; detailed plan |
| September 2012 ⁹⁸ | Troy, MO | Significant Other | School Resource Officer | Apparent possession of multiple handguns and a rifle; targeted list; detailed plan |
| December 2012 ⁹⁹ | Bartlesville, OK | Other Students | School Administrators | Possession of weapons [and legally old enough to do so]; detailed plan |
| April 2012 ¹⁰⁰ | Centennial, CO | Other Students | Unclear | Current possession of all necessary materials for bomb; developed plan |

⁹⁷ Isaac Avilucea, *Cops: Natalie Carpenter Was Obsessed With Columbine, Warrant Details Plans For Connecticut School Shootings*, NEW HAVEN REGISTER (April 1, 2014), <https://www.nhregister.com/connecticut/article/Cops-Natalie-Carpenter-was-obsessed-with-11385501.php>; John Pirro, *Warrant Details School Shooting Plans*, NEWS TIMES (Updated April 1, 2014), <https://www.newstimes.com/policerreports/article/Warrant-details-school-shooting-plans-5368406.php>; *Teen Who Threatened to “Shoot Up” Schools Obsessed With Columbine: Affidavit*, NBC CONNECTICUT (Updated April 1, 2014), <https://www.nbcconnecticut.com/news/local/teen-who-threatened-to-shoot-up-schools-obsessed-with-columbine/1947962/>.

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¹⁰⁰ Justin Joseph, *Middle School Bomb Plot Suspect Allegedly Targeted ‘Jocks’*, FOX 31 (Updated April 20, 2012), <https://kdvr.com/news/student-arrested-after-credible-bomb-threat-made-in-centennial/?like=1>.